



**Supplement 21-4 to the  
Arizona Administrative Code**  
The official compilation of Arizona Rules

**Arizona Secretary of State's Office**  
Administrative Rules Division  
1700 W. Washington Street, Fl 7.  
Phoenix, AZ 85007

For rules filed in the fourth quarter  
between October 1 - December 31, 2021

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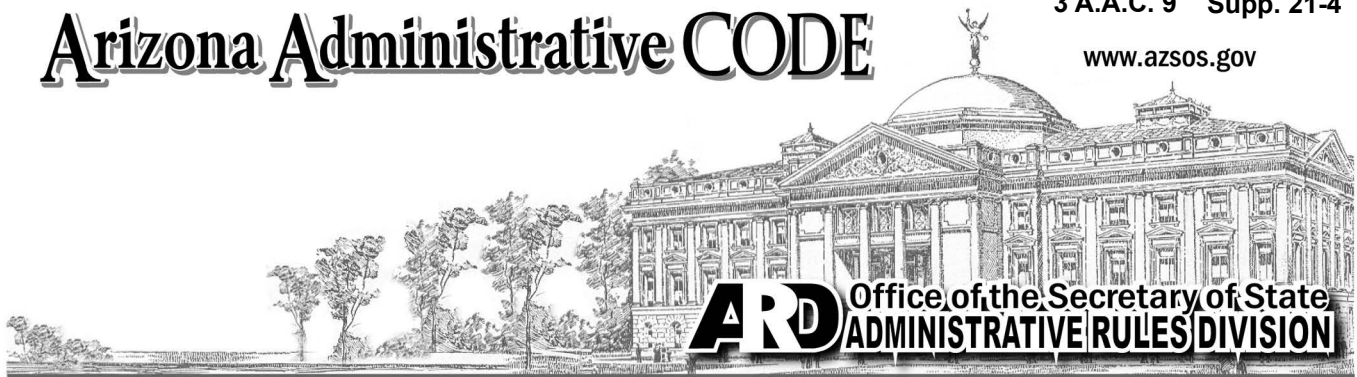
3/1/2022

This pdf includes chapters from Arizona Administrative Code supplement 21-4. Supplement updates are codified and authenticated by full chapter. Rules updated in this supplement were filed in the fourth quarter between October 1 - December 31, 2021.

This supplement contains the following chapters:

Arizona Health Care Cost Containment System - Administration, 09 A.A.C. 22  
Arizona Medical Board, 04 A.A.C. 16  
Board of Dispensing Opticians, 04 A.A.C. 20  
Board of Nursing, 04 A.A.C. 19  
Department of Agriculture - Agricultural Councils and Commissions, 03 A.A.C. 09  
Department of Child Safety - Administration, 21 A.A.C. 01  
Department of Environmental Quality - Air Pollution Control, 18 A.A.C. 02  
Department of Environmental Quality - Hazardous Waste Management, 18 A.A.C. 08  
Department of Environmental Quality - Solid Waste Management, 18 A.A.C. 13  
Department of Forestry and Fire Management, 04 A.A.C. 36  
Department of Health Services - Adult-Use Marijuana Program, 09 A.A.C. 18  
Department of Health Services - Health Programs Services, 09 A.A.C. 13  
Department of Public Safety - Concealed Weapons Permits, 13 A.A.C. 09  
Department of Transportation - Commercial Programs, 17 A.A.C. 05  
Department of Transportation - Title, Registration, and Driver Licenses, 17 A.A.C. 04  
Game and Fish Commission, 12 A.A.C. 04  
Industrial Commission of Arizona, 20 A.A.C. 05  
Private Investigator and Security Guard Hearing Board, 13 A.A.C. 12  
State Board for Charter Schools, 07 A.A.C. 05  
State Board of Education, 07 A.A.C. 02

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## TITLE 3. AGRICULTURE

### CHAPTER 9. DEPARTMENT OF AGRICULTURE - AGRICULTURAL COUNCILS AND COMMISSIONS

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
October 1, 2021 through December 31, 2021

[R3-9-601.](#)    [Definitions ..... 8](#)

#### Questions about these rules? Contact:

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#### The release of this Chapter in Supp. 21-4 replaces Supp. 19-4, 1-10 pages

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

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### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

First Quarter: January 1 - March 31  
Second Quarter: April 1 - June 30  
Third Quarter: July 1 - September 30  
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2021 is cited as Supp. 21-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

### RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

### AUTHENTICATION OF PDF CODE CHAPTERS

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

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, [www.azsos.gov](http://www.azsos.gov) under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

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

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

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

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

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

### PERSONAL USE/COMMERCIAL USE

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

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





## Administrative Rules Division

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

**TITLE 3. AGRICULTURE****CHAPTER 9. DEPARTMENT OF AGRICULTURE - AGRICULTURAL COUNCILS AND COMMISSIONS**

Authority: A.R.S. § 3-414(C)(11)

**Supp. 21-4**

*Chapter 9 heading amended by final rulemaking at 5 A.A.R. 4439, effective November 3, 1999 (Supp. 99-4).*

*Former Title 3, Chapter 9, Articles 1 through 7, Sections 3-9-101 through R3-9-703, renumbered to Title 3, Chapter 2, Articles 1 through 7, Sections 3-2-101 through R3-2-703 (Supp. 91-4).*

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**ARTICLE 2. ARIZONA GRAIN RESEARCH AND PROMOTION COUNCIL**

(Authority: A.R.S. § 3-581 et seq.)

*Article 2, consisting of Section R3-9-201, renumbered from Title 3, Chapter 13, Article 2, Section R3-13-201 (Supp. 91-4).*

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(Authority: A.R.S. § 3-1083)

*Article 3, consisting of Section R3-9-301, renumbered from Title 3, Chapter 12, Article 2, Section R3-12-201 (Supp. 91-4).*

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**ARTICLE 4. EXPIRED**

*Article 4, consisting of Sections R3-9-401 through R3-9-405, formerly the rules for the Arizona Wine Commission expired under A.R.S. § 41-1056(E). The rules are no longer authorized as the*

*Commission was terminated on July 1, 2004, under A.R.S. § 41-3004.18. The statutes under which the Commission operated, A.R.S. §§ 3-551 through 3-557, added by Laws 1993, Ch. 40, § 1, were repealed on January 1, 2005, by A.R.S. § 41-3004.18. Accordingly, under A.R.S. § 41-1011(C), the rules of this agency have been removed from the Code. The rescinded Article is on file in the Office of the Secretary of State (Supp. 05-2).*

*Article 4, consisting of Sections R3-9-401 through R3-9-405, made by final rulemaking at 9 A.A.R. 519, effective February 5, 2003 (Supp. 03-1).*

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## CHAPTER 9. DEPARTMENT OF AGRICULTURE - AGRICULTURAL COUNCILS AND COMMISSIONS

**ARTICLE 1. ARIZONA ICEBERG LETTUCE RESEARCH COUNCIL****R3-9-101. Definitions**

In addition to the definitions in A.R.S. § 3-526, the following terms apply to this Article:

1. "AILRC" means the Arizona Iceberg Lettuce Research Council.
2. "Authorized signature" means the signature of an individual authorized to receive funds on behalf of the applicant and responsible for the execution of the applicant's project.
3. "Awardee" means a successful applicant to whom the AILRC awards grant funds for research on a specific project.
4. "Department" means the Arizona Department of Agriculture.
5. "Governmental unit" means any department, commission, council, board, bureau, committee, institution, agency, government corporation, or other establishment or official of the executive branch or corporation commission of this state, another state, or the federal government.
6. "Grant" means an award of financial support to an applicant according to A.R.S. § 3-526.02(B) and (C)(5).
7. "Grant award agreement" means a document that advises an applicant of the amount of money awarded following receipt by the AILRC of the applicant's signed acceptance.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 208, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 14 A.A.R. 3658, effective November 8, 2008 (Supp. 08-3).

**R3-9-102. Elections**

- A. The AILRC shall elect officers as specified in A.R.S. § 3-526.02(A)(2) during the first quarter of each calendar year.
- B. Officers continue in office until the next annual election.
- C. An officer may be reelected successively.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 208, effective March 11, 2006 (Supp. 06-1).

**R3-9-103. Hearings and Rehearings**

- A. The AILRC shall follow the Uniform Administrative Procedure Act, A.R.S. Title 41, Chapter 6, Article 10, for a hearing before the AILRC.
- B. A party may file a motion for rehearing or review under A.R.S. § 41-1092.09.
- C. The AILRC shall grant a rehearing or review of a decision for any of the following causes materially affecting the moving party's rights:
  1. The decision is not justified by the evidence or is contrary to law;
  2. There is newly discovered material evidence that could not with reasonable diligence have been discovered and produced at the original proceeding;
  3. One or more of the following deprived the party of a fair hearing:
    - a. Irregularity or abuse of discretion in the conduct of the proceeding;
    - b. Misconduct of the AILRC, the administrative law judge, or the prevailing party; or
    - c. Accident or surprise that could not have been prevented by ordinary prudence; or
  4. Excessive or insufficient sanction.

- D. The AILRC may grant a rehearing or review to any or all of the parties. The rehearing or review may cover all or part of the issues for any of the reasons stated in subsection (C). An order granting a rehearing or review shall particularly state the grounds for granting the rehearing or review, and the rehearing or review shall cover only the grounds stated.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 208, effective March 11, 2006 (Supp. 06-1).

**R3-9-104. Annual Report**

The AILRC shall prepare a report according to A.R.S. § 3-526.02(A)(5), by October 31 of each year.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 208, effective March 11, 2006 (Supp. 06-1).

**R3-9-105. Expired****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 208, effective March 11, 2006 (Supp. 06-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 1393, effective January 31, 2016 (Supp. 16-2).

**R3-9-106. Grants**

- A. Grant application process.
  1. The AILRC shall award grants according to the competitive grant solicitation requirements of this Article.
  2. The AILRC shall post the grant application and manual on the AILRC's web site at least four weeks before the due date of a grant application.
  3. The AILRC shall ensure that the grant application manual contains the following items:
    - a. Grant topics related to AILRC programs specified by A.R.S. § 3-526.02(B) and (C)(5);
    - b. A statement that the information contained in an application is not confidential;
    - c. A statement that the AILRC funding source is primarily from per carton assessments on iceberg lettuce grown in Arizona;
    - d. An application form including sections about the description of the grant project, scope of work to be performed, an authorized signature line, and a sample budget form;
    - e. A statement that the applicant shall not include overhead expenses in the budget for the proposed project;
    - f. The criteria that the AILRC shall use to evaluate an application;
    - g. The date and time by which the applicant shall submit an application;
    - h. The anticipated date of the AILRC award;
    - i. A copy of the AILRC grant solicitation rules; and
    - j. Any other information necessary for the grant application.
  4. The AILRC shall not consider an application received by the AILRC after the due date and time.
- B. Criteria. The AILRC shall consider the following when reviewing a grant application and deciding whether to award AILRC funds:
  1. The applicant's successful completion of prior research projects,
  2. The extent to which the proposed project identifies solutions to current issues facing the iceberg lettuce industry,
  3. The extent to which the proposed project addresses future issues facing the iceberg lettuce industry,

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4. The extent to which the proposed project addresses the findings of any industry surveys conducted within the previous year,
  5. The appropriateness of the budget request in achieving the project objectives,
  6. The appropriateness of the proposal time-frame to the stated project objectives, and
  7. Relevant experience and qualifications of the applicant.
- C. Public participation.**
1. The AILRC shall make all applications available for public inspection by the business day following the application due date.
  2. Before awarding a grant, the AILRC shall discuss and evaluate grant applications and proposed projects at a meeting conducted under A.R.S. § 38-431 et seq.
- D. Evaluation of grant applications.**
1. The AILRC may allow applicants to make oral or written presentations at the public meeting if time, applicant availability, and meeting space permit.
  2. The AILRC may modify an applicant's proposed project in awarding funding.
  3. The AILRC shall notify an applicant in writing of the AILRC's decision to fund, modify, or deny funding for a proposed project within 10 business days of the AILRC decision. The AILRC shall notify applicants by the U.S. Postal Service, commercial delivery, electronic mail, or facsimile.
- E. Awards and project monitoring.**
1. Before releasing grant funds, the AILRC shall execute a grant award agreement with the awardee. The awardee shall agree to accept the grant's legal requirements and conditions and authorize the AILRC to monitor the progress of the project by signing a grant award agreement.
  2. The AILRC shall pay no more than 50% of the grant in the initial payment to the awardee.
  3. During the term of the project, the awardee shall inform the AILRC of changes to the awardee's address, telephone number, or other contact information.
  4. The AILRC may require an interim written report or oral presentation from the awardee during the pendency of the project.
  5. The AILRC shall not award grant funds remaining after the initial payment until the awardee submits to the AILRC:
    - a. A final research report, and
    - b. An invoice for actual final project expenses not exceeding the remaining portion of the award.
  6. The AILRC shall make research findings and reports resulting from any grant awarded by the AILRC available to Arizona iceberg lettuce producers.
- F. Repayment.** If the awardee does not complete the project as specified in the grant award agreement, the awardee shall return all unexpended grant funds within 30 days after receipt of a written request by the AILRC.
- G. Governmental units.**
1. The AILRC may request one or more governmental units to submit grant applications as prescribed in subsection (G)(3), without regard to subsections (A), (E)(2), and (E)(5).
  2. The AILRC may issue grants to governmental units without regard to subsections (A), (E)(2), and (E)(5).
  3. A governmental unit may apply to the AILRC for a grant when there is no pending request for grant applications under subsection (A) under the following conditions:
    - a. The application shall include a description of the project, the scope of work to be performed, a budget that does not include overhead expenses, and an authorized signature.
    - b. The application shall be available for public inspection upon receipt by the AILRC.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 208, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 14 A.A.R. 3658, effective November 8, 2008 (Supp. 08-3).

**ARTICLE 2. ARIZONA GRAIN RESEARCH AND PROMOTION COUNCIL****R3-9-201. Definitions**

In addition to the definitions in A.R.S. § 3-581, the following term applies to this Article:

"AGRPC" means the Arizona Grain Research and Promotion Council.

"Department" means the Arizona Department of Agriculture.

**Historical Note**

Adopted effective August 28, 1986 (Supp. 86-4). Section R3-9-201 renumbered from R3-13-201 (Supp. 91-4). Amended effective December 22, 1993 (Supp. 93-4). Former Section R3-9-201 renumbered to R3-9-202; new Section R3-9-201 made by final rulemaking at 9 A.A.R. 31, effective December 11, 2002 (Supp. 02-4). Amended by final rulemaking at 14 A.A.R. 3661, effective November 8, 2008 (Supp. 08-3).

**R3-9-202. Fees; Grain Assessment and Refund**

**A.** The AGRPC shall annually prescribe the fee to be assessed per hundredweight of grain sold in Arizona within the limitations established under A.R.S. § 3-587.

**B.** The person who pays the fee required under subsection (A) shall ensure that:

1. The grain assessment fee is remitted to the AGRPC; and
2. The following information is provided to the AGRPC on a form obtained from the Department:
  - a. First buyer's name, address, and telephone number;
  - b. Report date and months covered by the report;
  - c. Total amount remitted to the AGRPC for the reporting period;
  - d. Producer's name, address, and telephone number;
  - e. Type of grain and tonnage by grain type; and
  - f. First buyer's or designee's signature.

**C. Refund.**

1. A producer may request a refund as prescribed under A.R.S. § 3-592 and shall provide the following information to the AGRPC on a form obtained from the Department:
  - a. Producer's name, address, telephone number, and signature;
  - b. Name of the first buyer;
  - c. Amount of grain sold subject to the refund request; and
  - d. First buyer's or designee's notarized signature confirming the purchase, funds withheld, and date remitted to the AGRPC.
2. An executive committee member shall authorize a refund as prescribed in A.R.S. § 3-592 if the person requesting the refund complies with the requirements of subsection (B)(1).

**Historical Note**

Section R3-9-202 renumbered from R3-9-201 and amended by final rulemaking at 9 A.A.R. 31, effective December 11, 2002 (Supp. 02-4). Amended by final

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rulemaking at 14 A.A.R. 3661, effective November 8, 2008 (Supp. 08-3).

**R3-9-203. Hearings**

- A. The AGRPC shall use the uniform administrative procedures of A.R.S. Title 41, Chapter 6, Article 10 to govern any hearing before the AGRPC required under A.R.S. § 3-591.
- B. A party may file a motion for rehearing or review under A.R.S. § 41-1092.09.
- C. The AGRPC shall grant a rehearing or review of an administrative law decision for any of the following causes materially affecting the moving party's rights:
  1. The decision is not justified by the evidence or is contrary to law;
  2. There is newly discovered material evidence that could not with reasonable diligence have been discovered and produced at the original proceeding;
  3. One or more of the following deprived the party of a fair hearing:
    - a. Irregularity or abuse of discretion in the conduct of the proceeding;
    - b. Misconduct of the AGRPC, the administrative law judge, or the prevailing party; or
    - c. Accident or surprise which could not have been prevented by ordinary prudence; or
  4. Excessive or insufficient sanction.
- D. The AGRPC may grant a rehearing or review to any or all of the parties. The rehearing or review may cover all or part of the issues for any of the reasons stated in subsection (C). An order granting a rehearing or review shall particularly state the grounds for granting the rehearing or review, and the rehearing or review shall cover only the grounds stated.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 31, effective December 11, 2002 (Supp. 02-4). Amended by final rulemaking at 14 A.A.R. 3661, effective November 8, 2008 (Supp. 08-3).

**R3-9-204. Records**

The Department shall retain the AGRPC's records as prescribed in A.R.S. § 3-586. A record may be reviewed at the Department's main office, Monday through Friday, except an Arizona legal holiday, during the hours of 8:00 a.m. to 5:00 p.m. A copy of a record will be provided according to the provisions of A.R.S. § 39-121 et seq.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 31, effective December 11, 2002 (Supp. 02-4). Amended by final rulemaking at 14 A.A.R. 3661, effective November 8, 2008 (Supp. 08-3).

**R3-9-205. Grants**

- A. Definitions.
 

"Authorized signature" means the signature of an individual authorized to receive funds on behalf of an applicant and responsible for the execution of the applicant's project.

"Awardee" means an applicant to whom the AGRPC awards grant funds for a proposed project.

"Governmental unit" means any department, commission, council, board, bureau, committee, institution, agency, government corporation, or other establishment or official of the executive branch or corporation commission of this state, another state, or the federal government.

"Grant" means an award of financial support to an applicant according to A.R.S. § 3-584(C)(5).

"Grant award agreement" means a document advising an applicant of the amount of money awarded following receipt by the AGRPC of the applicant's signed acceptance of the award.

- B. Grant application process.
  1. The AGRPC shall award grants according to the competitive grant solicitation requirements of this Article.
  2. The AGRPC shall post the grant application and manual on the AGRPC's web site at least four weeks before the due date of a grant application.
  3. The AGRPC shall ensure that the grant application and manual contain the following items:
    - a. Grant topics related to AGRPC projects specified in A.R.S. § 3-584(C)(5);
    - b. A statement that the information contained in a grant application is not confidential;
    - c. A statement that the AGRPC funding source is primarily from assessments on the seed of barley and wheat of all classes produced in Arizona for use as food, feed, or seed or produced for any industrial or commercial use;
    - d. An application form including sections about the description of the grant project, scope of work to be performed, an authorized signature line, and a sample budget form;
    - e. A statement that the applicant shall not include overhead expenses in the budget for the proposed project;
    - f. The criteria that the AGRPC shall use to evaluate an application;
    - g. The date and time by which the applicant shall submit an application;
    - h. The anticipated date of the AGRPC award;
    - i. A copy of this Section consisting of grant solicitation procedures and requirements; and
    - j. Any other information necessary for the grant application.
  4. The AGRPC shall not evaluate an application received by the AGRPC after the due date and time.
- C. Criteria. The AGRPC shall consider the following when reviewing a grant application and deciding whether to award AGRPC funds:
  1. The applicant's successful completion of prior research projects, if applicable;
  2. The extent to which the proposed project identifies solutions to current issues facing the grain industry;
  3. The extent to which the proposed project addresses future issues facing the grain industry;
  4. The extent to which the proposed project addresses the findings of any industry surveys conducted within the previous year;
  5. The appropriateness of the budget request in achieving the project objectives;
  6. The appropriateness of the proposal time-frame to the stated project objectives; and
  7. Relevant experience and qualifications of the applicant.
- D. Public participation.
  1. The AGRPC shall make all applications available for public inspection by the business day following the application due date.
  2. Before awarding a grant, the AGRPC shall discuss, evaluate, and make a decision on grant applications and proposed projects at a meeting conducted under A.R.S. § 38-431 et seq.
- E. Evaluation of grant applications.

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1. The AGRPC may allow applicants to make oral or written presentations at the public meeting if time, applicant availability, and meeting space permit.
  2. The AGRPC may modify an applicant's proposed project in awarding funding.
  3. The AGRPC shall notify an applicant in writing of the AGRPC's decision to fund, modify, or deny funding for a proposed project within 10 business days of the AGRPC decision. The AGRPC shall notify applicants by the U.S. Postal Service, commercial delivery, electronic mail, or facsimile.
- F. Awards and project monitoring.**
1. Before releasing grant funds, the AGRPC shall execute a grant award agreement with the awardee. The awardee shall agree to accept the grant's legal requirements and conditions and authorize the AGRPC to monitor the progress of the project by signing the grant award agreement.
  2. The AGRPC shall pay no more than 50% of the grant in the initial payment to the awardee.
  3. During the term of the project, the awardee shall inform the AGRPC of changes to the awardee's address, telephone number, or other contact information.
  4. The AGRPC may require an interim written report or oral presentation from the awardee during the term of the project.
  5. The AGRPC shall not award the grant funds remaining after the initial payment until the awardee submits to the AGRPC:
    - a. A final research report, and
    - b. An invoice for actual final project expenses not exceeding the remaining portion of the grant funds.
  6. The AGRPC shall make research findings and reports resulting from any grant awarded by the AGRPC available to Arizona grain producers.
- G. Repayment.** If the awardee does not complete the project as specified in the grant award agreement, the awardee shall return all unexpended grant funds within 30 days after receipt of a written request by the AGRPC.
- H. Governmental units.**
1. The AGRPC may request one or more governmental units to submit grant applications as prescribed in subsection (H)(3), without regard to subsections (B), (F)(2), and (F)(5).
  2. The AGRPC may issue grants to governmental units without regard to subsections (B), (F)(2), and (F)(5).
  3. A governmental unit may apply to the AGRPC for a grant when there is no pending request for grant applications under subsection (B) under the following conditions:
    - a. The application shall include a description of the project, the scope of work to be performed, a budget that does not include overhead expenses, and an authorized signature.
    - b. The application shall be available for public inspection upon receipt by the AGRPC.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 4684, effective February 3, 2007 (Supp. 06-4). Amended by final rulemaking at 14 A.A.R. 3661, effective November 8, 2008 (Supp. 08-3).

**ARTICLE 3. ARIZONA COTTON RESEARCH AND PROTECTION COUNCIL****R3-9-301. Ginning and Remittance Forms**

- A.** Each September the Arizona Cotton Research and Protection Council shall send the ginning and remittance report forms and a fee schedule to the operator of each gin for which a report

was made during the previous year. A gin operator who has not submitted a report in the previous year may obtain the report forms and a fee schedule from the Arizona Cotton Research and Protection Council office.

- B.** Each gin operator who gins for Arizona producers during the current crop year shall complete the following reports and submit them with the appropriate fees, to the Arizona Cotton Research and Protection Council within the times specified below:

1. On or before February 15 of each year:
  - a. The name and number of the reporting gin;
  - b. The business mailing address, telephone number, and county of the reporting gin;
  - c. The name of the authorized agent for the gin;
  - d. The crop year;
  - e. The name and mailing address of each crop producer;
  - f. The Farm Service Agency (FSA) farm number;
  - g. An estimate of the number of bales to be ginned by March 15 from cotton grown at or below 2,700 feet elevation; and
  - h. An estimate of the number of bales to be ginned by March 15 from cotton grown above 2,700 feet elevation;
2. On or before March 15 of each year:
  - a. The information in subsections (B)(1)(a) through (f),
  - b. The total number of bales actually ginned and the certification number issued by the Department for meeting the tillage deadline for cotton grown at or below 2,700 feet elevation, and
  - c. The total number of bales actually ginned from cotton grown above 2,700 feet elevation.

**Historical Note**

Adopted as an emergency effective September 10, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-5). Emergency expired. Adopted as a permanent rule effective March 7, 1985 (Supp. 85-2). Amended subsection (A) as an emergency effective November 5, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-6). Amended subsection (A) as permanent action effective February 5, 1986 (Supp. 86-1). Amended subsection (A) effective September 24, 1986 (Supp. 86-5). Former Section R3-12-201 repealed and a new Section R3-12-201 adopted effective December 2, 1987 (Supp. 87-4). Section 3-9-301 renumbered from R3-12-201 (Supp. 91-4). Section repealed, new Section adopted effective April 4, 1994 (Supp. 94-2). Amended by final rulemaking at 5 A.A.R. 4439, effective November 3, 1999 (Supp. 99-4).

**R3-9-302. Expired****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4741, effective January 1, 2005 (Supp. 04-4). Section expired under A.R.S. § 41-1056(J) at 25 A.A.R. 3188, effective October 2, 2019 (Supp. 19-4).

**R3-9-303. Weather Related Extensions**

- A.** For the purpose of this Section:
1. "Council" means the Arizona Cotton Research and Protection Council.
  2. "Qualifying weather event" means substantial interference with post-harvest activities as outlined in subsection (E)(1) to detach the cotton root from the soil caused by significant rain or moisture or by sustained winds within an established PM10 nonattainment area.

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- B.** A cotton producer may request an extension of the tillage deadline in R3-9-204(E) based on a qualifying weather event that has delayed or prevented compliance.
- C.** A cotton producer requesting an extension shall submit the following information to the Council Staff Director:
1. The producer's name, address, and telephone number;
  2. The registered Farm Service Agency (FSA) farm names of the farms for which the extension is requested;
  3. The legal description of the fields or an accurate scale farm map of the fields for which the extension is requested;
  4. A detailed description of the qualifying weather events supporting the extension request, including the dates of the events; and
  5. The number of days requested as an extension of the tillage deadline.
- D.** Submission Deadline.
1. Extension requests shall be received a minimum of one business day prior to the tillage deadline.
  2. Extension requests that are illegible or missing information required by subsection (C) shall be considered incomplete and returned to the requestor with a written explanation of the deficiencies. Corrected extension requests shall also be received a minimum of one business day prior to the tillage deadline.
- E.** Administrative Review.
1. The Council Staff Director may amend, grant or deny a request for extension based on the information provided and any other relevant information available, including but not limited to data collected from meteorological sources, staff recommendations, field notes and photographs.
  2. The Council Staff Director shall issue a written notice granting or denying an extension request within ten business days of receipt of a complete request advising whether or not the request fell within the parameters of a qualified weather event.
- F.** Blanket Extensions. The Council, by vote, may authorize a blanket weather-related extension for a county, cultural zone or a subset of either based on an area-wide qualifying weather event or events.

**Historical Note**

Section made by emergency rulemaking at 20 A.A.R. 124, effective January 10, 2014, for 180 days (Supp. 14-1). Emergency expired; new Section made by final rulemaking at 20 A.A.R. 2521, effective August 18, 2014 (Supp. 14-3).

**ARTICLE 4. EXPIRED**

*Article 4, consisting of Sections R3-9-401 through R3-9-405, formerly the rules for the Arizona Wine Commission expired under A.R.S. § 41-1056(E). The rules are no longer authorized as the Commission was terminated on July 1, 2004, under A.R.S. § 41-3004.18. The statutes under which the Commission operated, A.R.S. §§ 3-551 through 3-557, added by Laws 1993, Ch. 40, § 1, were repealed on January 1, 2005, by A.R.S. § 41-3004.18. Accordingly, under A.R.S. § 41-1011(C), the rules of this agency have been removed from the Code. The rescinded Article is on file in the Office of the Secretary of State (Supp. 05-2).*

*Article 4, consisting of Sections R3-9-401 through R3-9-405, made by final rulemaking at 9 A.A.R. 519, effective February 5, 2003 (Supp. 03-1).*

**R3-9-401. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 519, effective February 5, 2003 (Supp. 03-1). Section expired under A.R.S. § 41-1056(E). The agency terminated on July 1, 2004, under A.R.S. § 41-3004.18 and the related statutes were repealed on January 1, 2005, by A.R.S. § 41-3004.18 (Supp. 05-2).

**R3-9-402. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 519, effective February 5, 2003 (Supp. 03-1). Section expired under A.R.S. § 41-1056(E). The agency terminated on July 1, 2004, under A.R.S. § 41-3004.18 and the related statutes were repealed on January 1, 2005, by A.R.S. § 41-3004.18 (Supp. 05-2).

**R3-9-403. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 519, effective February 5, 2003 (Supp. 03-1). Section expired under A.R.S. § 41-1056(E). The agency terminated on July 1, 2004, under A.R.S. § 41-3004.18 and the related statutes were repealed on January 1, 2005, by A.R.S. § 41-3004.18 (Supp. 05-2).

**R3-9-404. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 519, effective February 5, 2003 (Supp. 03-1). Section expired under A.R.S. § 41-1056(E). The agency terminated on July 1, 2004, under A.R.S. § 41-3004.18 and the related statutes were repealed on January 1, 2005, by A.R.S. § 41-3004.18 (Supp. 05-2).

**R3-9-405. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 519, effective February 5, 2003 (Supp. 03-1). Section expired under A.R.S. § 41-1056(E). The agency terminated on July 1, 2004, under A.R.S. § 41-3004.18 and the related statutes were repealed on January 1, 2005, by A.R.S. § 41-3004.18 (Supp. 05-2).

**ARTICLE 5. ARIZONA CITRUS RESEARCH COUNCIL**

*Article 5, consisting of Sections R3-9-501 through R3-9-505, made by final rulemaking at 9 A.A.R. 5548, effective December 2, 2004 (Supp. 03-4).*

**R3-9-501. Definitions**

"Department" means the Arizona department of agriculture. A.R.S. § 3-468(3).

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5548, effective December 2, 2004 (Supp. 03-4).

**R3-9-502. Elections**

- A. The Council shall elect officers during the first quarter of each calendar year.
- B. Officers shall continue in office until the next annual election is held.
- C. An officer may be successively reelected.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5548,

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effective December 2, 2004 (Supp. 03-4).

**R3-9-503. Hearings**

- A. The Council shall use the uniform administrative procedures of A.R.S. Title 41, Chapter 6, Article 10 to govern any hearing before the Council.
- B. A party may file a motion for rehearing or review under A.R.S. § 41-1092.09.
- C. The Council shall grant a rehearing or review of an administrative law decision for any of the following causes materially affecting the moving party's rights:
  1. The decision is not justified by the evidence or is contrary to law;
  2. There is newly discovered material evidence that could not with reasonable diligence have been discovered and produced at the original proceeding;
  3. One or more of the following deprived the party of a fair hearing:
    - a. Irregularity or abuse of discretion in the conduct of the proceeding;
    - b. Misconduct of the Council, the administrative law judge, or the prevailing party; or
    - c. Accident or surprise that could not have been prevented by ordinary prudence; or
  4. Excessive or insufficient sanction.
- D. The Council may grant a rehearing or review to any or all of the parties. The rehearing or review may cover all or part of the issues for any of the reasons stated in subsection (C). An order granting a rehearing or review shall particularly state the grounds for granting the rehearing or review, and the rehearing or review shall cover only the grounds stated.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5548, effective December 2, 2004 (Supp. 03-4).

**R3-9-504. Annual Report**

The Council shall prepare an annual report as prescribed under A.R.S. § 3-468.02(A)(5), by October 31.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5548, effective December 2, 2004 (Supp. 03-4).

**R3-9-505. Records**

The Department shall retain the Council's records as authorized by A.R.S. § 3-468.02(A)(4). A record may be reviewed at the Department's main office, Monday through Friday, except an Arizona legal holiday, during the hours of 8:00 a.m. to 5:00 p.m. A copy of a record shall be provided according to the provisions of A.R.S. § 39-121 et seq.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5548, effective December 2, 2004 (Supp. 03-4).

**R3-9-506. Grants**

- A. Definitions.
  1. "ACRC" means the Arizona Citrus Research Council.
  2. "Authorized signature" means the signature of an individual authorized to receive funds on behalf of the applicant and responsible for the execution of the applicant's project.
  3. "Awardee" means a successful applicant to whom the ACRC awards grant funds for research on a specific project.
  4. "Governmental unit" means any department, commission, council, board, bureau, committee, institution, agency, government corporation, or other establishment

or official of the executive branch or corporation commission of this state, another state, or the federal government.

5. "Grant" means an award of financial support to an applicant according to A.R.S. § 3-468.02(B) and (C)(5).
6. "Grant award agreement" means a document advising the applicant of the amount of money awarded following receipt by the ACRC of the applicant's signed acceptance.
- B. Grant application process.
  1. The ACRC shall award grants according to the competitive grant solicitation requirements of this Article.
  2. The ACRC shall post the grant application and manual on the ACRC's web site at least four weeks before the due date of a grant application.
  3. The ACRC shall ensure that the grant application manual contains the following items:
    - a. Grant topics related to ACRC programs specified by A.R.S. § 3-468.02(B) and (C)(5);
    - b. A statement that the information contained in an application is not confidential;
    - c. A statement that the ACRC funding source is primarily from per carton assessments on citrus grown in Arizona;
    - d. An application form including sections about the description of the grant project, scope of work to be performed, an authorized signature line, and a sample budget form;
    - e. A statement that the applicant shall not include overhead expenses in the budget for the proposed project;
    - f. The criteria that the ACRC shall use to evaluate an application;
    - g. The date and time by which the applicant shall submit an application;
    - h. The anticipated date of the ACRC award;
    - i. A copy of the ACRC grant solicitation rules; and
    - j. Any other information necessary for the grant application.
  4. The ACRC shall not consider an application received by the ACRC after the due date and time.
- C. Criteria. The ACRC shall consider the following when reviewing a grant application and deciding whether to award ACRC funds:
  1. The applicant's successful completion of prior research projects,
  2. The extent to which the proposed project identifies solutions to current issues facing the citrus industry,
  3. The extent to which the proposed project addresses future issues facing the citrus industry,
  4. The extent to which the proposed project addresses the findings of any industry surveys conducted within the previous year,
  5. The appropriateness of the budget request in achieving the project objectives,
  6. The appropriateness of the proposal time-frame to the stated project objectives, and
  7. Relevant experience and qualifications of the applicant.
- D. Public participation.
  1. The ACRC shall make all applications available for public inspection by the business day following the application due date.
  2. Before awarding a grant, the ACRC shall discuss and evaluate grant applications and proposed projects at a meeting conducted under A.R.S. § 38-431 et seq.
- E. Evaluation of grant applications.

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1. The ACRC may allow applicants to make oral or written presentations at the public meeting if time, applicant availability, and meeting space permit.
2. The ACRC may modify an applicant's proposed project in awarding funding.
3. The ACRC shall notify an applicant in writing of the ACRC's decision to fund, modify, or deny funding for a proposed project within 10 business days of the ACRC decision. The ACRC shall notify applicants by the U.S. Postal Service, commercial delivery, electronic mail, or facsimile.

**F. Awards and project monitoring.**

1. Before releasing grant funds, the ACRC shall execute a grant award agreement with the awardee. The awardee shall agree to accept the grant's legal requirements and conditions and authorize the ACRC to monitor the progress of the project by signing a grant award agreement.
2. The ACRC shall pay no more than 50% of the grant in the initial payment to the awardee.
3. During the term of the project, the awardee shall inform the ACRC of changes to the awardee's address, telephone number, or other contact information.
4. The ACRC may require an interim written report or oral presentation from the awardee during the pendency of the project.
5. The ACRC shall not award the grant funds remaining after the initial payment until the awardee submits to the ACRC:
  - a. A final research report, and
  - b. An invoice for actual final project expenses not exceeding the remaining portion of the award.
6. The ACRC shall make research findings and reports resulting from any grant awarded by the ACRC available to Arizona citrus producers.

**G. Repayment.** If the awardee does not complete the project as specified in the grant award agreement, the awardee shall return all unexpended grant funds within 30 days after receipt of written request by the ACRC.**H. Governmental units.**

1. The ACRC may request one or more governmental units to submit grant applications as prescribed in subsection (H)(3), without regard to subsections (B), (F)(2), and (F)(5).
2. The ACRC may issue grants to governmental units without regard to subsections (B), (F)(2), and (F)(5).
3. A governmental unit may apply to the ACRC for a grant when there is no pending request for grant applications under subsection (B) under the following conditions:
  - a. The application shall include a description of the project, the scope of work to be performed, a budget that does not include overhead expenses, and an authorized signature.
  - b. The application shall be available for public inspection upon receipt by the ACRC.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 176, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 14 A.A.R. 3665, effective November 8, 2008 (Supp. 08-3).

**ARTICLE 6. LEAFY GREENS FOOD SAFETY COMMITTEE****R3-9-601. Definitions**

"Act" means A.R.S. Title 3, Chapter 3, Article 1.

"Auditor" or "Inspector" means a state or federal agricultural regulatory agency or their designee(s), or a private entity con-

tracted by the Committee to perform inspections authorized by the Act.

"Best practices" means the "Commodity Specific Food Safety Guidelines for the Production and Harvest of Lettuce and Leafy Greens, as amended by the Committee. This document is incorporated by reference and is available for review online at the Arizona Leafy Greens Marketing Agreement website and at the Arizona Department of Agriculture, 1688 W. Adams Street, Phoenix, Arizona 85007.

"Committee" means the Leafy Greens Food Safety Committee established pursuant to the Marketing Agreement.

"LGMA" or "Marketing Agreement" means the Arizona Leafy Green Products Shipper Marketing Agreement approved pursuant to the Act. This document is incorporated by reference and is available for review online at the Arizona Leafy Greens Marketing Agreement website and at the Arizona Department of Agriculture, 1688 W. Adams Street, Phoenix, Arizona 85007.

"SOP" means standard operating procedure.

**Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 2282, effective October 28, 2010 (Supp. 10-4). Amended by exempt rulemaking at 17 A.A.R. 1767, effective August 1, 2011 (Supp. 11-3). Amended by exempt rulemaking at 17 A.A.R. 2569, effective November 29, 2011 (Supp. 11-4). Amended by exempt rulemaking at 18 A.A.R. 2928, effective August 1, 2012 (Supp. 12-4). Amended by final exempt rulemaking at 19 A.A.R. 4019, effective October 15, 2013 (Supp. 13-4). Amended by final exempt rulemaking pursuant to A.R.S. § 3-414(C)(11) at 21 A.A.R. 3082, effective August 25, 2015 (Supp. 15-4). Amended by exempt rulemaking at 28 A.A.R. 198 (January 14, 2022), with an effective date of September 17, 2021, as selected by the Department (Supp. 21-4).

**R3-9-602. Best Practices; LGMA Compliance**

- A. Signatories shall comply with the best practices, maintain a trace-back system, and be subject to periodic audit by an auditor.
- B. Signatories shall only buy, consign, or otherwise accept or handle leafy green products (grown in Arizona) from a shipper or producer who is in compliance with the best practices (including recordkeeping requirements), maintains a trace-back system, and is subject to periodic audit by an auditor.
- C. When the best practices require a SOP, there shall be an appropriate SOP and that SOP shall be followed.

**Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 2282, effective October 28, 2010 (Supp. 10-4). Amended by exempt rulemaking at 17 A.A.R. 2569, effective November 29, 2011 (Supp. 11-4). Amended by final exempt rulemaking at 19 A.A.R. 4019, effective October 15, 2013 (Supp. 13-4).

**R3-9-603. Service Mark Usage**

- A. A signatory's compliance with the LGMA and R3-9-602 is a condition precedent and subsequent to the signatory's privilege to use the service mark.
- B. An authorized signatory may use the service mark on all bills of lading and on other documents.
- C. A signatory shall:
  1. Use the service mark without reference to a private brand or label.



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2. Provide reasonable assurances that the signatory has a system in place to comply with this Section, maintain records sufficient to audit the system for the duration of the LGMA, and make those records available to the Committee upon request.

**D. A signatory shall not:**

1. Use the service mark on packaging or product or as a certification mark to certify product.
2. Use the service mark as the signatory's own mark or as the exclusive representation of its business entity.
3. Insert within or overlap the boundaries of the service mark with the signatory's name or trademark.
4. Alter the service mark in any way other than proportionately adjusting the size of the service mark.

**Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 2282, effective October 28, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 17 A.A.R. 2569, effective November 29, 2011 (Supp. 11-4).

**R3-9-604. Loss of Use of Service Mark**

- A.** A signatory shall lose the privilege to use the service mark if the signatory:
  1. Commits a flagrant violation or repeated major deviation;
  2. Fails to comply with R3-9-603;
  3. Has not paid assessments due for the prior fiscal year; or
  4. Withdraws from participation in the LGMA pursuant to Article XVI, section C of the LGMA.
- B.** The first flagrant violation or repeated major deviation shall result in a suspension of the privilege to use the service mark for a minimum two-week period.
- C.** A flagrant violation or repeated major deviation following the first flagrant violation or repeated major deviation shall result in an indefinite suspension of the privilege to use the service mark.
- D.** A flagrant violation or repeated major deviation following a suspension pursuant to subsection (C) shall result in an indefinite revocation of the privilege to use the service mark. The privilege to use the service mark shall not be restored to the signatory for a minimum of two years unless the signatory demonstrates to the satisfaction of the auditor and the Committee a significant change in management and brand.
- E.** A signatory whose privilege to use the service mark is suspended or revoked pursuant to subsections (B) through (D) shall not use the service mark until the signatory has undergone at least one new audit without the finding of any major deviations or flagrant violations and has evidenced that the signatory has corrected any minor deviations found.
- F.** At least two weeks of any suspension of the privilege to use the service mark under subsections (B) through (D) shall occur between December 1 and March 31.
- G.** The Committee may accelerate the progression of penalties under this Section if the signatory's product seriously affects a person's health and the signatory handled the product with intentional, knowing or reckless disregard for the signatory's obligations under the LGMA and best practices.
- H.** A signatory shall not lose the privilege to use the service mark under subsections (A)(1) and (2) without an opportunity for a hearing under A.R.S. Title 41, Chapter 6, Article 10, except if the Committee finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, the Committee may order summary suspension of a signatory's privilege to use the service mark.
- I.** A signatory that loses the privilege to use the mark under subsection (A)(3) shall pay all assessments due from prior fiscal

years, including penalties and interest, before regaining the privilege to use the service mark.

- J.** The Committee may publish a list of signatories whose privilege to use the service mark has been suspended.

**Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 2282, effective October 28, 2010 (Supp. 10-4). Amended by exempt rulemaking at 17 A.A.R. 2569, effective November 29, 2011 (Supp. 11-4). Amended by final exempt rulemaking at 19 A.A.R. 4019, effective October 15, 2013 (Supp. 13-4).

**R3-9-605. Violation Levels; Repeated Violations**

- A.** Violations of R3-9-602 fall into four levels: flagrant violations, major deviations, minor deviations, and minor infractions. The Committee or its designee shall determine the level of a violation consistent with this Section.
- B.** A flagrant violation occurs when a signatory buys, consigns, or otherwise accepts or handles a leafy green product and knows or should have known the product was grown, packed, shipped, processed or handled in violation of R3-9-602 and the violation:
  1. Significantly increases the risk of delivering unsafe product into commerce;
  2. Affects the integrity of the LGMA's food safety program; or
  3. In the Committee's judgment, merits more serious treatment than a major deviation based on the consideration of, as relevant:
    - a. The position of the employee responsible for the violation,
    - b. Whether the employee responsible for the violation knowingly committed the violation,
    - c. The circumstances surrounding the violation,
    - d. Whether the signatory took prompt corrective action,
    - e. Whether the signatory has committed the same or a similar violation previously, and
    - f. Any other relevant facts.
- C.** A major deviation is a violation of R3-9-602 that may inhibit the maintenance of food safety, but that does not necessarily result in unsafe product.
- D.** The following violations constitute at least major deviations and are potentially flagrant violations:
  1. Falsification of any record for any reason;
  2. Spitting in the field;
  3. Unclean sanitation facilities, including the presence of soiled toilet paper;
  4. Failure to:
    - a. Properly wash hands after using a restroom or returning to the field;
    - b. Follow the best practices with respect to feces or fecal matter found in the field;
    - c. Follow the best practices with respect to the use of compost or animal manure, including creating and maintaining proper records related to that use;
    - d. Have a trace-back system;
    - e. Sanitize gloves and knives;
    - f. Follow a work health practices program concerning the transfer of human pathogens by workers; or
    - g. Provide a Compliance Plan, as defined in the best practices, to an auditor;
  5. Refusing an audit; and
  6. Conditions for which an automatic "unsatisfactory" would be assessed by USDA if performing a GAP/GHP audit.

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- E. Violations constituting flagrant violations or major deviations are not limited to those listed in subsection (D).
  - F. A minor deviation is a violation of R3-9-602 that the signatory can correct within five business days of the audit and that does not necessarily increase the risk of a food borne illness.
  - G. A minor infraction is a violation of R3-9-602 that the signatory corrects before the auditor leaves the audited premises and that does not necessarily increase the risk of a food borne illness.
  - H. The Committee or its designee may assess a signatory with a major deviation if an auditor discovers several minor deviations or minor infractions of the same type or if a signatory fails to timely submit a corrective action plan.
  - I. Repeated major violations are limited to violations occurring during the current and prior fiscal year.
- A. A signatory who commits a flagrant violation, major deviation, or minor deviation shall correct the violation and submit a corrective action plan to the Committee or its designee within five business days of receipt of the audit report noting the violation. If the Committee or its designee rejects the corrective action plan, the signatory has 24 hours to submit a revised corrective action plan.
  - B. In the case of a flagrant violation or major deviation, once the Committee or its designee accepts the signatory's corrective action plan, an auditor shall perform an unannounced audit of the signatory within three business days.
  - C. The signatory shall comply with the corrective action plan.
  - D. Notwithstanding subsection (A), in the case of a violation that creates an immediate danger to public health, the signatory shall submit a correction action plan immediately and take necessary action to minimize the threat to public health.

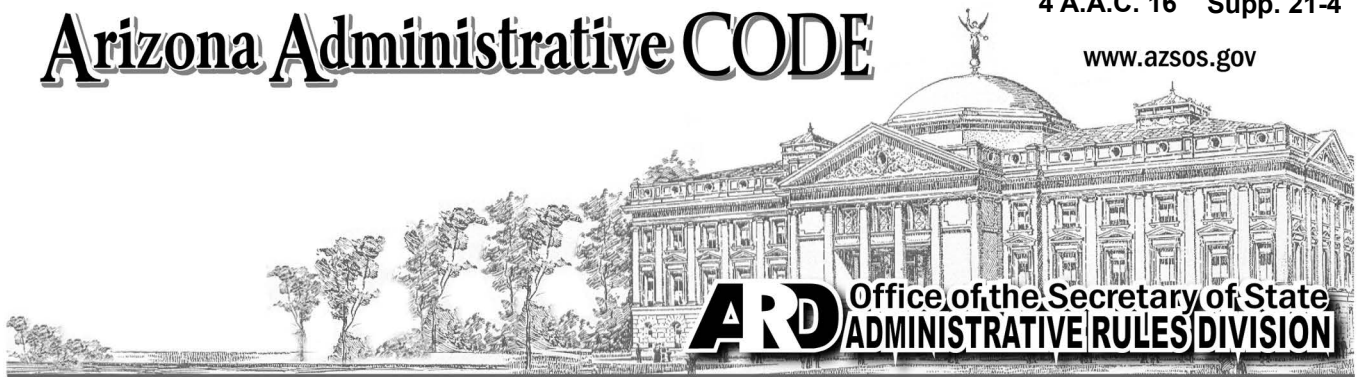
**Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 2282, effective October 28, 2010 (Supp. 10-4). Amended by exempt rulemaking at 17 A.A.R. 2569, effective November 29, 2011 (Supp. 11-4). Amended by final exempt rulemaking at 19 A.A.R. 4019, effective October 15, 2013 (Supp. 13-4).

**Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 2282, effective October 28, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 19 A.A.R. 4019, effective October 15, 2013 (Supp. 13-4).

**R3-9-606. Corrective Action Plans**



## TITLE 4. PROFESSIONS AND OCCUPATIONS

### CHAPTER 16. ARIZONA MEDICAL BOARD

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
October 1, 2021 through December 31, 2021

<a href="#">R4-16-201.</a>	<a href="#">Application for Licensure by Examination or</a>	<a href="#">R4-16-302.</a>	<a href="#">Packaging and Inventory; Exception</a>	<a href="#">11</a>
	<a href="#">Endorsement</a>	<a href="#">R4-16-303.</a>	<a href="#">Prescribing and Dispensing Requirements</a>	<a href="#">12</a>
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<a href="#">R4-16-301.</a>	<a href="#">Registration and Renewal</a>	<a href="#">R4-16-305.</a>	<a href="#">Inspections; Denial and Revocation</a>	<a href="#">12</a>

#### Questions about these rules? Contact:

Board: Arizona Medical Board  
Address: 1740 W. Adams St., Suite 4000  
Phoenix, AZ 85007  
Website: [www.azmd.gov](http://www.azmd.gov)  
Name: Patricia McSorley, Executive Director  
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**The release of this Chapter in Supp. 21-4 replaces Supp. 21-3, 1-17 pages**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

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### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

First Quarter: January 1 - March 31  
Second Quarter: April 1 - June 30  
Third Quarter: July 1 - September 30  
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2021 is cited as Supp. 21-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

### RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

### AUTHENTICATION OF PDF CODE CHAPTERS

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

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, [www.azsos.gov](http://www.azsos.gov) under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

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

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

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

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

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

### PERSONAL USE/COMMERCIAL USE

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



## Administrative Rules Division

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

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

Authority: A.R.S. § 32-1401 et seq.

**Supp. 21-4**

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

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

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

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## CHAPTER 16. ARIZONA MEDICAL BOARD

## ARTICLE 1. GENERAL PROVISIONS

**R4-16-101. Definitions**

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

1. "ACLS" means advanced cardiac life support performed according to certification standards of the American Heart Association.
2. "Agent" means an item or element that causes an effect.
3. "Approved medical assistant training program" means a program accredited by one of the following:
  - a. The Commission on Accreditation of Allied Health Education Programs; or
  - b. The Accrediting Bureau of Health Education Schools.
4. "BLS" means basic life support performed according to certification standards of the American Heart Association.
5. "Capnography" means monitoring the concentration of exhaled carbon dioxide of a sedated patient to determine the adequacy of the patient's ventilatory function.
6. "Case" means a file opened by a member of the Board's investigative staff in which to maintain documents and evidence relating to an allegation of unprofessional conduct made against an applicant or licensee.
7. "Deep sedation" means a drug-induced depression of consciousness during which a patient:
  - a. Cannot be easily aroused, but
  - b. Responds purposefully following repeated or painful stimulation, and
  - c. May partially lose the ability to maintain ventilatory function.
8. "Discharge" means a written or electronic documented termination of office-based surgery to a patient.
9. "Drug" means the same as in A.R.S. § 32-1901.
10. "Emergency" means an immediate threat to the life or health of a patient.
11. "Emergency drug" means a drug that is administered to a patient in an emergency.
12. "General Anesthesia" means a drug-induced loss of consciousness during which a patient:
  - a. Cannot be roused even with painful stimulus; and
  - b. May partially or completely lose the ability to maintain ventilatory, neuromuscular, or cardiovascular function or airway.
13. "Health care professional" means a registered nurse defined in A.R.S. § 32-1601, registered nurse practitioner defined in A.R.S. § 32-1601, physician assistant defined in A.R.S. § 32-2501, and any individual authorized to perform surgery according to A.R.S. Title 32 who participates in office-based surgery using sedation at a physician's office.
14. "Informed consent" means advising a patient of the:
  - a. Purpose for and alternatives to office-based surgery using sedation,
  - b. Associated risks of office-based surgery using sedation, and
  - c. Possible benefits and complications from the office-based surgery using sedation.
15. "Inpatient" has the same meaning as in A.A.C. R9-10-201.
16. "Investigative staff" means Board staff employed to gather documents and evidence regarding an allegation of unprofessional conduct made against an applicant or licensee.
17. "Investigation supervisor" means the manager of the Board's investigations department or the manager's designee.
18. "Lead board member" means the Board chair or the Board chair's designee.
19. "Malignant hyperthermia" means a life-threatening condition in an individual who has a genetic sensitivity to inhalant anesthetics or depolarizing neuromuscular blocking drugs that occurs during or after the administration of an inhalant anesthetic or depolarizing neuromuscular blocking drug.
20. "Minimal Sedation" means a drug-induced state during which:
  - a. A patient responds to verbal commands,
  - b. Cognitive function and coordination may be impaired, and
  - c. A patient's ventilatory and cardiovascular functions are unaffected.
21. "Moderate Sedation" means a drug-induced depression of consciousness during which:
  - a. A patient responds to verbal commands or light tactile stimulation, and
  - b. No interventions are required to maintain ventilatory or cardiovascular function.
22. "Monitor" means to assess the condition of a patient.
23. "*Office-based surgery*" means a medical procedure conducted in a physician's office or other outpatient setting that is not part of a licensed hospital or licensed ambulatory surgical center. (A.R.S. § 32-1401(20)).
24. "PALS" means pediatric life support performed according to certification standards of the American Academy of Pediatrics or the American Heart Association.
25. "Patient" means an individual receiving office-based surgery using sedation.
26. "Physician" has the same meaning as doctor of medicine as defined in A.R.S. § 32-1401.
27. "Rescue" means to correct adverse physiologic consequences of a level of sedation that is deeper than intended and return the patient to the intended level of sedation.
28. "Sedation" means minimum sedation, moderate sedation, or deep sedation.
29. "Staff member" means an individual who:
  - a. Is not a health care professional, and
  - b. Assists with office-based surgery using sedation under the supervision of the physician performing the office-based surgery using sedation.
30. "Supervising medical consultant" means the Chief Medical Consultant employed by the Board or the Chief Medical Consultant's designee.
31. "Transfer" means to physically move a patient from a physician's office to a licensed health care institution.

**Historical Note**

Former Rule 12. Former Section R4-16-01 repealed, new Section R4-16-101 adopted effective June 1, 1984 (Supp. 84-3). Section repealed, new Section renumbered from R4-16-103 effective September 22, 1995 (Supp. 95-3). Amended by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 4270, effective November 18, 2002 (Supp. 02-3). Former Section R4-16-101 recodified to R4-16-102 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). New Section made by final rulemaking at 12 A.A.R. 823, effective February 23, 2006 (Supp. 06-1). Amended by final rulemaking at 14 A.A.R. 380, effective January 8, 2008 (Supp. 08-1). Amended by final rulemaking at 25 A.A.R. 145, effective March 9, 2019 (Supp. 19-1).

## CHAPTER 16. ARIZONA MEDICAL BOARD

Amended by final rulemaking at 25 A.A.R. 3705, effective February 1, 2020 (Supp. 19-4).

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

- A.** A physician holding an active license to practice medicine in this state shall complete 40 credit hours of the continuing medical education required by A.R.S. § 32-1434 during the two calendar years preceding biennial registration.
1. A physician who is authorized to prescribe schedule II controlled substances and holds a valid U.S. Drug Enforcement Administration registration number shall complete at least three hours of opioid-related, substance-use-disorder-related, or addiction-related continuing medical education during each renewal cycle;
  2. One hour of credit is allowed for each clock hour of participation in continuing medical education activities, unless otherwise designated in subsection (B); and
  3. The physician may not carry excess hours of continuing medical education over to another two-year cycle.
- B.** A physician may claim continuing medical education for the following:
1. Participating in an internship, residency, or fellowship at a teaching institution approved by the American Medical Association, the Association of American Medical Colleges, or the American Osteopathic Association. A physician may claim one credit hour of continuing medical education for each one day of training in a full-time approved program, or for a less than full-time training on a pro rata basis. In this subsection teaching institutions define “full-time.”
  2. Participating in an education program for an advanced degree in a medical or medically-related field in a teaching institution approved by the American Medical Association, the Association of American Medical Colleges, or the American Osteopathic Association. A physician may claim one credit hour of continuing medical education for each one day of full-time study or less than a full-time study on a pro rata basis. In this subsection teaching institutions define “full-time”.
  3. Participating in full-time research in a teaching institution approved by the American Medical Association, the Association of American Medical Colleges, or the American Osteopathic Association. A physician may claim one credit hour of continuing medical education for each one day of full-time research, or less than full-time research on a pro rata basis. In this subsection teaching institutions define “full-time”.
  4. Participating in an education program certified as Category 1 by an organization accredited by the Accreditation Council for Continuing Medical Education, 515 North State Street, Suite 2150, Chicago, Illinois 60610.
  5. Participating in a medical education program designed to provide understanding of current developments, skills, procedures, or treatments related to the practice of medicine, that is provided by an organization or institution accredited by the Accreditation Council for Continuing Medical Education.
  6. Serving as an instructor of medical students, house staff, other physicians, or allied health professionals from a hospital or other health care institution with a formal training program, if the instructional activities provide the instructor with understanding of current developments, skills, procedures, or treatments related to the practice of allopathic medicine.
  7. Publishing or presenting a paper, report, or book that deals with current developments, skills, procedures, or treatments related to the practice of allopathic medicine.

The physician may claim one credit hour for each hour preparing, writing, and presenting materials:

- a. Actually published or presented; and
  - b. After the date of publication or presentation.
- 8.** A credit hour may be earned for any of the following activities that provide an understanding of current developments, skills, procedures, or treatments related to the practice of allopathic medicine:
- a. Completing a medical education program based on self-instruction that uses videotapes, audiotapes, films, filmstrips, slides, radio broadcasts, or computers;
  - b. Reading scientific journals and books;
  - c. Preparing for specialty board certification or recertification examinations;
  - d. Participating on a staff or quality of care committee, or utilization review committee in a hospital, health care institution, or government agency.
- C.** If a physician holding an active license to practice medicine in this state fails to meet the continuing medical education requirements under subsection (A) because of illness, military service, medical or religious missionary activity, or residence in a foreign country, upon written application, the Board shall grant an extension of time to complete the continuing medical education.
- D.** The Board shall mail to each physician a license renewal form that includes a section regarding continuing medical education compliance. The physician shall sign and return the form certified under penalty of perjury that the continuing medical education requirements under subsection (A) are satisfied for the two-calendar-year period preceding biennial renewal. Failure to receive the license renewal form under subsection (A) shall not relieve the physician of the requirements of subsection (A). The Board may randomly audit a physician to verify compliance with the continuing medical education requirements under subsection (A).

**Historical Note**

Former Rule 16. Former Section R4-16-02 repealed, new Section R4-16-102 adopted effective June 1, 1984 (Supp. 84-3). Section repealed, new Section renumbered from R4-16-106 effective September 22, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 1881, effective May 3, 2000 (Supp. 00-2). Former Section R4-16-102 recodified to R4-16-103; New Section R4-16-102 recodified from R4-16-101 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final rulemaking at 24 A.A.R. 182, effective March 10, 2018 (Supp. 18-1). Amended by final rulemaking at 25 A.A.R. 145, effective March 9, 2019 (Supp. 19-1).

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

- A.** In a contested case or appealable agency action, a party aggrieved by an order of the Board may file a written motion for rehearing or review with the Board under A.R.S. Title 41, Chapter 6, Article 10, specifying the grounds for rehearing or review.
1. A motion for rehearing or review shall be filed with the Board and served no later than 30 days after the decision of the Board.
  2. For purposes of this Section, “service” has the same meaning as in A.R.S. § 41-1092.09.
  3. For purposes of this Section, a document is deemed filed when the Board receives the document.
  4. For purposes of this Section, “party” has the same meaning as in A.R.S. § 41-1001.



## CHAPTER 16. ARIZONA MEDICAL BOARD

- B.** Except as provided in subsection (H), a party is required to file a motion for rehearing or review of a Board decision to exhaust the party's administrative remedies.
- C.** A party may amend a motion for rehearing or review at any time before the Board rules on the motion.
- D.** The Board may grant a rehearing or review for any of the following reasons materially affecting a party's rights:
1. Irregularity in the proceedings or an order or abuse of discretion, that deprives the moving party of a fair hearing;
  2. Misconduct of the Board, its staff, administrative law judge, or the prevailing party;
  3. Accident or surprise that could have not been prevented by ordinary prudence;
  4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
  5. Excessive penalty;
  6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings;
  7. The decision is the result of a passion or prejudice; or
  8. The findings of fact or decision is not justified by the evidence or is contrary to law.
- E.** The Board may grant a rehearing or review to all or any of the parties and on all or part of the issues for any of the reasons in subsection (D). The Board may take additional testimony, amend findings of fact and conclusions of law, or make new findings and conclusions, and affirm, modify, or reverse the original decision. The Board shall specify the particular grounds for any order modifying a decision or granting a rehearing. If a rehearing or review is granted, the rehearing or review shall cover only the matters specified in the order.
- F.** Not later than 15 days after a decision is issued, the Board on its own initiative may order a rehearing or review for any reason that it might have granted a rehearing or review on motion of a party. After giving the parties notice and an opportunity to be heard on the matter, the Board may grant a timely-served motion for a rehearing or review for a reason not stated in the motion. In either case, the Board shall specify in the order the grounds for the rehearing or review.
- G.** If a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. The Board may extend this period for a maximum of 20 days either for good cause or upon written stipulation by the parties. The Board may permit reply affidavits.
- H.** If, in a particular decision, the Board makes a specific finding that the immediate effectiveness of the decision is necessary for the preservation of the public health, safety, or welfare, the decision may be issued as a final decision without an opportunity for rehearing or review.
- I.** A party that has exhausted the party's administrative remedies may appeal a final order of the Board under A.R.S. Title 12, Chapter 7, Article 6.
- J.** A person that files a complaint with the Board against a licensee:
1. Is not a party to:
    - a. A Board administrative action, decision, or proceeding; or
    - b. A court proceeding for judicial review of a Board decision under A.R.S. §§ 12-901 through 12-914; and
  2. Is not entitled to seek rehearing or review of a Board action or decision under this Section.

**Historical Note**

Former Rule 17; Amended effective August 19, 1977 (Supp. 77-4). Former Section R4-16-03 repealed, new Section R4-16-103 adopted effective June 1, 1984 (Supp. 84-3). Section R4-16-103 renumbered to R4-16-101 effective September 22, 1995 (Supp. 95-3). New Section adopted effective May 20, 1997 (Supp. 97-2). Amended by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 4270, effective November 18, 2002 (Supp. 02-3). Former Section R4-16-103 recodified to R4-16-204; new Section R4-16-103 recodified from R4-16-102 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final rulemaking at 25 A.A.R. 145, effective March 9, 2019 (Supp. 19-1).

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

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

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

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

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

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

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

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

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

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

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

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

**R4-16-109. Recodified**

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**Historical Note**

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

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

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

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

**Historical Note**

Adopted effective September 22, 1995 (Supp. 95-3).  
 Amended by final rulemaking at 8 A.A.R. 2319, effective May 9, 2002 (Supp. 02-2). Former Section R4-16-201 recodified to R4-16-301; New Section R4-16-201 recodified from R4-16-106 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by exempt rulemaking at 20 A.A.R. 1995, effective July 11, 2014 (Supp. 14-3). Amended by final exempt rulemaking at 21 A.A.R. 2678, effective October 15, 2015 (Supp. 15-4). Amended by final exempt rulemaking at 22 A.A.R. 778, effective January 14, 2016 (Supp. 16-1). Amended by final rulemaking at 27 A.A.R. 2907 (December 17, 2021), effective February 6, 2022 (Supp. 21-4).

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

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- A.** Under A.R.S. § 32-1430(A), an individual licensed under A.R.S. Title 32, Chapter 13, shall renew the license every other year on or before the licensee's birthday.
- B.** To renew a license, a licensee shall submit the following information on an application form available on request from the Board and on the Board's website:
1. The licensee's full name, license number, business and home addresses, primary e-mail address, and business and home telephone numbers;
  2. Identification of changes to medical specialties and fields of practice;
  3. A statement of whether, since the time of last license issuance, the licensee:
    - a. Has had an application for medical licensure denied or rejected by another state or province licensing board and if so, an explanation;
    - b. Has had any disciplinary or rehabilitative action taken against the licensee by another licensing board, including other health professions and if so, an explanation;
    - c. Has had any disciplinary action, restriction, or limitation taken against the licensee by any program or health care provider and if so, an explanation;
    - d. Has been subject to discipline resulting in a medical license being revoked, suspended, limited, cancelled during an investigation, restricted, or voluntarily surrendered, or resulting in probation or entry into a consent agreement or stipulation and if so, an explanation;
    - e. Has had hospital privileges revoked, denied, suspended, or restricted and if so, an explanation (do not report if the licensee's hospital privileges were suspended due to failure to complete hospital records and reinstated after no more than 90 days);
    - f. Has been subjected to disciplinary action including censure, practice restriction, suspension, sanction, or removal from practice by an agency of the state or federal government and if so, an explanation;
    - g. Has had the authority to prescribe, dispense, or administer medications limited, restricted, modified, denied, surrendered, or revoked by a federal or state agency as a result of disciplinary or other adverse action and if so, an explanation;
    - h. Has been found guilty or entered into a plea of no contest to a felony, a misdemeanor involving moral turpitude, or an alcohol or drug-related offense in any state and if so, an explanation; and
    - i. Has failed the SPEX;
  4. A statement of whether the licensee understands and complies with the medical records and recordkeeping requirements in A.R.S. §§ 32-3211 and 12-2297;
  5. A statement of whether the licensee has completed at least 40 hours of CME as required under A.R.S. § 32-1434 and R4-16-102, including the hour of CME required under R4-16-102(A)(1);
  6. A statement of whether the licensee requests that the license be inactivated or cancelled; and
  7. A statement of whether the licensee completed a training unit prescribed by the Board regarding the requirements of A.R.S. Title 32, Chapter 13 and this Chapter.
- C.** Additionally, the licensee shall answer the following confidential question:
1. Whether the licensee currently has a medical condition that impairs the licensee's ability to practice medicine in a competent, ethical, and professional manner;
  2. If the answer to subsection (C)(1) is yes:
    - a. Provide an explanation of the medical condition; and
    - b. If currently practicing under a monitoring agreement with a licensing board in another state, attach a copy of the monitoring agreement to the application; and
- D.** To renew a license, a licensee shall submit the following with the required application form:
1. If the document submitted under R4-16-201(C)(3) was a limited form of work authorization issued by the federal government, evidence that the licensee's presence in the U.S. continues to be authorized under federal law;
  2. The renewal fee specified under R4-16-205 and, if applicable, the penalty fee for late renewal; and
  3. An attestation that all information submitted is correct.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2678, effective October 15, 2015 (Supp. 15-4).  
Amended by final rulemaking at 24 A.A.R. 182, effective March 10, 2018 (Supp. 18-1). Amended by final rulemaking at 27 A.A.R. 2907 (December 17, 2021), effective February 6, 2022 (Supp. 21-4).

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

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

**Historical Note**

Adopted effective September 22, 1995 (Supp. 95-3).  
Amended by final rulemaking at 8 A.A.R. 2319, effective

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May 9, 2002 (Supp. 02-2). Former Section R4-16-202 recodified to R4-16-302; New Section R4-16-202 recodified from R4-16-107 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final exempt rulemaking at 21 A.A.R. 2678, effective October 15, 2015 (Supp. 15-4).

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

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

**Historical Note**

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

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

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

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

- A.** As specifically authorized under A.R.S. § 32-1436(A), the Board establishes and shall collect the following fees:
  1. Application for a license through endorsement, USMLE Step 3, or Endorsement with SPX Examination, \$500;
  2. Issuance of an initial license, \$500, prorated from date of issuance to date of license renewal;

3. Renewal of license for two years, \$500;
4. Application to reactivate an inactive license, \$500;
5. Locum tenens registration, \$350;
6. Annual registration of an approved internship, residency, clinical fellowship program, or short-term residency program, \$50;
7. Annual teaching license at an approved school of medicine or at an approved hospital internship, residency, or clinical fellowship program, \$250;
8. Five-day teaching permit at an approved school of medicine or at an approved hospital internship, residency, or clinical fellowship program, \$100;
9. Initial registration to dispense drugs and devices, \$200;
10. Annual renewal to dispense drugs and devices, \$150;
11. Penalty fee for late renewal of an active license, \$350; and
12. Application for temporary license, \$250.
- B.** Under the specific authority provided by A.R.S. § 36-3606(A)(3), the Board establishes and shall collect the following fee to register as an out-of-state health care provider of telehealth services: \$500.
- C.** The fees specified in subsections (A) and (B) are nonrefundable unless A.R.S. §§ 32-1436(C) or 41-1077 applies.
- D.** As specifically authorized under A.R.S. § 32-1436(B), the Board establishes the following charges for the services listed:
  1. Processing fingerprints to conduct a criminal background check, \$50;
  2. Providing a duplicate license, \$50;
  3. Verifying a license, \$10 per request;
  4. Providing a copy of records, documents, letters, minutes, applications, and files, \$1 for the first three pages and 25¢ for each additional page;
  5. Providing a copy of annual allopathic medical directory, \$30; and
  6. Providing an electronic medium containing public information about licensed physicians, \$100.

**Historical Note**

Adopted effective September 22, 1995 (Supp. 95-3). Amended by final rulemaking at 8 A.A.R. 2319, effective May 9, 2002 (Supp. 02-2). Former Section R4-16-205 recodified to R4-16-305; New Section R4-16-205 recodified from R4-16-109 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final rulemaking 19 A.A.R. 1300, effective July 6, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 2569, effective September 2, 2014 (Supp. 14-3). Amended by final exempt rulemaking at 21 A.A.R. 2678, effective October 15, 2015 (Supp. 15-4). Amended by final exempt rulemaking at 22 A.A.R. 778, effective January 14, 2016 (Supp. 16-1). Amended by final exempt rulemaking at 23 A.A.R. 2056, effective August 9, 2017 (Supp. 17-3). Amended by final rulemaking at 24 A.A.R. 182, effective March 10, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 27 A.A.R. 1645, with an immediate effective date of September 22, 2021 (Supp. 21-3).

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

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

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- C. Failure to comply with A.R.S. § 32-3208 and this Section is unprofessional conduct.

**Historical Note**

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

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

- A. For each type of license, permit, or registration issued by the Board, the overall time frame under A.R.S. § 41-1072(2) is shown on Table 1.
- B. For each type of license, permit, or registration issued by the Board, the administrative completeness review time frame under A.R.S. § 41-1072(1) is shown on Table 1 and begins on the date the Board receives an application and all required documentation and information.
1. If the required application is not administratively complete, the Board shall send a written deficiency notice to the applicant.
    - a. In the deficiency notice, the Board shall state each deficiency and the information required to complete the application or supporting documentation required to complete the application. In the deficiency notice, the Board shall include a written notice that the application is withdrawn if the applicant does not submit the additional required information or documentation within the time provided for response.
    - b. Within the time provided in Table 1 for response to a deficiency notice, the applicant shall submit to the Board the documentation or information specified in the notice. The time frame for the Board to finish the administrative completeness review is suspended from the date of the notice until the date the Board receives the documentation or information from the applicant.
  2. Within 30 days after receipt of a deficiency notice, an applicant who disagrees with the deficiency notice may submit to the Board a written request for a hearing regarding the deficiency notice.
  3. The Board shall schedule and conduct the applicant's deficiency hearing according to provisions prescribed under A.R.S. § 32-1427(E).
  4. In addition to hearing provisions prescribed under subsection (B)(3), the Board shall send the following to the applicant in writing:
    - a. A notice of the scheduled hearing at least 21 days before the hearing date; and
    - b. The Board's decision within 30 days after the hearing and notice of any applicable right of appeal.
- C. For each type of license, permit, or registration issued by the Board, the substantive review time frame under A.R.S. § 41-1072(3) is shown on Table 1.
1. The Board may request make a comprehensive written request for additional information from an applicant according to provisions prescribed under A.R.S. § 41-

1075 during the substantive review time frame. In any request for additional information, the Board shall include a written notice that the application is withdrawn if the applicant does not submit the additional information within the time provided for response.

2. In response to a single comprehensive written request from the Board under A.R.S. § 41-1075(A), the applicant shall submit the information identified to the Board within the time to respond specified in Table 1. The time frame for the Board to finish the substantive review is suspended from the date the Board sends the comprehensive written request for additional information until the date the Board receives the additional information from the applicant.
  3. If the Board determines the applicant does not meet all substantive criteria for a license, permit, or registration as required under A.R.S. Title 32, Chapter 13 or this Chapter, the Board shall send written notice of denial to the applicant. The Board shall include notice of any applicable right of appeal in the denial notice.
  4. If the applicant meets all substantive criteria for a license, permit, or registration required under A.R.S. Title 32, Chapter 13 and this Chapter, the Board shall issue the applicable license, permit, or registration to the applicant.
- D. An applicant may receive a 30-day extension of the time provided under subsection (B)(1) or (C)(2) by providing written notice to the Board's Executive Director before the time expires.
- E. If a licensee does not apply for license renewal according to the biennial renewal requirement, the licensee's license expires according to provisions prescribed under A.R.S. § 32-1430(A) unless the licensee is under investigation according to provisions under A.R.S. § 32-3202. If a licensee makes timely application according to the biennial renewal requirement but fails to respond timely to a deficiency notice under subsection (B)(1) or a request for additional information under subsection (C)(2) and fails to request from the Executive Director an extension of time to respond, the licensee's license expires according to provisions prescribed under A.R.S. § 32-1430(A).

**Historical Note**

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

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

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

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

Type of License	Overall Time Frame	Administrative Review Time Frame	Time to Respond to Deficiency Notice	Substantive Review Time Frame	Time to Respond to Request for Additional Information
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Initial License by Examination or Endorsement	240	120	365	120	90
Biennial License Renewal	90	45	60	45	60
Locum Tenens or Pro Bono Registration	120	60	90	60	30
Teaching License	40	20	30	20	30
Educational Teaching Permit	20	10	30	10	10
Training Permit	40	20	30	20	30
Short-term Training Permit	40	20	30	20	30
One-year Training Permit	40	20	30	20	30
Annual Registration to Dispense Drugs and Devices	150	45	30	105	30
Registration as an Out-of-state Health Care Provider of Telehealth Services	40	20	30	20	30

**Historical Note**

Table 1 recodified from Article 1 to the end of Article 2 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final rulemaking at 11 A.A.R. 2944, effective September 10, 2005 (Supp. 05-3). Amended by final exempt rulemaking at 21 A.A.R. 2678, effective October 15, 2015 (Supp. 15-4). Amended by final exempt rulemaking at 27 A.A.R. 1645, with an immediate effective date of September 22, 2021 (Supp. 21-3).

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

A. A physician who wishes to dispense a controlled substance, as restricted under A.R.S. § 32-1491(B), prescription-only drug, or prescription-only device, as defined at A.R.S. § 32-1901, shall be currently licensed to practice medicine in Arizona and shall register with the Board by providing the following to the Board:

1. A completed registration form, which is available on the Board's website and includes the following information:
  - a. The physician's name, license number, and field of practice;
  - b. A list of the types of drugs and devices the physician will dispense; and
  - c. The location or locations where the physician will dispense a controlled substance, prescription-only drug, or prescription-only device;
2. A copy of the physician's current Drug Enforcement Administration Certificate of Registration for each dispensing location from which the physician will dispense a controlled substance; and
3. The fee required under R4-16-205 unless the physician is exempt under A.R.S. § 32-1921(E) from paying the fee.

B. A physician shall renew a registration to dispense a controlled substance, as restricted under A.R.S. § 32-1491(B), prescription-only drug, or prescription-only device by complying with the requirements in subsection (A) on or before June 30 of each year. If a physician makes timely and complete application for the renewal of a registration, the physician may continue to dispense until the Board approves or denies the renewal application.

C. If a physician fails to comply with subsection (B), the physician shall not dispense any controlled substances, prescription-only drugs, or prescription-only devices until the physician complies fully with subsection (A) and receives notice the Board approves the registration.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 751, effective February 2, 2000 (Supp. 00-1). Former Section R4-16-301 recodified to R4-16-401; New Section R4-16-301 recodified from R4-16-201 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final rulemaking at 27 A.A.R. 2907 (December 17, 2021), effective February 6, 2022 (Supp. 21-4).

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

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

B. A physician shall ensure a controlled substance or prescription-only drug dispensed is labeled with the following information:

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

C. A physician shall secure all controlled substances in a locked cabinet or room and control access to the cabinet or room by a written procedure that includes, at a minimum, designation of the persons who have access to the cabinet or room and procedures for recording requests for access to the cabinet or room. The physician shall make the written procedure available on demand to the Board or its authorized representatives for inspection or copying.

D. A physician shall store prescription-only drugs so the prescription-only drugs are not accessible to patients.

E. A physician shall store controlled substances and prescription-only drugs not requiring refrigeration in an area where the temperature does not exceed 85° F.

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

1. A separate inventory sheet for each controlled substance and prescription-only drug;
2. The date the drug is dispensed;
3. The patient's name and date of birth;
4. The controlled substance or prescription-only drug name, strength, dosage, form, and name of the manufacturer;
5. The number of dosage units dispensed;

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6. A running total of each controlled substance and prescription-only drug dispensed; and
  7. The signature of the physician written next to each entry.
- G.** A physician may use a computer to maintain the dispensing log required in subsection (F) if the dispensing log is password protected and quickly accessible through either on-screen viewing or printing a copy.
- H.** This Section does not apply to a prepackaged manufacturer sample of a controlled substance or prescription-only drug, unless otherwise provided by federal law.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 751, effective February 2, 2000 (Supp. 00-1). Former Section R4-16-302 recodified to R4-16-402; New Section R4-16-302 recodified from R4-16-202 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final rulemaking at 27 A.A.R. 2907 (December 17, 2021), effective February 6, 2022 (Supp. 21-4).

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

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

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 751, effective February 2, 2000 (Supp. 00-1). Amended by final rulemaking at 6 A.A.R. 4585, effective November 14, 2000 (Supp. 00-4). Former Section R4-16-303 recodified to R4-16-403; New Section R4-16-303 recodified from R4-16-203 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final rulemaking at 27 A.A.R. 2907 (December 17, 2021), effective February 6, 2022 (Supp. 21-4).

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

- A.** A physician who dispenses a controlled substance or prescription-only drug shall ensure an original prescription order for the controlled substance or prescription-only drug is dated, consecutively numbered in the order in which it is originally dispensed, and filed separately from patient medical records.

The physician shall ensure original prescription orders are maintained in three separate files, as follows:

1. Schedule II controlled substances;
  2. Schedule III, IV, and V controlled substances; and
  3. Prescription-only drugs.
- B.** A physician shall ensure purchase orders and invoices are maintained for all controlled substances and prescription-only drugs dispensed, whether for profit or not for profit, for three years from the date of the purchase order or invoice. Purchase orders and invoices shall be maintained in three separate files as follows:
1. Schedule II controlled substances only;
  2. Schedule III, IV, and V controlled substances and phosphine; and
  3. All other prescription-only drugs.
- C.** A physician who discovers a theft or loss of a controlled substance or dangerous drug, as defined in A.R.S. § 13-3401, from the physician's office shall:
1. Immediately notify the local law enforcement agency,
  2. Provide the local law enforcement agency with a written report, and
  3. Send a copy of the report provided under subsection (C)(2) to the Drug Enforcement Administration and Board within seven days of the discovery.
- D.** For purposes of this Section, controlled substances are identified, defined, or listed in A.R.S. Title 36, Chapter 27.

**Historical Note**

New Section recodified from R4-16-204 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final rulemaking at 27 A.A.R. 2907 (December 17, 2021), effective February 6, 2022 (Supp. 21-4).

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

- A.** A physician shall cooperate with and allow access to the physician's office and records for periodic inspection of dispensing practices by the Board or its authorized representative. Failure to cooperate or allow access constitutes grounds for revocation of a physician's registration to dispense a controlled substance, prescription-only drug, or prescription-only device or denial of renewal of the physician's dispensing registration.
- B.** Failure to comply with A.R.S. § 32-1491 or this Article constitutes grounds for denial or revocation of dispensing registration.
- C.** The Board shall revoke a physician's registration to dispense a controlled substance, prescription-only drug, or prescription-only device if any of the following occur:
1. Suspending, revoking, surrendering, or canceling the physician's license;
  2. Placing the physician's license on inactive status;
  3. Failing to renew the physician's license timely; or
  4. Restricting the physician's ability to prescribe or administer medication, including loss or expiration of the physician's Drug Enforcement Administration Certificate of Registration.
- D.** As specified under R4-16-103, a physician who is denied a dispensing registration may appeal the decision by filing a request, in writing, with the Board, no later than 30 days after receipt of the notice denying the registration.

**Historical Note**

New Section recodified from R4-16-205 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final rulemaking at 27 A.A.R. 2907 (December 17, 2021), effective February 6, 2022 (Supp. 21-4).



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

- A.** After the effective date of this Section, a supervising physician or physician assistant shall ensure that before a medical assistant is employed, the medical assistant completes either:
1. An approved training program identified in R4-16-101; or
  2. An unapproved training program and successfully passes the medical assistant examination administered by a certifying organization accredited by either the National Commission for Certifying Agencies or the American National Standards Institute.
- B.** This Section does not apply to any person who:
1. Before February 2, 2000:
    - a. Completed an unapproved medical assistant training program and was employed as a medical assistant after program completion; or
    - b. Was directly supervised by the same physician, physician group, or physician assistant for a minimum of 2000 hours; or
  2. Completes a United States Armed Forces medical services training program.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Former Section R4-16-401 recodified to R4-16-501; New Section R4-16-401 recodified from R4-16-301 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Former Section R4-16-401 repealed; New Section R4-16-401 renumbered from R4-16-402 and amended by final rulemaking at 12 A.A.R. 823, effective February 23, 2006 (Supp. 06-1). Amended by final rulemaking at 25 A.A.R. 145, effective March 9, 2019 (Supp. 19-1).

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

- A.** A medical assistant may perform, under the direct supervision of a physician or a physician assistant, the medical procedures listed in Appendix B, Core Curriculum for Medical Assistants, 2015 edition of Standards and Guidelines for the Accreditation of Educational Programs in Medical Assisting, published by the Commission on Accreditation of Allied Health Education Programs. This material is incorporated by reference, does not include later amendments or editions, and may be obtained from the publisher at 25400 U.S. Highway 19 N, Suite 158, Clearwater, FL 33763, [www.caahep.org](http://www.caahep.org), or the Board.
- B.** In addition to the medical procedures in subsection (A), a medical assistant may administer the following under the direct supervision of a physician or physician assistant:
1. Whirlpool treatments,
  2. Diathermy treatments,
  3. Electronic galvaton stimulation treatments,
  4. Ultrasound therapy,
  5. Massage therapy,
  6. Traction treatments,
  7. Transcutaneous Nerve Stimulation unit treatments,
  8. Hot and cold pack treatments, and
  9. Small volume nebulizer treatments.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 4270, effective November 18, 2002 (Supp. 02-3). Former Section R4-16-402 recodified to R4-16-502; New Section R4-16-402 recodified from R4-16-302 at 11 A.A.R. 1283, effective March 25, 2005

(Supp. 05-1). Former Section R4-16-402 renumbered to R4-16-401; New Section R4-16-402 renumbered from R4-16-403 and amended by final rulemaking at 12 A.A.R. 823, effective February 23, 2006 (Supp. 06-1). Amended by final rulemaking at 25 A.A.R. 145, effective March 9, 2019 (Supp. 19-1).

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

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

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

New Section made by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Section recodified to R4-16-504 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

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

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

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

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

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

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

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

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

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

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

**R4-16-410. Recodified**

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**Historical Note**

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

**ARTICLE 5. EXECUTIVE DIRECTOR DUTIES****R4-16-501. Medical Competency Examination; Investigational Interview**

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

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 2274, effective August 12, 2003 (Supp. 03-2). Former Section R4-16-501 recodified to R4-16-601; New Section R4-16-501 recodified from R4-16-401 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final rulemaking at 25 A.A.R. 3705, effective February 1, 2020 (Supp. 19-4).

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

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

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 2274, effective August 12, 2003 (Supp. 03-2). Former Section R4-16-502 recodified to R4-16-602; New Section R4-16-502 recodified from R4-16-402 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final rulemaking at 25 A.A.R. 3705, effective February 1, 2020 (Supp. 19-4).

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

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

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

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 2274, effective August 12, 2003 (Supp. 03-2). Former Section R4-16-503 recodified to R4-16-603; New Section R4-16-503 recodified from R4-16-403 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final rulemaking at 25 A.A.R. 3705, effective February 1, 2020 (Supp. 19-4).

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

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

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 2274, effective August 12, 2003 (Supp. 03-2). Former Section R4-16-504 recodified to R4-16-605; New Section R4-16-504 recodified from R4-16-404 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final rulemaking at 25 A.A.R. 3705, effective February 1, 2020 (Supp. 19-4).

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

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

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 2274, effective August 12, 2003 (Supp. 03-2). Former Section R4-16-505 recodified to R4-16-606; New Section R4-16-505 recodified from R4-16-405 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final rulemaking at 25 A.A.R. 3705, effective February 1, 2020 (Supp. 19-4).

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

- A. The executive director may directly refer a case to a formal hearing if the investigative staff, supervising medical consultant, and lead Board member concur after review of the physician's case that a formal hearing is appropriate.
- B. The executive director shall provide to the Board at each regularly scheduled Board meeting a list of the physicians whose cases were referred to formal hearing since the preceding Board meeting and whether the referral is for revocation or suspension or the result of an out-of-state disciplinary action or due to complexity of the case.

**Historical Note**

New Section R4-16-506 recodified from R4-16-406 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

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Amended by final rulemaking at 25 A.A.R. 3705, effective February 1, 2020 (Supp. 19-4).

**R4-16-507. Dismissal of Complaint**

- A. The executive director, with concurrence of the investigative staff, shall dismiss a complaint if the review shows the complaint is without merit and dismissal is appropriate.
- B. The executive director shall provide to the Board at each regularly scheduled Board meeting a report that contains the information specified in A.R.S. § 32-1405(C)(21).

**Historical Note**

New Section R4-16-507 recodified from R4-16-407 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).  
Amended by final rulemaking at 25 A.A.R. 3705, effective February 1, 2020 (Supp. 19-4).

**R4-16-508. Denial of License**

- A. The executive director shall deny a license to an applicant who does not meet statutory requirements for licensure if the executive director, investigative staff and supervising medical consultant concur after reviewing the application that the applicant does not meet the statutory requirements.
- B. The executive director shall provide to the Board at each regularly scheduled Board meeting a list of the physicians whose applications were denied since the preceding Board meeting.

**Historical Note**

New Section R4-16-508 recodified from R4-16-408 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).  
Amended by final rulemaking at 25 A.A.R. 3705, effective February 1, 2020 (Supp. 19-4).

**R4-16-509. Non-disciplinary Consent Agreement**

The executive director may enter into a consent agreement under A.R.S. § 32-1451(F) with a physician to limit the physician's practice or rehabilitate the physician if there is evidence that a licensee is mentally or physically unable to engage safely in the practice of medicine and the investigative staff, supervising medical consultant, and lead Board member concur after review of the case that a consent agreement is appropriate.

**Historical Note**

New Section R4-16-509 recodified from R4-16-409 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).  
Amended by final rulemaking at 25 A.A.R. 3705, effective February 1, 2020 (Supp. 19-4).

**R4-16-510. Appealing Executive Director Actions**

- A. Any person aggrieved by an action taken by the executive director under the authority delegated in this Article may appeal that action to the Board. The aggrieved person shall file a written request with the Board no later than:
  1. Thirty days after notification of the action, if personally served; or
  2. Thirty-five days after the date on the notification, if mailed.
- B. The aggrieved person shall provide, in the written request, evidence showing:
  1. An irregularity in the investigative process or the executive director's review deprived the party of a fair decision;
  2. Misconduct by Board staff, a Board consultant, or the executive director that deprived the party of a fair decision; or
  3. Material evidence newly discovered that could have a bearing on the decision and that, with reasonable diligence, could not have been discovered and produced earlier.

- C. The fact that the aggrieved party does not agree with the executive director's action is not grounds for a review by the Board.
- D. If an aggrieved person fails to submit a written request within the time specified in subsection (A), the Board is relieved of the requirement to review actions taken by the executive director. The executive director may, however, evaluate newly provided information that is material or substantial in content to determine whether the Board should review the case.
- E. If a written request is submitted that meets the requirements of subsection (B):
  1. The Board shall consider the written request at its next regularly scheduled meeting.
  2. If the written request provides new material or substantial evidence that requires additional investigation, the investigation shall be conducted as expeditiously as possible and the case shall be forwarded to the Board at the first possible regularly scheduled meeting.

**Historical Note**

New Section R4-16-510 recodified from R4-16-410 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).  
Amended by final rulemaking at 25 A.A.R. 3705, effective February 1, 2020 (Supp. 19-4).

**ARTICLE 6. DISCIPLINARY ACTIONS****R4-16-601. Expired****Historical Note**

New Section R4-16-601 recodified from R4-16-501 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).  
Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 2062, effective September 14, 2010 (Supp. 10-3).

**R4-16-602. Expired****Historical Note**

New Section R4-16-602 recodified from R4-16-502 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).  
Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 2062, effective September 14, 2010 (Supp. 10-3).

*Editor's Note: To conform with the renumbering in A.R.S., the Arizona Medical Board requested (under A.R.S. § 41-1011 et seq.) a subsection reference update in R4-16-603 [R05-85]. Please refer to the historical notes for more details (Supp. 05-1).*

**R4-16-603. Expired****Historical Note**

New Section R4-16-603 recodified from R4-16-503 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).  
A.R.S. § 32-1401(26) subsection corrected to A.R.S. § 32-1401(27) under a formal written request from the Board, March 22, 2005 (Supp. 05-1). Amended by final rulemaking at 14 A.A.R. 380, effective January 8, 2008 (Supp. 08-1). Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 2062, effective September 14, 2010 (Supp. 10-3).

**R4-16-604. Aggravating Factors Considered in Disciplinary Actions**

When determining the degree of discipline, the Board may consider certain factors including, but not limited to, the following:

1. Prior disciplinary offenses;
2. Dishonest or selfish motive;
3. Pattern of misconduct; multiple offenses;
4. Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the Board;

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5. Submission of false evidence, false statements, or other deceptive practices during the investigative or disciplinary process;
6. Refusal to acknowledge wrongful nature of conduct; and
7. Vulnerability of the victim.

**Historical Note**

New Section R4-16-604 recodified from R4-16-504 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**R4-16-605. Mitigating Factors Considered in Disciplinary Actions**

When determining the degree of discipline, the Board may consider certain factors including, but not limited to, the following:

1. Absence of prior disciplinary record;
2. Absence of dishonest or selfish motive;
3. Timely good faith effort to rectify consequences of misconduct;
4. Interim rehabilitation;
5. Remoteness of prior offenses; and
6. How much control the physician has of processes in the specific practice setting.

**Historical Note**

New Section R4-16-605 recodified from R4-16-504 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**ARTICLE 7. OFFICE-BASED SURGERY USING SEDATION****R4-16-701. Health Care Institution License**

A physician who uses general anesthesia in the physician's office or other outpatient setting that is not part of a licensed hospital or licensed ambulatory surgical center when performing office-based surgery using sedation shall obtain a health care institution license as required by the Arizona Department of Health Services under A.R.S. Title 36, Chapter 4 and 9 A.A.C. 10.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 380, effective January 8, 2008 (Supp. 08-1).

**R4-16-702. Administrative Provisions**

- A. A physician who performs office-based surgery using sedation in the physician's office or other outpatient setting that is not part of a licensed hospital or licensed ambulatory surgical center shall:
  1. Establish, document, and implement written policies and procedures that cover:
    - a. Patient's rights,
    - b. Informed consent,
    - c. Care of patients in an emergency, and
    - d. The transfer of patients;
  2. Ensure that a staff member who assists with or a health-care professional who participates in office-based surgery using sedation:
    - a. Has sufficient education, training, and experience to perform duties assigned;
    - b. If applicable, has a current license or certification to perform duties assigned; and
    - c. Performs only those acts that are within the scope of practice established in the staff member's or health care professional's governing statutes;
  3. Ensure that the office where the office-based surgery using sedation is performed has all equipment necessary:
    - a. For the physician to safely perform the office-based surgery using sedation,
    - b. For the physician or health care professional to safely administer the sedation,

- c. For the physician or health care professional to monitor the use of sedation, and
- d. For the physician and health care professional administering the sedation to rescue a patient after the sedation is administered to the patient and the patient enters into a deeper state of sedation than what was intended by the physician.

4. Ensure that a copy of the patient's rights policy is provided to each patient before performing office-based surgery using sedation;
5. Obtain informed consent from the patient before performing an office-based surgery using sedation that:
  - a. Authorizes the office-based surgery, and
  - b. Authorizes the office-based surgery to be performed in the physician's office; and
6. Review all policies and procedures every 12 months and update as needed.

- B. A physician who performs office-based surgery using sedation shall comply with:

1. The local jurisdiction's fire code;
2. The local jurisdiction's building codes for construction and occupancy;
3. The biohazardous waste and hazardous waste standards in 18 A.A.C. 13, Article 14; and
4. The controlled drug administration, supply, and storage standards in 4 A.A.C. 23.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 380, effective January 8, 2008 (Supp. 08-1).

**R4-16-703. Procedure and Patient Selection**

- A. A physician shall ensure that each office-based surgery using sedation performed:
  1. Can be safely performed with the equipment, staff members, and health care professionals at the physician's office;
  2. Is of duration and degree of complexity that allows a patient to be discharged from the physician's office within 24 hours;
  3. Is within the education, training, experience skills, and licensure of the physician; and
  4. Is within the education, training, experience, skills, and licensure of the staff members and health care professionals at the physician's office.
- B. A physician shall not perform office-based surgery using sedation if the patient:
  1. Has a medical condition or other condition that indicates the procedure should not be performed in the physician's office, or
  2. Will require inpatient services at a hospital.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 380, effective January 8, 2008 (Supp. 08-1).

**R4-16-704. Sedation Monitoring Standards**

A physician who performs office-based surgery using sedation shall ensure from the time sedation is administered until post-sedation monitoring begins:

1. A quantitative method of assessing a patient's oxygenation, such as pulse oximetry, is used when minimal sedation is administered to the patient, and
2. When moderate or deep sedation is administered to a patient:
  - a. A quantitative method of assessing the patient's oxygenation, such as pulse oximetry, is used;

## CHAPTER 16. ARIZONA MEDICAL BOARD

- b. The patient's ventilatory function is monitored by any of the following:
  - i. Direct observation,
  - ii. Auscultation, or
  - iii. Capnography;
- c. The patient's circulatory function is monitored during the surgery by:
  - i. Having a continuously displayed electrocardiogram,
  - ii. Documenting arterial blood pressure and heart rate at least every five minutes, and
  - iii. Evaluating the patient's cardiovascular function by pulse plethysmography,
- d. The patient's temperature is monitored if the physician expects the patient's temperature to fluctuate; and
- e. That a licensed and qualified healthcare professional, other than the physician performing the office-based surgery, whose sole responsibility is attending to the patient, is present throughout the office-based surgery.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 380, effective January 8, 2008 (Supp. 08-1).

**R4-16-705. Perioperative Period; Patient Discharge**

A physician performing office-based surgery using sedation shall ensure all of the following:

- 1. During office-based surgery using sedation, the physician is physically present in the room where office-based surgery is performed;
- 2. After the office-based surgery using sedation is performed, a physician is at the physician's office and sufficiently free of other duties to respond to an emergency until the patient's post-sedation monitoring is discontinued;
- 3. If using minimal sedation, the physician or a health care professional certified in ACLS, PALS, or BLS is at the physician's office and sufficiently free of other duties to respond to an emergency until the patient is discharged;
- 4. If using deep or moderate sedation, the physician or a health care professional certified in ACLS or PALS is at the physician's office and sufficiently free of other duties to respond to an emergency until the patient is discharged;
- 5. A discharge is documented in the patient's medical record including:
  - a. The time and date of the patient's discharge, and
  - b. A description of the patient's medical condition at the time of discharge; and
- 6. A patient receives discharge instructions and documents in the patient's medical record that the patient received the discharge instructions.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 380, effective January 8, 2008 (Supp. 08-1).

**R4-16-706. Emergency Drugs; Equipment and Space Used****for Office-Based Surgery Using Sedation**

- A. In addition to the requirements in R4-16-702(A)(3) and R4-16-703(A)(1), a physician who performs office-based surgery using sedation shall ensure that the physician's office has at a minimum:
  - 1. The following:
    - a. A reliable oxygen source with a SaO<sub>2</sub> monitor;
    - b. Suction;
    - c. Resuscitation equipment, including a defibrillator;
    - d. Emergency drugs; and
    - e. A cardiac monitor;
  - 2. The equipment for patient monitoring according to the standards in R4-16-704;
  - 3. Space large enough to:
    - a. Allow for access to the patient during office-based surgery using sedation, recovery, and any emergency;
    - b. Accommodate all equipment necessary to perform the office-based surgery using sedation; and
    - c. Accommodate all equipment necessary for sedation monitoring;
  - 4. A source of auxiliary electrical power available in the event of a power failure; and
  - 5. Equipment, emergency drugs, and resuscitative capabilities required under this Section for patients less than 18 years of age, if office-based surgery using sedation is performed on these patients; and
  - 6. Procedures to minimize the spread of infection.
- B. A physician who performs office-based surgery using sedation shall:
  - 1. Ensure that all equipment used for office-based surgery using sedation is maintained, tested, and inspected according to manufacturer specifications, and
  - 2. Maintain documentation of manufacturer-recommended maintenance of all equipment used in office-based surgery using sedation.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 380, effective January 8, 2008 (Supp. 08-1).

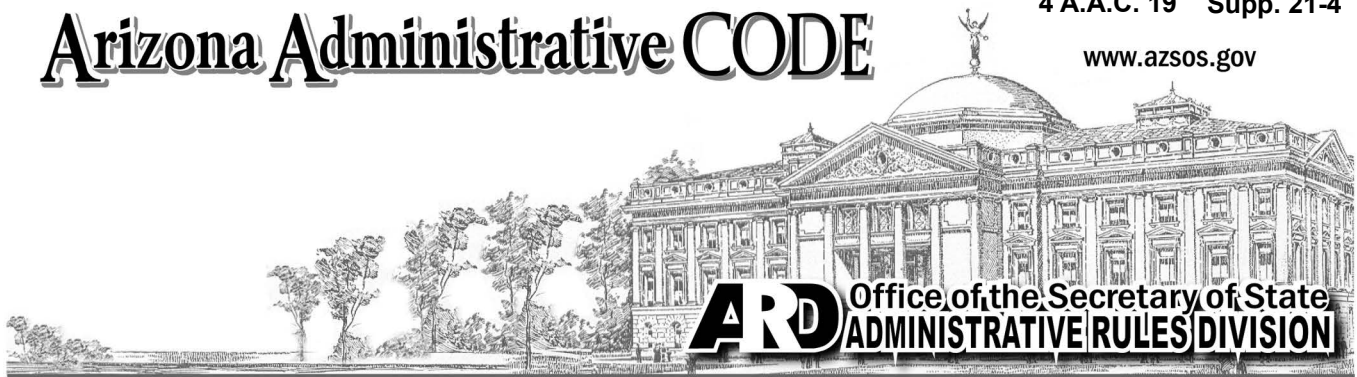
**R4-16-707. Emergency and Transfer Provisions**

- A. A physician who performs office-based surgery using sedation shall ensure that before a health care professional participates in or staff member assists with office-based surgery using sedation, the health care professional and staff member receive instruction in the following:
  - 1. Policy and procedure in cases of emergency,
  - 2. Policy and procedure for office evacuation, and
  - 3. Safe and timely patient transfer.
- B. When performing office-based surgery using sedation, a physician shall not use any drug or agent that trigger malignant hyperthermia.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 380, effective January 8, 2008 (Supp. 08-1).

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## TITLE 4. PROFESSIONS AND OCCUPATIONS

### CHAPTER 19. BOARD OF NURSING

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Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
October 1, 2021 through December 31, 2021

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#### Questions about these rules? Contact:

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**The release of this Chapter in Supp. 21-4 replaces Supp. 20-4, 1-57 pages**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

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### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

First Quarter: January 1 - March 31  
Second Quarter: April 1 - June 30  
Third Quarter: July 1 - September 30  
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2021 is cited as Supp. 21-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

### RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

### AUTHENTICATION OF PDF CODE CHAPTERS

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

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### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, [www.azsos.gov](http://www.azsos.gov) under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

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

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

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

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

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

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





## Administrative Rules Division

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

**TITLE 4. PROFESSIONS AND OCCUPATIONS****CHAPTER 19. BOARD OF NURSING**

Authority: A.R.S. § 32-1606 et seq.

**Supp. 21-4**

*Editor's Note: The Arizona State Board of Nursing amended Sections in this Chapter under an exemption from the provisions of A.R.S. Title 41, Chapter 6 under Laws 2015, Chapter 262 § 22. Exemption from A.R.S. Title 41, Chapter 6 means the Board was not required to submit proposed rules for publication in the Arizona Administrative Register, conduct a public hearing on the rules, or required to submit the rules for approval by the Governor's Regulatory Review Council. Refer to the historical notes for more information (Supp. 16-2).*

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## CHAPTER 19. BOARD OF NURSING

**ARTICLE 1. DEFINITIONS AND TIME-FRAMES****R4-19-101. Definitions**

“Abuse” means a misuse of power or betrayal of trust, respect, or intimacy by a nurse, nursing assistant, or applicant that causes or is likely to cause physical, mental, emotional, or financial harm to a client.

“Administer” means the direct application of a medication to the body of a patient by a nurse, whether by injection, inhalation, ingestion, or any other means.

“Admission cohort” means a group of students admitted at the same time to the same curriculum in a regulated nursing, nursing assistant, or advanced practice nursing program or entering the first clinical course in a regulated program at the same time. “Same time” means on the same date or within a narrow range of dates pre-defined by the program.

“Advance practice registered nurse (APRN)” means either a registered nurse practitioner (RNP), certified nurse midwife (CNM), certified registered nurse anesthetist (CRNA), or clinical nurse specialist (CNS), certified by the Board.

“Applicant” means a person seeking licensure, certification, prescribing, or prescribing and dispensing privileges, or an entity seeking approval or re-approval, if applicable, of a:

- CNS or RNP nursing program,
- Credential evaluation service,
- Nursing assistant training program,
- Nursing program,
- Nursing program change, or
- Refresher program.

“Approved national nursing accrediting agency” means an organization recognized by the United States Department of Education as an accrediting agency for a nursing program.

“Assign” means a nurse designates nursing activities to be performed by another nurse that are consistent with the other nurse’s scope of practice.

“Certificate or diploma in practical nursing” means the document awarded to a graduate of an educational program in practical nursing.

“Certified medication assistant” means a certified nursing assistant who meets Board qualifications and is additionally certified by the Board to administer medications under A.R.S. § 32-1650 et. seq.

“CES” means credential evaluation service.

“Client” means a recipient of care and may be an individual, family, group, or community.

“Clinical instruction” means the guidance and supervision provided by a nursing, nursing assistant or medication assistant program faculty member while a student is providing client care.

“CMA” means certified medication assistant.

“CNA” means a certified nursing assistant, as defined in A.R.S. § 32-1601(4).

“CNS” means clinical nurse specialist, as defined in A.R.S. § 32-1601(7).

“Collaborate” means to establish a relationship for consultation or referral with one or more licensed physicians on an as-

needed basis. Supervision of the activities of a registered nurse practitioner by the collaborating physician is not required.

“Contact hour” means a unit of organized learning, which may be either clinical or didactic and is either 60 minutes in length or is otherwise defined by an accrediting agency recognized by the Board.

“Continuing education activity” means a course of study related to nursing practice that is awarded contact hours by an accrediting agency recognized by the Board, or academic credits in nursing or medicine by a regionally or nationally accredited college or university.

“CRNA” means a certified registered nurse anesthetist as defined in A.R.S. § 32-1601(5).

“DEA” means the federal Drug Enforcement Administration.

“Dispense” means to deliver a controlled substance or legend drug to an ultimate user.

“Dual relationship” means a nurse or CNA simultaneously engages in both a professional and nonprofessional relationship with a patient or resident or a patient’s or resident’s family that is avoidable, non-incidental, and results in the patient or resident or the patient’s or resident’s family being exploited financially, emotionally, or sexually.

“Eligibility for graduation” means that the applicant has successfully completed all program and institutional requirements for receiving a degree or diploma but is delayed in receiving the degree or diploma due to the graduation schedule of the institution.

“Endorsement” means the procedure for granting an Arizona nursing license to an applicant who is already licensed as a nurse in another state or territory of the United States and has passed an exam as required by A.R.S. §§ 32-1633 or 32-1638 or an Arizona nursing assistant or medication assistant certificate to an applicant who is already listed on a nurse aide register or certified as a medication assistant in another state or territory of the United States.

“Episodic nursing care” means nursing care at nonspecific intervals that is focused on the current needs of the individual.

“Failure to maintain professional boundaries” means any conduct or behavior of a nurse or CNA that, regardless of the nurse’s or CNA’s intention, is likely to lessen the benefit of care to a patient or resident or a patient’s or resident’s family or places the patient, resident or the patient’s or resident’s family at risk of being exploited financially, emotionally, or sexually.

“Family,” as applied to R4-19-511, means individuals who are related by blood, marriage, adoption, legal guardianship, or domestic partnership, or who are cohabitating or romantically involved.

“Family Member” means a licensed health aide (LHA) who is an adult (at least 18 years old) and has the following relationship with the LHA’s one patient:

1. Spouse,
2. Children/step children,
3. Son/daughter-in-law,
4. Grandchildren,
5. Siblings/step siblings,
6. Parents/step parents/adoptive parents,

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7. Grandparents,
8. Mother/father-in-law,
9. Brother/sister-in-law, or
10. Legal guardian.

“Full approval” means the status granted by the Board when a nursing program, after graduation of its first class, demonstrates the ability to provide and maintain a program in accordance with the standards provided by A.R.S. Title 32, Chapter 15 and this Chapter.

“Good standing” means the license of a nurse, or the certificate of a nursing assistant, is current, and the nurse or nursing assistant is not presently subject to any disciplinary action, consent order, or settlement agreement.

“Independent nursing activities” means nursing care within an RN’s scope of practice that does not require authorization from another health professional.

“Initial approval” means the permission, granted by the Board, to an entity to establish a nursing assistant training program, after the Board determines that the program meets the standards provided by A.R.S. Title 32, Chapter 15 and this Chapter.

“LHA”, means a licensed health aide who meets Board qualifications as defined by A.R.S. § 32-1601(14).

“Licensure by examination” means the granting of permission to practice nursing based on an individual’s passing of a prescribed examination and meeting all other licensure requirements.

“LPN” means licensed practical nurse.

“NCLEX” means the National Council Licensure Examination.

“Nurse” means a licensed practical or registered nurse.

“Nursing diagnosis” means a clinical judgment, based on analysis of comprehensive assessment data, about a client’s response to actual and potential health problems or life processes. Nursing diagnosis statements include the actual or potential problem, etiology or risk factors, and defining characteristics, if any.

“Nursing process” means applying problem-solving techniques that require technical and scientific knowledge, good judgment, and decision-making skills to assess, plan, implement, and evaluate a plan of care.

“Nursing program” means a formal course of instruction designed to prepare its graduates for licensure as registered or practical nurses.

“Nursing program administrator” means a nurse educator who meets the requirements of A.R.S. Title 32, Chapter 15 and this Chapter and has the administrative responsibility and authority for the direction of a nursing program.

“Nursing program faculty member” means an individual working full or part time within a nursing program who is responsible for either developing, implementing, teaching, evaluating, or updating nursing knowledge, clinical skills, or curricula.

“Nursing-related activities or duties” means client care tasks for which education is provided by a basic nursing assistant training program.

“P & D” means prescribing and dispensing.

“Parent institution” means the educational institution in which a nursing program, nursing assistant training program or medication assistant program is conducted.

“Patient” means an individual recipient of care.

“Pharmacology” means the science that deals with the study of drugs.

“Physician” means a person licensed under A.R.S. Title 32, Chapters 7, 8, 11, 13, 14, 17, or 29, or by a state medical board in the United States.

“Preceptor” means a licensed nurse or other health professional who meets the requirements of A.R.S. Title 32, Chapter 15 and this Chapter who instructs, supervises and evaluates a licensee, clinical nurse specialist, nurse practitioner or pre-licensure nursing student, for a defined period.

“Preceptorship” means a clinical learning experience by which a learner enrolled in a nursing program, nurse refresher program, clinical nurse specialist, or registered nurse practitioner program or as part of a Board order provides nursing care while assigned to a health professional who holds a license or certificate equivalent to or higher than the level of the learner’s program or in the case of a nurse under Board order, meets the qualifications in the Board order.

“Prescribe” means to order a medication, medical device, or appliance for use by a patient.

“Private business” means any individual or sole proprietorship, partnership, limited liability partnership, limited liability company, corporation or other legal business entity.

“Proposal approval” means that an institution has met the standards provided by A.R.S. Title 32, Chapter 15 and this Chapter to proceed with an application for provisional approval to establish a pre-licensure nursing program in Arizona.

“Provisional approval” means that an institution has met the standards provided by A.R.S. Title 32, Chapter 15 and this Chapter to implement a pre-licensure nursing program in Arizona.

“Refresher program” means a formal course of instruction designed to provide a review and update of nursing theory and practice.

“Register” means a listing of Arizona certified nursing assistants maintained by the Board that includes the following about each nursing assistant:

Identifying demographic information;

Date placed on the register;

Date of initial and most recent certification, if applicable; and

Status of the nursing assistant certificate, including findings of abuse, neglect, or misappropriation of property made by the Arizona Department of Health Services, sanctions imposed by the United States Department of Health and Human Services, and disciplinary actions by the Board.

“Resident” means a patient who receives care in a long-term care facility or other residential setting.

“RN” means registered nurse.

“RNP” means a registered nurse practitioner as defined in A.R.S. § 32-1601(20).

“SBTPE” means the State Board Test Pool Examination.

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“School nurse” means a registered nurse who is certified under R4-19-309.

“Secure examination” means a written test given to an examinee that:

Is administered under conditions designed to prevent cheating;

Is taken by an individual examinee without access to aides, textbooks, other students or any other material that could influence the examinee’s score; and,

After opportunity for examinee review, is either never used again or stored such that only designated employees of the educational institution are permitted to access the test.

“Self-study” means a written self-evaluation conducted by a nursing program to assess the compliance of the program with the standards listed in Article 2.

“Standards related to scope of practice” means the expected actions of any nurse who holds the identified level of licensure.

“Substance use disorder” means misuse, dependence or addiction to alcohol, illegal drugs or other substances.

“Supervision” means the direction and periodic consultation provided to an individual to whom a nursing task or patient care activity is delegated.

“Unlicensed assistive personnel” or “UAP” means a CNA or any other unlicensed person, regardless of title, to whom nursing tasks are delegated.

“Verified application” means an affidavit signed by the applicant attesting to the truthfulness and completeness of the application and includes an oath that applicant will conform to ethical professional standards and obey the laws and rules of the Board.

#### Historical Note

Former Glossary of Terms; Amended effective Nov. 17, 1978 (Supp. 78-6). Former Section R4-19-01 repealed, new Section R4-19-01 adopted effective February 20, 1980 (Supp. 80-1). Amended paragraphs (1) and (7), added paragraphs (9) through (25) effective July 16, 1984 (Supp. 84-4). Former Section R4-19-01 renumbered as Section R4-19-101 (Supp. 86-1). Amended effective November 18, 1994 (Supp. 94-4). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended effective December 22, 1995 (Supp. 95-4). Amended effective November 25, 1996 (Supp. 96-4). Amended by final rulemaking at 7 A.A.R. 1712, effective April 4, 2001 (Supp. 01-2). Amended by final rulemaking at 14 A.A.R. 4621, effective January 31, 2009 (Supp. 08-4). Pursuant to authority of A.R.S. § 41-1011(C), Laws 2012, Ch. 152, § 1, provides for A.R.S. references to be corrected to reflect the renumbering of definitions. Therefore the A.R.S. citations in the definitions of “CNA” “CNS” and “RNP” have been updated. Agency request filed July 12, 2012, Office File No. M12-242 (Supp. 12-3). Amended by final rulemaking at 19 A.A.R. 1308, effective July 6, 2013 (Supp. 13-2). Amended by final rulemaking at 20 A.A.R. 1859, effective September 8, 2014 (Supp. 14-3). A.R.S. section references updated under Laws 2015, Ch. 262, effective July 1, 2016 (Laws 2015, Ch. 262, § 23) at file number R16-186 (Supp. 16-3). Amended by final rulemaking at 23 A.A.R. 1420,

effective July 1, 2017 (Supp. 17-2). Amended by final rulemaking at 25 A.A.R. 919, effective June 3, 2019. (Supp. 19-2). When amended in Supp. 19-2 the Board inadvertently omitted the definition of “Full Approval” as “No Change” in its notice at 25 A.A.R. 919. The definition was included in Supp. 19-2 (Supp. 19-3). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2, 2020 (Supp. 20-4). Amended by final exempt rulemaking (the Board solicited comments on draft rules) at 28 A.A.R. 111 (January 7, 2022), with an effective date of January 2, 2022 (Supp. 21-4).

#### R4-19-102. Time-frames for Licensure, Certification, or Approval

##### A. In this Section:

1. “Administrative completeness” or “administratively complete” means Board receipt of all application components required by statute or rule and necessary to begin the substantive review time-frame.
2. “Application packet” means an application form provided by the Board and the documentation necessary to establish an applicant’s qualifications for licensure, certification, or approval.
3. “Comprehensive written request for additional information” means written communication after the administrative completeness time-frame by the Board to an applicant in person or at the address of record or electronic address identified on the application notifying the applicant that additional information, including missing documents is needed before the Board can grant the license. The written communication shall:
  - a. Contain a list of information required by statute or rule and necessary to complete the application or grant the license, and
  - b. Inform the applicant that the request suspends the running of days within the time-frame, and
  - c. Be effective on the date of issuance which is:
    - i. The date of its postmark, if mailed;
    - ii. The date of delivery, if delivered in person by a Board employee or agent; or
    - iii. The date of delivery to the electronic address if delivered electronically.
4. “Deficiency notice” means written communication by the Board to an applicant in person or at the address of record or electronic address identified on the application notifying the applicant that additional information, including missing documents, is needed to complete the application. The written communication shall:
  - a. Contain a list of information required by statute or rule and necessary to complete the application or grant the license;
  - b. Inform the applicant that the request suspends the running of days within the time-frame; and
  - c. Be effective on the date of issuance which is:
    - i. The date of its postmark, if mailed;
    - ii. The date of delivery, if delivered in person by a Board employee or agent; or
    - iii. The date of delivery to the electronic address if delivered electronically.
5. “Notice of administrative completeness” means written communication by the Board to an applicant in person or at the address of record or electronic address identified on the application notifying the applicant the application contains all information required by statute or rule to complete the application.

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6. "Overall time-frame" has the same meaning as A.R.S. § 41-1072(2).
7. "Substantive review time-frame" has the same meaning as A.R.S. § 41-1072(3).
- B.** In computing the time-frames in this Section, the day of the act or event from which the designated period begins to run is not included. The last day of the period is included unless it is a Saturday, Sunday, or official state holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or official state holiday.
- C.** For each type of licensure, certification, or approval issued by the Board, the overall time-frame described in A.R.S. § 41-1072(2) is listed in Table 1. An applicant may submit a written request to the Board for an extension of time in which to provide a complete application. The request for an extension of time shall be submitted to the Board office before the deadline for submission of a complete application and shall state the reason that the applicant is unable to comply with the time-frame requirements in Table 1 and the amount of additional time requested. The Board may grant an extension of time based on whether the Executive Director of the Board finds that the applicant is unable to comply within the time-frame due to circumstances beyond the applicant's control and that the additional information can reasonably be supplied during the extension of time.
- D.** For each type of licensure, certification, or approval issued by the Board, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) is listed in Table 1 and begins to run when the Board receives an application packet.
  1. If the application packet is not administratively complete, the Board shall send a deficiency notice to the applicant. The time for the applicant to respond to a deficiency notice begins to run on the date the deficiency notice is issued.
    - a. The deficiency notice shall list each deficiency.
    - b. The applicant shall submit to the Board the missing information listed in the deficiency notice within the period specified in Table 1 for responding to a deficiency notice. The time-frame for the Board to complete the administrative review is suspended until the Board receives the missing information.
    - c. If an applicant fails to provide the missing information listed in the deficiency notice within the period specified in Table 1, the Board shall close the applicant's file and send a notice to the applicant by U.S. mail and electronically, if an electronic address is included in the application.
    - d. If the applicant is the subject of an investigation, the Board may continue to process the application. Failure of the applicant to supply the requested information may result in denial of the license or certificate based on information gathered during the investigation.
  2. If the application packet is administratively complete, the Board shall send a written notice of administrative completeness to the applicant.
  3. If the Board issues a license, certificate, or approval during the administrative completeness review time-frame, the Board shall not send a separate written notice of administrative completeness.
- E.** For each type of licensure, certification, or approval issued by the Board, the substantive review time-frame described in A.R.S. § 41-1072(3) is listed in Table 1 and begins to run on the date the notice of administrative completeness is issued.
  1. During the substantive review time-frame, an applicant may make a request to withdraw an application packet.
 

The Board may deny the request to withdraw an application packet if the applicant is the subject of an investigation, based on information gathered during the investigation.
  2. If an applicant discloses or the Board receives allegations of unprofessional conduct as described in A.R.S. § 32-1601 or this Chapter, the Board shall review the allegations and may investigate the applicant. The Board may require the applicant to provide additional information as prescribed in subsection (E)(3) based on its assessment of whether the conduct is or might be harmful or dangerous to the health of a client or the public.
  3. During the substantive review time-frame, the Board may make one comprehensive written request for additional information. The applicant shall submit the additional information within the period specified in Table 1. The time-frame for the Board to complete the substantive review of the application packet is suspended from the date the comprehensive written request for additional information is issued until the Board receives the additional information.
  4. If the applicant fails to provide the additional information identified in the comprehensive written request for additional information within the time specified in Table 1, the Board shall close the applicant's file and send a notice to the applicant by U.S. mail and electronically, if an electronic address is included in the application. The Board may continue to process the application if the applicant is the subject of an investigation. Failure of the applicant to supply the requested information may result in denial of the license or certificate based on information gathered during the investigation.
  5. The Board shall grant licensure, conditional licensure, limited licensure, certification, or approval to an applicant:
    - a. Who meets the substantive criteria for licensure, certification, or approval required by A.R.S. Title 32, Chapter 15 and this Chapter; and
    - b. Whose licensure, certification, or approval is in the best interest of the public.
  6. The Board shall deny licensure, certification, or approval to an applicant:
    - a. Who fails to meet the substantive criteria for licensure, certification, or approval required by A.R.S. Title 32, Chapter 15 and this Chapter; or
    - b. Who has engaged in unprofessional conduct as described in A.R.S. § 32-1601 or this Chapter; and
    - c. Whose licensure, certification, or approval is not in the best interest of the public.
  7. The Board's written order of denial shall meet the requirements of A.R.S. § 41-1076. The applicant may request a hearing by filing a written request with the Board within 30 days of receipt of the Board's order of denial. The Board shall conduct hearings in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.

**Historical Note**

Adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-02 renumbered and amended as Section R4-19-102 effective February 21, 1986 (Supp. 86-1).

Section repealed effective July 19, 1995 (Supp. 95-3).

New Section adopted April 20, 1998 (Supp. 98-2).

Amended by final rulemaking at 7 A.A.R. 1712, effective April 4, 2001 (Supp. 01-2). Amended by final rulemaking at 14 A.A.R. 4621, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 26 A.A.R. 3289, with

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an immediate effective date of December 2, 2020 (Supp. 20-4).

**Table 1. Time-frames**

Time-frames (in days)								
Type of License, Certificate, or Approval	Applicable Statute and Section	Board Overall Time-frame Without Investigation	Board Overall Time-frame With Investigation	Board Administrative Completeness Review Time-frame	Applicant Time to Respond to Deficiency Notice	Board Substantive Review Time-frame Without Investigation	Board Substantive Review Time-frame With Investigation	Applicant Time to Respond to Comprehensive Written Request
Nursing Program Proposal Approval	A.R.S. §§ 32-1606(B)(2), 32-1644; R4-19-207	150	Not applicable	60	180	90	Not applicable	120
Nursing Program Provisional Approval	A.R.S. §§ 32-1606(B)(2), 32-1644; R4-19-207	150	Not applicable	60	180	90	Not applicable	120
Nursing Program Full Approval or Re-approval	A.R.S. §§ 32-1606(B)(2), 32-1644; R4-19-208, R4-19-210	150	Not applicable	60	180	90	Not applicable	120
Nursing Program Change	A.R.S. § 32-1606(B)(1); R4-19-209	150	Not applicable	60	180	90	Not applicable	120
Refresher Program Approval or Re-approval	A.R.S. § 32-1606(B)(21); R4-19-216	150	Not applicable	60	180	90	No applicable	120
CNS or RNP Nursing Program Approval or Re-approval	A.R.S. §§ 32-1606(B)(18), 32-1644; R4-19-503	150	Not applicable	60	180	90	Not applicable	120
Credential Evaluation Service Approval or Re-approval	A.R.S. §§ 32-1634.01(A)(1), 32-1634.02(A)(1), 32-1639.01(1), 32-1639.02(1); R4-19-303	150	Not applicable	30	180	60	Not applicable	120
Licensure by Exam	A.R.S. §§ 32-1606(B)(5), 32-1633, 32-1638, and R4-19-301	150	270	30	270	120	240	150
Licensure by Endorsement	A.R.S. §§ 32-1606(B)(5), 32-1634, 32-1639, and R4-19-302	150	270	30	270	120	240	150
Temporary License or Renewal	A.R.S. §§ 32-1605.01(B)(3), 32-1635, 32-1640; R4-19-304	60	90	30	60	30	60	90
License Renewal	A.R.S. §§ 32-1606(B)(5), 32-1642; R4-19-305	120	270	30	270	90	240	150

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School Nurse Certification or Renewal	A.R.S. §§ 32-1606 (B)(13), 32-1643 (A)(8); R4-19-309	150	270	30	270	120	240	150
Re-issuance or Subsequent Issuance of License	A.R.S. § 32-1664(O); R4-19-404	150	270	30	270	120	240	150
Registered Nurse Practitioner Certification or Renewal	A.R.S. §§ 32-1601(19), 32-1606(B)(21); R4-19-505, R4-19-506	150	270	30	270	120	240	150
RNP Prescribing and Dispensing Privilege	A.R.S. § 32-1601(19); R4-19-511	150	270	30	270	120	240	150
CNS Certification or Renewal	A.R.S. §§ 32-1601(6), 32-1606(B)(21); R4-19-505, R4-19-506	150	270	30	270	120	240	150
CRNA Certification or Renewal	A.R.S. § 32-1634-.03; R4-19-505; R4-19-506	150	270	30	270	120	240	150
Temporary RNP, CRNA or CNS Certificate or Renewal	A.R.S. §§ 32-1635.01, 32-1634.03; R4-19-507	60	Not applicable	30	60	30	Not applicable	60
Nursing Assistant, Medication Assistant, and LHA Training Programs Approval or Re-approval	A.R.S. §§ 32-1606(B)(11), 32-1645, 32-1650.01; R4-19-803, R4-19-804, R4-19-901, R4-19-902, R4-19-903	120	Not applicable	30	180	90	Not applicable	120
Licensed or Certified Nursing Assistant, Medication Assistant, and LHA Certification by Examination	A.R.S. §§ 32-1606(B)(11), 32-1645, 32-1647, 32-1650.02, 32-1650.03; R4-19-806 R4-19-904	150	270	30	270	120	240	150
Licensed or Certified Nursing Assistant and Medication Assistant Certification by Endorsement	A.R.S. §§ 32-1606(B)(11), 32-1648, 32-1650.04; R4-19-807	150	270	30	270	120	240	150



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Licensed or Certified Nursing Assistant and Certified Medication Assistant Renewal	A.R.S. § 32-1606(B)(11); R4-19-809	120	270	30	270	90	240	150
Re-issuance or Subsequent Issuance of a Nursing Assistant License	A.R.S. § 32-1664(O); R4-19-815	150	270	30	270	120	240	150

**Historical Note**

Table 1 adopted effective April 20, 1998 (Supp. 98-2). Amended by final rulemaking at 7 A.A.R. 1712, effective April 4, 2001 (Supp. 01-2). Table 1 amended by final rulemaking at 14 A.A.R. 4621, effective January 31, 2009 (Supp. 08-4). Pursuant to authority of A.R.S. § 41-1011(C), Laws 2012, Ch. 152, § 1, provides for A.R.S. references to be corrected to reflect the renumbering of definitions. Therefore the A.R.S. citations in column two of "Registered Nurse Practitioner Certification or Renewal," "RNP Prescribing and Dispensing Privilege," and "CNS Certification or Renewal" have been updated. Agency request filed July 12, 2012, Office File No. M12-242 (Supp. 12-3). Amended by final rulemaking at 19 A.A.R. 1308 effective July 6, 2013 (Supp. 13-2). A.R.S. Section and Chapter Section references updated under Laws 2015, Ch. 262, effective July 1, 2016 (Laws 2015, Ch. 262, § 23) at file number R16-186 (Supp. 16-3). Amended by final rulemaking at 23 A.A.R. 1420, effective July 1, 2017 (Supp. 17-2). Amended by final exempt rulemaking (the Board solicited comments on draft rules) at 28 A.A.R. 111 (January 7, 2022), with an effective date of January 2, 2022 (Supp. 21-4).

**ARTICLE 2. ARIZONA REGISTERED AND PRACTICAL NURSING PROGRAMS; REFRESHER PROGRAMS****R4-19-201. Organization and Administration****A. The parent institution of a nursing program shall:**

1. Be accredited as a post-secondary institution, college, or university, by an accrediting body that is recognized as an accrediting body by the U.S. Department of Education.
2. Hold Arizona Private Post-secondary board approval status, if applicable.
3. Submit evidence to the board of continuing accreditation after each reaccreditation review or action.
4. Operate any RN or PN program under its post-secondary accreditation if the parent institution holds both secondary and post-secondary accreditation.
5. Notify the Board within 15 days of any change or pending change in institutional accreditation status or reporting requirements.
6. Provide adequate fiscal, physical, learning resources and adequate human resources to recruit, employ and retain sufficient numbers of qualified faculty members to support program processes and outcomes necessary for compliance with this Article.
7. Center the administrative control of the nursing program in the nursing program administrator and shall provide the support and resources necessary to meet the requirements of R4-19-203 and R4-19-204.
8. Ensure that the nursing program is an integral part of the parent institution and shall have at a minimum equivalent status with other academic units of the parent institution.
9. Appoint a sole individual to the position of nursing program administrator, and fill any program administrator vacancies within 15 days.
10. Notify the Board of any changes in program administrator within 30 days and ensure that the individual appointed meets the requirements of, and fulfills the duties specified in R4-19-203.
11. Ensure that every registered nursing program faculty member holds a current Arizona registered nurse license

in good standing or multi-state privilege to practice in Arizona under A.R.S., Title 32, Chapter 15, and that every faculty member meets one of the following:

- a. If providing didactic instruction:
  - i. At least two years of experience as a registered nurse providing direct patient care; and
  - ii. A graduate degree. The majority of the faculty members of a registered nursing program shall hold a graduate degree with a major in nursing. If the graduate degree is not in nursing, the faculty member shall hold a minimum of a baccalaureate degree in nursing.
- b. If providing clinical instruction only, as defined in R4-19-101:
  - i. The requirements for didactic faculty, or
  - ii. A baccalaureate degree with a major in nursing and at least three years of experience as a registered nurse providing direct patient care.

12. Ensure that each practical nursing program faculty member holds a current Arizona registered nurse license in good standing or multi-state privilege to practice in Arizona under A.R.S. Title 32, Chapter 15, and that every faculty member meets the following:

- a. At least two years of experience as a registered nurse providing direct patient care, and
- b. A minimum of a baccalaureate degree with a major in nursing.

**B. A nursing program shall:**

1. Maintain an organizational chart that identifies the actual relationships, lines of authority, and channels of communication within the program, between the program, and between the program and the parent institution.
2. Develop, implement, and enforce written policies and procedures that provide:
  - a. A mechanism for student feedback into the development of academic policies and procedures and allow students to anonymously evaluate faculty, nursing

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- courses, clinical experiences, resources and the overall program.
- b. Personnel policies for didactic and clinical nursing faculty members including workload policies that facilitate safe and effective nursing education, including clinical experiences.
  - c. For clinical experiences, ensure that:
    - i. At least one nursing faculty member is assigned to no more than ten students while students are directly or indirectly involved in the care of patients, including precepted experiences.
    - ii. Faculty supervises all students in clinical areas in accordance with the acuity of the patient population, clinical objectives, demonstrated competencies of the student, and requirements established by the clinical agency.
    - iii. Either faculty or program-approved preceptors are on site supervising students during all patient care.
3. Provide the minimum number of qualified faculty members necessary for compliance with the provisions of this Article.
  4. Develop and implement a written plan for the systematic evaluation of the total program that is based on program and student learning outcomes and that incorporates continuous improvement based on the evaluative data. The plan shall include measurable outcome criteria, logical methodology, frequency of evaluation, assignment of responsibility, actual outcomes and actions taken. The following areas shall be evaluated:
    - a. Internal structure of the program, its relationship to the parent institution, and compatibility of program policies and procedures with those of the parent institution;
    - b. Mission and goals consistent with those of the parent institution and compatible with current concepts in nursing education and practice appropriate for the type of nursing program offered;
    - c. Curriculum;
    - d. Education facilities, resources, and student support services;
    - e. Clinical resources;
    - f. Student achievement of program educational outcomes;
    - g. Admission and graduation data for each admission cohort, including, at a minimum, the number and percent of students who graduated within 100%, 150% or greater than 150% of time allotted in the curriculum plan.
    - h. Graduate performance on the licensing examination;
    - i. Protection of patient safety including but not limited to:
      - i. Student and faculty policies regarding supervision of students, practicing within scope and student safe practice;
      - ii. The integration of safety concepts within the curriculum;
      - iii. The application of safety concepts in the clinical setting; and
      - iv. Policies made under R4-19-203(C)(6).
  5. Maintain current and accurate records of the following:
    - a. Student admission materials, courses taken, grades received, scores in any standardized tests taken, health and performance, and health information submitted to meet program or clinical requirements, for a minimum of three years after the fiscal year of program completion for academic records and one year after program completion for health records;
    - b. Faculty registered nursing license number issued by the board, evidence of fulfilling the requirements in R4-19-204, and performance evaluations for faculty employed by the parent institution. Records shall be kept current during the period of employment and retained for a minimum of three years after termination of employment;
    - c. Minutes of faculty and committee meetings for a minimum of three years;
    - d. Reports from accrediting agencies and the Board for a minimum of 10 years;
    - e. Curricular materials consistent with the requirements of R4-19-206 for the current curriculum and, previous curricula used within the past three years; and
    - f. Formal program complaints and grievances since the last site review with evidence of resolution for a minimum of three years.
- C. Prior to final approval for new nursing programs and by July 31, 2015 for existing programs, all RN nursing programs offering less than a bachelor's degree in nursing shall have a minimum of one articulation agreement with a Board approved and nationally accredited baccalaureate or higher nursing program that includes recognition of prior learning in nursing and recognition of foundational courses.

**Historical Note**

Former Section I, Part I; Amended effective January 20, 1975 (Supp. 75-1). Former Section R4-19-11 repealed, new Section R4-19-11 adopted effective February 20, 1980 (Supp. 80-1). Amended effective July 16, 1984 (Supp. 84-4). Former Section R4-19-11 renumbered as Section R4-19-201 (Supp. 86-1). Section repealed; new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (05-1). Amended by final rulemaking at 19 A.A.R. 1419, effective July 6, 2013 (Supp. 13-2). Amended by final rulemaking at 23 A.A.R. 1420, effective July 1, 2017 (Supp. 17-2). Amended by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2).

**R4-19-202. Repealed****Historical Note**

Former Section I, Part II; Former Section R4-19-12 repealed, new Section R4-19-12 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-12 repealed, new Section R4-19-12 adopted effective July 16, 1984 (Supp. 84-4). Former Section R4-19-12 renumbered as Section R4-19-202 (Supp. 86-1). Section repealed; new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (05-1). Amended by final rulemaking at 19 A.A.R. 1419, effective July 6, 2013 (Supp. 13-2). Repealed by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2).

**R4-19-203. Administrator; Qualifications and Duties**

- A. The nursing program administrator shall hold a current Arizona registered nurse license in good standing or multi-state privilege to practice in Arizona under A.R.S., Title 32, Chapter 15 and:

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1. For registered nursing programs:
  - a. A graduate degree with a major in nursing;
  - b. A minimum of three years work experience as a registered nurse providing direct patient care; and
  - c. If appointed to the position of nursing program administrator on or after the effective date of these rules, have a minimum of one academic year full-time experience teaching in or administering a nursing education program leading to licensure; or
2. For practical nursing programs:
  - a. If appointed prior to the effective date of these rules, a baccalaureate degree with a major in nursing; and
  - b. If appointed on or after the effective date of these rules, the requirements of subsection (A)(1).
- B. The administrator shall have comparable status with other program administrators in the parent institution and shall report directly to an academic officer of the institution.
- C. The administrator shall have the authority and responsibility to direct the program in all its phases, including:
  1. Administering the nursing education program;
  2. Directing activities related to academics, personnel, curriculum, resources, facilities, services, program policies, and program evaluation;
  3. Preparing and administering the budget;
  4. Evaluating nursing program faculty members at a minimum:
    - a. Annually in the first year of employment and every three years thereafter;
    - b. Upon receipt of information that a faculty member, in conjunction with performance of their duties, may be engaged in conduct that is or might be:
      - i. Below a pattern of conduct the standards of the program or the parent institution,
      - ii. A pattern of conduct that is inconsistent with nursing professional standards, or
      - iii. Any conduct that is potentially or actually harmful to a patient or a student.
    - c. In the areas of teaching ability and application of nursing knowledge and skills relative to the teaching assignment.
  5. Together with faculty:
    - a. Developing, implementing, consistently enforcing, evaluating, and revising, as necessary:
      - i. Equivalent student and faculty policies necessary for safe patient care, including faculty supervision of clinical activities, and to meet clinical agency requirements regarding student and faculty physical and mental health, criminal background checks, substance use screens, and functional abilities.
      - ii. The program of learning including the curriculum and learning outcomes of the program, standards for the admission, progression, and graduation of students, and written policies for faculty orientation, continuous learning and evaluation.
      - iii. Student and faculty policies regarding minimal requisite nursing skills and knowledge necessary to provide safe patient care for the type of unit and patient assignment.
    - b. Participate in advisement and guidance of students.
  6. Participating in activities that contribute to the governance of the parent institution.

**Historical Note**

Former Section I, Part III; Former Section R4-19-13 repealed, new Section R4-19-13 adopted effective February 20, 1980 (Supp. 80-1).

Former Section R4-19-13 repealed, new Section R4-19-13 adopted effective July 16, 1984 (Supp. 84-4). Former Section R4-19-13 renumbered as Section R4-19-203 (Supp. 86-1). Section repealed; new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (05-1). Amended by final rulemaking at 19 A.A.R. 1419, effective July 6, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2). The numbering outline under R4-19-203(C) has been corrected at the request of the Board, file number R20-02 (Supp. 19-3).

**R4-19-204. Repealed****Historical Note**

Former Section I, Part IV; Former Section R4-19-14 repealed, new Section R4-19-14 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-14 repealed, new Section R4-19-14 adopted effective July 16, 1984 (Supp. 84-4). Former Section R4-19-14 renumbered as Section R4-19-204 (Supp. 86-1). Section repealed; new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (05-1). Amended by final rulemaking at 19 A.A.R. 1419, effective July 6, 2013 (Supp. 13-2). Repealed by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2).

**R4-19-205. Students; Policies and Admissions**

- A. The number of students admitted to a nursing program shall be determined by the number of qualified faculty, the size, number and availability of educational facilities and resources, and the availability of the appropriate clinical learning experiences for students.
- B. A nursing program shall implement written student admission and progression requirements that are evidence-based, allow for a variety of clinical experiences and satisfy the licensure criteria of A.R.S. Title 32, Chapter 15 and A.A.C. Title 4 Chapter 19.
- C. A nursing program and parent institution shall:
  1. Develop and enforce written policies that are readily available to:
    - a. Students, in either the college catalogue or nursing student handbook, that address student rights, responsibilities, grievance processes, health, safety; and
    - b. Students and the public, for policies regarding, admission, readmission, transfer, advanced placement, progression, graduation, withdrawal, and dismissal.
  2. Provide accurate and complete written information that is readily available to all students and the general public about the program, including:
    - a. The nature of the program, including course sequence, prerequisites, co-requisites and academic standards;
    - b. The length of the program;
    - c. Total program costs including tuition, fees and all program related expenses;
    - d. The transferability of credits to other public and private educational institutions in Arizona; and

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- e. A clear statement regarding any technology based instruction and the technical support provided to students.
- D. A nursing program shall communicate changes in policies, procedures and program information clearly to all students, prospective students and the public and provide advance notice in a time-frame that allows those who are or may be affected to comply with the changes.

**Historical Note**

Adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-15 repealed, new Section R4-19-15 adopted effective July 16, 1984 (Supp. 84-4). Former Section R4-19-15 renumbered as Section R4-19-205 (Supp. 86-1). Section repealed; new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (05-1). Amended by final rulemaking at 19 A.A.R. 1419, effective July 6, 2013 (Supp. 13-2). Amended by final rulemaking at 23 A.A.R. 1420, effective July 1, 2017 (Supp. 17-2). Amended by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2).

**R4-19-206. Curriculum**

- A. A nursing program shall provide a written program curriculum to students that includes:
  - 1. Student centered outcomes for the program;
  - 2. A curriculum plan that identifies the prescribed course sequencing and time required;
  - 3. Specific course information that includes:
    - a. A course description and outline including student centered and measurable didactic, clinical, and simulation objectives, if applicable, for each unit of instruction;
    - b. Graded activities to demonstrate that course objectives have been met.
- B. A nursing program administrator and faculty members shall ensure that the curriculum:
  - 1. Is designed so that the student is able to achieve program objectives within the curriculum plan;
  - 2. Is logically consistent between and within courses and structured in a manner whereby each course builds on previous learning.
  - 3. Incorporates established professional standards, guidelines or competencies; and
  - 4. Is designed so that a student who completes the program will have the knowledge and skills necessary to function in accordance with the definition and scope of practice specified in A.R.S. for a practical nurse Title 32, Chapter 15 and A.A.C. Title 4 Chapter 19, for a registered or practical nurse, as applicable.
- C. A nursing program shall provide for progressive sequencing of classroom and clinical instruction sufficient to meet the goals of the program and be organized in such a manner to allow the student to form necessary links of theoretical knowledge, clinical reasoning, and practice.
  - 1. A nursing program curriculum shall provide coursework that includes, but is not limited to:
    - a. Content in the biological, physical, social, psychological and behavioral sciences, professional responsibilities, legal and ethical issues, history and trends in nursing and health care, to provide a foundation for safe and effective nursing practice consistent with the level of the nursing program;
    - b. Didactic content and supervised clinical experience in the prevention of illness and the promotion, restoration and maintenance of health in patients across the life span and from diverse cultural, ethnic, social and economic backgrounds to include:
      - i. Patient centered care,
      - ii. Teamwork and collaboration,
      - iii. Evidence-based practice,
      - iv. Quality improvement,
      - v. Safety, and
      - vi. Informatics.
  - 2. A registered nursing program shall provide clinical instruction that includes, at a minimum, selected and guided experiences that develop a student's ability to apply core principles of registered nursing in varied settings when caring for:
    - a. Adult and geriatric patients with acute, chronic, and complex, life-threatening, medical and surgical conditions;
    - b. Peri-natal patients and families;
    - c. Neonates, infants, and children;
    - d. Patients with mental, psychological, or psychiatric conditions; and
    - e. Patients with wellness needs.
  - 3. A practical nursing program shall provide clinical instruction that includes, at minimum, selected and guided experiences that develop a student's ability to apply core principles of practical nursing when caring for:
    - a. Patients with medical and surgical conditions throughout the life span,
    - b. Peri-natal patients, and
    - c. Neonates, infants, and children in varied settings.
  - 4. A nursing program shall assign students only to those clinical agencies that provide the experience necessary to meet the established clinical objectives of the course.
- E. A nursing program may provide precepted clinical instruction. Programs offering precepted clinical experiences shall:
  - 1. Develop and enforce policies that require preceptors to:
    - a. Be licensed nurses at or above the level of the program either by holding an Arizona license in good standing, holding multi-state privilege to practice in Arizona under A.R.S. Title 32, Chapter 15, or if practicing in a federal facility, meet requirements of A.R.S. § 32-1631(5);
    - b. For LPN preceptors, practice under the supervision required by A.R.S. Title 32, Chapter 15.
  - 2. Develop and implement policies that require a faculty member of the program to:
    - a. Together with facility personnel, select preceptors that possess clinical expertise sufficient to accomplish the goals of the preceptorship;
    - b. Supervise the clinical instruction consistent with requirements of this Article, and
    - c. Maintain accountability for student education and evaluation.
- F. A nursing program may utilize simulation in accordance with the clinical objectives of the course. Unless approved under R4-19-214, a nursing program shall not utilize simulation for an entire clinical experience with any patient population identified in subsection (D) of this Section.
- G. A nursing program shall maintain at least a 80% NCLEX® passing rate for graduates taking the NCLEX-PN® or NCLEX-RN® for the first time within 12 months of graduation.

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- H. At least 45% of students enrolled in the first nursing clinical course shall graduate within 100% of the prescribed period. "Prescribed period" means the time required to complete all courses and to graduate on time according to the nursing program's curriculum plan in place at the time the student entered the program, excluding the time to complete program pre-requisite or pre-clinical courses.

**Historical Note**

Adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-16 repealed, former Section R4-19-17 renumbered and amended as Section R4-19-16 effective July 16, 1984 (Supp. 84-4). Former Section R4-19-16 renumbered as R4-19-206 (Supp. 86-1). Section repealed; new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (05-1). Pursuant to authority of A.R.S. § 41-1011(C), Laws 2012, Ch. 152, § 1, provides for A.R.S. references to be corrected to reflect the renumbering of definitions. Therefore the A.R.S. citations in subsection (B)(3) were updated. Agency request filed July 12, 2012, Office File No. M12-242 (Supp. 12-3). Amended by final rulemaking at 19 A.A.R. 1419, effective July 6, 2013 (Supp. 13-2). A.R.S. section references updated under subsection (C)(5) under Laws 2015, Ch. 262, effective July 1, 2016 (Laws 2015, Ch. 262, § 23) at file number R16-186 (Supp. 16-3). Amended by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2).

**R4-19-207. New Programs; Proposal Approval; Provisional Approval**

- A. At a minimum of one year before establishing a nursing program, a parent institution shall submit to the Board an electronic copy of an application for proposal approval. The parent institution shall ensure that the proposal application was written by or under the direction of a registered nurse who meets the nursing program administrator requirements of R4-19-203(A) and includes the following information and documentation:
1. Name and address of the parent institution;
  2. Statement of intent to establish a nursing program, including the academic and licensure level of the program; and:
    - a. Organizational structure of the educational institution documenting the relationship of the nursing program within the institution and the role of the nursing program administrator consistent with R4-19-201 and R4-19-203;
    - b. Evidence of institutional accreditation consistent with R4-19-201 and post-secondary approval, if applicable. The institution shall provide the most recent full reports including findings and recommendations of the applicable accrediting organization or approval agency. The Board may request additional accreditation or approval evidence.
    - c. Curriculum development documentation to include:
      - i. Student-centered outcomes for the program;
      - ii. A plan that identifies the prescribed course sequencing and time required; and
      - iii. Identification of established professional standards, guidelines or competencies upon which the curriculum will be based;
    - d. Name, qualifications, and job description of a nursing program administrator who meets the requirements of R4-19-203 and availability and job description of faculty who meet qualifications of R4-19-204;
  - e. Number of budgeted clinical and didactic faculty positions from the time of the first admission to graduation of the first class;
  - f. Evidence that the program has secured clinical sites for its projected enrollment that meet the requirements of R4-19-206;
  - g. Anticipated student enrollment per session and annually;
  - h. Documentation of planning for adequate academic facilities and secretarial and support staff to support the nursing program consistent with the requirements of R4-19-202;
  - i. Evidence of adequate program financial resources;
  - j. Tentative time schedule for planning and initiating the nursing program including faculty hiring, entry date and size of student cohorts, and obtaining and utilizing clinical placements from the expected date of proposal approval to graduation of the first cohort.
  - k. For a parent institution or owner corporation that has multiple nursing programs in one or more U.S. jurisdictions including Arizona, evidence for each of its nursing programs that includes:
    - i. Program approval in good standing with no conditions, restrictions, ongoing investigations or deficiencies;
    - ii. An NCLEX pass rate of at least 80% for the past two years or since inception; and
    - iii. An on-time graduation rate consistent with the requirements of R4-19-206.
- B. The Board shall grant proposal approval to any parent institution that meets the requirements of subsection (A) if the Board deems that such approval is in the best interests of the public. Proposal approval expires one year from the date of Board issuance.
- C. A parent institution that is denied proposal approval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for proposal approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6 of this Chapter.
- D. At a minimum of 180 days before planned enrollment of students, a parent institution that received proposal approval within the previous year may submit to the Board an electronic copy of an application for provisional approval. The parent institution shall ensure that the provisional approval application was written by or under the direction of a registered nurse who meets the program administrator requirements of R4-19-203(A) and includes the following information and documentation:
1. Name and address of parent institution;
  2. A self-study that provides evidence supporting compliance with R4-19-201 through R4-19-206, and
  3. Names and qualifications of:
    - a. The nursing program administrator;
    - b. Didactic nursing faculty or one or more nurse consultants who are responsible for developing the curriculum and determining nursing program admission, progression and graduation criteria;
  4. Plan for recruiting and hiring additional didactic faculty for the first semester or session of operation at least 60 days before classes begin;
  5. Plan for recruiting and hiring additional clinical nursing faculty at least 30 days before the clinical rotation begins;

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6. Final program implementation plan including dates and number of planned student admissions, recruitment and hire dates for didactic and clinical faculty for the period of provisional approval;
  7. Descriptions of available and proposed physical facilities with dates of availability; and
  8. Detailed written plan for clinical placements for all planned enrollments until graduation of the first class that is:
    - a. Based on current clinical availability and curriculum needs;
    - b. Confirms availability and commitment from proposed clinical agencies for the times and units specified.
- E.** Following an onsite evaluation conducted according to A.R.S. § 41-1009, the Board shall grant a two year provisional approval to a parent institution that meets the requirements of R4-19-201 through R4-19-206 if approval is in the best interest of the public. A parent institution that is denied provisional approval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for provisional approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6 of this Chapter.
- F.** The provisional approval of a nursing program expires 12 months from the date of the grant of provisional approval if a class of nursing students is not admitted by the nursing program within that time.
- G.** One year after admission of the first nursing class into nursing courses, the program shall provide a report to the Board containing information on:
1. Implementation of the program including any differences from the plans submitted in the applications for proposal and provisional approval and an explanation of those differences; and
  2. The outcomes of the evaluation of the program according to the program's systematic evaluation plan under R4-19-201;
- H.** Following receipt of the report described in subsection (G), a representative of the Board shall conduct a site survey visit in accordance with A.R.S. § 41-1009 to determine compliance with this Article. A report of the site visit shall be provided to the Board.
- I.** If a nursing program with provisional approval fails to comply with requirements of A.R.S. Title 32, Chapter 15, or 4 A.A.C. 19, Article 4, the Board may initiate a disciplinary action. Prior to imposition of discipline against a provisional approval, the nursing program is entitled to a hearing conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6 of this Chapter.

**Historical Note**

Adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-17 renumbered and amended as Section R4-19-16 effective July 16, 1984 (Supp. 84-4). Former Section R4-19-17 renumbered as R4-19-207 (Supp. 86-1). New Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (05-1). Amended by final rulemaking at 19 A.A.R. 1419, effective July 6, 2013 (Supp. 13-2). Amended by final rulemaking at 23 A.A.R. 1420, effective July 1, 2017 (Supp. 17-2). Amended by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2,

2020 (Supp. 20-4).

**R4-19-208. Full Approval of a New Nursing Program**

- A.** A nursing program seeking full approval shall submit an electronic application that includes the following information and documentation:
1. Name and address of the parent institution,
  2. Date the nursing program graduated its first class of students, and
  3. A self-study report that contains evidence the program is in compliance with R4-19-201 through R4-19-206.
- B.** Following an onsite evaluation conducted according to A.R.S. § 41-1009, the Board shall grant full approval for a maximum of five years or the accreditation period for nationally accredited programs governed by R4-19-213, to a nursing program that meets the requirements of this Article and if approval is in the best interest of the public. A nursing program that is denied full approval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for full approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.

**Historical Note**

Adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (05-1). Amended by final rulemaking at 19 A.A.R. 1419, effective July 6, 2013 (Supp. 13-2). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2, 2020 (Supp. 20-4).

**R4-19-209. Nursing Program Change**

- A.** A nursing program administrator shall receive approval from the Board before implementing any of the following nursing program changes:
1. Curriculum or program delivery method;
  2. Increasing or decreasing the academic credits or units of the program excluding pre-requisite credits;
  3. Adding a geographical location of the program;
  4. Changing the level of educational preparation provided;
  5. Transferring the nursing program from one parent institution to another; or
  6. Establishing different admission, progression or graduation requirements for specific cohorts of the program.
- B.** The administrator shall submit an electronic copy of the following materials with the request for nursing program changes:
1. The rationale for the proposed change and the anticipated effect on the program administrator, faculty, students, resources, and facilities;
  2. A summary of the differences between the current practice and proposed change;
  3. A timetable for implementation of the change; and
  4. The methods of evaluation to be used to determine the effect of the change.
- C.** The Board shall approve a request for a nursing program change if the program meets the requirements of this Section and R4-19-201 through R4-19-206. A nursing program that is denied approval of program changes may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for program change. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6 of this Chapter.

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**Historical Note**

Adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (05-1). Amended by final rulemaking at 19 A.A.R. 1419, effective July 6, 2013 (Supp. 13-2). Amended by final rulemaking at 23 A.A.R. 1420, effective July 1, 2017 (Supp. 17-2). Amended by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2, 2020 (Supp. 20-4).

**R4-19-210. Renewal of Approval of Nursing Programs Not Accredited by a National Nursing Accrediting Agency**

- A. An approved nursing program that is not accredited by an approved national nursing accrediting agency shall submit an application packet to the Board at least four months before the expiration of the current approval that includes the following:
1. Name and address of the parent institution,
  2. Evidence of current institutional accreditation status under R4-19-201,
  3. Evidence that the program has secured clinical sites for its projected enrollment that meet the requirements of R4-19-206,
  4. Copy or on-line access to:
    - a. A current catalog of the parent institution,
    - b. Current nursing program and institutional student and academic policies, and
    - c. Institutional and nursing program faculty policies and job descriptions for nursing program faculty, and
  5. An electronic copy of a self-study report that contains evidence of compliance with R4-19-201 through R4-19-206.
- B. Following an onsite evaluation conducted according to A.R.S. § 41-1009, the Board shall renew program approval for a maximum of five years if the nursing program meets the criteria in R4-19-201 through R4-19-206 and if renewal is in the best interest of the public. The Board shall determine the term of approval that is in the best interest of the public.
- C. If the Board denies renewal of approval, the nursing program may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for renewal of approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6 of this Chapter.

**Historical Note**

Adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (05-1). Amended by final rulemaking at 19 A.A.R. 1419, effective July 6, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2, 2020 (Supp. 20-4).

**R4-19-211. Unprofessional Conduct in a Nursing Program; Reinstatement or Reissuance**

- A. A disciplinary action, or denial of approval, may be issued against a nursing, refresher, pilot, or distance learning program for any of the following acts of unprofessional conduct:
1. A pattern of failure to maintain minimum standards of acceptable and prevailing educational or nursing practice,

or any such failure related to student or patient health, welfare, or safety;

2. A pattern of deficiencies in compliance with the provisions of this Article, or any such deficiency related to student or patient health, welfare, or safety;
3. Utilization or substitution of students to meet staffing needs in health care facilities;
4. A pattern of non-compliance with the program's or parent institution's mission or goals, program design, objectives, or policies, or any such deficiency related to student or patient health, welfare, or safety;
5. Failure to provide the variety and number of clinical learning opportunities necessary for students to achieve program outcomes or minimal nursing competence;
6. Student enrollments without necessary faculty, facilities, or clinical experiences to achieve program outcomes or minimal nursing competence;
7. Ongoing or repetitive employment of unqualified faculty or program administrator;
8. Failure to comply with Board requirements within designated time-frames;
9. Fraud or deceit in advertising, promoting or implementing the program;
10. Material misrepresentation of fact in any application or information submitted to the Board;
11. Failure to allow Board staff to visit the program or conduct an investigation including failure to supply requested investigative documents;
12. Any other evidence that the program's conduct may be a threat to the safety and well-being of students, faculty, patients or potential patients; or
13. Violation of any other state or federal laws, rules, or regulations that may indicate a threat to the safety or well-being of students, faculty, patients or potential patients.

- B. If a program's approval was surrendered, rescinded, or denied, the program may reapply for reinstatement or reissuance of approval after a period prescribed by the Board, not to exceed five years. The program must comply with all application requirements in this Article, and further provide evidence of remediation of all violations that led to the rescission. The Board shall review the evidence, and reinstate or reissue approval of the program if the program has demonstrated remediation, complies with all program requirements in A.R.S. Title 32, Chapter 15, and this Chapter and reinstatement is in the best interests of the public. If reinstatement or reissuance is denied, the may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6 of this Chapter.

**Historical Note**

Adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (05-1). R4-19-211 renumbered to R4-19-212; New Section R4-19-211 made by final rulemaking at 19 A.A.R. 1419, effective July 6, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2).

**R4-19-212. Repealed****Historical Note**

Adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (05-1). R4-19-

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212 renumbered to R4-19-213; New Section R4-19-212 renumbered from R4-19-211 and amended by final rulemaking at 19 A.A.R. 1419, effective July 6, 2013 (Supp. 13-2). Repealed by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2).

**R4-19-213. Nursing Programs Holding National Program Accreditation; Changes in Accreditation**

- A. A nationally accredited nursing program or a program seeking national accreditation or re-accreditation shall inform the Board at least 30 days in advance of any pending visit by a nursing program accrediting agency and allow Board staff to attend all portions of the visit.
- B. Following any visit by the accrediting agency, a nursing program shall submit a complete copy of all site visit reports to the Board within 15 days of receipt by the program and notify the Board within 15 days of any change or known pending change in program accreditation status or reporting requirements.
- C. The administrator of a nursing program that loses its accreditation status or allows its accreditation status to lapse shall file an application for renewal of approval under R4-19-210 within 30 days of loss of or lapse in accreditation status.
- D. Under A.R.S. § 32-1644(D) the Board may periodically resurvey a nationally accredited program to determine compliance with this Article and require a self study report. Board site visits may be conducted in conjunction with the national accrediting team.
- E. Unless otherwise notified by the Board following receipt and review of the documents required by subsections (A) and (B), a nationally accredited nursing program continues to retain full-approval status unless the Board rescinds the approval after the program has had an opportunity for a hearing in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6 of this Chapter.

**Historical Note**

Adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). R4-19-213 renumbered to R4-19-215; New Section R4-19-213 renumbered from R4-19-212 and amended by final rulemaking at 19 A.A.R. 1419, effective July 6, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2).

**R4-19-214. Pilot Programs for Innovative Approaches in Nursing Education**

- A. Under A.R.S. § 32-1606(A)(9) a nursing education program, refresher program or a certified nursing assistant program may implement a pilot program for an innovative approach by complying with the provisions of this Section. Education programs approved to implement innovative approaches shall comply with all other applicable provisions of A.R.S. Title 32, Chapter 15 and this Chapter.
- B. A program applying for a pilot program shall:
  - 1. Hold full approval in good standing; and
  - 2. Have no discipline in the past two years.
- C. The following written information shall be provided to the Board at least 90 days prior to a Board meeting to seek approval for a pilot program:
  - 1. Identifying information including name of program, address, responsible party and contact information;
  - 2. A brief description of the current program, including accreditation and Board approval status;
  - 3. Identification of the regulation or regulations that the proposed innovative approach would violate without pilot program board approval;

- 4. Length of time for which the innovative approach is requested;
  - 5. Description of the innovative approach, including rationale and objectives;
  - 6. Explanation of how the proposed innovation differs from approaches in the current program;
  - 7. Available evidence supporting the innovative approach;
  - 8. Identification of resources that support the proposed innovative approach;
  - 9. Expected impact the innovative approach will have on the program, including administration, students, faculty, and other program resources;
  - 10. Plan for implementation and evaluation of the proposed innovation, including timeline;
  - 11. Additional application information as requested by the Board.
- D. The Board shall approve an application for a pilot program that is in the best interests of the public, and meets the following criteria:
    - 1. Eligibility criteria in subsection (B) and application criteria in subsection (C) are met;
    - 2. The innovative approach will not compromise the quality of education or safe practice of students;
    - 3. Resources are sufficient to support the innovative approach;
    - 4. Rationale with available evidence supports the implementation of the innovative approach;
    - 5. Implementation plan is reasonable to achieve the desired outcomes of the innovative approach;
    - 6. Timeline provides for a sufficient period to implement and evaluate the innovative approach; and
    - 7. Plan for periodic evaluation is comprehensive and supported by appropriate methodology.
  - E. The Board may:
    - 1. Deny the application or request additional information if the program does not meet the criteria in subsections (B) and (C), or otherwise is not in the best interests of the public. The program may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying an application for a pilot program. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6 of this Chapter.
    - 2. Rescind the approval of the innovation, after an opportunity for a hearing in accordance with A.R.S. Title 41, Chapter 6, and Article 6 of this Chapter, or require the program to make modifications if:
      - a. The Board receives substantiated evidence indicating adverse impact on the program, students, faculty, patients, or the public,
      - b. The program fails to implement or evaluate the innovative approach as presented and approved, or
      - c. The program fails to maintain eligibility criteria in subsection (B).
  - F. An education program that is granted approval for an innovation shall maintain eligibility criteria in subsection (B) and submit:
    - 1. Progress reports conforming to the evaluation plan annually or as requested by the Board; and
    - 2. A final evaluation report that conforms to the evaluation plan, detailing and analyzing the outcomes data.
  - G. If the innovative approach has achieved the desired outcomes and the final evaluation has been submitted, the program may request that the innovative approach be continued.



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- H. The Board may grant the request to continue approval if the innovative approach has achieved desired outcomes and is in the best interests of the public.
- I. If the Board denies the request to continue approval of the pilot program, the program may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying renewal of the pilot program. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6 of this Chapter.

**Historical Note**

Adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (05-1). R4-19-214 renumbered to R4-19-216; New Section R4-19-214 made by final rulemaking at 19 A.A.R. 1419, effective July 6, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2).

**R4-19-215. Voluntary Termination of a Nursing Program or a Refresher Program**

- A. The administrator of a nursing program or a refresher program shall notify the Board within 15 days of a decision to voluntarily terminate the program. The administrator shall, at the same time, submit a written plan for terminating the nursing program or refresher program. A program is considered voluntarily terminated when it no longer admits or plans to admit students after current students graduate.
- B. The administrator shall ensure that the nursing program or refresher program is maintained, including the nursing faculty, until the last enrolled student is transferred or completes the program. At that time the Board shall remove the program from the current list of approved programs.
- C. Within 15 days after the termination of a nursing program or refresher program, the administrator shall notify the Board of the permanent location and availability of all program records.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (Supp. 05-1). Amended by final rulemaking at 13 A.A.R. 1483, effective June 2, 2007 (Supp. 07-2). R4-19-215 renumbered to R4-19-217; New Section R4-19-215 renumbered from R4-19-213 and amended by final rulemaking at 19 A.A.R. 1419, effective July 6, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2).

**R4-19-216. Approval of a Refresher Program**

- A. An applicant for approval of a refresher program for nurses whose licenses have been inactive or expired for five or more years, nurses under Board order to enroll in a refresher program, or nurses who have not met the nursing practice requirements of R4-19-312 shall submit an electronic, completed application that provides all of the following information and documentation:
  1. Applicant's name, address, e-mail address, telephone number, web site address, if applicable, and fax number;
  2. Proposed starting date for the program;
  3. Name and qualifications of all instructors that meet the requirements of subsection (C);
  4. Statement describing the facilities, staff, and resources that the applicant will use to conduct the refresher program;
  5. A program and participant evaluation plan that includes student evaluation of the course, instructor, and clinical experience;

- 6. Evidence of a curriculum that meets the requirements of subsection (B);

**B. A refresher program for registered and practice nurses shall provide:**

1. Didactic instruction sufficient to ensure competent and safe practice to the applicable level of the nursing license, including the following subjects, at a minimum:
  - a. Nursing process and patient centered care;
  - b. Pharmacology, medication calculation, and medication administration;
  - c. Communication and working with inter-professional teams;
  - d. Critical thinking, clinical decision making and evidence-based practice;
  - e. Delegation, management, and leadership;
  - f. Meeting psychosocial and physiological needs of adult clients with medical-surgical conditions. Other populations of care may be added to the content at the program's discretion;
  - g. Ethics; and
  - h. Informatics, to include electronic health record documentation.
2. The program shall provide clinical experiences that, at a minimum:
  - a. Ensure that each qualified student has a verified clinical placement within six months of course enrollment;
  - b. Provide program policies for clinical placement in advance of enrollment that specify both the obligations of the school and the student regarding placement;
  - c. Validate that a student has the necessary didactic and theoretical knowledge to function safely in the specific clinical setting before starting a clinical experience;
  - d. Ensure that clinical experiences are of the type and duration to meet the course objectives.
3. Laboratory practice hours, at the program's discretion, including simulation experiences in accordance with the clinical objectives of the course, but may not replace clinical experiences.
4. Curriculum and other materials to students and prospective students that, include:
  - a. An overall program description including student learning objectives;
  - b. Objectives, content outline, and hours for didactic and clinical experience;
  - c. Course policies that include but are not limited to admission requirements, passing criteria, cause for dismissal, clinical requirements, grievance process and student responsibilities, cost, and length of the program.

**C. Refresher program personnel qualifications and responsibilities:**

1. An administrator of a refresher program shall:
  - a. Hold a graduate degree in nursing or a bachelor of science in nursing degree and a graduate degree in either education or a health-related field, and
  - b. Be responsible for administering and evaluating the program.
2. A faculty member of a refresher program shall:
  - a. Hold a minimum of a bachelor of science in nursing degree,
  - b. Be responsible for implementing the curriculum and supervising clinical experiences either directly or indirectly through the use of clinical preceptors.

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3. Licensure requirements for program administrator and faculty: The administrator and faculty members shall hold a current Arizona RN license in good standing or a multi-state privilege under A.R.S., Title 32, Chapter 15.
  4. If preceptors are used for clinical experiences, the program shall adhere to the preceptorship requirements of R4-19-206(E).
  5. Licensed health care professionals not regulated by the Board may participate in course instruction consistent with their licensure and scope of practice, under the direction of the program administrator or faculty.
- D. Program types; bonding:**
1. A refresher program may be offered by:
    - a. An educational institution licensed by the State Board for Private Postsecondary Education;
    - b. A public post-secondary educational institution;
    - c. A health care institution licensed by the Arizona Department of Health Services or a health care institution authorized by the Centers for Medicare & Medicaid Services; or
    - d. A private business that meets the requirements of this Section and all other legal requirements to operate a business in Arizona;
    - e. A program funded by a local, state or federal governmental agency, such as a program within a technical school or school of nursing.
  2. If the refresher program is offered by a private business not licensed by the State Board for Private Postsecondary Education, the program shall meet the following requirements:
    - a. Hold a minimum of \$15,000 of insurance covering any potential or future claims for damages resulting from any aspect of the program or a hold a surety bond from a surety company with a rating of "A minus" or better by either Best's Credit Ratings, Moody's Investor Service, or Standard and Poor's rating service.
    - b. The program shall ensure that:
      - i. Bond or insurance distributions are limited to students or former students with a valid claim for instructional or program deficiencies;
      - ii. The amount of the bond or insurance coverage is sufficient to reimburse the full amount of collected tuition and fees for all students during all enrollment periods of the program; and
      - iii. The bond or insurance is maintained for an additional 24 months after program closure.
- E.** The Board shall approve a refresher program that meets the requirements of this Section, if approval is in the best interest of the public, for a maximum term of five years. An applicant who is denied refresher program approval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and Article 6 of this Chapter.
- F.** The refresher program sponsor shall apply for renewal of approval in accordance with subsection (A) not later than 90 days before expiration of the current approval. The sponsor of a refresher program that is denied renewal of approval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for renewal of approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6 of this Chapter.
- G.** The sponsor of an approved refresher program shall provide written notification to the Board within 15 days of a participant's completion of the program of the following:
1. Name of the participant and whether the participant successfully completed or failed the program,
  2. Participant's license number, and
  3. End date of participant's participation in the program.
- H.** The Board may approve a refresher program application from another U.S. jurisdiction for an individual applicant on a case-by-case basis if the applicant provides verifiable evidence that the refresher program substantially meets the requirements of this Section. The acceptance of the program for an individual applicant does not confer approval status upon the program.
- I.** Within 30 days, a refresher program shall report to the Board changes in:
1. Name, address, email address, web site address or phone number of the program; or
  2. Ownership including adding or deleting an owner.
- J.** The Board may take disciplinary action against the approval of a refresher program after offering a hearing conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6 of this Chapter.

**Historical Note**

New Section R4-19-216 renumbered from R4-19-214 and amended by final rulemaking at 19 A.A.R. 1419, effective July 6, 2013 (Supp. 13-2). Amended by final rulemaking at 23 A.A.R. 1420, effective July 1, 2017 (Supp. 17-2). Amended by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2, 2020; clerical error corrected at the request of the Board, "of a" removed before the words, "completed application" and comma added after the word "electronic" in subsection A (Supp. 20-4).

**R4-19-217. Distance Learning Nursing Programs; Out-of-State Nursing Programs**

- A.** An out-of-state nursing program that is in good standing in another state in the United States and plans to provide distance-based didactic instruction and on-ground clinical instruction in Arizona shall comply with the application requirements of R4-19-207 and R4-19-208. The program shall employ at least one faculty member who is physically present in this state to coordinate the education and clinical experience.
- B.** Any nursing program that delivers didactic instruction in Arizona by distance learning methods shall ensure that the methods of instruction are compatible with the program curriculum plan and enable a student to meet the goals, competencies, and objectives of the educational program and standards of the Board, A.R.S. Title 32, Chapter 15, and this Chapter.
1. A distance learning nursing program shall establish a means for assessing individual student outcomes, and program outcomes including, at minimum, student learning outcomes, student retention, student satisfaction, and faculty satisfaction.
  2. For out-of-state nursing programs, the program shall be within the jurisdiction of and regulated by an equivalent United States nursing regulatory authority in the state from which the program originates, unless also providing clinical experience in Arizona.
  3. Didactic faculty members shall be licensed in the state of origination of a distance learning nursing program and in Arizona or hold a multi-state compact license unless exempt under A.R.S. § 32-1631(8). Clinical supervising

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faculty shall be licensed in the location of the clinical activity.

4. A distance learning nursing program shall provide students with supervised clinical and laboratory experiences so that program objectives are met and didactic learning is validated by supervised, on-ground clinical and laboratory experiences.
  5. A distance-learning nursing program shall provide students with adequate access to technology, resources, technical support, and the ability to interact with peers, preceptors, and faculty.
  - C. A nursing program, located in another state or territory of the United States, that wishes to provide clinical experiences in Arizona under A.R.S. § 32-1631(3), shall obtain Board approval before offering or conducting a clinical session. To obtain approval, the program shall submit a proposal package that contains:
    1. A self study, describing the program's compliance with R4-19-201 through R4-19-206; and
    2. A statement regarding, the number and type of student placements planned, and written commitment by the clinical facilities to provide the necessary clinical experiences, the name and qualifications of faculty licensed in Arizona and physically present in the facility who will supervise the experience and verification of good standing of the program in the jurisdiction of origin.
  - D. The Board may require a nursing program approved under this Section to file periodic reports to determine compliance with the provisions of this Article. A program shall submit a report to the Board within 30 days of the date on a written request from the Board or by the due date stated in the request if the due date is after the normal 30-day period.
  - E. The Board shall approve an application to conduct clinical instruction in Arizona that meets the requirements in A.R.S. Title 32, Chapter 15 and this Chapter, and is in the best interest of the public. An applicant who is denied approval to conduct clinical instruction in Arizona may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6 of this Chapter.
  - F. If the Board finds that a nursing program located and approved in another state or territory of the United States does not meet requirements for nursing programs prescribed in this Article the Board may take other disciplinary action depending on the severity of the offense after offering a hearing conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6 of this Chapter.
    1. Students enrolled at the time of rescission of approval shall not be granted licensure unless the applicant meets all applicable licensure requirements.
    2. The Board shall ensure that the applicant has completed a curriculum that is equivalent to that of an approved nursing program.
1. Submit a verified application to the Board on a form furnished by the Board that provides the following information about the applicant:
    - a. Full legal name and all former names used by the applicant;
    - b. Address of Record, including declared primary state of residence, e-mail address, and telephone number;
    - c. Place and date of birth;
    - d. Ethnic category and marital status, at the applicant's discretion;
    - e. Social Security number for an applicant who lives or works in the United States;
    - f. Post-secondary education, including the names and locations of all schools attended, graduation dates, and degrees received, if applicable;
    - g. Current employer or practice setting, including address, position, and dates of service, if employed or practicing in nursing or health care;
    - h. Information regarding the applicant's compliance with the practice or education requirements in R4-19-312;
    - i. Any state, territory, or country in which the applicant holds or has held a registered or practical nursing license and the license number and status of the license, including original state of licensure, if applicable;
    - j. The date the applicant previously filed an application for licensure in Arizona, if applicable;
    - k. Responses to questions regarding the applicant's background on the following subjects:
      - i. Current investigation or pending disciplinary action by a nursing regulatory agency in the United States or its territories;
      - ii. Action taken on a nursing license by any other state;
      - iii. Undesignated offenses, felony charges, convictions and plea agreements, including deferred prosecution;
      - iv. Misdemeanor charges, convictions and plea agreements, including deferred prosecution, that are required to be reported under A.R. S. § 32-3208;
      - v. Unprofessional conduct as defined in A.R.S. § 32-1601;
      - vi. Substance use disorder within the last 5 years;
      - vii. Current participation in an alternative to discipline program in any other state;
    - l. Explanation and supporting documentation for each affirmative answer to questions regarding the applicant's background; and
    - m. Certification in nursing including category, specialty, name of certifying body, date of certification, and expiration date.
  2. Submit proof of United States citizenship or alien status as specified in A.R.S. § 41-1080;
  3. Submit a completed fingerprint card on a form provided by the Board or prints for the purpose of obtaining a criminal history report under A.R.S. § 32-1606 if the applicant has not submitted a fingerprint card or prints to the Board within the last two years; and
  4. Pay the applicable fees.

- B. If an applicant is a graduate of a pre-licensure nursing program in the United States that has been assigned a program code by the National Council of State Boards of Nursing during the period of the applicant's attendance, the applicant shall submit one of the following:

**Historical Note**

New Section R4-19-217 renumbered from R4-19-215 and amended by final rulemaking at 19 A.A.R. 1419, effective July 6, 2013 (Supp. 13-2). Amended by final rulemaking at 20 A.A.R. 1859, effective September 8, 2014 (Supp. 14-3). Amended by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2).

**ARTICLE 3. LICENSURE****R4-19-301. Licensure by Examination**

- A. An applicant for licensure by examination shall:

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1. If the program is an Arizona-approved program, the transcript required in subsection (B)(2) or a statement signed by a nursing program administrator or designee verifying that:
    - a. The applicant graduated from or is eligible to graduate from a registered nursing program for a registered nurse applicant; or
    - b. The applicant graduated from or is eligible to graduate from a practical nursing program or graduated from a registered nursing program and completed Board-prescribed role delineation education for a practical nurse applicant; or
  2. If the program is located either in Arizona or in another state or territory and meets educational standards that are substantially comparable to Board standards for educational programs under Article 2 when the applicant completed the program, an official transcript sent directly from one of the following as:
    - a. Evidence of graduation or eligibility for graduation from a diploma registered nursing program, associate degree registered nursing program, or baccalaureate or higher degree registered nursing program for a registered nurse applicant.
    - b. Evidence of graduation or eligibility for graduation of a practical nursing program, associate degree registered nursing program, or baccalaureate or higher degree registered nursing program for a practical nurse applicant.
- C.** If an applicant is a graduate of a pre-licensure international nursing program and lacks items required in subsection (B), the applicant shall comply with subsection (A), submit a self report on the status of any international nursing license, and submit the following:
1. To demonstrate nursing program equivalency, one of the following:
    - a. If the applicant graduated from a Canadian nursing program, evidence of a passing score on the English language version of either the Canadian Nurses' Association Testing Service, the Canadian Registered Nurse Examination, NCLEX or an equivalent examination;
    - b. A Certificate or Visa Screen Certificate issued by the Commission on Graduates of Foreign Nursing Schools (CGFNS), or a report from CGFNS that indicates an applicant's program is substantially comparable to a U.S. program; or
    - c. A report from any other credential evaluation service (CES) approved by the Board.
  2. If a graduate of an international pre-licensure nursing program subsequently obtains a degree in nursing from an accredited U.S. nursing program, the requirement for a CES equivalency report may be waived by the Board, however the applicant is not eligible for a multi-state compact license.
  3. If an applicant's pre-licensure nursing program provided classroom instruction, textbooks, or clinical experiences in a language other than English, a test of written, oral, and spoken English is required. Clinical experiences are deemed to have been provided in a language other than English if the principal or official language of the country or region where the clinical experience occurred is a language other than English, according to the United States Department of State.
  4. An applicant who is required to demonstrate English language proficiency shall ensure that one of the following is submitted to the Board directly from the testing or certifying agency:
    - a. Evidence of a minimum score of 84 with a minimum speaking score of 26 on the Internet-based Test of English as a Foreign Language (TOEFL),
    - b. Evidence of a minimum score of 6.5 overall with minimum of 6.0 on each module of the Academic Exam of the International English Language Test Service (IELTS) Examination,
    - c. Evidence of a minimum score of 55 overall with a minimum score of 50 on each section of the Pearson Test of English Academic exam.
    - d. A Visa Screen Certificate from CGFNS,
    - e. A CGFNS Certificate,
    - f. Evidence of a similar minimum score on another written and spoken English proficiency exam determined by the Board to be equivalent to the other exams in this subsection, or
    - g. Evidence of employment for a minimum of 960 hours within the past five years as a nurse in a country or territory where the principal language is English, according to the United States Department of State.
- D.** An applicant for a registered nurse license shall attain one of the following:
1. A passing score on the NCLEX-RN;
  2. A score of 1600 on the NCLEX-RN, if the examination was taken before July 1988; or
  3. A score of not less than 350 on each part of the SBTPE for registered nurses.
- E.** An applicant for a practical nurse license shall attain:
1. A passing score on the NCLEX-PN;
  2. A score of not less than 350 on the NCLEX-PN, if the examination was taken before October 1988; or
  3. A score of not less than 350 on the SBTPE for practical nurses.
- F.** The Board shall grant a license to practice as a registered or practical nurse to any applicant who meets the criteria established in statute and this Article. An applicant who is denied a license by examination may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the license. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.
- G.** If the Board receives an application from a graduate of a nursing program and the program's approval was rescinded under R4-19-212 at any time during the applicant's nursing education, the Board shall ensure that the applicant has completed a basic curriculum that is equivalent to that of a Board-approved nursing program and may do any of the following:
1. Grant licensure, if the program's approval was reinstated during the applicant's period of enrollment and the program provides evidence that the applicant completed a curriculum equivalent to that of a Board-approved nursing program;
  2. By order, require successful completion of remedial education while enrolled in a Board approved nursing program which may include clinical experiences, before granting licensure; or
  3. Return or deny the application if the education was not equivalent and no remediation is possible.

**Historical Note**

Former Section II, Part I; Amended effective January 20, 1975 (Supp. 75-1). Amended effective December 7, 1976 (Supp. 76-5). Former Section R4-19-24 repealed, new Section R4-19-24 adopted effective February 20, 1980

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(Supp. 80-1). Former Section R4-19-24 repealed, new Section R4-19-24 adopted effective May 9, 1984 (Supp. 84-3). Former Section R4-19-24 renumbered as Section R4-19-301 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 4819, effective December 7, 2000 (Supp. 00-4). Amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 13 A.A.R. 1483, effective June 2, 2007 (Supp. 07-2). Amended by final rulemaking at 19 A.A.R. 1308, effective July 6, 2013 (Supp. 13-2). Amended by final rulemaking at 23 A.A.R. 1420, effective July 1, 2017 (Supp. 17-2). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2, 2020 (Supp. 20-4).

**R4-19-302. Licensure by Endorsement**

- A. An applicant for a license by endorsement shall submit all of the information required in R4-19-301(A).
- B. In addition to the information required in subsection (A), an applicant for a license by endorsement shall:
  1. Submit evidence of a passing examination score in accordance with:
    - a. R4-19-301(E) for a registered nurse applicant, or
    - b. R4-19-301(F) for a practical nurse applicant.
  2. Submit the following:
    - a. Evidence of previous or current license in another state or territory of the United States,
    - b. Information related to the nurse's practice for the purpose of collecting nursing workforce data, and
    - c. One of the following:
      - i. Completion of a pre-licensure nursing program that has been assigned a nursing program code by the National Council of State Boards of Nursing (NCSBN) at the time of program completion and the program meets educational standards substantially comparable to Board standards for educational programs in Article 2;
      - ii. If the applicant completed a pre-licensure nursing program that has been assigned a program code by the NCSBN but the program's approval was rescinded under A.R.S. § 32-1606(B)(8) or removed from the list of approved programs under A.R.S. § 32-1644(D) or R4-19-212 during the applicant's enrollment in the program, proof of completion of the program and completion of any remedial education required by the Board to mitigate the deficiencies in the applicant's initial nursing program;
      - iii. If the applicant graduated from a U.S. nursing program before 1986 and the applicant was issued an initial license in another state or territory of the United States without being required to obtain additional education or experience, proof both of program completion and initial licensure without additional educational or experiential requirements;
      - iv. If the applicant graduated from an international nursing program, proof of meeting the requirements in R4-19-301.
      - v. If the Board finds that the documentation submitted by the applicant does not fulfill one of the requirements in (B)(2)(b)(i) through (iv), but the applicant has submitted verified employer evaluations demonstrating applicant's safe practice as a registered or practical nurse in another state for a minimum of two

years full-time during the past three years and applicant otherwise meets licensure requirements, the Board may grant a single-state only license if the Board determines that licensure is in the best interest of the public.

- C. The Board shall grant a license to practice as a registered or practical nurse to any applicant who meets the criteria established in statute and this Article. An applicant who is denied a license by endorsement may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the license. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Former Section II, Part II; Amended effective December 7, 1976 (Supp. 76-5). Former Section R4-19-25 repealed, new Section R4-19-25 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-25 repealed, new Section R4-19-25 adopted effective May 9, 1984 (Supp. 84-3). Former Section R4-19-25 renumbered and amended as Section R4-19-302 effective February 21, 1986 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 4819, effective December 7, 2000 (Supp. 00-4). Amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 13 A.A.R. 1483, effective June 2, 2007 (Supp. 07-2). Amended by final rulemaking at 19 A.A.R. 1308, effective July 6, 2013 (Supp. 13-2).

**R4-19-303. Requirements for Credential Evaluation Service**

- A. A CES seeking Board approval shall submit documentation to the Board demonstrating that it:
  1. Provides a credential evaluation to determine comparability of registered nurse or practical nurse programs in other countries to nursing education in the United States;
  2. Evaluates original source documents;
  3. Has five or more years of experience in evaluating nursing educational programs or employs personnel that have this experience;
  4. Employs staff with expertise in evaluating nursing programs;
  5. Has access to resources pertinent to the field of nursing education and the evaluation of nursing programs;
  6. Issues a report on each applicant, and supplies the Board with a sample of such a report, regarding the comparability of the applicant's nursing educational program to nursing education in the United States that includes:
    - a. The current name of the applicant including any names formerly used by the applicant;
    - b. Source and description of the documents evaluated;
    - c. Name and nature of the nursing education program, including status of the parent institution;
    - d. Dates applicant attended;
    - e. References consulted;
    - f. A seal or some other security measure;
    - g. Notification of any falsification or misrepresentation of documents by the applicant;
    - h. A report on licensure examination results for the applicant, if an exam was required for licensure in the international jurisdiction; and
    - i. The status of any international nursing licenses held by the applicant.
  7. Has a quality control program that includes at a minimum:

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- a. Standards regarding the use of original documents;
  - b. Verification of authenticity of documents and translations;
  - c. Processes and procedures to prevent and detect fraud;
  - d. Policies for maintaining confidentiality of applicant educational records;
  - e. Responsiveness to applicants, including ensuring that reports are issued no later than eight weeks from the receipt of an applicant's documents; and
  - f. Tracking of and notification to the Board of any trends in falsification or misrepresentation of documents;
- 8. Follows or exceeds the standards of the National Association of Credentialing Services (NACES) or an equivalent organization;
  - 9. Responds to Board requests for information in a timely and thorough manner; and
  - 10. Agrees to notify the Board before any changes in any of the above criteria.
- B.** If a CES fails to comply with the provisions of subsection (A), the Board may rescind its approval of the CES.
  - C.** The Board shall approve a credential evaluation service that meets the criteria established in this Section. A CES applicant who is denied approval or whose approval is revoked may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Former Section II, Part III; Former Section R4-19-26 repealed, new Section R4-19-26 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-26 renumbered and amended as Section R4-19-27, new Section R4-19-26 adopted effective May 9, 1984 (Supp. 84-3). Former Section R4-19-27 renumbered as Section R4-19-303 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 5 A.A.R. 1802, effective May 18, 1999 (Supp. 99-2). Amended by final rulemaking at 6 A.A.R. 4819, effective December 7, 2000 (Supp. 00-4). Former Section R4-19-303 renumbered to R4-19-304; new Section R4-19-303 made by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 1308, effective July 6, 2013 (Supp. 13-2).

**R4-19-304. Temporary License**

- A.** Subject to subsection (B), the Board shall issue a temporary license if:
  - 1. An applicant:
    - a. Is qualified under:
      - i. A.R.S. § 32-1635 and applies for a temporary registered nursing license, or is qualified under A.R.S. § 32-1640 and applies for a temporary practical nursing license; and
      - ii. R4-19-301 for applicants for licensure by examination, or is qualified under R4-19-302 for applicants for licensure by endorsement; and
    - b. Submits an application for a temporary license with the applicable fee required under A.R.S. § 32-1643(A)(9); and
    - c. Submits an application for a license by endorsement or examination with the applicable fee required under A.R.S. § 32-1643(A).

- 2. An applicant is seeking a license by examination, meets the requirements of R4-19-312(D), and the Board receives the applicant's fingerprint card or fingerprints; or
  - 3. An applicant is seeking a license by endorsement, meets the requirements in R4-19-312(B), and the applicant submits evidence that the applicant has a current license in good standing in another state or territory of the United States or, if no current license, a previous license in good standing that was not the subject of an investigation or pending discipline; or
  - 4. An applicant who does not meet the practice requirements in R4-19-312(B) or (D), but provides evidence that the applicant has applied for enrollment in a refresher or other competency program approved by the Board, may practice nursing under a temporary license during the clinical portion of the program only.
- B.** An applicant who has a criminal history, a history of disciplinary action by a regulatory agency, a pending complaint before the Board, or answers affirmatively to any criminal background or disciplinary question in the application is not eligible for a temporary license or extension of a temporary license without Board approval.
  - C.** A temporary license is valid for a maximum of 12 months unless extended for good cause under subsection (D) of this Section.
  - D.** An applicant with a temporary license may apply for and the Board, the Executive Director or the Executive Director's designee may grant an extension of the temporary license period for good cause. Good cause means reasons beyond the control of the temporary licensee, such as unavoidable delays in obtaining information required for licensure.
  - E.** An applicant who receives a temporary license but does not meet the criteria for a regular license within the established period under subsections (C) and (D) is no longer eligible for a temporary license except for the purpose of completing a refresher or other competency program under subsection (A)(4) of this Section.

**Historical Note**

Former Section II, Part IV; Amended effective January 20, 1975 (Supp. 75-1). Former Section R4-19-27 repealed, new Section R4-19-27 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-27 renumbered and amended as Section R4-19-28. Former Section R4-19-26 renumbered and amended as Section R4-19-27 effective May 9, 1984 (Supp. 84-3). Former Section R4-19-27 renumbered and amended as Section R4-19-304 effective February 21, 1986 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 4819, effective December 7, 2000 (Supp. 00-4). Former Section R4-19-304 renumbered to R4-19-305; new Section R4-19-304 renumbered from R4-19-303 and amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 1308, effective July 6, 2013 (Supp. 13-2). Chapter Section references updated under subsections (A)(2) and (A)(4) under Laws 2015, Ch. 262, effective July 1, 2016 (Laws 2015, Ch. 262, § 23) at file number R16-186 (Supp. 16-3). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2, 2020 (Supp. 20-4).

**R4-19-305. License Renewal**

- A.** An applicant for renewal of a registered or practical nursing license shall:

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1. Submit a verified application to the Board on a form furnished by the Board that provides all of the following information about the applicant:
    - a. Full legal name, address of record, e-mail address, telephone number and declared primary state of residence;
    - b. A listing of all states in which the applicant is currently licensed, or, since the last renewal, was previously licensed or has been denied licensure;
    - c. Marital status and ethnic category, at the applicant's discretion;
    - d. Information regarding qualifications, including:
      - i. Educational background;
      - ii. Employment status;
      - iii. Practice setting; and
      - iv. Other information related to the nurse's practice for the purpose of collecting nursing workforce data.
    - e. Responses to questions regarding the applicant's background on the following subjects:
      - i. Criminal convictions for offenses involving drugs or alcohol since the time of last renewal;
      - ii. Undesignated offenses and felony charges, convictions and plea agreements including deferred prosecution;
      - iii. Misdemeanor charges, convictions and plea agreements, including deferred prosecution, that are required to be reported under A.R.S. § 32-3208;
      - iv. Unprofessional conduct as defined in A.R.S. § 32-1601 since the time of last renewal;
      - v. Substance use disorder within the last five years;
      - vi. Current participation in an alternative to discipline program in any other state; and
      - vii. Disciplinary action or investigation related to the applicant's nursing license by any other state nursing regulatory agency since the last renewal.
    - f. Explanation and supporting documentation for each affirmative answer to questions regarding the applicant's background;
    - g. Information related to the applicant's current or most recent nursing practice setting, including position, address, telephone number, and dates of practice;
    - h. Information regarding the applicant's compliance with the practice or education requirements in R4-19-312;
    - i. National certification in nursing including specialty, name of certifying body, date of certification, certification number, and expiration date, if applicable; and for an applicant certified as a registered nurse practitioner or clinical nurse specialist the patient population of the certification; and
  2. Pay fees for renewal authorized by A.R.S. § 32-1643 (A)(6); and
  3. Pay an additional fee for late renewal authorized by A.R.S. § 32-1643(A)(7) if the application for renewal is submitted after May 1 of the year of renewal.
- B.** A license expires on August 1 of the year of renewal indicated on the license.
- C.** A licensee who fails to submit a renewal application before expiration of a license shall not practice nursing until the Board issues a renewal license.
- D.** If the applicant holds a license or certificate that has been or is currently revoked, surrendered, denied, suspended or placed

on probation in another jurisdiction, the applicant is not eligible to renew or reactivate a license until a review or investigation has been completed and a decision regarding eligibility for renewal or reactivation is made by the Board.

- E.** The Board shall renew the license of any registered or practical nurse applicant who meets the criteria established in statute and this Article. An applicant who is denied renewal of a license may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying renewal of the license. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Former Section II, Part V; Repealed effective January 20, 1975 (Supp. 75-1). New Section R4-19-28 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-28 renumbered and amended as Section R4-19-29. Former Section R4-19-27 renumbered and amended as Section R4-19-28 effective May 9, 1984 (Supp. 84-3). Former Section R4-19-28 renumbered and repealed as Section R4-19-305 effective February 21, 1986 (Supp. 86-1). New Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 4819, effective December 7, 2000 (Supp. 00-4). Former Section R4-19-305 renumbered to R4-19-306; new Section R4-19-305 renumbered from R4-19-304 and amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 1308, effective July 6, 2013 (Supp. 13-2). Amended by final rulemaking at 23 A.A.R. 1420, effective July 1, 2017 (Supp. 17-2). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2, 2020 (Supp. 20-4).

**R4-19-306. Inactive License**

- A.** A licensee in good standing may submit to the Board either as a separate written document or as part of the renewal application, a request to transfer to inactive status, or retirement status under A.R.S. §§ 32-1606(A)(10) and 32-1636(E).
- B.** The Board shall send a written notice to the licensee granting inactive or retirement status or denying the request. A licensee denied a request for transfer to inactive or retirement status may request a hearing by filing a written request with the Board within 30 days of service of the denial of the request. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Former Section II, Part VI; Amended effective January 20, 1975 (Supp. 75-1). Amended effective December 7, 1976 (Supp. 76-5). Former Section R4-19-29 repealed, new Section R4-19-29 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-29 renumbered and amended as Section R4-19-30 effective May 9, 1984 (Supp. 84-3). Former Section R4-19-28 renumbered and amended as Section R4-19-29 effective May 9, 1984 (Supp. 84-3). Former Section R4-19-29 renumbered as Section R4-19-306 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 4819, effective December 7, 2000 (Supp. 00-4). Former Section R4-19-306 renumbered to R4-19-307; new Section R4-19-306 renumbered from R4-19-305 and amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 1308, effective July 6, 2013 (Supp. 13-2).

**R4-19-307. Repealed**

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**Historical Note**

Former Section II, Part VII; Former Section R4-19-30 renumbered and amended as Section R4-19-45, new Section R4-19-30 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-30 renumbered and amended as Section R4-19-31. Former Section R4-19-29 renumbered and amended as R4-19-30 effective May 9, 1984 (Supp. 84-3). Former Section R4-19-29 renumbered and amended as Section R4-19-307 effective February 21, 1986 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 4819, effective December 7, 2000 (Supp. 00-4). Former Section R4-19-307 renumbered to R4-19-308; new Section R4-19-307 renumbered from R4-19-306 and amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 1308, effective July 6, 2013 (Supp. 13-2). Repealed by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2).

**R4-19-308. Change of Name or Address**

- A. A licensee or applicant shall notify the Board, in writing or electronically through the Board website, of any legal change in name within 30 days of the change, and submit a copy of the official document verifying the name change.
- B. A licensee or applicant shall notify the Board in writing or electronically through the Board website of any change in address of record, and residential address, if different, within 30 days.

**Historical Note**

Former Section II, Part VII; Former Section R4-19-31 repealed, new Section R4-19-31 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-31 renumbered and amended as Section R4-19-32. Former Section R4-19-30 renumbered and amended as Section R4-19-31 effective May 9, 1984 (Supp. 84-3). Former Section R4-19-31 renumbered as Section R4-19-308 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended effective December 3, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 4819, effective December 7, 2000 (Supp. 00-4). Former Section R4-19-308 renumbered to R4-19-309; new Section R4-19-308 renumbered from R4-19-307 and amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 1308, effective July 6, 2013 (Supp. 13-2). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2, 2020 (Supp. 20-4).

**R4-19-309. School Nurse Certification Requirements**

- A. An applicant for initial school nurse certification shall hold a current license in good standing or multistate privilege to practice as a registered nurse in Arizona.
- B. An initial or renewal of certificate expires six years after the issue date on the certificate.
- C. The Board shall grant a school nurse certificate to any applicant who meets the criteria established in statute and this Article. An applicant who is denied a school nurse certificate may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the certificate. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Former Section II, Part IX; Repealed effective February

20, 1980 (Supp. 80-1). Former Section R4-19-31 renumbered and amended as Section R4-19-32 effective May 9, 1984 (Supp. 84-3). Former Section R4-19-32 renumbered as Section R4-19-309 (Supp. 86-1). Repealed effective July 19, 1995 (Supp. 95-3). New Section made by final rulemaking at 8 A.A.R. 1813, effective March 20, 2002 (Supp. 02-1). Former Section R4-19-309 renumbered to R4-19-311; new Section R4-19-309 renumbered from R4-19-308 and amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 1308, effective July 6, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2).

**R4-19-310. Certified Registered Nurse**

A registered nurse who has been certified by a nursing certification organization accredited by the Accreditation Board for Specialty Nursing Certification, the National Commission for Certifying Agencies, or an equivalent accrediting agency as determined by the Board is deemed certified for the purposes of A.R.S. § 32-1601(5).

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 1308, effective July 6, 2013 (Supp. 13-2). A.R.S. Section reference updated under Laws 2015, Ch. 262, effective July 1, 2016 (Laws 2015, Ch. 262, § 23) at file number R16-186 (Supp. 16-3).

**R4-19-311. Nurse Licensure Compact**

The Board shall implement A.R.S. §§ 32-1668 and 32-1669 according to the provisions of the Nurse Licensure Compact Model Rules and Regulations for RNs and LPN/VNs, published by the National Council of State Boards of Nursing, Inc., 111 E. Wacker Dr., Suite 2900, Chicago, IL 60601, www.ncsbn.org, November 13, 2012, and no later amendments or editions, which is incorporated by reference and on file with the Board.

**Historical Note**

New Section renumbered from R4-19-309 and amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 18 A.A.R. 2485, effective September 11, 2012 (Supp. 12-3). Amended by final rulemaking at 19 A.A.R. 2852, effective September 11, 2013 (Supp. 13-3).

**R4-19-312. Practice Requirement**

- A. The Board shall not issue a license or renew the license of an applicant who does not meet the applicable requirements in subsections (B), (C), and (D).
- B. An applicant for licensure by endorsement or renewal shall either have completed a post-licensure nursing program or practiced nursing at the applicable level of licensure for a minimum of 960 hours in the five years before the date on which the application is received. This requirement is satisfied if the applicant verifies that the applicant has:
  1. Completed a post-licensure nursing education program at a school that is accredited under R4-19-201(A) and obtained a degree, or an advanced practice certificate in nursing within the past five years; or
  2. Practiced for a minimum of 960 hours within the past five years where the nurse:
    - a. Worked for compensation or as a volunteer, as a licensed nurse in the United States or an international jurisdiction, and performed one or more acts under A.R.S. § 32-1601(21) as an RN if applying for



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RN renewal or licensure or A.R.S. § 32-1601(17) as an LPN if applying for LPN renewal or licensure; or

- b. Held a position for compensation or as a volunteer in the United States or an international jurisdiction that required or recommended, in the job description, the level of licensure being sought or renewed; or
- c. Engaged in clinical practice as part of an RN-to-Bachelor of Science in Nursing, Masters, Doctoral or Nurse Practitioner program.

- C. Care of family members does not meet the requirements of subsection (B)(2) unless the applicant submits evidence:
  1. That the applicant is providing care as part of a medical foster home; or
  2. That the specific care provided by the applicant was:
    - a. Ordered by another health care provider who is authorized to prescribe and was responsible for the care of the patient,
    - b. The type of care would typically be authorized by a third-party payer, and
    - c. The care was documented and reviewed by the health care provider.
- D. An applicant for licensure by either examination or endorsement, who does not meet the requirements of subsection (B), shall have completed the clinical portion of a pre-licensure nursing program within two years of the date of licensure.
- E. A licensee or applicant who fails to satisfy the requirements of subsection (B) or (D), shall submit evidence of satisfactory completion of a Board-approved refresher or competency program. The Board may issue a temporary license stamped “for refresher course only” to any applicant who meets all requirements of this Article except subsection (B) or (D) and provides evidence of applying for enrollment in a Board-approved refresher or competency program.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1). Pursuant to authority of A.R.S. § 41-1011(C), Laws 2012, Ch. 152, § 1, provides for A.R.S. references to be corrected to reflect the renumbering of definitions. Therefore the A.R.S. citations in subsection (B)(2)(a) were updated. Agency request filed July 12, 2012, Office File No. M12-242 (Supp. 12-3). Amended by final rulemaking at 19 A.A.R. 1308, effective July 6, 2013 (Supp. 13-2). A.R.S. Section references updated under subsection (B)(2)(a) under Laws 2015, Ch. 262, effective July 1, 2016 (Laws 2015, Ch. 262, § 23) at file number R16-186 (Supp. 16-3). Amended by final rulemaking at 23 A.A.R. 1420, effective July 1, 2017 (Supp. 17-2).

**R4-19-313. Background**

- A. All applicants convicted of a sexual offense involving a minor or performing a sexual act against the will of another person shall be subject to a Board order under A.R.S. § 32-1664(F) and R4-19-405 unless the individual is precluded from licensure under A.R.S. § 32-1606(B)(17). If the evaluation identifies sexual behaviors of a predatory nature, the Board shall deny licensure or renewal of licensure.
- B. All individuals reporting a substance use disorder in the last five years may be subject to a Board order for an evaluation under A.R.S. § 32-1664(F) and R4-19-405 to determine safety to practice.
- C. The Board may order the evaluation of other individuals on a case-by-case basis under A.R.S. § 32-1664(F) and R4-19-405.

**Historical Note**

New Section made by final rulemaking at 19 A.A.R. 1308, effective July 6, 2013 (Supp. 13-2).

**ARTICLE 4. REGULATION****R4-19-401. Standards Related to Licensed Practical Nurse Scope of Practice**

- A. A licensed practical nurse shall engage in practical nursing as defined in A.R.S. § 32-1601 only under the supervision of a registered nurse or licensed physician.
- B. A LPN’s nursing practice is limited to those activities for which the LPN has been prepared through basic practical nursing education in accordance with A.R.S. § 32-1637(1) and those additional skills that are obtained through subsequent nursing education and within the scope of practice of a LPN as determined by the Board.
- C. A LPN shall:
  1. Practice within the legal boundaries of practical nursing within the scope of practice authorized by A.R.S. Title 32, Chapter 15 and 4 A.A.C.19;
  2. Demonstrate honesty and integrity;
  3. Base nursing decisions on nursing knowledge and skills, the needs of clients, and licensed practical nursing standards;
  4. Accept responsibility for individual nursing actions, decisions, and behavior in the course of practical nursing practice.
  5. Maintain competence through ongoing learning and application of knowledge in practical nursing practice.
  6. Protect confidential information unless obligated by law to disclose the information;
  7. Report unprofessional conduct, as defined in A.R.S. § 32-1601(24) and further specified in R4-19-403 and R4-19-814, to the Board;
  8. Respect a client’s rights, concerns, decisions, and dignity;
  9. Maintain professional boundaries; and
  10. Respect a client’s property and the property of others.
- D. In participating in the nursing process and implementing client care across the lifespan, a LPN shall:
  1. Contribute to the assessment of the health status of clients by:
    - a. Recognizing client characteristics that may affect the client’s health status;
    - b. Gathering and recording assessment data;
    - c. Demonstrating attentiveness by observing, monitoring, and reporting signs, symptoms, and changes in client condition in an ongoing manner to the supervising registered nurse or physician;
  2. Contribute to the development and modification of the plan of care by:
    - a. Planning episodic nursing care for a client whose condition is stable or predictable;
    - b. Assisting the registered nurse or supervising physician in identification of client needs and goals; and
    - c. Determining priorities of care together with the supervising registered nurse or physician;
  3. Implement aspects of a client’s care consistent with the LPN scope of practice in a timely and accurate manner including:
    - a. Following nurse and physician orders and seeking clarification of orders when needed;
    - b. Administering treatments, medications, and procedures;
    - c. Attending to client and family concerns or requests;
    - d. Providing health information to clients as directed by the supervising RN or physician or according to an established educational plan;
    - e. Promoting a safe client environment;
    - f. Communicating relevant and timely client information with other health team members regarding:

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- i. Client status and progress;
      - ii. Client response or lack of response to therapies;
      - iii. Significant changes in client condition; and
      - iv. Client needs and special requests; and
    - g. Documenting the nursing care the LPN provided;
  - 4. Contribute to evaluation of the plan of care by:
    - a. Gathering, observing, recording, and communicating client responses to nursing interventions; and
    - b. Modifying the plan of care in collaboration with a registered nurse based on an analysis of client responses.
- E.** A LPN assigns and delegates nursing activities. The LPN shall:
- 1. Assign nursing care within the LPN scope of practice to other LPNs;
  - 2. Delegate nursing tasks to unlicensed assistive personnel (UAPs). In maintaining accountability for the delegation, the LPN shall ensure that the:
    - a. UAP has the education, legal authority, and demonstrated competency to perform the delegated task;
    - b. Tasks delegated are consistent with the UAP's job description and can be safely performed according to clear, exact, and unchanging directions;
    - c. Results of the task are reasonably predictable;
    - d. Task does not require assessment, interpretation, or independent decision making during its performance or at completion;
    - e. Selected client and circumstances of the delegation are such that delegation of the task poses minimal risk to the client and the consequences of performing the task improperly are not life-threatening;
    - f. LPN provides clear directions and guidelines regarding the delegated task or, for routine tasks on stable clients, verifies that the UAP follows each written facility policy or procedure when performing the delegated task;
    - g. LPN provides supervision and feedback to the UAP; and
    - h. LPN observes and communicates the outcomes of the delegated task.
- Historical Note**
- Former Section III, Part II; Amended effective February 20, 1980 (Supp. 80-1). Former Section R4-19-42 renumbered as Section R4-19-401 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 14 A.A.R. 4621, effective January 31, 2009 (Supp. 08-4). Subsection (C)(7) amended at request of Board, Office File No. M11-423, filed November 18, 2011 (Supp. 11-4). Pursuant to authority of A.R.S. § 41-1011(C), Laws 2012, Ch. 152, § 1, provides for A.R.S. references to be corrected to reflect the renumbering of definitions. Therefore the A.R.S. citation in subsection (C)(7) was updated. Agency request filed July 12, 2012, Office File No. M12-242 (Supp. 12-3). A.R.S. Section reference updated under subsection (C)(7) under Laws 2015, Ch. 262, effective July 1, 2016 (Laws 2015, Ch. 262, § 23) at file number R16-186 (Supp. 16-3).
- R4-19-402. Standards Related to Registered Nurse Scope of Practice**
- A.** A registered nurse (RN) shall perform only those nursing activities for which the RN has been prepared through basic registered nursing education and those additional skills which are obtained through subsequent nursing education and within the scope of practice of an RN as determined by the Board.
- B.** A RN shall:
- 1. Practice within the legal boundaries of registered nursing within the scope of practice authorized by A.R.S. Title 32, Chapter 15 and 4 A.A.C. 19;
  - 2. Demonstrate honesty and integrity;
  - 3. Base nursing decisions on nursing knowledge and skills, the needs of clients, and registered nursing standards;
  - 4. Accept responsibility for individual nursing actions, decisions, and behavior in the course of registered nursing practice;
  - 5. Maintain competence through ongoing learning and application of knowledge in registered nursing practice;
  - 6. Protect confidential information unless obligated by law to disclose the information;
  - 7. Report unprofessional conduct, as defined in A.R.S. § 32-1601(24) and further specified in R4-19-403 and R4-19-814, to the Board;
  - 8. Respect a client's rights, concerns, decisions, and dignity;
  - 9. Maintain professional boundaries;
  - 10. Respect a client's property and the property of others; and
  - 11. Advocate on behalf of a client to promote the client's best interest.
- C.** In utilizing the nursing process to plan and implement nursing care for clients across the life-span, a RN shall:
- 1. Conduct a nursing assessment of a client in which the nurse:
    - a. Recognizes client characteristics that may affect the client's health status;
    - b. Gathers or reviews comprehensive subjective and objective data and detects changes or missing information;
    - c. Applies nursing knowledge in the integration of the biological, psychological, and social aspects of the client's condition; and
    - d. Demonstrates attentiveness by providing ongoing client surveillance and monitoring;
  - 2. Use critical thinking and nursing judgment to analyze client assessment data to:
    - a. Make independent nursing decisions and formulate nursing diagnoses; and
    - b. Determine the clinical implications of client signs, symptoms, and changes, as either expected, unexpected, or emergent situations;
  - 3. Based on assessment and analysis of client data, plan strategies of nursing care and nursing interventions in which the nurse:
    - a. Identifies client needs and goals;
    - b. Formulates strategies to meet identified client needs and goals;
    - c. Modifies defined strategies to be consistent with the client's overall health care plan; and
    - d. Prioritizes strategies based on client needs and goals;
  - 4. Provide nursing care within the RN scope of practice in which the nurse:
    - a. Administers prescribed aspects of care including treatments, therapies, and medications;
    - b. Clarifies health care provider orders when needed;
    - c. Implements independent nursing activities consistent with the RN scope of practice;
    - d. Institutes preventive measures to protect client, others, and self;
    - e. Intervenes on behalf of a client when problems are identified;
    - f. Promotes a safe client environment;
    - g. Attends to client concerns or requests;

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- h. Communicates client information to health team members including:
  - i. Client concerns and special needs;
  - ii. Client status and progress;
  - iii. Client response or lack of response to interventions; and
  - iv. Significant changes in client condition; and
- i. Documents the nursing care the RN has provided;
- 5. Evaluate the impact of nursing care including the:
  - a. Client's response to interventions;
  - b. Need for alternative interventions;
  - c. Need to communicate and consult with other health team members; and
  - d. Need to revise the plan of care;
- 6. Provide comprehensive nursing and health care education in which the RN:
  - a. Assesses and analyzes educational needs of learners;
  - b. Plans educational programs based on learning needs and teaching-learning principles;
  - c. Ensures implementation of an educational plan either directly or by delegating selected aspects of the education to other qualified persons; and
  - d. Evaluates the education to meet the identified goals;
- D.** A RN assigns and delegates nursing activities. The RN shall:
  - 1. Assign nursing care within the RN scope of practice to other RNs;
  - 2. Assign nursing care to a LPN within the LPN scope of practice based on the RN's assessment of the client and the LPN's ability;
  - 3. Supervise, monitor, and evaluate the care assigned to a LPN; and
  - 4. Delegate nursing tasks to UAPs. In maintaining accountability for the delegation, an RN shall ensure that the:
    - a. UAP has the education, legal authority, and demonstrated competency to perform the delegated task;
    - b. Tasks delegated are consistent with the UAP's job description and can be safely performed according to clear, exact, and unchanging directions;
    - c. Results of the task are reasonably predictable;
    - d. Task does not require assessment, interpretation, or independent decision making during its performance or at completion;
    - e. Selected client and circumstances of the delegation are such that delegation of the task poses minimal risk to the client and the consequences of performing the task improperly are not life-threatening;
    - f. RN provides clear directions and guidelines regarding the delegated task or, for routine tasks on stable clients, verifies that the UAP follows each written facility policy or procedure when performing the delegated task;
    - g. RN provides supervision and feedback to the UAP; and
    - h. RN observes and communicates the outcomes of the delegated task.

**Historical Note**

Former Section III, Part I; Amended effective February 20, 1980 (Supp. 80-1). Former Section R4-19-43 renumbered as Section R4-19-402 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Section repealed, new Section made by final rulemaking at 14 A.A.R. 4621, effective January 31, 2009 (Supp. 08-4). Subsection (B)(7) amended at request of Board, Office File No. M11-423, filed November 18, 2011 (Supp. 11-4). Pursuant to authority of A.R.S. § 41-1011(C), Laws 2012, Ch. 152, § 1, provides for A.R.S.

references to be corrected to reflect the renumbering of definitions. Therefore the A.R.S. citation in subsection (B)(7) was updated. Agency request filed July 12, 2012, Office File No. M12-242 (Supp. 12-3). A.R.S. Section reference updated under subsection (B)(7) under Laws 2015, Ch. 262, effective July 1, 2016 (Laws 2015, Ch. 262, § 23) at file number R16-186 (Supp. 16-3).

**R4-19-403. Unprofessional Conduct**

For purposes of A.R.S. § 32-1601(24)(d), any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public includes one or more of the following:

1. A pattern of failure to maintain minimum standards of acceptable and prevailing nursing practice;
2. Intentionally or negligently causing physical or emotional injury;
3. Failing to maintain professional boundaries or engaging in a dual relationship with a patient, resident, or any family member of a patient or resident;
4. Engaging in sexual conduct with a patient, resident, or any family member of a patient or resident who does not have a pre-existing relationship with the nurse, or any conduct in the work place that a reasonable person would interpret as sexual;
5. Abandoning or neglecting a patient who requires immediate nursing care without making reasonable arrangement for continuation of care;
6. Removing a patient's life support system without appropriate medical or legal authorization;
7. Failing to maintain for a patient record that accurately reflects the nursing assessment, care, treatment, and other nursing services provided to the patient;
8. Falsifying or making a materially incorrect, inconsistent, or unintelligible entry in any record:
  - a. Regarding a patient, health care facility, school, institution, or other work place location; or
  - b. Pertaining to obtaining, possessing, or administering any controlled substance as defined in the federal Uniform Controlled Substances Act, 21 U.S.C. 801 et seq., or Arizona's Uniform Controlled Substances Act, A.R.S. Title 36, Chapter 27;
9. Failing to take appropriate action to safeguard a patient's welfare or follow policies and procedures of the nurse's employer designed to safeguard the patient;
10. Failing to take action in a health care setting to protect a patient whose safety or welfare is at risk from incompetent health care practice, or to report the incompetent health care practice to employment or licensing authorities;
11. Failing to report to the Board a licensed nurse whose work history includes conduct, or a pattern of conduct, that leads to or may lead to an adverse patient outcome;
12. Assuming patient care responsibilities that the nurse lacks the education to perform, for which the nurse has failed to maintain nursing competence, or that are outside the scope of practice of the nurse;
13. Failing to supervise a person to whom nursing functions are delegated;
14. Delegating services that require nursing judgment to an unauthorized person;
15. Removing, without authorization, any money, property, or personal possessions, or requesting payment for services not performed from a patient, employer, co-worker, or member of the public.
16. Removing, without authorization, a narcotic, drug, controlled substance, supply, equipment, or medical record

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- from any health care facility, school, institution, or other work place location;
17. A pattern of using or being under the influence of alcohol, drugs, or a similar substance to the extent that judgment may be impaired and nursing practice detrimentally affected, or while on duty in any health care facility, school, institution, or other work location;
  18. Obtaining, possessing, administering, or using any narcotic, controlled substance, or illegal drug in violation of any federal or state criminal law, or in violation of the policy of any health care facility, school, institution, or other work location at which the nurse practices;
  19. Providing or administering any controlled substance or prescription-only drug for other than accepted therapeutic or research purposes;
  20. Engaging in fraud, misrepresentation, or deceit in taking a licensing examination or on an initial or renewal application for a license or certificate;
  21. Impersonating a nurse licensed or certified under this Chapter;
  22. Permitting or allowing another person to use the nurse's license for any purpose;
  23. Advertising the practice of nursing with untruthful or misleading statements;
  24. Practicing nursing without a current license or while the license is suspended, or practicing as a nurse practitioner without current national certification, if required pursuant to R4-19-505;
  25. Failing to:
    - a. Furnish in writing a full and complete explanation of a matter reported pursuant to A.R.S. § 32-1664, or
    - b. Respond to a subpoena issued by the Board;
  26. Making a written false or inaccurate statement to the Board or the Board's designee in the course of an investigation;
  27. Making a false or misleading statement on a nursing or health care related employment or credential application concerning previous employment, employment experience, education, or credentials;
  28. If a licensee or applicant is charged with a felony or a misdemeanor involving conduct that may affect patient safety, failing to notify the Board in writing, as required under A.R.S. § 32-3208, within 10 days of being charged. The licensee or applicant shall include the following in the notification:
    - a. Name, address, telephone number, social security number, and license number, if applicable;
    - b. Date of the charge; and
    - c. Nature of the offense;
  29. Failing to notify the Board, in writing, of a conviction for a felony or an undesignated offense within 10 days of the conviction. The nurse or applicant shall include the following in the notification:
    - a. Name, address, telephone number, social security number, and license number, if applicable;
    - b. Date of the conviction; and
    - c. Nature of the offense;
  30. For a registered nurse granted prescribing privileges, any act prohibited under R4-19-511(D); or
  31. Practicing in any other manner that gives the Board reasonable cause to believe the health of a patient or the public may be harmed.

**Historical Note**

Adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-44 repealed, new Section R4-19-44 adopted effective May 9, 1984 (Supp. 84-3). Amended by

adding Paragraphs 18 through 22 effective July 16, 1984 (Supp. 84-4). Former Section R4-19-44 renumbered and amended as Section R4-19-403 effective February 21, 1986 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (Supp. 05-3). Amended by final rulemaking at 14 A.A.R. 4621, effective January 31, 2009 (Supp. 08-4). Antiquated statute reference in opening subsection revised at the request of Board under A.R.S. § 41-1011(C), Office File No. M11-189, filed May 16, 2011 (Supp. 11-2). Pursuant to authority of A.R.S. § 41-1011(C), Laws 2012, Ch. 152, § 1, provides for A.R.S. references to be corrected to reflect the renumbering of definitions. Therefore the A.R.S. citation in the opening subsection was updated. Agency request filed July 12, 2012, Office File No. M12-242 (Supp. 12-3). A.R.S. Section reference updated under Laws 2015, Ch. 262, effective July 1, 2016 (Laws 2015, Ch. 262, § 23) at file number R16-186 (Supp. 16-3). Amended by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2).

**R4-19-404. Re-issuance or Subsequent Issuance of License**

- A. The Board may restore a license to a nurse whose license has been suspended after the period of suspension if the licensee provides written evidence that all requirements or conditions prescribed or ordered in the consent agreement or Board order for suspension have been met to the satisfaction of the Board. The Board may place conditions or limitations on the restored license. The license of a nurse who fails to provide such evidence of fulfilling the requirements or conditions prescribed by the Board shall remain on suspended status until such submission and acceptance by the Board.
- B. A person whose nursing license is denied, revoked, or voluntarily surrendered under A.R.S. § 32-1663 may apply to the Board to issue or re-issue the license:
  1. Five years from the date of denial or revocation, or
  2. In accordance with the terms of a voluntary surrender agreement.
- C. A person who applies for issuance or re-issuance of a license under the conditions of subsection (B) is subject to the following terms and conditions:
  1. The person shall submit a written application for issuance or re-issuance of the license that contains substantial evidence that the basis for surrendering, denying, or revoking the license has been removed and that the issuance or re-issuance of the license will not be a threat to public health or safety.
  2. Safe practice.
    - a. Under A.R.S. § 32-1664(F), the Board for reasonable cause may require a combination of mental, physical, nursing competency, psychological, or psychiatric evaluations, or any combination of evaluations, reports, and affidavits that the Board considers necessary to determine the person's competence and conduct to safely practice nursing.
    - b. Under A.R.S. 32-1664(K) the Board may issue subpoenas and compel the attendance of witnesses and the production of records and documentary evidence relevant to the person's ability to safely practice nursing.
  3. After receipt of the application, the information required under subsection (C)(2), and the completion of an investigation, the Board shall place the application on the agenda of a regularly scheduled Board meeting.

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4. After consideration of the application and any information required under subsection (C)(2), the Board may:
  - a. Grant the license with or without conditions or limitations;
  - b. If other licensure requirements have been met, grant, with or without conditions, a temporary license for the sole purpose of allowing the applicant to successfully complete an approved nurse refresher course; or
  - c. Deny the license if the Board determines that licensure might be harmful or dangerous to the health of a patient or the public.
5. If the Board orders a refresher course described in subsection (C)(4)(b) the Board shall consider the applicant's performance in the approved refresher course and any other evidence, if available, of the applicant's safety to practice, and either deny the license under subsection (C)(4)(c) or grant the license with or without conditions or limitations.
6. An applicant who is denied issuance or re-issuance of a license shall have 30 days from the date of issuance of the notice of denial from the Board to file a written request for hearing with the Board. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.
3. Will provide equipment and environmental conditions necessary to conduct a valid evaluation;
4. Has no current or past treatment, collegial, or social relationship with the licensee or certificate holder, any family member of the licensee or certificate holder, or the licensee's or certificate holder's legal counsel;
5. Will not enter into a treatment relationship with the licensee or certificate holder unless the relationship is unavoidable due to geographical location or the specific expertise of the evaluator; and
6. Agrees to keep information provided by the Board under subsection (D) confidential as evidenced by a signed confidentiality agreement provided by the Board.

**D.** Upon receipt of the evaluator's signed confidentiality agreement, the Board may provide confidential investigative information and documents to the evaluator for the purpose of disclosing the reason for the evaluation, the focus of the evaluation, and the conduct causing the Board to order the evaluation including:

1. The complaint and all information that has been received during the investigation of the complaint. Documents may include but are not limited to employment records, medical records, arrest records, conviction and sentencing records, excluding FBI fingerprint results, drug screen results, pharmacy profiles, witness statements, past licensure history, and a summary of information obtained during investigative interviews; and
2. The specific questions for which the Board is seeking answers; and

**E.** The evaluator shall provide the following information to the Board:

1. A professional report that is objective, thorough, timely, accurate, and defensible;
2. Evaluation findings including diagnosis if appropriate and assessment of ability to practice safely;
3. Recommendations for further evaluation, treatment, and remediation; and
4. Suggestions for assuring safe practice and compliance with treatment and remediation recommendations, if any.

**Historical Note**

Former Section R4-19-30 renumbered and amended as Section R4-19-45 effective February 20, 1980 (Supp. 80-1). Former Section R4-19-45 renumbered as Section R4-19-404 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 14 A.A.R. 4621, effective January 31, 2009 (Supp. 08-4).

**R4-19-405. Board-ordered Evaluations**

- A.** Under A.R.S. § 32-1664(F), the Board may order a licensee or CNA certificate-holder to undergo an evaluation by an independent qualified evaluator for the purposes of determining the licensee's or certificate holder's safety and competence to practice. Evaluations may be in the areas of:
1. Nursing knowledge or skills or both;
  2. Mental functioning, including but not limited to neuropsychological evaluation, and other cognition evaluations;
  3. Medical status including but not limited to medical review of drug screen results, chronic pain evaluation, physical examination, and biological testing;
  4. Psychiatric or psychological status including but not limited to substance abuse evaluation, boundary or sexual misconduct evaluations, and psychological testing; or
  5. Other similar evaluations that the Board determines are necessary to evaluate a licensee or certificate holder's ability to safely practice.
- B.** Before making the decision to order the evaluation, the Board shall review the allegations and investigative findings.
- C.** The Board retains the discretion to use an evaluator based on the evaluator's licensure history, the Board's past experience with the evaluator, and the quality of the evaluation provided. Before conducting a Board-ordered evaluation, a potential evaluator shall submit documentation that the evaluator:
1. Possesses expertise and educational credentials in the area that the Board has ordered an evaluation;
  2. Holds a license or certificate in good standing with a licensing or certifying board located in the United States and discloses any past licensure disciplinary actions and criminal history;

**Historical Note**

Adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-46 renumbered and amended as Section R4-19-405 effective February 21, 1986 (Supp. 86-1). Repealed effective July 19, 1995 (Supp. 95-3). New Section made by final rulemaking at 14 A.A.R. 4621, effective January 31, 2009 (Supp. 08-4).

**ARTICLE 5. ADVANCED PRACTICE REGISTERED NURSING****R4-19-501. Roles and Population Foci of Advanced Practice Registered Nursing (APRN); Certification Programs**

- A.** The Board recognizes the following APRN roles;
1. Registered nurse practitioner (RNP) in a population focus;
  2. Clinical Nurse Specialist (CNS) in a population focus;
  3. Certified Registered Nurse Anesthetist (CRNA);
  4. Certified Nurse Midwife (CNM).
- B.** RNPs and CNSs shall practice within one or more population foci, consistent with their education and certification. Population foci include:
1. Family-individual across the life span;
  2. Adult-gerontology primary or acute care;
  3. Neonatal;
  4. Pediatric primary or acute care;
  5. Women's health-gender related;
  6. Psychiatric-mental health;

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7. Other foci that have been recognized by the Board previously and new foci that meet the following conditions:
  - a. There is an accredited educational program and a national certifying process that meets the requirements of subsection (C); and
  - b. The focus is broad enough for an educational program to be developed that prepares a registered nurse to function both within the scope of practice of the role and population focus.
- C. Certified Nurse Midwives shall practice within a population focus consistent with their education, specifically women's health gender-related care, including childbirth and neonatal care.
- D. The Board shall accept advanced practice certifications from programs that meet the following qualifications:
  1. The certification program:
    - a. Is accredited by the National Commission for Certifying Agencies, the Accreditation Board for Specialty Nursing Certification, or an equivalent organization as determined by the Board;
    - b. Establishes educational requirements for certification that are consistent with the requirements in R4-19-505;
    - c. Has an application process and credential review that requires an applicant to submit original source documentation of the applicant's education and clinical practice in the advanced practice role and population focus, if applicable, for which certification is granted; and
    - d. Is national in the scope of its credentialing.
  2. The certification program uses an examination as a basis for certification in the advanced practice role and population focus, as applicable that meets all of the following criteria:
    - a. The examination is based upon job analysis studies conducted using standard methodologies acceptable to the testing community both initially and every five years;
    - b. The examination assesses entry-level practice in the advanced practice role and population focus, if applicable;
    - c. The examination assesses the knowledge, skills, and abilities essential for the delivery of safe and effective advanced nursing care to clients;
    - d. Examination items are reviewed for content validity, cultural sensitivity, and correct scoring using an established mechanism, both before first use and periodically; items are reviewed for currency at least every three years;
    - e. The examination is evaluated for psychometric performance and conforms to psychometric standards that are routinely utilized for other types of high-stakes testing;
    - f. The passing standard is established using accepted psychometric methods and is re-evaluated periodically;
    - g. Examination security is maintained through established procedures;
    - h. A re-take policy is in place; and
    - i. Conditions for taking the certification examination are consistent with standards of the testing community;
  3. Certification is issued upon passing the examination and meeting all other certification requirements;
4. The certification program periodically provides for re-certification that includes review of qualifications and continued competence;
5. The certification program provides timely communication to the Board regarding licensee or applicant certification status, changes in an individual's certification status, exam results and changes in the certification program, including qualifications, test plan, and scope of practice; and
6. The certification program has an evaluation process to provide quality assurance in its certificate program.
- E. The Board shall determine whether a certification program meets the requirements of this Section. The following certification programs meet the requirements of this Section as of the effective date of this rulemaking:
  1. For RNP, and CNM (consistent with R4-19-501(C) and (D)):
    - a. American Academy of Nurse Practitioner certification programs:
      - i. Adult nurse practitioner,
      - ii. Family nurse practitioner,
      - iii. Gerontologic nurse practitioner,
      - iv. Adult health-gerontological nurse practitioner.
    - b. American Nurses Credentialing Center certification programs:
      - i. Acute care nurse practitioner (adult/gerontology),
      - ii. Adult nurse practitioner,
      - iii. Family nurse practitioner,
      - iv. Gerontological nurse practitioner,
      - v. Pediatric nurse practitioner,
      - vi. Adult psychiatric and mental health nurse practitioner,
      - vii. Family psychiatric and mental health nurse practitioner,
      - viii. Adult health-gerontological nurse practitioner,
    - c. Pediatric Nursing Certification Board certification programs:
      - i. Pediatric nurse practitioner primary care,
      - ii. Pediatric nurse practitioner acute care,
    - d. National Certification Corporation for Obstetric, Gynecological, and Neonatal Nursing Specialties certification programs:
      - i. Women's health nurse practitioner,
      - ii. Neonatal nurse practitioner,
    - e. For a nurse-midwife, the American Midwifery Certification Board certification program in nurse midwifery,
    - f. AACN Certification Corporation certification programs:
      - i. Adult acute care nurse practitioner,
      - ii. Adult-gerontology acute care nurse practitioner,
  2. For CNS:
    - a. AACN Certification Corporation certification programs:
      - i. Adult acute and critical care CNS,
      - ii. Pediatric acute and critical care CNS,
      - iii. Neonatal acute and critical care CNS,
    - b. American Nurses Credentialing Center certification:
      - i. Adult psychiatric-mental health CNS,
      - ii. Family psychiatric-mental health CNS,
      - iii. Gerontological CNS,
      - iv. Adult health CNS,
      - v. Pediatric CNS.

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3. For CRNA, the National Board of Certification and Recertification for Nurse Anesthetists.
- F. The Board shall approve a certification program that meets the criteria established in this Section. An entity that seeks approval of a certification program and is denied approval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Former Section IV, Part I. Former Section R4-19-53 renumbered as Section R4-19-501 (Supp. 86-1). Former Section R4-19-501 renumbered to R4-19-502, new Section R4-19-501 adopted effective November 18, 1994 (Supp. 94-4). Amended effective November 25, 1996 (Supp. 96-4). Amended by final rulemaking at 7 A.A.R. 3213, effective July 12, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (05-3). Amended by final rulemaking at 19 A.A.R. 1438, effective July 6, 2013 (Supp. 13-2). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2, 2020 (Supp. 20-4).

**R4-19-502. Requirements for APRN Programs**

- A. An educational institution or other entity that offers an APRN program in this state for RNP, CNM, or CNS roles shall ensure that the program:
  1. Is offered by or affiliated with a college or university that is accredited under A.R.S. § 32-1644;
  2. For new programs, the college or university offering the program has at least one additional nationally accredited nursing program as defined in R4-19-101 or otherwise provides substantial evidence of the ability to attain national APRN program accreditation for all graduating cohorts;
  3. Is a formal educational program, that is part of a masters or doctoral program or a post-masters program in nursing with a concentration in an advanced practice registered nursing role and population focus under R4-19-501;
  4. Is nationally accredited, or has achieved candidacy status for national accreditation by an approved national nursing accrediting agency as defined in R4-19-101;
  5. Offers a curriculum that covers the scope of practice for both the role of advanced practice as specified in A.R.S. § 32-1601 and the population focus including:
    - a. Three separate graduate level courses in:
      - i. Advanced physiology and pathophysiology, including general principles across the lifespan;
      - ii. Advanced health assessment, which includes assessment of all human systems, advanced assessment techniques, concepts and approaches;
      - iii. Advanced pharmacology, which includes pharmacodynamics, pharmacokinetics and pharmacotherapeutics of all broad category agents;
    - b. Diagnosis and management of diseases across practice settings including diseases representative of all systems;
    - c. Preparation that provides a basic understanding of the principles for decision making in the identified role;
    - d. Preparation in the core competencies for the identified APRN role including legal, ethical and professional responsibilities; and
- e. Role preparation in an identified population focus under R4-19-501.
6. Verifies that each student has an unencumbered license to practice as an RN in the state of clinical practice;
7. Includes a minimum of 500 hours of faculty supervised clinical practice (programs that prepare students for more than one role or population focus shall have 500 hours of clinical practice in each role and population focus);
8. Notifies the Board of any changes in hours of clinical practice, accreditation status, denial or deferral of accreditation or program administrator and responds to Board requests for information;
9. Has financial resources sufficient to support accreditation standards and the educational goals of the program;
10. Establishes academic, professional, and conduct standards that determine admission to the program, progression in the program, and graduation from the program that are consistent with sound educational practices and recognized standards of professional conduct;
11. Establishes provisions for advanced placement for individuals holding a graduate degree in nursing who are seeking education in an APRN role and population focus, provided that advanced placement students master the same APRN competencies as students in the graduate-level APRN program; and
12. Provides the Board an application for approval under the provisions of R4-19-209(B) before making changes to the:
  - a. Scope of the program, or
  - b. Level of educational preparation provided.
- B. A CNS, CNM, or RNP program shall appoint the following personnel:
  1. An APRN program administrator who:
    - a. Holds a current unencumbered RN license or multi-state privilege to practice in Arizona and a current unencumbered APRN certificate issued by the Board;
    - b. Holds an earned doctorate in nursing or health-related field if appointed after the effective date of this Section;
    - c. Has at least two years clinical experience as an APRN; and
    - d. Holds current national certification as an APRN.
  2. A lead faculty member who is educated and certified both nationally and by the Board in the same role and population focus to coordinate the educational component for the role and population focus in the advanced practice registered nursing program.
  3. Nursing faculty to teach any APRN course that includes a clinical learning experience who have the following qualifications:
    - a. A current unencumbered RN license or multi-state privilege to practice registered nursing in Arizona,
    - b. A current unencumbered Arizona APRN certificate,
    - c. A graduate degree in nursing or a health related field in the population focus,
    - d. Two years of APRN clinical experience, and
    - e. Current knowledge, competence and certification as an APRN in the role and population focus consistent with teaching responsibilities.
  4. Adjunct or part-time clinical faculty employed solely to supervise clinical nursing experiences shall meet all of the faculty qualifications for the APRN program they are teaching.

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5. Interdisciplinary faculty who teach non-clinical courses shall have advanced preparation in the areas of course content.
6. Clinical preceptors may be used to enhance faculty-directed clinical learning experiences, but not to replace faculty. A clinical preceptor shall be approved by program administration or faculty and:
  - a. Hold a current unencumbered license or multistate privilege to practice as a registered nurse or physician in the state in which the preceptor practices or, if employed by the federal government, holds a current unencumbered RN or physician license in the United States;
  - b. Have at least one year clinical experience as a physician or an advanced practice nurse
  - c. Practice in a population focus comparable to that of the APRN program;
  - d. For nurse preceptors, have at least one of the following:
    - i. Current national certification in the advanced practice role and population focus of the course or program in which the student is enrolled;
    - ii. Current Board certification in the advanced practice role and population focus of the course or program in which the student is enrolled; or
    - iii. If an advanced practice preceptor cannot be found who meets the requirements of subsection (B)(6)(d)(i) or (ii), educational and experiential qualifications that will enable the preceptor to precept students in the program, as determined by the nursing program and approved by the Board.
- C. An entity that offers a CRNA program in Arizona shall maintain full national program accreditation with no limitations from the Council on Accreditation of Nurse Anesthesia Educational Programs or an equivalent agency approved by the Board. The program shall notify the Board of all program accreditation actions within 30 days of official notification by the accrediting agency.
2. Name, address, and evidence verifying institutional accreditation status of the affiliated educational institution and program accreditation status of current nursing programs offered by the educational institution;
3. The mission, goals, and objectives of the program consistent with generally accepted standards for advanced practice education in the role and population focus of the program;
4. List of the required courses, and a description, measurable objectives, and content outline for each required course consistent with curricular requirements in R4-19-502;
5. A proposed time schedule for implementation of the program and attaining national accreditation;
6. The total hours allotted for both didactic instruction and supervised clinical practicum in the program;
7. A program proposal that provides evidence of sufficient financial resources, clinical opportunities and available faculty and preceptors for the proposed enrollment and planned expansion;
8. A self-study that provides evidence of compliance with R4-19-502;
- B. An entity that wishes to offer a CRNA program shall submit evidence of current accreditation by the Council on Accreditation of Nurse Anesthesia Education Programs or an equivalent organization.
- C. The Board shall approve an advanced practice registered nursing program if approval is in the best interest of the public and the program meets the requirements of this Article. The Board may grant approval for a period of two years or less to an advanced practice nursing program where the program meets all the requirements of this Article except for accreditation by a national nursing accrediting agency, based on the program's presentation of evidence that it has applied for accreditation and meets accreditation standards.
- D. An educational institution or entity that is denied approval of an advanced practice registered nursing program may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying its application for approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.
- E. Approval of an advanced practice registered nursing program expires 12 months from the date of approval if a class of students is not admitted within that time.
- F. An advanced practice registered nursing program that has submitted an application according to this Section that meets the threshold requirements of the Nurse Practice Act, may receive a 90 day provisional approval from the Board, through Executive Director's delegated authority, prior to application review by the Board, as described in this Section. A program denied provisional approval may request a hearing, as described in subsection (D) of this Section.

**Historical Note**

Former Section IV, Part II; Amended effective February 20, 1980 (Supp. 80-1). Former Section R4-19-54 repealed, new Section R4-19-54 adopted effective July 20, 1981 (Supp. 81-4). Former Section R4-19-54 renumbered as Section R4-19-502 (Supp. 86-1). Section repealed, new Section R4-19-502 renumbered from R4-19-501 and Section heading amended effective November 18, 1994 (Supp. 94-4). Section repealed, new Section R4-19-502 adopted effective November 25, 1996 (Supp. 96-4). Amended by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (05-3). Amended by final rulemaking at 19 A.A.R. 1438, effective July 6, 2013 (Supp. 13-2). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2, 2020 (Supp. 20-4).

**R4-19-503. Application for Approval of an Advanced Practice Registered Nursing Program; Approval by Board; Provisional Approval by Executive Director**

- A. An administrator of an educational institution that proposes to offer a CNS, CNM, or RNP program shall submit an application that includes all of the following information to the Board:
  1. Role, population focus that meets the criteria in R4-19-501 program administrator and lead faculty member as required in R4-19-502(B);

**Historical Note**

Former Section IV, Part III; Amended effective Nov. 17, 1978 (Supp. 78-6). Amended effective February 20, 1980 (Supp. 80-1). Amended by adding subsection (F) effective July 20, 1981 (Supp. 81-4). Amended by adding subsection (G) effective September 15, 1982 (Supp. 82-5). Former Section R4-19-55 renumbered as Section R4-19-503 (Supp. 86-1). Former Section R4-19-503 repealed, new Section adopted effective November 18, 1994 (Supp. 94-4). Former Section R4-19-503 renumbered to Section R4-19-504; new Section R4-19-503 adopted effective November 25, 1996 (Supp. 86-1). Amended by final rulemaking at 11 A.A.R. 3804, effective November 12,



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2005 (05-3). Amended by final rulemaking at 19 A.A.R. 1438, effective July 6, 2013 (Supp. 13-2). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2, 2020 (Supp. 20-4).

**R4-19-504. Notice of Deficiency; Unprofessional APRN Program Conduct**

- A. The Board may periodically survey an advanced practice registered nursing program under its jurisdiction to determine whether criteria for approval are being met.
- B. The Board shall, upon determining that an advanced practice registered nursing program is not in compliance with this Article, provide to the program administrator a written notice of deficiencies that establishes a reasonable time, based upon the number and severity of deficiencies, to correct the deficiencies. The time for correction may not exceed 18 months.
  1. The program administrator shall, within 30 days from the date of service of the notice of deficiencies, consult with the Board or designated Board representative and, after consultation, file a plan to correct each of the identified deficiencies.
  2. The program administrator may, within 30 days from the date of service of the notice of deficiencies, submit a written request for a hearing before the Board to appeal the Board's determination of deficiencies. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.
  3. If the Board's determination is not appealed or is upheld upon appeal, the Board may conduct periodic evaluations of the program during the time of correction to determine whether the deficiencies have been corrected.
- C. The Board shall, following a Board-conducted survey and report, rescind the approval or limit the ability of a program to admit students if the program fails to comply with R4-19-502 within the time set by the Board in the notice of deficiencies provided to the program administrator.
  1. The Board shall serve the program administrator with a written notice of proposed rescission of approval or limitation of admission of students that states the grounds for the rescission or limitation. The program administrator has 30 days to submit a written request for a hearing to show cause why approval should not be rescinded or admissions limited. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.
  2. Upon the effective date of a decision to rescind program approval, the affected advanced practice registered nursing program shall immediately cease operation and be removed from the official approved-status listing. An advanced practice registered nursing program that is ordered to cease operations shall assist currently enrolled students to transfer to an approved nursing program.
- D. A disciplinary action, denial of approval, or notice of deficiency may be issued against an RNP or CNS nursing program for any of the following acts of unprofessional conduct:
  1. Failure to maintain minimum standards of acceptable and prevailing educational practice;
  2. For a program that was served with a notice of deficiencies within the preceding three years and timely corrected the noticed deficiencies, subsequent noncompliance with the standards in this Article;
  3. Utilization of students to meet staffing needs in health care facilities;
  4. Non-compliance with the program or parent institution mission or goals, program design, objectives, or policies;

5. Failure to provide the variety and number of clinical learning opportunities necessary for students to achieve program outcomes or minimal competence;
6. Student enrollments without adequate faculty, facilities, or clinical experiences;
7. Ongoing or repetitive employment of unqualified faculty;
8. Failure to comply with Board requirements within designated time-frames;
9. Fraud or deceit in advertising, promoting or implementing a nursing program;
10. Material misrepresentation of fact by the program in any advertisement, application or information submitted to the Board;
11. Failure to allow Board staff to visit the program or conduct an investigation;
12. Any other evidence that gives the Board reasonable cause to believe the program's conduct may be a threat to the safety and well-being of students, faculty or potential patients.

**Historical Note**

Former R4-19-504 renumbered to R4-19-505; new R4-19-504 made by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (05-3). Amended by final rulemaking at 19 A.A.R. 1438, effective July 6, 2013 (Supp. 13-2). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2, 2020 (Supp. 20-4).

**R4-19-505. Requirements for Initial APRN Certification**

- A. An applicant for certification as an advanced practice registered nurse, shall:
  1. Hold a current Arizona registered nurse (RN) license in good standing or an RN license in good standing from a compact party state with multistate privileges, and not be a participant in an alternative to discipline program in any jurisdiction; and
  2. Submit a verified application to the Board on a form provided by the Board that provides all of the following:
    - a. Full legal name and all former names used by the applicant;
    - b. Current address of record, including primary state of residence and telephone number;
    - c. Place and date of birth;
    - d. RN license number, application for RN license, or copy of a multistate compact RN license;
    - e. Social security number for an applicant who lives or works in the United States;
    - f. Current e-mail address;
    - g. Educational background, including the name and location of basic nursing program, the institution that awarded the highest degree held and any and all advanced practice registered nursing education programs or schools attended including the number of years attended, the length of each program, the date of graduation or completion, and the type of degree or certificate awarded;
    - h. Role and population focus, as applicable for which the applicant is applying;
    - i. Current employer or practice setting, including address, position, and dates of service, if employed or practicing in nursing or health care;
    - j. Evidence of national certification or recertification as an advanced practice registered nurse in the role and population focus, if applicable, of the application and by a certification program that meets the requirements of R4-19-501(C). The applicant shall

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- include the name of the certifying organization, population focus, certification number, date of certification, and expiration date;
- k. For applicants holding a multistate compact RN license in a state other than Arizona:
    - i. State of original licensure and license number;
    - ii. State of current compact RN license, license number and expiration date;
    - iii. Date of taking RN licensure exam and name of exam;
    - iv. Whether the applicant ever submitted an application for and was granted an Arizona license and, if applicable, the date of Arizona licensure;
    - v. Other information related to the nurse's practice for the purpose of collecting nursing workforce data; and
    - vi. State of licensure and license number of all RN licenses held,
  - l. Responses regarding the applicant's background on the following subjects:
    - i. Current investigation or pending disciplinary action by a nursing regulatory agency in the United States or its territories;
    - ii. Undesignated offense and felony charges, convictions and plea agreements including deferred prosecution;
    - iii. Misdemeanor charges, convictions, and plea agreements, including deferred prosecution, that are required to be reported under A.R.S. § 32-3208;
    - iv. Actions taken on a nursing license by any other state;
    - v. Unprofessional conduct as defined in A.R.S. § 32-1601;
    - vi. Substance use disorder within the last five years;
    - vii. Current participation in an alternative to discipline program in any other state; and
  - m. Information that the applicant meets the criteria in R4-19-506(A) or (C).
3. Submit a fingerprint card on a form provided by the Board or prints if the applicant has not submitted fingerprints to the Board within the last two years.
  4. Submit an official transcript from an institution accredited under A.R.S. § 32-1644 either sent directly from the institution or obtained from a Board-approved database that provides evidence of:
    - a. A graduate degree with a major in nursing for RNP, CNM, and CNS Applicants, or
    - b. A graduate degree associated with a CRNA program for a CRNA applicant.
  5. The applicant shall cause the program to provide the Board with evidence of completion of an APRN program in the role and population focus of the application through submission of an official letter or other official program document sent either directly from the program, or from a Board-approved data base. The APRN program shall meet one of the following criteria during the period of the applicant's attendance in the program:
    - a. The program was part of a graduate degree, or post-masters program at an institution accredited under A.R.S. § 32-1644; or
    - b. The program was approved or recognized in the U.S jurisdiction of program location for the purpose granting APRN licensure or certification.
  6. For an applicant who completed an advanced practice or graduate program in a foreign jurisdiction, submit an evaluation from the Commission on Graduates of Foreign Nursing Schools or a Board-approved credential evaluation service that indicates the applicant's program is comparable to a U.S. graduate nursing or APRN program.
  7. Submit the required fee.
- B.** If the applicant satisfies all other requirements, the Board shall continue to certify:
1. An RNP or CNM without a graduate degree with a major in nursing if the applicant:
    - a. Meets all other requirements for certification; and
    - b. Ensures that the U.S. jurisdiction of an applicant's previous RNP or CNM licensure or certification submits evidence of the applicant's certification or licensure in the nurse practitioner role and population focus that either is current or was current at least six months before the application was received by the Board, and was originally issued:
      - i. Before January 1, 2001, if the RNP or CNM applicant lacks a graduate degree; or
      - ii. Before November 13, 2005 if the RNP's or CNM's graduate degree is in a health-related area other than nursing.
  2. An RNP, CNM, or CNS applicant without evidence of national certification who received initial advanced practice certification or licensure in another state not later than July 1, 2004 and provides evidence, directly from the jurisdiction, that the certification or licensure is current.
  3. A CNS applicant without evidence of completion of a CNS program who received initial certification or advanced practice licensure in this or another state not later than November 13, 2005 and provides evidence, directly from the jurisdiction, that the certificate or license is current.
  4. A CRNA who completed a CRNA program before the effective date of this Section without evidence of a graduate degree.
  5. A CNS applicant who completed a women's health clinical nurse specialist program that was part of a graduate degree in nursing program under subsection (A), without evidence of national certification upon submission of the following:
    - a. A description of the applicant's scope of practice that is consistent with A.R.S. § 32-1601(7);
    - b. One of the following:
      - i. A letter from a faculty member who supervised the applicant during the graduate program attesting to the applicant's competence to practice within the defined scope of practice;
      - ii. A letter from a current supervisor verifying the applicant's competence in the defined scope of practice; or
      - iii. A letter from a physician, RNP, CNM, or CNS who has worked with the applicant within the past two years attesting to the applicant's competence in the defined scope of practice; and
    - c. A form verifying that the applicant has practiced a minimum of 500 hours in the population focus within the past two years, which may include clinical practice time in a CNS program.
- C.** The Board shall issue a certificate to practice as an RNP, CNM, or CNS in a population focus, or as a registered nurse anesthetist, to a registered nurse who meets the criteria in this Section. An applicant who is denied a certificate may request a

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hearing by filing a written request with the Board within 30 days of service of the Board's order denying certification. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6 of this Chapter.

**Historical Note**

Adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-56 repealed, new Section R4-19-56 adopted effective July 16, 1984 (Supp. 84-4). Former Section R4-19-56 renumbered as Section R4-19-504 (Supp. 86-1). Former Section R4-19-504 renumbered to R4-19-505, new Section R4-19-504 adopted effective November 18, 1994 (Supp. 94-4). Former Section R4-19-504 renumbered to Section R4-10-505; new Section R4-19-504 renumbered from R4-19-503 and amended effective November 25, 1996 (Supp. 96-4). Amended effective January 10, 1997 (Supp. 97-1). Amended by final rulemaking at 5 A.A.R. 3911, effective September 28, 1999 (Supp. 99-3). Former R4-19-505 renumbered to R4-19-508; new R4-19-505 renumbered from R4-19-504 and amended by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (Supp. 05-3). Amended by final rulemaking at 13 A.A.R. 1483, effective June 2, 2007 (Supp. 07-2). Pursuant to authority of A.R.S. § 41-1011(C), Laws 2012, Ch. 152, § 1, provides for A.R.S. references to be corrected to reflect the renumbering of definitions. Therefore the A.R.S. citation in subsection (A)(7)(a) was updated. Agency request filed July 12, 2012, Office File No. M12-242 (Supp. 12-3). Amended by final rulemaking at 19 A.A.R. 1438, effective July 6, 2013 (Supp. 13-2). A.R.S. Section reference updated under subsection (B)(5)(a), under Laws 2015, Ch. 262, effective July 1, 2016 (Laws 2015, Ch. 262, § 23) at file number R16-186 (Supp. 16-3). Amended by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2, 2020 (Supp. 20-4).

**R4-19-506. Expiration of APRN Certificate; Practice Requirement; Renewal**

- A.** An advanced practice certificate issued after July 1, 2004, expires when the certificate holder's RN license expires, or when national certification expires, whichever occurs first. Certificates issued on or before July 1, 2004, or those issued without proof of national certification under R4-19-505(B)(5) and (B)(2) do not expire unless the RN license expires under A.R.S. § 32-1642 or the nurse has not practiced advanced practice nursing at the applicable level of certification for a minimum of 960 hours in the five years before the date the application is received. This requirement is satisfied if the applicant verifies that the applicant has:
1. Completed an advanced practice nursing education program within the past five years; or
  2. Practiced for a minimum of 960 hours within the past five years where the nurse:
    - a. Worked for compensation or as a volunteer, as an APRN and performed one or more acts under A.R.S. § 32-1601(7) for a CNS, A.R.S. § 32-1601(20) for an RNP, A.R.S. § 32-1601(5) for a CNM, or A.R.S. § 32-1634.04 for a CRNA; or
    - b. Held a position for compensation or as a volunteer that required, preferred or recommended, in the job description, the level of advanced practice certification being sought or renewed.

- B.** A registered nurse requesting renewal of an APRN certificate issued after July 1, 2004 shall provide evidence of current national certification or recertification under R4-19-505(A)(2)(j). This provision does not apply to a CNS granted a waiver of certification.
- C.** An APRN who does not satisfy the practice requirement of subsection (A) shall complete coursework or continuing education activities at the graduate or advanced practice level that include, at minimum, 45 contact hours of advanced pharmacology and 45 contact hours in a subject or subjects related to the role and population focus of certification. Upon completion of the coursework, the nurse shall engage in a period of precepted clinical practice as specified in this subsection;
1. Precepted clinical practice shall be directly supervised by an APRN in the same role and population focus as the certification being renewed or a physician who engages in practice with the same population focus as the certification being renewed.
  2. Practice hours completed during the time-frame specified below may be applied to reduce the number of precepted clinical practice hours, except that in no case shall the hours be reduced by more than half the requirement. The nurse shall complete hours according to the following schedule:
    - a. 300 hours if the applicant has practiced less than 960 hours in only the last five years;
    - b. 600 hours if the applicant has not practiced 960 hours in the last five years, but has practiced at least 960 hours in the last six years;
    - c. 1000 hours if the applicant has not practiced at least 960 hours in the last six years, but has practiced 960 hours in the last seven to 10 years; or
    - d. If the nurse has not practiced 960 hours of advanced practice nursing in the role and population focus being renewed in more than 10 years, complete a program of study as recommended by an approved advanced practice nursing program that includes, at minimum, 500 hours of faculty supervised clinical practice in the role and population focus of certification. An applicant who qualifies for any option in subsection (C)(2)(a) through (c) may complete the requirements of this subsection to satisfy the practice requirement.
- D.** An applicant who, in addition to not meeting the requirements for continued APRN certification, does not meet the requirements for RN renewal, shall fulfill all RN renewal requirements before satisfying the requirements of this Section.
- E.** The Board shall renew a certificate to practice as a registered nurse practitioner in a population focus, a clinical nurse specialist in a population focus, or a registered nurse anesthetist for a registered nurse who meets the criteria in this Section. An applicant who is denied renewal of a certificate may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying renewal of certification. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6 of this Chapter.

**Historical Note**

Section R4-19-506 renumbered from R4-19-505 effective November 18, 1994 (Supp. 94-4). Former Section R4-19-506 renumbered to R4-19-510, new Section R4-19-506 adopted effective November 25, 1996 (Supp. 96-4). Former R4-19-506 renumbered to R4-19-510; new Section R4-19-506 made by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (Supp. 05-3). Amended by final rulemaking at 13 A.A.R. 1483, effective June 2,

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2007 (Supp. 07-2). Pursuant to authority of A.R.S. § 41-1011(C), Laws 2012, Ch. 152, § 1, provides for A.R.S. references to be corrected to reflect the renumbering of definitions. Therefore the A.R.S. citations in subsection (A)(2)(a) were updated. Agency request filed July 12, 2012, Office File No. M12-242 (Supp. 12-3). Amended by final rulemaking at 19 A.A.R. 1438, effective July 6, 2013 (Supp. 13-2). A.R.S. Section references updated under subsection (A)(2)(a), under Laws 2015, Ch. 262, effective July 1, 2016 (Laws 2015, Ch. 262, § 23) at file number R16-186 (Supp. 16-3). Amended by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2, 2020 (Supp. 20-4).

#### **R4-19-507. Temporary Advanced Practice Certificate; Temporary Prescribing and Dispensing Authority**

- A.** Based on the registered nurse's qualifications, the Board may issue a temporary certificate to practice as a RNP, CNM, or a CNS in a population focus or a registered nurse anesthetist. A registered nurse who is applying for a temporary certificate shall:
1. Apply for certification as an APRN;
  2. Submit an application for a temporary certificate;
  3. Demonstrate authorization to practice as a registered nurse in Arizona on either a permanent or temporary Arizona license in good standing or a multistate compact privilege;
  4. Meet all requirements of R4-19-505 or meet the requirements of R4-19-505 with the exception of national certification for RNP, CNM, and CNS applicants unless exempt under R4-19-505(B); and
  5. Submit evidence that the applicant:
    - a. Has applied for and is eligible to take an approved national advanced practice certification exam in the role and population focus of the application;
    - b. Has requested that the certification program transmit all exam results directly to the Board; or
    - c. For a CRNA, holds national certification according to R4-19-501.
- B.** If an applicant fails to meet criteria for national advanced practice certification or has failed a certification exam, the applicant is not eligible for a temporary certificate.
- C.** The Board may issue temporary prescribing and dispensing authority for RNP, CNM, or CNS applicants, if the applicant:
1. Meets all application requirements for temporary certification in this Section,
  2. Applies for and meets all requirements for prescribing and dispensing authority under R4-19-511,
  3. Has been certified or licensed as an RNP, CNM, or CNS with prescribing and dispensing authority in the same role and population focus in another state or territory of the United States,
  4. Either holds current national certification as an RNP, CNM, or CNS in the population focus of the application or is exempt from national certification under R4-19-505(B), and
  5. Meets the practice requirement of R4-19-506(A)(2).
- D.** Temporary certification as an APRN and temporary prescribing and dispensing authority expire in six months and may be renewed for an additional six months for good cause. Good cause means reasons beyond the control of the temporary certificate holder such as unavoidable delays in obtaining information required for certification.
- E.** Notwithstanding subsection (D), the Board shall withdraw a temporary APRN certificate and temporary prescribing and

dispensing authority under any one of the following conditions. The temporary certificate holder:

1. Does not meet requirements for RN licensure in this state or the RN license is suspended or revoked,
  2. Fails to renew the RN license upon expiration,
  3. Loses the multistate compact privilege,
  4. Fails the national certifying examination, fails to maintain current national certification, as required by R4-19-505, or
  5. Violates a statute or rule of the Board.
- F.** An applicant who is denied a temporary certificate or temporary prescribing and dispensing authority may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the temporary certification or authority. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6 of this Chapter.

#### **Historical Note**

Adopted effective November 25, 1996 (Supp. 96-4). Amended by final rulemaking at 5 A.A.R. 4300, effective October 18, 1999 (Supp. 99-4). Section repealed; new Section made by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (Supp. 05-3). Amended by final rulemaking at 13 A.A.R. 1483, effective June 2, 2007 (Supp. 07-2). Amended by final rulemaking at 19 A.A.R. 1438, effective July 6, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2, 2020 (Supp. 20-4).

#### **R4-19-508. Standards Related to RNP, CNM, and CNS Scope of Practice**

- A.** An RNP, CNM, or CNS shall refer a patient to a physician or another health care provider if the referral will protect the health and welfare of the patient and consult with a physician and other health care providers if a situation or condition occurs in a patient that is beyond the RNP's, CNM's, or CNS's knowledge and experience.
- B.** In addition to the scope of practice permitted a registered nurse, the additional certification of an RNP, CNM, and CNS, under A.R.S. §§ 32-1601 (5), (9), and (20), as applicable, and 32-1606(B)(12), permits the RNP, CNM, and CNS to perform the following acts within the limits of the population focus of certification:
1. Examine a patient and establish a medical diagnosis by client history, physical examination, and other criteria.
  2. For a patient who requires the services of a health care facility:
    - a. Admit the patient to the facility,
    - b. Manage the care the patient receives in the facility, and
    - c. Discharge the patient from the facility.
  3. Order and interpret laboratory, radiographic, and other diagnostic tests, and perform those tests that the RNP, CNM, or CNS is qualified to perform.
  4. Prescribe, order, administer and dispense therapeutic measures including pharmacologic agents and devices if authorized under R4-19-511, and non-pharmacological interventions including, but not limited to, durable medical equipment, nutrition, home health care, hospice, physical therapy and occupational therapy. (For the CNS, all prescribing is restricted according to A.R.S. § 32-1651.)
  5. Identify, develop, implement, and evaluate a plan of care for a patient to promote, maintain, and restore health.

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6. Perform therapeutic procedures that the RNP, CNM, or CNS is qualified to perform.
  7. Delegate therapeutic measures to qualified assistive personnel including medical assistants under R4-19-509.
  8. Perform additional acts that the RNP, CNM, or CNS is qualified to perform and that are generally recognized as being within the role and population focus of certification.
- C. An RNP, CNM, or CNS shall only provide health care services including prescribing and dispensing within the RNP's, CNM's, or CNS's population focus and role and for which the RNP, CNM, or CNS is educationally prepared and for which competency has been established and maintained. Educational preparation means academic coursework or continuing education activities that include both theory and supervised clinical practice.

**Historical Note**

Adopted effective February 25, 1987 (Supp. 87-1). Former Section R4-19-505 renumbered to R4-19-506, new Section R4-19-505 renumbered from R4-19-504 effective November 18, 1994 (Supp. 94-4). Former Section R4-19-505 repealed, new Section R4-19-505 renumbered from R4-19-504 and amended effective November 25, 1996 (Supp. 96-4). Amended by final rulemaking at 5 A.A.R. 4300, effective October 18, 1999 (Supp. 99-4). Former R4-19-508 renumbered to R4-19-513; new R4-19-508 renumbered from R4-19-505 and amended by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (Supp. 05-3). Amended by final rulemaking at 13 A.A.R. 1483, effective June 2, 2007 (Supp. 07-2). Pursuant to authority of A.R.S. § 41-1011(C), Laws 2012, Ch. 152, § 1, provides for A.R.S. references to be corrected to reflect the renumbering of definitions. Therefore one of the A.R.S. citations in subsection (B) was updated. Agency request filed July 12, 2012, Office File No. M12-242 (Supp. 12-3). Amended by final rulemaking at 19 A.A.R. 1438, effective July 6, 2013 (Supp. 13-2). A.R.S. Section reference updated under subsection (B), under Laws 2015, Ch. 262, effective July 1, 2016 (Laws 2015, Ch. 262, § 23) at file number R16-186 (Supp. 16-3). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2, 2020 (Supp. 20-4).

**R4-19-509. Delegation to Medical Assistants**

- A. Under A.R.S. §§ 32-1456 and 32-1601(20), an RNP may delegate patient care to a medical assistant in an office or outpatient setting. The RNP shall verify that a medical assistant to whom the RNP delegates meets at least one of the following qualifications:
1. Completed an approved medical assistant training program as defined in A.A.C. R4-16-101(3);
  2. If a graduate of an unapproved medical assistant training program, passed the medical assistant examination administered by either the American Association of Medical Assistants or the American Medical Technologists;
  3. Completed an unapproved medical assistant training program and was employed as a medical assistant on a continuous basis since completion of the program before February 2, 2000;
  4. Was directly supervised by the same registered nurse practitioner for at least 2000 hours before February 2, 2000; or
  5. Completed a medical services training program of the Armed Forces of the United States.

- B. An RNP may delegate the following acts to a medical assistant who is under the direct supervision of the RNP and demonstrates competency in the performance of the act:
1. Obtain vital signs;
  2. Perform venipuncture and draw blood;
  3. Perform capillary puncture;
  4. Perform pulmonary function testing;
  5. Perform electrocardiography;
  6. Perform patient screening using established protocols;
  7. Perform dosage calculations as applicable to written orders;
  8. Apply pharmacology principles to prepare and administer oral, inhalant, topical, otic, optic, rectal, vaginal and parenteral medications (excluding intravenous medications);
  9. Maintain medication and immunization records;
  10. Assist provider with patient care;
  11. Perform Clinical Laboratory Improvement Amendments (CLIA) waived hematology, chemistry, urinalysis, microbiological and immunology testing;
  12. Screen test results;
  13. Obtain specimens for microbiological testing;
  14. Obtain patient history;
  15. Instruct patients according to their needs to promote health maintenance and disease prevention;
  16. Prepare a patient for procedures or treatments;
  17. Document patient care and education;
  18. Perform first aid procedures;
  19. Perform whirlpool treatments;
  20. Perform diathermy treatments;
  21. Perform electronic galvitation stimulation treatments;
  22. Perform ultrasound therapy;
  23. Perform massage therapy (subject to regulation by massage therapy board);
  24. Apply traction treatments;
  25. Apply Transcutaneous Nerve Stimulation unit treatments;
  26. Apply hot and cold pack treatments; and
  27. Administer small volume nebulizer treatments.

**Historical Note**

Adopted effective November 25, 1996 (Supp. 96-4). Section repealed by final rulemaking at 5 A.A.R. 4300, effective October 18, 1999 (Supp. 99-4). New Section made by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (Supp. 05-3). Amended by final rulemaking at 14 A.A.R. 4621, effective January 31, 2009 (Supp. 08-4). Pursuant to authority of A.R.S. § 41-1011(C), Laws 2012, Ch. 152, § 1, provides for A.R.S. references to be corrected to reflect the renumbering of definitions. Therefore one of the A.R.S. citations in subsection (A) was updated. Agency request filed July 12, 2012, Office File No. M12-242 (Supp. 12-3). Amended by final rulemaking at 19 A.A.R. 1438, effective July 6, 2013 (Supp. 13-2). A.R.S. Section reference updated under subsection (A), under Laws 2015, Ch. 262, effective July 1, 2016 (Laws 2015, Ch. 262, § 23) at file number R16-186 (Supp. 16-3).

**R4-19-510. Expired****Historical Note**

Section renumbered from R4-19-506 and amended effective November 25, 1996 (Supp. 96-4). Section repealed made by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1). Section R4-19-510 renumbered from R4-19-506 and amended by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (Supp. 05-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 1093, effective March 24, 2011 (Supp. 11-4).

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2).

**R4-19-511. Prescribing and Dispensing Authority; Prohibited Acts**

- A.** The Board shall authorize an RNP, CNM, or CNS to prescribe and dispense (P&D) drugs and devices within the RNP's, CNM's, or CNS's population focus only if the RNP, CNM, or CNS does all of the following:
- Obtains authorization by the Board to practice as an RNP, CNM, or CNS;
  - Applies for prescribing and dispensing privileges on the application for RNP, CNM, or CNS certification;
  - Submits a completed verified application on a form provided by the Board that contains all of the following information:
    - Name, address, e-mail address and home telephone number;
    - Arizona registered nurse license number, or copy of compact license;
    - RNP, CNM, or CNS population focus;
    - RNP, CNM, or CNS certification number issued by the Board; and
    - Business address and telephone number;
  - Submits evidence of a minimum of 45 contact hours of education within the three years immediately preceding the application, covering one or both of the following topics consistent with the population focus of education and certification:
    - Pharmacology, or
    - Clinical management of drug therapy, and
  - Submits the required fee.
- B.** An applicant who is denied P & D authority may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the P & D authority. Board hearings shall comply with A.R.S. Title 41, Chapter 6, Article 10, and 4 A.A.C. 19, Article 6, of this Chapter.
- C.** An RNP, CNM, or CNS shall not prescribe or dispense drugs or devices without Board authority or in a manner inconsistent with law. The Board may impose an administrative or civil penalty for each violation, suspend the RNP's, CNM's, or CNS's P & D authority, or impose other sanctions under A.R.S. § 32-1606(C). In determining the appropriate sanction, the Board shall consider factors such as the number of violations, the severity of each violation, and the potential for or existence of patient harm.
- D.** In addition to acts listed under R4-19-403, for an RNP, CNM, or CNS who prescribes or dispenses a drug or device, a practice that is or might be harmful to the health of a patient or the public, includes one or more of the following:
- Prescribing a controlled substance to oneself, a member of the RNP's, CNM's, or CNS's family or any other person with whom the RNP, CNM, or CNS has a relationship that may affect the RNP's, CNM's, or CNS's ability to use independent, objective and sound judgment when prescribing;
  - Providing any controlled substance or prescription-only drug or device for other than accepted therapeutic purposes;
  - Delegating the prescribing and dispensing of drugs or devices to any other person;
  - Prescribing for a patient that is not in the RNP's, CNM's, or CNS's population focus of education and certification except as authorized in subsection (D)(5)(d); and
  - Prescribing, dispensing, or furnishing a prescription drug or a prescription-only device to a person unless the RNP, CNM, or CNS has examined the person and established a

professional relationship, except when engaging in one or more of the following:

- Providing temporary patient care on behalf of the patient's regular treating and licensed health care professional;
  - Providing care in an emergency medical situation where immediate medical care or hospitalization is required by a person for the preservation or health, life, or limb;
  - Furnishing a prescription drug to prepare a patient for a medical examination; or
  - Prescribing antimicrobials to a person who is believed to be at substantial risk as a contact of a patient who has been examined and diagnosed with a communicable disease by the prescribing RNP, CNM, or CNS even if the contact is not in the population focus of the RNP's, CNM's, or CNS's certification.
6. Prescribing or dispensing any controlled substance or prescription-only drug or device in a manner that is inconsistent with other state or federal requirements.
- E.** An RNP, CNM, or CNS shall not dispense a Schedule II Controlled Substance that is an opioid, except for an opioid that is for medication assisted treatment for substance use disorders.
- F.** A CNS's prescribing is additionally limited according to A.R.S. § 32-1651.
- G.** A CRNA may apply for and obtain a prescribing-only certificate upon successful completion of all application requirements that are applicable to prescribing, as listed for other APRNs, and follow the same prescribing restrictions and administrative processes, as described in subsections (A) through (D), of this Section; and consistent with A.R.S. § 32-1634.04, and all other applicable laws.

**Historical Note**

Adopted effective November 25, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (Supp. 05-3). Amended by final rulemaking at 19 A.A.R. 1438, effective July 6, 2013 (Supp. 13-2). Amended by final rulemaking at 23 A.A.R. 1420, effective July 1, 2017 (Supp. 17-2). Amended by emergency rulemaking at 24 A.A.R. 1678, filed and effective May 23, 2018, valid for 180 days, A.R.S. 41-1026(D) (Supp. 18-2). Emergency renewed with amendments at 24 A.A.R. 3335, filed and effective November 9, 2018, valid for an additional 180 days (Supp. 18-4). Emergency expired. Amended by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2, 2020 (Supp. 20-4).

**R4-19-512. Prescribing Drugs and Devices**

- A.** An RNP, CNM, or CNS granted P & D authority by the Board may, within restrictions provided by law and applicable to each certificate:
- Prescribe drugs and devices;
  - Provide for refill of prescription-only drugs and devices for one year from the date of the prescription.
- B.** An RNP, CNM, or CNS with P & D authority who wishes to prescribe a controlled substance shall obtain a DEA registration number before prescribing a controlled substance, and shall file the DEA registration number with the Board.
- C.** An RNP, CNM, or CNS with a DEA registration number may prescribe, but may not exceed the limitations of each certification:

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1. A Schedule II controlled substance as defined in the federal Controlled Substances Act, 21 U.S.C. § 801 et seq., or Arizona's Uniform Controlled Substances Act, A.R.S. Title 36, Chapter 27, but shall not prescribe refills of the prescription, and shall follow all other restrictions provided by law;
  2. A Schedule III or IV controlled substance, as defined in the federal Controlled Substances Act or Arizona's Uniform Controlled Substances Act, and may prescribe a maximum of five refills in six months; and
  3. A Schedule V controlled substance, as defined in the federal Controlled Substances Act or Arizona's Uniform Controlled Substances Act, and may prescribe refills for a maximum of one year.
- D.** An RNP, CNM, or CNS whose DEA registration is revoked or expires shall not prescribe controlled substances. An RNP, CNM, or CNS whose DEA registration is revoked or limited shall report the action to the Board within 10 days of the revocation or limitation.
- E.** In all outpatient settings or at the time of hospital discharge, an RNP, CNM, or CNS with P & D authority, who prescribed medication to a patient, shall personally provide the patient or the patient's representative with the name of the drug, directions for use, and any special instructions, precautions, or storage requirements necessary for safe and effective use of the drug if any of the following occurs:
1. A new drug is prescribed or there is a change in the dose, form, or direction for use in a previously prescribed drug;
  2. In the RNP's, CNM's, or CNS's professional judgment, these instructions are warranted; or
  3. The patient or patient's representative requests instruction.
- F.** An RNP, CNM, or CNS with P & D authority shall ensure that all prescription orders contain the following:
1. The RNP's, CNM's, or CNS's name, address, telephone number, and population focus;
  2. The prescription date;
  3. The name of the patient and either the address of the patient or a blank for the address if the prescription is not being dispensed by the RNP, CNM, or CNS;
  4. The full name of the drug, strength, dosage form, and directions for use;
  5. The letters "DAW", "dispense as written", "do not substitute", "medically necessary" or any similar statement on the face of the prescription form if intending to prevent substitution of the drug;
  6. The RNP's, CNM's, or CNS's DEA registration number, if applicable; and
  7. The RNP's, CNM's, or CNS's signature.
- Historical Note**
- Former R4-19-512 renumbered to R4-19-514; new R4-19-512 made by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (05-3). Amended by final rulemaking at 19 A.A.R. 1438, effective July 6, 2013 (Supp. 13-2). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2, 2020 (Supp. 20-4).
- R4-19-513. Dispensing Drugs and Devices**
- A.** An RNP, CNM, or CNS granted prescribing and dispensing authority by the Board may, within restrictions provided by law and applicable to each certificate:
1. Dispense drugs and devices to patients;
  2. Dispense samples of drugs packaged for individual use without a prescription order or additional labeling;
  3. Only dispense drugs and devices obtained directly from a pharmacy, manufacturer, wholesaler, or distributor; and
  4. Allow other personnel to assist in the delivery of medications provided that the RNP, CNM, or CNS retains responsibility and accountability for the dispensing process.
- B.** If dispensing a drug or device, an RNP, CNM, or CNS with dispensing authority shall:
1. Ensure that the patient has a written prescription that complies with R4-19-512(F) and contains the address of the patient and inform the patient that the prescription may be filled by the prescribing RNP, CNM, or CNS or by a pharmacy of the patient's choice;
  2. Affix a prescription number to each prescription that is dispensed;
  3. Ensure that all original prescriptions are preserved for a minimum of seven years and make the original prescriptions available at all times for inspection by the Board of Nursing, Board of Pharmacy, and law enforcement officers in performance of their duties; and
  4. Report the dispensing of controlled substances to the Board of Pharmacy's Controlled Substance Prescription Monitoring Program according to A.R.S. § 36-2608.
- C.** An RNP, CNM, or CNS practicing in a public health facility operated by this state or a county or in a qualifying community health center under A.R.S. § 32-1921(D) and (F) may dispense drugs or devices to patients without a written prescription if the public health facility or the qualifying community health center adheres to all storage, labeling, safety, and recordkeeping rules of the Board of Pharmacy.
- D.** An RNP, CNM, or CNS who dispenses a drug shall ensure that a label is affixed that contains all of the following information:
1. Dispensing RNP's, CNM's, or CNS's name and population focus;
  2. Address and telephone number of the location from which the drug is dispensed;
  3. Date dispensed;
  4. Patient's name and address;
  5. Name and strength of the drug, quantity in the container, directions for use, and any cautionary statements necessary for the safe and effective use of the drug;
  6. Manufacturer and lot number; and
  7. Prescription order number.
- E.** An RNP, CNM, or CNS who dispenses a drug or device shall ensure that the following information about the drug or device is entered into the patient's medical record:
1. Name of the drug, strength, quantity, directions for use, and number of refills;
  2. Date dispensed;
  3. Therapeutic reason;
  4. Manufacturer and lot number; and
  5. Prescription order number.
- F.** An RNP, CNM, or CNS with dispensing authority shall:
1. Keep all drugs in a locked cabinet or room in an area that is not accessible to patients;
  2. If dispensing a controlled substance:
    - a. Control access by a written policy that specifies:
      - i. Those persons allowed access, and
      - ii. Procedures to report immediately the discovery of a shortage or illegal removal of drugs to a local law enforcement agency and provide that agency and the DEA with a written report within seven days of the discovery.
    - b. Maintain and make available to the Board upon request an ongoing inventory and record of:

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- i. A Schedule II controlled substance, as defined in the federal Controlled Substances Act or Arizona's Uniform Controlled Substances Act, separately from all other records, and a prescription for a Schedule II controlled substance in a separate prescription file; and
  - ii. A Schedule III, IV, or V controlled substance, as defined in the federal Controlled Substances Act or Arizona's Uniform Controlled Substances Act, in a form that is readily retrievable from other records.
- G. If a prescription order is refilled, an RNP, CNM, or CNS with P & D authority shall record the following information on the back of the prescription order or in the patient's medical record:
  - 1. Date refilled,
  - 2. Quantity dispensed if different from the full amount of the original prescription,
  - 3. RNP's, CNM's, or CNS's name or identifiable initials, and
  - 4. Manufacturer and lot number.
- H. Under the supervision of an RNP, CNM, or CNS with P & D authority, other personnel may:
  - 1. Receive and record a prescription refill request from a patient or a patient's representative;
  - 2. Receive and record a verbal refill authorization from the RNP including:
    - a. The RNP's, CNM's, or CNS's name;
    - b. Date of refill;
    - c. Name, directions for use, and quantity of drug; and
    - d. Manufacturer and lot number;
  - 3. Prepare and affix a prescription label; and
  - 4. Prepare a drug or device for delivery, provided that the dispensing RNP, CNM, or CNS:
    - a. Inspects the drug or device and initials the label before issuing to the patient to ensure compliance with the prescription; and
    - b. Ensures that the patient is informed of the name of the drug or device, directions for use, precautions, and storage requirements.
- 5. Establish nursing standing orders, algorithms, and practice guidelines related to interventions and specific plans of care;
- 6. Manage health care according to written protocols;
- 7. Facilitate system changes on a multidisciplinary level to assist a health care facility and improve patient outcomes cost-effectively;
- 8. Consult with the public and professionals in health care, business, and industry in the areas of research, case management, education, and administration;
- 9. Perform psychotherapy if certified as a clinical nurse specialist in psychiatric and mental health nursing;
- 10. Prescribe, order, administer, and dispense therapeutic measures including pharmacologic agents and devices if authorized under R4-19-511, and within the limitations of A.R.S. § 32-1651; and
- 11. Perform additional acts that the clinical nurse specialist is qualified to perform.

**Historical Note**

Adopted effective November 25, 1996 (Supp. 96-4). Section R4-19-514 renumbered from R4-19-512 and amended by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (Supp. 05-3). Pursuant to authority of A.R.S. § 41-1011(C), Laws 2012, Ch. 152, § 1, provides for A.R.S. references to be corrected to reflect the renumbering of definitions. Therefore the A.R.S. citation in the opening subsection was updated. Agency request filed July 12, 2012, Office File No. M12-242 (Supp. 12-3). Amended by final rulemaking at 19 A.A.R. 1438, effective July 6, 2013 (Supp. 13-2). A.R.S. Section reference updated under Laws 2015, Ch. 262, effective July 1, 2016 (Laws 2015, Ch. 262, § 23) at file number R16-186 (Supp. 16-3). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2, 2020 (Supp. 20-4).

**R4-19-515. Repealed****Historical Note**

Section adopted by final rulemaking at 6 A.A.R. 335, effective December 20, 1999 (Supp. 99-4). Section R4-19-515 renumbered from R4-19-513 by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (Supp. 05-3). Repealed by final rulemaking at 18 A.A.R. 2140, effective August 8, 2012 (Supp. 12-3).

**R4-19-516. Repealed****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (Supp. 05-3). Repealed by final rulemaking at 18 A.A.R. 2140, effective August 8, 2012 (Supp. 12-3).

**ARTICLE 6. RULES OF PRACTICE AND PROCEDURE****R4-19-601. Expired****Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 618, effective December 31, 2001 (Supp. 02-1). Section R4-19-601 renumbered from R4-19-602 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2692, effective August 31, 2011 (Supp. 11-4).

**R4-19-602. Letter of Concern****Historical Note**

Adopted effective November 25, 1996 (Supp. 96-4). Amended by final rulemaking at 5 A.A.R. 4300, effective October 18, 1999 (Supp. 99-4). Former R4-19-513 renumbered to R4-19-515; new R4-19-513 renumbered from R4-19-508 and amended by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (Supp. 05-3). Amended by final rulemaking at 19 A.A.R. 1438, effective July 6, 2013 (Supp. 13-2). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2, 2020 (Supp. 20-4).

**R4-19-514. Standards Related to Clinical Nurse Specialist Scope of Practice**

In addition to the functions of a registered nurse, a CNS, according to A.R.S. § 32-1601(7), may perform one or more of the following for an individual, family, or group within the population focus of certification and for which competency has been maintained:

- 1. Conduct an advanced assessment, analysis, and evaluation of a patient's complex health needs;
- 2. Establish primary and differential health status diagnoses;
- 3. Direct health care as an advanced clinician;
- 4. Develop, implement, and evaluate a treatment plan according to a patient's need for specialized nursing care;



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A letter of concern issued by the Board is not an appealable agency action as defined in A.R.S. § 41-1092.

(Supp. 11-4).

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-602 renumbered to R4-19-601; new Section R4-19-602 made by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-603. Representation**

Any person subject to a hearing may participate in the hearing and may be represented by legal counsel. The Board shall not pay for the person's legal counsel.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-603 repealed; new Section R4-19-603 renumbered from R4-19-604 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-604. Notice of Hearing; Response**

- A. The Board, in consultation with the Office of Administrative Hearings, as necessary shall prepare and serve a written notice of hearing on all parties under A.R.S. § 41-1092.05.
- B. In addition to the notice requirements in A.R.S. § 41-1092.05(D), the Board shall include the following in the notice:
  1. The full name, address, and license number, if any, of the licensee, certificate holder, program, or applicant;
  2. The name, address of record, and telephone number of the Board's executive director or Board designee if the hearing is to be conducted by the Board;
  3. A statement that a hearing will proceed without a party's presence if a party fails to attend or participate in the hearing;
  4. The names and addresses of record of persons to whom notice is being given, including the Attorney General representing the state at the hearing; and
  5. Any other matters relevant to the proceedings.
- C. The party named in the notice of hearing shall file a written response under A.R.S. § 32-1664 within 30 days after service of the notice of hearing. The response shall contain:
  1. The party's name, address, and telephone number;
  2. Whether the party has legal representation and, if so, the name and address of the attorney;
  3. A response to the allegations contained in the notice of hearing; and
  4. Any other matters relevant to the proceedings.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-604 renumbered to R4-19-603; new Section R4-19-604 renumbered from R4-19-605 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2, 2020 (Supp. 20-4).

**R4-19-605. Expired****Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-605 renumbered to R4-19-604; new Section R4-19-605 renumbered from R4-19-606 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2692, effective August 31, 2011

**R4-19-606. Expired****Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-606 renumbered to R4-19-605; new Section R4-19-606 renumbered from R4-19-607 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2692, effective August 31, 2011 (Supp. 11-4).

**R4-19-607. Recommended Decision**

The Administrative Law Judge who conducts the hearing shall make a recommended decision under A.R.S. § 41-1092.08. The Board shall immediately transmit a copy of the recommended decision to each party. Each party may file a memorandum of objections for consideration at the next Board meeting that contains the reasons why the recommended decision is in error or requires correction, and includes appropriate citations to the record, statutes, or rules in support of each objection.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-607 renumbered to R4-19-606; new Section R4-19-607 renumbered from R4-19-612 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-608. Rehearing or Review of Decision**

- A. A party may file a motion for rehearing or review of a decision under A.R.S. §§ 41-1092.09 and 32-1665.
- B. The Board may grant a rehearing or review of the decision for any of the following causes materially affecting the moving party's rights:
  1. Irregularity in the administrative proceedings of the Board or the administrative law judge, or any order, or abuse of discretion, which deprived the moving party of a fair hearing;
  2. Misconduct of the Board, the administrative law judge, or the prevailing party;
  3. Accident or surprise that could not have been prevented by ordinary prudence;
  4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the original hearing;
  5. Excessive or insufficient penalties;
  6. Error in the admission or exclusion of evidence or other errors of law occurring during the pendency of the proceeding or at the administrative hearing; or
  7. The decision is not justified by the evidence or is contrary to law.
- C. Upon the Board's receipt of a motion for rehearing or review, the Board may affirm or modify the decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection (B). An order granting a rehearing shall specify with particularity the grounds for the order. Any rehearing shall cover only those specified matters.
- D. Within the time limits of A.R.S. § 41-1092.09, the Board may order a rehearing or review on its own initiative for any of the reasons in subsection (B). The Board shall specify the grounds for the rehearing or review in the order.
- E. When a motion for rehearing is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days of such service, serve opposing affidavits.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section

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expired under A.R.S. § 41-1056(E) at 8 A.A.R. 491, effective December 31, 2001 (Supp. 02-1). Section R4-19-608 renumbered from R4-19-614 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-609. Effectiveness of Orders**

- A. Except as provided in subsection (B), a decision is final upon expiration of the time for filing a request for rehearing or review or upon denial of such a request, whichever is later. If the Board grants a rehearing or review, the decision is stayed until another order is issued.
- B. If it finds that the public health, safety, or welfare imperatively requires emergency action, the Board may proceed under A.R.S. § 41-1092.11(B), ordering summary suspension of a license while other proceedings are pending. If the Board orders a summary suspension, a party shall exhaust the party's administrative remedies by filing a motion for rehearing or review under A.R.S. § 41-1092.09(B) before seeking judicial review of the decision.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 491, effective December 31, 2001 (Supp. 02-1). Section R4-19-609 renumbered from R4-19-615 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-610. Expired****Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 491, effective December 31, 2001 (Supp. 02-1).

**R4-19-611. Expired****Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 491, effective December 31, 2001 (Supp. 02-1).

**R4-19-612. Renumbered****Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section renumbered to R4-19-607 by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-613. Expired****Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 491, effective December 31, 2001 (Supp. 02-1).

**R4-19-614. Renumbered****Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section renumbered to R4-19-608 by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-615. Renumbered****Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section renumbered to R4-19-609 by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**ARTICLE 7. PUBLIC PARTICIPATION PROCEDURES****R4-19-701. Expired****Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2692, effective August 31, 2011 (Supp. 11-4).

**R4-19-702. Petition for Rulemaking; Review of Agency Practice or Substantive Policy Statement; Objection to Rule Based Upon Economic, Small Business, or Consumer Impact**

A person may petition the Board, requesting the making of a final rule, or a review of an existing agency practice or substantive policy statement that the petitioner alleges to constitute a rule under A.R.S. § 41-1033, or objecting to a rule under A.R.S. § 41-1056.01, by filing a petition which contains the following:

1. The name, current address, and telephone number of the person submitting the petition.
2. For the making of a new rule, the specific language of the proposed rule.
3. For amendment of a current rule, the *Arizona Administrative Code* (A.A.C.) Section number, the Section heading, and the specific language of the current rule, with any language to be deleted stricken through but legible, and any new language underlined.
4. For repeal of a current rule, the A.A.C. Section number and Section heading proposed for repeal.
5. The reasons the rule should be made, specifically stating in reference to an existing rule, why the rule is inadequate, unreasonable, unduly burdensome, or otherwise not acceptable. The petitioner may provide additional supporting information including:
  - a. Any statistical data or other justification, with clear references to attached exhibits;
  - b. An identification of any person or segment of the public that would be affected and how they would be affected; and
  - c. If the petitioner is a public agency, a summary of relevant issues raised in any public hearing, or written comments offered by the public.
6. For a review of an existing agency practice or substantive policy statement alleged to constitute a rule, the reasons the existing agency practice or substantive policy statement constitutes a rule and the proposed action requested of the Board.
7. For an objection to a rule based upon the economic, small business, or consumer impact, evidence of any of the following grounds:
  - a. The actual economic, small business, or consumer impact significantly exceeded the impact estimated in the economic, small business, and consumer impact statement submitted during the making of the rule.
  - b. The actual economic, small business, or consumer impact was not estimated in the economic, small business, and consumer impact statement submitted during the making of the rule and that actual impact imposes a significant burden on persons subject to the rule.
  - c. The Board did not select the alternative that imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs, necessary to achieve the underlying regulatory objective.
8. The signature of the person submitting the petition.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4).

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Amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2). Amended by final rulemaking at 19 A.A.R. 1419, effective July 6, 2013 (Supp. 13-2).

**R4-19-703. Oral Proceedings**

- A. The Board shall schedule an oral proceeding on all rulemakings and publish the notice as prescribed in A.R.S. § 41-1023. A Board member, the executive director, or a Board staff member shall serve as presiding officer at an oral proceeding.
- B. The Board shall record all oral proceedings either by an electronic recording device or stenographically, and any resulting cassette tapes or transcripts, registers, and all written comments received shall become part of the official record.
- C. The presiding officer shall conduct an oral proceeding according to A.R.S. § 41-1023; and
  - 1. Request each person in attendance register;
  - 2. Obtain the following information from any person who intends to speak:
    - a. Name and whether the person represents another;
    - b. Position with regard to the proposed rule; and
    - c. Approximate length of time needed to speak;
  - 3. Open the proceeding by identifying the subject matter of the rules under consideration and the purpose of the proceeding;
  - 4. Present the agenda;
  - 5. Ensure that a Board representative explains the background and general content of the proposed rules;
  - 6. Limit comments to a reasonable period, and prevent undue repetition of comments;
  - 7. Announce the address for written public comments and the date and time for the close of record; and
  - 8. Close the proceeding if there are no persons in attendance within 15 minutes after the posted meeting time.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-703 repealed; new Section R4-19-703 renumbered from R4-19-704 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-704. Petition for Altered Effective Date**

- A. A person wishing to alter the effective date of a rule shall file a written petition that contains:
  - 1. The name, current address, and telephone number of the person submitting the petition;
  - 2. Identification of the proposed rule;
  - 3. If the person is petitioning for an immediate effective date, a demonstration that the immediate date is necessary for one or more of the reasons in A.R.S. § 41-1032(A);
  - 4. If the person is petitioning for a later effective date, more than 60 days after filing of the rule, a demonstration under A.R.S. § 41-1032(B) that good cause exists for, and the public interest will not be harmed by, the later effective date; and
  - 5. The signature of the person submitting the petition.
- B. The Board shall make a decision and notify the petitioner of the decision within 60 days of receipt of the petition.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-704 renumbered to R4-19-703; new Section R4-19-704 renumbered from R4-19-705 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-705. Written Criticism of an Existing Rule**

- A. Any person may file with the Board a written criticism of an existing rule that contains:
  - 1. The rule addressed, and
  - 2. The reason the existing rule is inadequate, unduly burdensome, unreasonable, or improper.
- B. The Board shall acknowledge receipt of any criticism within 10 working days and shall place the criticism in the official record for review by the Board under A.R.S. § 41-1056.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-705 renumbered to R4-19-704; new Section R4-19-705 renumbered from R4-19-706 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-706. Renumbered****Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Renumbered to R4-19-705 by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**ARTICLE 8. CERTIFIED AND LICENSED NURSING ASSISTANTS AND CERTIFIED MEDICATION ASSISTANTS****R4-19-801. Common Standards for Nursing Assistant (NA) and Certified Medication Assistant (CMA) Training Programs**

- A. Program Administrative Responsibilities
  - 1. Any person or entity offering a training program under this Article shall, before accepting tuition from prospective students, and at all times thereafter, provide program personnel including a coordinator and instructors, as applicable, who meet the requirements of this Article.
  - 2. If at any time, a person or entity offering a training program cannot provide a qualified instructor for its students, it shall immediately cease instruction and, if the training program cannot provide a qualified instructor within 5 business days, the training program shall offer all enrolled students a refund of all tuition and fees the students have paid to the program.
  - 3. A training program shall obtain and maintain Board approval or re-approval as specified in this Article and A.R.S. § 32-1650.01 (B) before advertising the program, accepting any tuition, fees, or other funds from prospective students, or enrolling students.
  - 4. A training program that uses external clinical facilities shall execute a written agreement with each external clinical facility.
  - 5. A training program that requires students to pay tuition for the program shall:
    - a. Make all program costs readily accessible on the school's website with effective dates,
    - b. Publically post any increases in costs on the school's website 30 days in advance of the increase;
    - c. Include in the cost calculation and public posting, all fees directly paid to the program including but not limited to tuition, lab fee, clinical fee, enrollment fee, insurance, books, uniform, health screening, credit card fee and state competency exam fee; and
    - d. Provide a description of all program costs to the student that are not directly paid to the program.
  - 6. Before collecting any tuition or fees from a student, a training program shall notify each prospective student of Board requirements for certification and licensure including:
    - a. Legal presence in the United States; and

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- b. For licensure, criminal background check requirements, and ineligibility under A.R.S. § 32-1606(B)(15) and (16).
    7. Within the first 14 days of the program and before 50% of program instruction occurs, a training program shall transmit to the Board-approved test vendor, accurate and complete information regarding each enrolled student for the purposes of tracking program enrollment, attrition and completion. Upon receipt of accurate completion information, the vendor shall issue a certificate of completion to the program for each successful graduate.
    8. A training program shall provide the Board, or its designee, access to all training program records, students and staff at any time, including during an announced or unannounced visit. A program's refusal to provide such access is grounds for withdrawal of Board approval.
    9. A training program shall provide each student with an opportunity to anonymously and confidentially evaluate the course instructor, curriculum, classroom environment, clinical instructor, clinical setting, textbook and resources of the program;
    10. A training program shall provide and implement a plan to evaluate the program that includes the frequency of evaluation, the person responsible, the evaluative criteria, the results of the evaluation and actions taken to improve the program. The program shall evaluate the following elements at a minimum every two years:
      - a. Student evaluations consistent with subsection (A)(9);
      - b. First-time pass rates on the written and manual skills certification exams for each admission cohort;
      - c. Student attrition rates for each admission cohort;
      - d. Resolution of student complaints and grievances in the past two years; and
      - e. Review and revision of program policies.
    11. A training program shall submit written documentation and information to the Board regarding the following program changes within 30 days of instituting the change:
      - a. For a change or addition of an instructor or coordinator, the name, RN license number, and documentation that the coordinator or instructor meets the applicable requirements of R4-19-802(B) and (C) for NA programs and R4-19-803 (B) for CMA programs;
      - b. For a change in classroom location, the previous and new location, and a description of the new classroom;
      - c. For a change in a clinical facility, the name and address of the new facility and a copy of the signed clinical contract;
      - d. For a change in the name or ownership of the training program, the former name or owners and the new name or owners; and
      - e. For a decrease in hours of the program, a written revised curriculum document that clearly highlights new content, strikes out deleted content and includes revised hours of instruction, as applicable.
- B. Policies and Procedures**
1. A training program shall promulgate and enforce written policies and procedures that comply with state and federal requirements, and are consistent with the policies and procedures of the parent institution, if any. The program shall provide effective and review dates for each policy or procedure.
2. A training program shall provide a copy of its policies and procedures to each student on or before the first day the student begins the program.
  3. The program shall promulgate and enforce the following policies with accompanying procedures:
    - a. Admission requirements including:
      - i. Criminal background, health and drug screening either required by the program or necessary to place a student in a clinical agency; and
      - ii. English language, reading and math skills necessary to comprehend course materials and perform duties safely.
    - b. Student attendance policy, ensuring that a student receives the hours and types of instruction as reported to the Board in the program's most recent application to the Board and as required in this Article. If absences are permitted, the program shall ensure that each absence is remediated by providing and requiring the student to complete learning activities that are equivalent to the missed curriculum topics, clinical experience or skill both in substance and in classroom or clinical time.
    - c. A final examination policy that includes the following provisions:
      - i. Require that its students score a minimum 75% correct answers on a comprehensive secure final examination with no more than one re-take. The program may allow an additional re-take following documented, focused remediation based on past test performance. Any re-take examination must contain different items than the failed exam, address all course competencies, and be documented with score, date administered and proctor in the student record; and
      - ii. Require that each student demonstrate, to program faculty, satisfactory performance of each practical skill as prescribed in the curriculum before performance of that skill on patients or residents without the instructor's presence, direct observation, and supervision.
    - d. Student record maintenance policies consistent with subsection (D) including the retention period, the location of records and the procedure for students to access to their records.
    - e. Clinical supervision policies consistent with clinical supervision provisions of this Section, and:
      - i. R4-19-802(C) and (D) for NA programs, or
      - ii. R4-19-803(B) and (C) for CMA programs;
    - f. Student conduct policies for expected and unacceptable conduct in both classroom and clinical settings;
    - g. Dismissal and withdrawal policies;
    - h. Student grievance policy that includes a chain of command for grade disputes and ensures that students have the right to contest program actions and provide evidence in support of their best interests including the right to a third party review by a person or committee that has no stake in the outcome of the grievance;
      - i. Program progression and completion criteria.
- C. Classroom and clinical instruction**
1. During clinical training sessions, a training program shall ensure that each student is identified as a student by a name badge or another means readily observable to staff, patients, and residents.

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2. A training program shall not utilize, or allow the clinical facility to utilize, students as staff during clinical training sessions.
  3. A training program shall provide a clean, comfortable, distraction-free learning environment for didactic teaching and skill practice.
  4. A training program shall provide, in either electronic or paper format, a written curriculum to each student on or before the first day of class that includes a course description, course hours including times of instruction and total course hours, instructor information, passing requirements, course goals, and a topical schedule containing date, time and topic for each class session.
  5. For each unit or class session the program shall provide, to its students, written:
    - a. Measurable learner-centered objectives,
    - b. An outline of the material to be taught, and
    - c. The learning activities or reading assignment.
  6. A training program shall utilize an electronic or paper textbook corresponding to the course curriculum that has been published within the previous five years. Unless granted specific permission by the publisher, a training program shall not utilize copies of published materials in lieu of an actual textbook.
  7. A training program shall provide, to all program instructors and enrolled students, access to the following instructional and educational resources:
    - a. Reference materials, corresponding to the level of the curriculum; and
    - b. Equipment and supplies necessary to practice skills.
  8. A training program instructor shall:
    - a. Plan each learning experience;
    - b. Ensure that the curriculum meets the requirements of this Section;
    - c. Prepare written course goals, lesson objectives, class content and learning activities;
    - d. Schedule and achieve course goals and objectives by the end of the course; and
    - e. Require satisfactory performance of all critical elements of each skill under R4-19-802(H) for nursing assistant and R4-19-803(D)(4) for medication assistant before allowing a student to perform the skill on a patient or resident without the instructor's presence at the bedside.
  9. A qualified RN instructor shall be present at all times and during all scheduled classroom, skills laboratory and clinical sessions. In no instance shall a nursing assistant or other unqualified person provide any instruction, reinforcement, evaluation or independent activities in the classroom or skills laboratory.
  10. A qualified RN instructor shall supervise any student who provides care to patients or residents by:
    - a. Remaining in the clinical facility and focusing attention on student learning needs during all student clinical experiences;
    - b. Providing the instructor's current and valid contact information to students and facility staff during the instructor's scheduled teaching periods;
    - c. Observing each student performing tasks taught in the training program;
    - d. Documenting each student's performance each day, consistent with course skills and clinical objectives;
    - e. During the clinical session, engaging exclusively in activities related to the supervision of students; and
    - f. Reviewing all student documentation.
- D. Records**
1. A training program shall maintain the following program records either electronically or in paper form for a minimum of three years for NA programs and five years for CMA programs:
    - a. Curriculum and course schedule for each admission cohort;
    - b. Results of state-approved written and manual skills testing;
    - c. Documentation of program evaluation under subsection (A)(10);
    - d. A copy of any Board reports, applications, or correspondence, related to the program; and
    - e. A copy of all clinical contracts, if using outside clinical agencies.
  2. A training program shall maintain the following student records either electronically or in paper form for a minimum of three years for NA programs and five years for CMA programs:
    - a. A record of each student's legal name, date of birth, address, telephone number, e-mail address and Social Security number, if available;
    - b. A completed skill checklist containing documentation of student level of competency performing the skills in R4-19-802(F) for nursing assistant, and in R4-19-803(D)(4) for medication assistants;
    - c. An accurate attendance record, which describes any make-up class sessions and reflects whether the student completed the required number of hours in the course;
    - d. Scores for each test, quiz, or exam and whether such test, quiz, or exam was retaken; and
    - e. For NA programs only, a copy of a document providing proof of legal presence in the United States as specified in A.R.S. § 41-1080 to be remitted to the Board's designated testing vendor in order to facilitate timely placement of program graduates on a nursing assistant registry.
- E. Certifying Exam Passing Standard:** A training program and each site of a consolidated program under R4-19-802(E) shall attain, at a minimum, an annual first-time passing rate on the manual skill and written certifying examinations that is equal to the Arizona average pass rate for all candidates on each examination minus 20 percentage points. The Board may waive this requirement for programs with less than five students taking the exam during the year. The Board shall issue a notice of deficiency under R4-19-805 to any program with five or more students taking the exam that fails to achieve the minimum passing standard in any calendar year.
- F. Distance Learning; Innovative Programs**
1. A training program may be offered using real-time interactive distance technologies such as interactive television and web based conferencing if the program meets the requirements of this Article.
  2. Before a training program may offer, advertise, or recruit students for an on-line, innovative or other non-traditional program, the program shall submit an application for innovative applications in education under R4-19-214 and receive Board approval.
- G. Site visits:** A training program shall permit the Board, and its designee, including another state agency, to conduct an onsite scheduled evaluation for initial Board approval and renewal of approval in accordance with R4-19-804 and announced or unannounced site visits at any other time the Board deems necessary.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R.

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757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 11 A.A.R. 4254, effective December 5, 2005 (Supp. 05-4). Section repealed; new Section made by final rulemaking at 20 A.A.R. 1859, effective September 8, 2014 (Supp. 14-3). Amended by exempt rulemaking at 22 A.A.R. 1900, effective July 1, 2016 (Supp. 16-2). A.R.S. Section reference updated under subsection (A)(6), under Laws 2015, Ch. 262, effective July 1, 2016 (Laws 2015, Ch. 262, § 23) at file number R16-186 (Supp. 16-3). Amended by final rulemaking at 23 A.A.R. 1420, effective July 1, 2017 (Supp. 17-2). Amended by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2).

**R4-19-802. Nursing Assistant (NA) Program Requirements****A. Organization and Administration**

1. A nursing assistant program may be offered by:
  - a. An educational institution licensed by the State Board for Private Postsecondary Education,
  - b. A public educational institution or a program funded by a local, state or federal governmental agency,
  - c. A health care institution licensed by the Arizona Department of Health Services or a federally authorized health care institution,
  - d. A private business that meets the requirements of this Article and all other legal requirements to operate a business in Arizona.
2. If a nursing assistant program is offered by a private business, the program shall meet the following requirements.
  - a. Hold insurance covering any potential or future claims for damages resulting from any aspect of the program or a hold a surety bond from a surety company with a financial strength rating of "A minus" or better by Best's Credit Ratings, Moody's Investors Service, Standard and Poor's rating service or another comparable rating service as determined by the Board in the amount of a minimum of \$15,000. The program shall ensure that:
    - i. Bond or insurance distributions are limited to students or former students with a valid claim for instructional or program deficiencies;
    - ii. The amount of the bond or insurance is sufficient to reimburse the full amount of collected tuition and fees for all students during all enrollment periods of the program; and
    - iii. The bond or insurance is maintained for an additional 24 months after program closure; and
  - b. Upon initial use and remodeling, provide the Board with a fire inspection report from the Office of the State Fire Marshall or the local authority with jurisdiction, indicating that each program classroom and skill lab location is in compliance with the applicable fire code.
3. Programs approved by the Board before the effective date of this Section shall comply with subsection (A)(2) within one year of the effective date. If a program does not charge tuition or fees, the bond requirement is waived.
4. A Medicare or Medicaid certified long-term care facility-based nursing assistant program shall not require a student to pay a fee for any portion of the program including the initial attempt on the state competency exam.
5. In addition to the policies required in R4-19-801(B), the Board may approve a nursing assistant program to offer an advanced placement option to a student with a background in health care. A nursing assistant program wish-

ing to offer an advance placement option shall submit their advanced placement policy to the Board and receive approval before implementing the policy. The program shall include, at a minimum, the following provisions in its policy:

- a. Advanced placement is limited to students with at least one year full-time employment in the direct provision of health care within the past five years or students who have successfully completed course work that included direct patient care experiences in allied health, medicine or nursing in the past five years.
- b. The program, at a minimum, shall require an advanced placement student to meet the same outcomes as regular students on all examinations and skill performance demonstrations.
- c. The program shall require an advanced placement student to successfully accomplish all clinical objectives during a minimum of 16 hours of clinical practice under the direct supervision and observation of a qualified instructor and in a long-term care facility.
- d. Upon successful completion of advanced placement and any other program requirements, the program shall credit the graduate with the same number of didactic, laboratory and clinical hours as the regular graduate.

**B. Program coordinator qualifications and responsibilities**

1. Program coordinator qualifications include:
  - a. Holding a current, registered nurse license that is active and in good standing or multistate privilege to practice as an RN under A.R.S. Title 32, Chapter 15; and
  - b. Possessing at least two years of nursing experience at least one year of which is in the provision of long-term care facility services.
2. A director of nursing in a health care facility may assume the role of a program coordinator for a nursing assistant training program that is housed in the facility but shall not function as a program instructor.
3. A program coordinator's responsibilities include:
  - a. Supervising and evaluating the program;
  - b. Ensuring that instructors meet Board qualifications and there are sufficient instructors to provide for a clinical ratio not to exceed 10 students per instructor;
  - c. Ensuring that the program meets the requirements of this Article; and
  - d. Ensuring that the program meets federal requirements regarding clinical facilities under 42 CFR 483.151.
4. Other than the director of nursing in a long-term care facility, a program coordinator may also serve as a program instructor.

**C. Program instructor qualifications and duties**

1. Program instructor qualifications include:
  - a. Holding a current, registered nurse license that is active and in good standing under A.R.S. Title 32, Chapter 15 and provide documentation of a minimum of one year full time or 1500 hours employment providing direct care as a registered nurse in any setting; and
  - b. At a minimum, one of the following:
    - i. Successful completion of a three semester credit course on adult teaching and learning concepts offered by an accredited post-secondary educational institution,

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- ii. Completion of a 40 hour continuing education program in adult teaching and learning concepts that was awarded continuing education credit by an accredited organization,
    - iii. One year of full-time or 1500 hours experience teaching adults as a faculty member or clinical educator, or
    - iv. One year of full time or 1500 hours experience supervising nursing assistants, either in addition to or concurrent with the one year of experience required in subsection (C)(1)(a).
  - 2. In addition to the program instruction requirements in R4-19-801(C), a nursing assistant program instructor shall provide on-site supervision for each student placed in a health care facility not to exceed 10 students per instructor;
- D. Clinical and classroom hour requirements and resources**
- 1. A nursing assistant training program shall ensure each graduate receives a minimum of 120 hours of total instruction consisting of:
    - a. Instructor-led teaching in a classroom setting for a minimum of 40 hours;
    - b. Instructor-supervised skills practice and testing in a laboratory setting for a minimum of 20 hours; and
    - c. Instructor-supervised clinical experiences for a minimum of 40 hours, consistent with the goals of the program. Clinical requirements include the following:
      - i. The program shall provide students with clinical orientation to any clinical setting utilized.
      - ii. The program shall provide a minimum of 20 hours of direct resident care in a long-term care facility licensed by the Department of Health Services, except as provided in subsection (iv). Direct resident care does not include orientation and clinical pre and post conferences.
      - iii. If another health care facility is used for additional required hours, the program shall ensure that the facility provides opportunities for students to apply nursing assistant skills similar to those provided to long-term care residents.
      - iv. If a long-term care facility licensed by the Department of Health Services is not available within 50 miles of the training program's classroom, the program may provide the required clinical hours in a facility or unit that cares for residents or patients similar to those residing in a long-term care facility.
    - d. To meet the 120 hour minimum program hour requirement, a NA program shall designate an additional 20 hours to classroom, skill or clinical instruction based upon the educational needs of the program's students and program resources.
  - 2. A nursing assistant training program shall ensure that equipment and supplies are in functional condition and sufficient in number for each enrolled student to practice required skills. At a minimum, the program shall provide:
    - a. Hospital-type bed, over-bed table, linens, linen protectors, pillows, privacy curtain, call-light and night-stand;
    - b. Thermometers, stethoscopes, including a teaching stethoscope, aneroid blood pressure cuffs, and a scale;
    - c. Realistic skill training equipment, such as a manikin or model, that provides opportunity for practice and demonstration of perineal care;
    - d. Personal care supplies including wash basin, towels, washcloths, emesis basin, rinse-free wash, tooth brushes, disposable toothettes, dentures, razor, shaving cream, emery board, orange stick, comb, shampoo, hair brush, and lotion;
    - e. Clothes for dressing residents including undergarments, socks, hospital gowns, shirts, pants and shoes or non-skid slippers;
    - f. Elimination equipment including fracture bed pans, bed pans, urinals, ostomy supplies, adult briefs, specimen cups, graduate cylinder, and catheter supplies;
    - g. Aseptic and protective equipment including running water, sink, soap, paper towels, clean disposable gloves, surgical masks, particulate respirator mask for demonstration purposes, gowns, hair protectors and shoe protectors;
    - h. Restorative equipment including wheelchair, gait belt, walker, anti-embolic hose, adaptive equipment, and cane;
    - i. Feeding supplies including cups, glasses, dishes, straws, standard utensils, adaptive utensils and clothing protectors;
    - j. Clean dressings, bandages and binders; and
    - k. Documentation forms.
- E. Consolidated Programs**
- 1. A nursing assistant program may request, in writing, to consolidate more than one site of a program under one program approval for convenience of administration. The site of a program is where didactic instruction occurs. The Board may approve the request for a consolidated program if all the following conditions are met:
    - a. The program is not based in a long-term care facility;
    - b. The program does not offer an innovative program as defined in R4-19-214 at any consolidated site;
    - c. A single RN administrator has authority and responsibility for all sites including hiring, retention and evaluation of all program personnel;
    - d. Curriculum and policies are identical for all sites;
    - e. Instructional delivery methods are substantially similar at all sites;
    - f. Didactic, lab practice and clinical hours are identical for all sites;
    - g. The program presents sufficient evidence that all sites have comparable resources, including classroom, skill lab, clinical facilities and staff. Evidence may include pictures, videos, documentation of equipment purchase and instructor resumes;
    - h. The program provides an application to the Board a minimum of 30 days before consolidation of the program or use of the new site;
      - i. The site is fully staffed before accepting students;
      - j. The program evaluates each site separately under R4-19-801(A)(9);
      - k. The program arranges for the test vendor to provide a separate program number for each site;
  - 2. There have been no substantiated complaints against the program or failure to follow the provisions of this Article in the past two years.
  - 3. The program shall notify the Board if a site is closed or has not been used in two years.
  - 4. A program that has been Board-approved as a consolidated program may request to add additional sites 30 days in advance of site utilization. The Board may approve the new site if the site meets the criteria in subsection (E)(1).

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5. The Board may deny a request to consolidate programs or add a site if the requirements of this section are not met. Denial of such a request is not a disciplinary action and does not affect the program's approval status.
  6. The Board shall not renew or visit any site that was not used in the previous approval period.
- F. Curriculum:** a nursing assistant training program shall provide classroom and clinical instruction regarding each of the following subjects:
1. Communication, interpersonal skills, and documentation;
  2. Infection control;
  3. Safety and emergency procedures, including abdominal thrusts for foreign body airway obstruction and cardiopulmonary resuscitation;
  4. Patient or resident independence;
  5. Patient or resident rights, including the right to:
    - a. Confidentiality;
    - b. Privacy;
    - c. Be free from abuse, mistreatment, and neglect;
    - d. Make personal choices;
    - e. Obtain assistance in resolving grievances and disputes;
    - f. Security of a patient's or resident's personal property; and
    - g. Be free from restraints;
  6. Recognizing and reporting abuse, mistreatment or neglect to a supervisor;
  7. Basic nursing assistant skills, including:
    - a. Taking vital signs, height, and weight using standing, wheelchair and bed scales;
    - b. Maintaining a patient's or resident's environment;
    - c. Observing and reporting pain;
    - d. Assisting with diagnostic tests including obtaining specimens;
    - e. Providing care for patients or residents with drains and tubes including catheters and feeding tubes;
    - f. Recognizing and reporting abnormal patient or resident physical, psychological, or mental changes to a supervisor;
    - g. Applying clean bandages;
    - h. Providing peri-operative care; and
    - i. Assisting in admitting, transferring, or discharging patients or residents.
  8. Personal care skills, including:
    - a. Bathing, skin care, and dressing;
    - b. Oral and denture care;
    - c. Shampoo and hair care;
    - d. Fingernail care;
    - e. Toileting, perineal, and ostomy care;
    - f. Feeding and hydration, including proper feeding techniques and use of assistive devices in feeding; and
  9. Age specific, mental health, and social service needs, including:
    - a. Modifying the nursing assistant's behavior in response to patient or resident behavior,
    - b. Demonstrating an awareness of the developmental tasks and physiologic changes associated with the aging process,
    - c. Responding to patient or resident behavior,
    - d. Allowing the resident or patient to make personal choices and providing and reinforcing other behavior consistent with the individual's dignity,
    - e. Providing culturally sensitive care,
    - f. Caring for the dying patient or resident, and
    - g. Using the patient's or resident's family as a source of emotional support for the resident or patient;
  10. Care of the cognitively impaired patient or resident including:
    - a. Understanding and addressing the unique needs and behaviors of patients or residents with dementia or other cognitive impairment,
    - b. Communicating with cognitively impaired patients or residents,
    - c. Reducing the effects of cognitive impairment, and
    - d. Appropriate responses to the behavior of cognitively impaired individuals.
  11. Skills for basic restorative services, including:
    - a. Body mechanics;
    - b. Resident self-care;
    - c. Assistive devices used in transferring, ambulating and dressing;
    - d. Range of motion exercises;
    - e. Bowel and bladder training;
    - f. Care and use of prosthetic and orthotic devices; and
    - g. Turning and positioning a resident in bed, transferring a resident between bed and chair and positioning a resident in a chair.
  12. Health care team member skills including the role of the nursing assistant and others on the health care team, time management and prioritizing work; and
  13. Legal aspects of nursing assistant practice, including:
    - a. Requirements for licensure and registry placement and renewal.
    - b. Delegation of nursing tasks,
    - c. Ethics,
    - d. Advance directives and do-not-resuscitate orders, and
    - e. Standards of conduct under R4-19-814.
  14. Body structure and function, together with common diseases and conditions.
- G. Curriculum sequence:** A nursing assistant training program shall provide a student with a minimum of 16 hours instruction in the subjects identified in subsections (F)(1) through (F)(6) before allowing a student to care for patients or residents.
- H. Skills:** A nursing assistant instructor shall verify and document that the following skills are satisfactorily performed by each student before allowing the student to perform the skill on a patient or resident without the instructor present:
1. Hand hygiene, gloving and gowning; and
  2. Skills in subsection (F)(7), (8) and (11)(a), (c), (d), (f), and (g).
- I. One-year approval:** following receipt and review of a complete initial application as specified in R4-19-804 the Board may approve the program for a period that does not exceed one year, if requirements are met, without a site visit.
- J. A Medicare or Medicaid certified long-term care facility-based program** shall provide in its initial and each renewal application, a signed, sworn, and notarized document, executed by the program coordinator, affirming that the program does not require a nursing assistant student to pay a fee for any portion of the program including the initial attempt on the state competency exam.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 11 A.A.R. 4254, effective December 5, 2005 (Supp. 05-4). Section repealed; new Section made by final rulemaking at 20 A.A.R. 1859, effective September 8, 2014 (Supp. 14-3). Amended by exempt rulemaking at 22 A.A.R. 1900, effective July 1, 2016



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(Supp. 16-2). Amended by final rulemaking at 23 A.A.R. 1420, effective July 1, 2017 (Supp. 17-2). Amended by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2).

**R4-19-803. Certified Medication Assistant Program Requirements**

**A. Organization and Administration:** A certified medication assistant (CMA) program may only be offered by those entities identified in A.R.S. § 32-1650.01(A).

**B. Instructor qualifications and duties**

1. A medication assistant program instructor shall:
  - a. Hold a current, registered nurse license that is active and in good standing or multistate privilege to practice as an RN under A.R.S. Title 32, Chapter 15;
  - b. Possess at least two years or 3,000 hours of direct care nursing experience; and
  - c. Have administered medications to residents of a long-term care facility for a minimum of 40 hours.
2. Duties of a medication assistant instructor include, but are not limited to:
  - a. Ensuring that the program meets the requirements of this Article;
  - b. Planning each learning experience;
  - c. Teaching a curriculum that meets the requirements of this Section;
  - d. Implementing student and program evaluation policies that meet or exceed the requirements R4-19-801(A)(9) and (10);
  - e. Administering not less than three secure unit examinations and one comprehensive final exam consistent with the course curriculum and the requirements of R4-19-801(B)(3)(c) and;
  - f. Requiring each student to demonstrate satisfactory performance of all critical elements of each skill in subsection (D)(4) before allowing a student to perform the skill on a patient or resident without the instructor's presence and direct observation;
  - g. Being physically present and attentive to students in the classroom and clinical setting at all times during all sessions;
3. A program instructor shall supervise only one student for the first 12 hours of each student's clinical experience; no more than three students for the next 12 hours of each student's clinical experience; and no more than five students for the next 16 hours of each student's clinical experience;

**C. Clinical and classroom hour requirements and resources**

1. A medication assistant training program shall ensure each graduate received a minimum of 100 hours of total instruction consisting of:
  - a. Instructor-led didactic instruction for a minimum of 45 hours;
  - b. Instructor supervised skill practice and testing for a minimum of 15 hours;
  - c. Instructor supervised medication administration for a minimum of 40 hours in a long-term care facility licensed by the Department of Health Services.
2. A medication assistant program shall ensure that equipment and supplies are in functional condition and sufficient in number for each enrolled student to practice required skills in subsection (D)(3) and (D)(4). At a minimum, the program shall provide the following:
  - a. A medication cart similar to one used in the clinical practice facility;
  - b. Simulated medications and packaging consistent with resident medications;

- c. Pill crushers, pill splitters, medication cups and hand hygiene supplies;
- d. Medication administration record forms; and
- e. Current drug references, calculator and any other equipment used to administer medications safely.

**D. Curriculum:** a medication assistant training program shall provide classroom and clinical instruction in each of the following subjects.

1. Role of certified medication assistant (CMA) in Arizona including allowable acts, conditions, delegation and restrictions;
2. Principles of medication administration including:
  - a. Terminology,
  - b. Laws affecting drug administration,
  - c. Drug references,
  - d. Medication action,
  - e. Medication administration across the human life-span,
  - f. Dosage calculation,
  - g. Medication safety,
  - h. Asepsis, and
  - i. Documentation.
3. Medication properties, uses, adverse effects, administration and care implications for the following types of medications:
  - a. Vitamins, minerals, and herbs,
  - b. Antimicrobials,
  - c. Eye and ear medications,
  - d. Skin medications,
  - e. Cardiovascular medications,
  - f. Respiratory medications,
  - g. Gastrointestinal medications,
  - h. Urinary system medications and medications to attain fluid balance,
  - i. Endocrine/reproductive medications,
  - j. Musculoskeletal medications,
  - k. Nervous system/sensory system medications and
  - l. Psychotropic medications.
4. Medication administration theory and skill practice in administration of:
  - a. Oral tablets, capsules, and solutions;
  - b. Ear drops, eye drops and eye ointments;
  - c. Topical lotions, ointments and solutions;
  - d. Rectal suppositories; and
  - e. Nasal drops and sprays.
5. Any other topics deemed by the program or the Board as necessary and pertinent to the safe administration of medications.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 11 A.A.R. 4254, effective December 5, 2005 (Supp. 05-4). Section repealed; new Section made by final rulemaking at 20 A.A.R. 1859, effective September 8, 2014 (Supp. 14-3).

**R4-19-804. Initial Approval and Re-Approval of Training Programs**

- A.** An applicant for initial training program approval shall submit an application packet to the Board at least 90 days before the expected starting date of the program. An applicant shall submit application documents in an electronic format.
- B.** The Board may impose disciplinary action including denial on any training program that has advertised, conducted classes, recruited or collected money from potential students before receiving Board approval or after expiration of approval

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- except for completing instruction to students who enrolled before the expiration date.
- C. A program applying for initial approval shall include all of the following in their application packet:
1. Name, address, web address, telephone number, e-mail address and fax number of the program;
  2. Identity of all program owners or sponsoring institutions;
  3. Name, license number, telephone number, e-mail address and qualifications of the program coordinator as required in R4-19-802;
  4. Name, license number, telephone number, e-mail address and qualifications of each program instructor including clinical instructors as required in either R4-19-802 for NA programs or R4-19-803 for CMA programs;
  5. Name, telephone number, e-mail address and qualifications any person with administrative oversight of the training program, such as an owner, supervisor or director;
  6. Accreditation status of the training program, if any, including the name of the accrediting body and date of last review;
  7. Name, address, telephone number and contact person, for all health care institutions which will be clinical sites for the program;
  8. Medicare certification status of all clinical sites, if any;
  9. Evidence of program compliance with this Article including all of the following:
    - a. Program description that includes the length of the program, number of hours of clinical, laboratory and classroom instruction, and program goals consistent with federal, state, and if applicable, private postsecondary requirements;
    - b. A list and description of classroom facilities, equipment, and instructional tools the program will provide;
    - c. Written curriculum and course schedule according to the provisions of this Article;
    - d. A copy of the documentation that the program will use to verify student attendance, instructor presence and skills;
    - e. Copy of signed, current clinical contracts;
    - f. The title, author, name, year of publication, and publisher of all textbooks the program will require students to use;
    - g. A copy of course policies and any other materials that demonstrate compliance with this Article and the statutory requirements in Title 32, Chapter 15;
    - h. A plan to evaluate the program that meets requirements in R4-19-801(A)(10);
    - i. An implementation plan including start date and a description of how the program will provide oversight to ensure all requirements of this Article are met;
    - j. A self-assessment checklist of the application contents and their location in the application, on a form provided by the Board; and
    - k. Other requirements as requested consistent with R4-19-802 for nursing assistant programs and R4-19-803 for medication assistant programs.
- D. Re-approval of Training Programs
1. A training program applying for re-approval shall submit an electronic application and accompanying materials to the Board before expiration of the current approval. A program or site of a consolidated program that did not hold any classes in the previous approval period is not eligible for renewal of approval.
  2. The program shall include the following with the renewal application:
    - a. A program description and course goals;
    - b. Name, license number, and qualifications of current program personnel;
    - c. A copy of the current curriculum which meets the applicable requirements in either R4-19-802 or R4-19-803;
    - d. The dates of each program offering, number of students who have completed the program, and the results of the state-approved written and manual skills tests, including first-time pass rates since the last program review;
    - e. A copy of current program policies, consistent with R4-19-801;
    - f. Any change in resources, contracts, or clinical facilities since the previous approval or changes that were not previously reported to the Board;
    - g. The program evaluation plan with findings regarding required evaluation elements under R4-19-801(A)(10);
    - h. The title, author, year of publication, and publisher of the textbook used by the program;
    - i. Copies of the redacted records of one program graduate;
    - j. The total number of enrolled students and graduates for each year since the last approval;
    - k. The total number of persons taking the state-approved exam in the past two years; if the number is less than 10, a comprehensive plan to increase program enrollment;
    - l. A self-assessment checklist of the application contents and their location in the application, on a form provided by the Board; and
    - m. Other requirements as requested consistent with R4-19-802 for nursing assistant programs and R4-19-803 for medication assistant programs.
- E. Upon determination of administrative completeness of either an initial or renewal application, the Board, through its authorized representative, shall schedule and conduct a site visit of a NA program, unless one year only approval is granted on an initial application. The Board may conduct a site visit of a CMA program. Site visits are for the purpose of verifying compliance with this Article. Site visits may be conducted in person or through the use of distance technology.
- F. Following an evaluation of the program application and a site visit, if applicable, the Board may approve or renew the approval of the program for two years for a nursing assistant program and up to four years for a medication assistant program, if the program renewal application and site visit findings, as applicable, meet the requirements of this Article, and A.R.S. Title 32, Chapter 15 and renewal is in the best interest of the public. If the program does not meet these requirements, the Board may issue a notice of deficiency under R4-19-805 or take disciplinary action.
- G. A program may request an administrative hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for program approval or renewal of approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.
- H. The owner, operator, administrator or coordinator of a program that is denied approval or renewal of approval shall not be eligible to conduct, own or operate a new or existing program for a period of two years from the date of denial.

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**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 11 A.A.R. 4254, effective December 5, 2005 (Supp. 05-4). Section repealed; new Section made by final rulemaking at 20 A.A.R. 1859, effective September 8, 2014 (Supp. 14-3). Amended by exempt rulemaking at 22 A.A.R. 1900, effective July 1, 2016 (Supp. 16-2). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2, 2020 (Supp. 20-4).

**R4-19-805. Deficiencies and Rescission of Program Approval, Unprofessional Program Conduct, Voluntary Termination, Disciplinary Action, and Reinstatement**

**A. Deficiencies**

1. Upon determining that a training program has not complied with this Article, the Board may issue a written notice of deficiency to the program. The Board shall establish a reasonable period of time, based upon the number and severity of deficiencies, for correction of the deficiencies. Under no circumstances, however, shall the period for correction of deficiencies exceed six months.
  - a. Within ten days from the date that the notice of deficiency is served, the program shall submit a plan of correction to the Board.
  - b. The Board, through its authorized representative, may approve the plan of correction or require modifications to the plan if the plan does not adequately address the deficiencies.
  - c. The Board may conduct periodic evaluations and site visits during the period of correction to ascertain the program's progress toward correcting the deficiencies.
  - d. The Board shall evaluate the program's compliance, at a regularly scheduled Board meeting following the period of correction to determine whether the program has corrected the deficiencies.
2. The Board may rescind the approval of a training program or take other disciplinary action under A.R.S. § 32-1663, based on the number and severity of violations if the program engages in any of the following:
  - a. Failure to submit a plan of correction to the Board within ten days of service of a notice of deficiency.
  - b. Failure to comply with the requirements of this Article within the period set by the Board in the notice of deficiency;
  - c. Noncompliance with federal, state, or, if applicable, private postsecondary requirements;
  - d. Failure to permit a scheduled or unannounced Board site visit or failure to allow a Board representative access to program documents, staff or students during a site visit or investigation;
  - e. Loaning or transferring Board program approval to another entity or facility, including a facility with the same ownership;
  - f. Offering, advertising, recruiting, or enrolling students in a training program before Board approval is granted;
  - g. Conducting a training program after expiration of Board approval without filing an application for renewal of approval before the expiration date;
  - h. For a long-term care based nursing assistant program, charging for any portion of the program;
  - i. Committing an act of unprofessional program conduct.

- B. Unprofessional program conduct.** A notice of deficiency or a disciplinary action including denial of approval or rescission of approval may be issued against a training program for any of the following acts of unprofessional conduct:

1. Failing to maintain minimum standards of acceptable and prevailing educational practice;
2. Any violation of this Article;
3. Utilization of students as labor rather than for educational purposes in a health care facility;
4. Failing to follow the program's or parent institution's mission or goals, program design, objectives, or policies;
5. Failing to provide the classroom, laboratory or clinical teaching hours required by this Article or described in the program description;
6. Enrolling students in a program without adequate faculty, facilities, or clinical experiences, as required by this Article;
7. Permitting unqualified persons to supervise teaching-learning experiences in any portion of the program;
8. Failing to comply with Board requirements within designated timeframes;
9. Engaging in fraud, misrepresentation or deceit in advertising, recruiting, promoting or implementing the program;
10. Making a false, inaccurate or misleading statement to the Board or the Board's designee in the course of an investigation, or on any application or information submitted to the Board or on the program's public website;
11. Failing to supervise students in the clinical setting in accordance with this Article or allowing more than the maximum students per clinical instructor prescribed in this Article;
12. Engaging in any other conduct that gives the Board reasonable cause to believe the program's conduct may be a threat to the safety or welfare of students, faculty, patients or the public.
13. Failing to:
  - a. Furnish in writing a full and complete explanation of a matter reported pursuant to A.R.S. § 32-1664, or
  - b. Respond to a subpoena issued by the Board;
14. Failing to take appropriate action to safeguard a patient's or resident's welfare or follow policies and procedures of the program or clinical site designed to safeguard the patient or resident;
15. Failing to promptly provide make-up classroom, laboratory, or clinical hours, with adequate notice to students, equivalent educational content, and reasonable scheduling, when shortages of hours were caused by the program or program instructors;
16. Failing to promptly remove, or adequately discipline or train, program instructors whose conduct violates this Article or may be a threat to the safety or welfare of students, patients, residents, or the public.
17. Engaging in retaliatory, threatening, or intimidating conduct toward current, prospective or former program students, instructors, other staff, or the public, who make complaints about any aspect of the program to program staff or the Board.

- C. Disciplinary Action.** If the Board issues disciplinary action against the approval of a nursing assistant or medication assistant training program, the program may request a hearing by filing a written request with the Board within 30 days of service of the Board's order. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10, and 4 A.A.C. 19, Article 6.

- D. Voluntary termination**

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1. If a training program is voluntarily terminating before renewal, the program shall submit a written notice of termination to the Board.
  2. The program coordinator shall continue the training program, including retaining necessary instructors, until the last student is transferred or has completed the training program.
  3. Within 15 days after the termination of a training program, the administrator or a program representative shall notify the Board in writing of the permanent location and availability of all program records.
  4. A program that fails to renew its approval with the Board shall be considered voluntarily terminated unless there is a complaint against the program.
- E. Re-issuance of approval**
1. If the Board revokes the approval of a training program, the owner, administrator or coordinator of the revoked program may apply for re-issuance of program approval after a period of two years by complying with the requirements of this Article. The owner, administrator and coordinator of a program that had its approval revoked shall not own, administer or coordinate a training program for a period of two years from the date of program revocation.
  2. If the Board, in lieu of revocation, accepts a voluntarily surrender of a program's approval, the program's owner, administrator or coordinator may apply for reissuance of the program's approval after a period of two years. The owner, administrator and coordinator of a program that voluntarily surrendered its approval shall not own, administer or coordinate a training program for a period of two years from the date of the surrender of approval.
  3. A training program owner, administrator or coordinator whose program approval was voluntarily surrendered or that had its approval rescinded or revoked shall submit a complete reissuance application packet in writing that contains all of the information and documentation required of programs applying for initial approval. In addition, the program shall provide substantial evidence that the basis for revocation or voluntary surrender no longer exist and that reissuance of program approval is in the best interest of the public.
  4. The Board may reissue approval to a training program that meets the requirements of this Article. A program that is denied reissuance of approval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying reissuance. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.
- Historical Note**
- New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 11 A.A.R. 4254, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 1859, effective September 8, 2014 (Supp. 14-3).
- R4-19-806. Initial Nursing Assistant Licensure (LNA) and Medication Assistant Certification**
- A.** An applicant for initial licensed nursing assistant (LNA) licensure or CMA certification shall submit the following to the Board:
1. A verified application on a form furnished by the Board that provides the following information about the applicant:
    - a. Full legal name and any and all former names used by the applicant;
    - b. Current address of record, including county of residence, e-mail address and telephone number;
    - c. Place and date of birth;
    - d. Social Security number;
    - e. Ethnic category and marital status at the applicant's discretion;
    - f. Educational background, including the name of the training program attended, and date of graduation and for medication assistant, proof of high school or equivalent education completion as required in A.R.S. § 32-1650-02(A)(4);
    - g. Current employer, including address and telephone number, type of position, and dates of employment, if employed in health care;
    - h. A list of all states in which the applicant is or has been included on a nursing assistant registry or been licensed or certified as a nursing or medication assistant and the license or certificate number, if any;
    - i. For medication assistant, proof of LNA licensure and 960 hours or 6 months full time employment as a CNA or LNA in the past year, as required in A.R.S. § 32-1650.02;
    - j. Responses to questions regarding the applicant's background on the following subjects:
      - i. Current investigation or pending disciplinary action by a nursing, nursing assistant or medication assistant regulatory agency in the United States or its territories;
      - ii. Action taken on a nursing assistant or medication assistant license, certification or registry designation in any other state;
      - iii. Felony conviction or conviction of an undesignated or other similar offense and the date of absolute discharge of sentence;
      - iv. Unprofessional conduct as defined in A.R.S. § 32-1601;
      - v. Explanation and supporting documentation for each affirmative answer to questions regarding the applicant's background;
  2. Proof of satisfactory completion of a nursing assistant or medication assistant training program that meets the requirements of this Article;
  3. Proof of United States citizenship or alien status as specified in A.R.S. § 41-1080;
  4. For LNA applicants, one or more fingerprint cards or fingerprints;
  5. For CMA applicants, one or more fingerprint cards or fingerprints, as required by A.R.S. § 32-1606(B)(15) if a fingerprint background report has not been received by the Board in the past two years; and
  6. Applicable fees under A.R.S. § 32-1643 and R4-19-808.
- B.** An applicant for licensure as a nursing assistant shall submit a passing score on a Board-approved nursing assistant examination and provide one of the following criteria:
1. Proof that the applicant has completed a Board-approved nursing assistant training program within the past two years;
  2. Proof that the applicant has completed a nursing assistant training program approved in another state or territory of the United States consisting of at least 120 hours within the past two years;
  3. Proof that the applicant has completed a nursing assistant program approved in another state or territory of the United States of at least 75 hours of instruction in the past

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two years and proof of working as a nursing assistant for an additional number of hours in the past two years that together with the hours of instruction, equal at least 120 hours;

4. Proof that the applicant either holds a nursing license in good standing in the U.S. or territories, has graduated from an approved nursing program, or otherwise meets educational requirements for a registered or practical nursing license in Arizona;
  5. Documentation sent directly from the program that the applicant successfully completed a nursing course or courses as part of an RN or LPN program approved in either this or another state in the last 2 years that included:
    - a. Didactic content regarding long-term care clients; and
    - b. Forty hours of instructor-supervised direct patient care in a long-term care or comparable facility; or
  6. Documentation of a minimum of 100 hours of military health care training, as evidenced by military records, and proof of working in health care within the past 2 years.
- C.** An applicant for medication assistant shall meet the qualifications of A.R.S. §§ 32-1650.02 and 32-1650.03. An applicant who wishes to use part of a nursing program in lieu of completion of a Board approved medication assistant training program under A.R.S. § 32-1650.02 shall submit the following:
1. An official transcript from a Board approved nursing program showing a grade of C or higher in a 45 hour or 3 semester credit, or equivalent, pharmacology course; and
  2. A document signed by both the applicant's clinical instructor and the nursing program administrator verifying that the applicant completed 40 hours of supervised medication administration in a long-term care facility.
- D.** Certifying Exam
1. A LNA applicant shall take and pass both portions of the certifying exam within 2 years:
    - a. Of program completion for graduates of nursing assistant programs approved in Arizona or another state, or
    - b. Of the date of the first test for all other applicants.
  2. A CMA applicant shall take and pass both portions of the certifying exam within one year:
    - a. Of program completion for graduates of Board-approved programs, or
    - b. Of the date of the first test for all other applicants.
  3. An applicant may re-take the failed portion or portions of a certifying exam, under conditions prescribed in written policy by the exam vendor, until a passing score is achieved or their time expires under subsections (D)(1) or (2).
- E.** An applicant who does not take or pass an examination within the time period specified in subsection (D) shall enroll in and successfully complete a Board approved training program in the certification category before being permitted to retake an examination.
- F.** The Board may license a nursing assistant or certify a medication assistant applicant who meets the applicable criteria in this Article and A.R.S. Title 32, Chapter 15 if licensure or certification is in the best interest of the public.
- G.** An applicant who is denied licensure or certification may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for certification. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.

- H.** Medication assistant certification expires when nursing assistant licensure expires.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 11 A.A.R. 4254, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 1859, effective September 8, 2014 (Supp. 14-3). Amended by exempt rulemaking at 22 A.A.R. 1900, effective July 1, 2016 (Supp. 16-2). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2, 2020 (Supp. 20-4).

**R4-19-807. Nursing Assistant Licensure and Medication Assistant Certification by Endorsement**

- A.** An applicant for LNA or CMA by endorsement shall submit all of the information, documentation, and fees required in R4-19-806.
- B.** An applicant who has been employed for less than one year shall list all employers during the past two years.
- C.** An applicant for nursing assistant licensure by endorsement shall meet the training program criteria in R4-19-806(B). An applicant for medication assistant endorsement shall, in addition, provide evidence satisfactory completion of a training program that meets the requirements of A.R.S. § 32-1650.04 and pass a competency examination as prescribed in A.R.S. § 32-1650.03.
- D.** In addition to the other requirements of this Section, an applicant for licensure or certification by endorsement shall provide evidence that the applicant:
1. Is or has been, within the last 2 years, listed as active on a nursing assistant register or a substantially equivalent register by another state or territory of the United States with no substantiated complaints or discipline; and
  2. For nursing assistant, meets one or more of the following criteria:
    - a. Regardless of job title or description, performed nursing assistant activities for a minimum of 160 hours for an employer or as part of a nursing or allied health program in the past two years; or
    - b. Has completed a nursing assistant training program and passed the required examination within the past two years.
  3. In addition to the above requirements, for medication assistant certification, meets the practice requirements of A.R.S. § 32-1650.04 and pays applicable fees under R4-19-808.
- E.** The Board may license a nursing assistant or certify a medication assistant applicant who meets the applicable criteria in this Article if certification is in the best interest of the public.
- F.** An applicant who is denied licensure or certification may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for licensure or certification. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 11 A.A.R. 4254, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 1859, effective September 8, 2014 (Supp. 14-3). Amended by exempt rulemaking at 22 A.A.R. 1900, effective July 1, 2016 (Supp. 16-2).

**R4-19-808. Fees Related to Certified Medication Assistant**

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- A. The Board shall collect the following fees related medication assistant certification:
1. Initial application for certification by exam, \$50.00.
  2. Fingerprint processing, \$50.00.
  3. Application for certification by endorsement, \$50.00.
- B. If an individual or entity submits a dishonored check, draft order or note, the Board may collect, from the provider of the instrument, the amount allowed under A.R.S. § 44-6852.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 8 A.A.R. 5004, effective November 15, 2002 (Supp. 02-4). Amended by final rulemaking at 11 A.A.R. 4254, effective December 5, 2005 (Supp. 05-4). Section repealed; new Section made by final rulemaking at 20 A.A.R. 1859, effective September 8, 2014 (Supp. 14-3). Amended by exempt rulemaking at 22 A.A.R. 1900, effective July 1, 2016 (Supp. 16-2).

**R4-19-809. Nursing Assistant Licensure and Medication Assistant Certificate Renewal**

- A. An applicant for renewal of a LNA license or a CMA certificate shall:
1. Submit a verified application to the Board on a form furnished by the Board that provides all of the following information about the applicant:
    - a. Full legal name, address of record including county of residence, e-mail address and telephone number;
    - b. Marital status and ethnicity at the applicant's discretion;
    - c. Current health care employer including name, address, telephone number, dates of employment and type of setting;
    - d. If the applicant fails to meet the practice requirements in subsections (A)(2) for nursing assistant or (A)(3) for medication assistant renewal, documentation that the applicant has completed a Board-approved training program for the licensure or certification sought and passed both the written and manual skills portions of the competency examination within the past two years;
    - e. Responses to questions that address the applicant's background:
      - i. Any investigation or disciplinary action by a nursing regulatory agency or nursing assistant regulatory agency in the United States or its territories not previously disclosed by the applicant to the Board;
      - ii. Felony conviction or conviction of undesignated offense and date of absolute discharge of sentence since licensed, certified or last renewed, and
      - iii. Unprofessional conduct committed by the applicant as defined in A.R.S. § 32-1601 since the time of last renewal and not previously disclosed by the applicant to the Board;
      - iv. Any disciplinary action or investigation related to the applicant's nursing or nursing assistant license or medication assistant certificate, nursing assistant certificate or registry listing by any other state regulatory agency since issuance of the license or certificate, or since last renewal and not previously disclosed to the Board.

- v. Explanation and supporting documentation for each affirmative answer to questions regarding the applicant's background;
- f. For LNA renewal, employment as a nursing assistant, performing nursing assistant tasks for an employer or the applicant's performance of nursing assistant activities as part of a nursing or allied health program for a minimum of 160 hours every two years since the last license or certificate was issued, or
- g. For CMA renewal, employment as a medication assistant for a minimum of 160 hours within the last 2 years, and
- h. Pay applicable fees according to A.R.S. § 32-1643 and R4-19-808.

- B. An applicant's license or certificate expires every two years on the last day of the applicant's birth month. If an applicant fails to timely renew the license or certificate, the applicant shall:
1. Not work or practice as an LNA or CMA until the Board issues a renewal license or certificate; and
  2. Pay any late fee imposed by the Board.
- C. If an applicant's license or certificate was, or is currently, revoked, surrendered, denied, suspended or placed on probation in another jurisdiction, the applicant is not eligible to renew or reactivate the applicant's Arizona license or certificate until a review or investigation has been completed and a decision made by the Board.
- D. The Board may renew an LNA license and CMA certificate of an applicant who meets the criteria established in statute and this Article. An applicant who is denied renewal of a license or certificate may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying renewal of the license or certificate. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6 of this Chapter.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 11 A.A.R. 4254, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 1859, effective September 8, 2014 (Supp. 14-3). Amended by exempt rulemaking at 22 A.A.R. 1900, effective July 1, 2016 (Supp. 16-2). Amended by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2, 2020 (Supp. 20-4).

**R4-19-810. Certified Nursing Assistant Registry; Licensed Nursing Assistant Registry**

- A. The Board shall maintain a Certified Nursing Assistant (CNA) Registry and a Licensed Nursing Assistant (LNA) Registry. All individuals listed in either Registry shall provide proof to the Board, either directly or through the Board's test vendor, of legal presence in the United States as specified in A.R.S. § 41-1080. Both Registries meet the requirements of A.R.S. § 32-1606(B)(11).
1. To be placed on the CNA Registry, an applicant shall either:
    - a. Have successfully completed an approved nursing assistant training program and passed the nursing assistant written and manual skills competency evaluation within the past two years; or
    - b. For endorsement, be listed on another state's nursing assistant registry.

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2. To renew CNA Registry status under A.R.S. § 32-1642(E), an applicant shall submit an application that includes verified statements establishing:
  - a. Whether applicant has performed nursing assistant or nursing related services for at least eight hours within the past 24 months. An applicant must complete this work requirement to be eligible for renewal.
  - b. Whether the applicant's listing on any registry in any other state includes documented findings of abuse, neglect or misappropriation of property.
3. The Executive Director shall include the following information in the CNA Registry for each registered individual:
  - a. Full legal name and any other names used;
  - b. Address of record;
  - c. County of residence;
  - d. The date of initial placement on the registry;
  - e. Dates and results of both the written and manual skills portions of the nursing assistant competency examination;
  - f. Date of expiration of current registration, if applicable;
  - g. Any substantiated complaints of abuse, neglect or misappropriation of property; and
  - h. Registry status such as active or expired as applicable.
- B. An LNA applicant who meets the qualifications under subsection (A)(1) and the licensure requirements of this Article shall be placed on an LNA Registry. The Executive Director shall include the following information in the LNA Registry for each licensed individual:
  1. Information contained in subsection (A)(3);
  2. Status of the license and any Board actions on the license, such as active, denied, expired, or revoked, as applicable.
- C. The Executive Director shall include the following information in the applicable Registry for an individual if the Board, or the United States Department of Health and Human Services (HHS) finds that the individual has violated relevant law. For a finding by the Board or HHS, the Executive Director shall include:
  1. The finding, including the date of the decision, and a reference to each statute, rule, or regulation violated; and
  2. The sanction, if any, including the date of action and the duration of action, if time-limited.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 11 A.A.R. 4254, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 1859, effective September 8, 2014 (Supp. 14-3). Amended by exempt rulemaking at 22 A.A.R. 1900, effective July 1, 2016 (Supp. 16-2). Amended by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2).

**R4-19-811. Repealed****Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 20 A.A.R. 1859, effective September 8, 2014 (Supp. 14-3). Amended by exempt rulemaking at 22 A.A.R. 1900, effective July 1, 2016 (Supp. 16-2). Repealed by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2).

tive June 3, 2019 (Supp. 19-2).

**R4-19-812. Change of Name or Address**

- A. An applicant, CNA, LNA, or CMA certificate holder shall notify the Board, in writing or electronically through the Board's website of any legal name change within 30 days of the change, and submit a copy of the official document verifying the name change.
- B. An applicant, CNA, LNA, or CMA certificate holder shall notify the Board in writing or electronically through the Board's website of any change of address within 30 days of the address change.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 11 A.A.R. 4254, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 1859, effective September 8, 2014 (Supp. 14-3). Amended by exempt rulemaking at 22 A.A.R. 1900, effective July 1, 2016 (Supp. 16-2).

**R4-19-813. Performance of Nursing Assistant Tasks; Performance of Medication Assistant Tasks**

- A. A CNA or LNA may perform the following tasks as delegated by a licensed nurse:
  1. Tasks for which the nursing assistant has been trained through the curriculum identified in R4-19-802, and
  2. Tasks learned through inservice or educational training if the task meets the following criteria and the nursing assistant has demonstrated competence performing the task:
    - a. The task can be safely performed according to clear, exact, and unchanging directions;
    - b. The task poses minimal risk to the patient or resident and the consequences of performing the task improperly are not life-threatening or irreversible;
    - c. The results of the task are reasonably predictable; and
    - d. Assessment, interpretation, or decision-making is not required during the performance or at the completion of the task.
- B. A licensed nursing assistant who is also certified as a medication assistant under A.R.S. § 32-1650.02 may administer medications under the conditions imposed by A.R.S. § § 32-1650 through 32-1650.07.
- C. A licensed nursing assistant under this Article shall:
  1. Recognize the limits of the licensee's personal knowledge, skills, and abilities;
  2. No change
  3. Inform the registered nurse, licensed practical nurse, or another person authorized to delegate the task about the licensee's ability to perform the task before accepting the assignment;
  4. Accept delegation, instruction, and supervision from a licensed nurse or another person authorized to delegate a task;
  5. Not perform any task that requires a judgment based on nursing knowledge;
  6. Acknowledge responsibility for personal actions necessary to complete an accepted assigned task;
  7. Follow the plan of care, if available;
  8. Observe, report, and record signs, symptoms, and changes in the patient or resident's condition in an ongoing and timely manner; and
  9. Retain responsibility for all assigned tasks without delegating any tasks to another person.

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**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 11 A.A.R. 4254, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 1859, effective September 8, 2014 (Supp. 14-3). Amended by exempt rulemaking at 22 A.A.R. 1900, effective July 1, 2016 (Supp. 16-2).

**R4-19-814. Standards of Conduct for Licensed Nursing Assistants and Certified Medication Assistants**

For purposes of A.R.S. § 32-1601(24)(d), a practice or conduct that is or might be harmful or dangerous to the health of a patient or the public and constitutes a basis for disciplinary action on a LNA license and a CMA certificate includes the following:

1. Failing to maintain professional boundaries or engaging in a dual relationship with a patient, resident, or any member of the patient's or resident's family;
2. Engaging in sexual conduct with a patient, resident, or any member of the patient's or resident's family who does not have a pre-existing relationship with the licensee or any conduct while on duty or in the presence of a patient or resident that a reasonable person would interpret as sexual;
3. Leaving an assignment or abandoning a patient or resident who requires care without properly notifying the immediate supervisor;
4. Failing to accurately and timely document care and treatment provided to a patient or resident, including, for a CMA, medications administered or not administered;
5. Falsifying or making a materially incorrect entry in a health care record;
6. Failing to follow an employer's policies and procedures, designed to safeguard the patient or resident;
7. Failing to take action to protect a patient or resident whose safety or welfare is at risk from potential or actual incompetent health care practice, or to report the practice to the immediate supervisor or a facility administrator;
8. Failing to report signs, symptoms, and changes in patient or resident conditions to the immediate supervisor in an ongoing and timely manner;
9. Violating the rights or dignity of a patient or resident;
10. Violating a patient or resident's right of privacy by disclosing confidential information or knowledge concerning the patient or resident, unless disclosure is otherwise required by law;
11. Neglecting or abusing a patient or resident physically, verbally, emotionally, or financially;
12. Failing to immediately report to a supervisor and the Board any observed or suspected abuse or neglect, including a resident or patient's report of abuse or neglect;
13. Soliciting, or borrowing, property or money from a patient or resident, or any member of the patient's or resident's family, or the patient's or resident's guardian;
14. Soliciting or engaging in the sale of goods or services unrelated to the licensee's health care assignment with a patient or resident, or any member of the patient or resident's immediate family, or guardians;
15. Removing, without authorization, any money, property, or personal possessions, or requesting payment for services not performed from a patient, resident, employer, co-worker, or member of the public.
16. Repeated use or being under the influence of alcohol, medication, or any other substance to the extent that judgment may be impaired and practice detrimentally affected or while on duty in any work setting;
17. Accepting or performing patient or resident care tasks that the licensee lacks the education, competence or legal authority to perform;
18. Removing, without authorization, narcotics, drugs, supplies, equipment, or medical records from any work setting;
19. Obtaining, possessing, using, or selling any narcotic, controlled substance, or illegal drug in violation of any employer policy or any federal or state law;
20. Permitting or assisting another person to use the licensee's license or CMA certificate holder's certificate or identity for any purpose;
21. Making untruthful or misleading statements in advertisements of the individual's practice as a licensed nursing assistant or certified medication assistant;
22. Offering or providing licensed nursing assistant or certified medication assistant services for compensation without a designated registered nurse supervisor;
23. Threatening, harassing, or exploiting an individual;
24. Using violent or abusive behavior in any work setting;
25. Failing to cooperate with the Board during an investigation by:
  - a. Not furnishing in writing a complete explanation of a matter reported under A.R.S. § 32-1664;
  - b. Not responding to a subpoena or written request for information issued by the Board;
  - c. Not completing and returning a Board-issued questionnaire within 30 days; or
  - d. Not informing the Board of a change of address or phone number within 10 days of each change;
26. Cheating on the competency exam or providing false information on an initial or renewal application for licensure or certification;
27. Making a false or inaccurate statement to the Board or the Board's designee during the course of an investigation;
28. Making a false or misleading statement on a nursing assistant, medication assistant or health care related employment or credential application;
29. If an applicant, licensee or CMA certificate holder is charged with a felony or a misdemeanor, involving conduct that may affect patient safety, failing to notify the Board, in writing, within 10 working days of being charged under A.R.S. § 32-3208. The applicant, licensee or CMA certificate holder shall include the following in the notification:
  - a. Name, current address, telephone number, Social Security number, and license and certificate number, if applicable;
  - b. Date of the charge; and
  - c. Nature of the offense;
30. Failing to notify the Board, in writing, of a conviction for a felony or an undesignated offense within 10 days of the conviction. The applicant, licensee or CMA certificate holder shall include the following in the notification:
  - a. Name, current address, telephone number, Social Security number, and license and CMA certificate number, if applicable;
  - b. Date of the conviction;
  - c. Nature of the offense;
31. For a medication assistant, performance of any acts associated with medication administration not specifically authorized by A.R.S. § 32-1650 et seq; and
32. Practicing in any other manner that gives the Board reasonable cause to believe that the health of a patient, resident, or the public may be harmed.



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33. Violation of any other state or federal laws, rules or regulations.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 11 A.A.R. 4254, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4621, effective January 31, 2009 (Supp. 08-4). Antiquated statute reference in opening subsection revised at the request of Board under A.R.S. § 41-1011(C), Office File No. M11-189, filed May 16, 2011 (Supp. 11-2). Pursuant to authority of A.R.S. § 41-1011(C), Laws 2012, Ch. 152, § 1, provides for A.R.S. references to be corrected to reflect the renumbering of definitions. Therefore the A.R.S. citation in the opening subsection was updated. Agency request filed July 12, 2012, Office File No. M12-242 (Supp. 12-3). Amended by final rulemaking at 20 A.A.R. 1859, effective September 8, 2014 (Supp. 14-3). Amended by exempt rulemaking at 22 A.A.R. 1900, effective July 1, 2016 (Supp. 16-2). A.R.S. Section reference updated under subsection under Laws 2015, Ch. 262, effective July 1, 2016 (Laws 2015, Ch. 262, § 23) at file number R16-186 (Supp. 16-3).

**R4-19-815. Reissuance or Subsequent Issuance of a Nursing Assistant License or Medication Assistant Certificate**

- A. A person whose LNA license or CMA certificate was denied, revoked, or voluntarily surrendered according to A.R.S. § 32-1663 may apply to the Board to issue or re-issue the license or certificate:
- Five years from the date of denial or revocation, or
  - In accordance with the terms of a voluntary surrender agreement.
- B. A person who applies for issuance or re-issuance of a license or certificate under the conditions of subsection (A) is subject to the following terms and conditions:
- The applicant shall submit a written application for issuance or re-issuance of the license or certificate that contains substantial evidence that the basis for surrendering, denying, or revoking the license or certificate has been removed and that the issuance or re-issuance of the license or certificate will not be a threat to public health or safety.
  - Safe practice:
    - According to A.R.S. § 32-1664(F), the Board for reasonable cause may require a combination of mental, physical, nursing competency, psychological, or psychiatric evaluations, or any combination of evaluations, reports, and affidavits that the Board considers necessary to determine the person's competence and conduct to safely practice as an LNA or CMA.
    - The Board may require the applicant to be tested for competency, or retake and successfully complete a Board approved training program and pass the required examination, all at the applicant's expense.
- C. The Board shall consider the application, and may designate a time for the applicant to address the Board at a regularly scheduled meeting.
- D. After considering the application, the Board may:
- Grant certification or licensure, with or without conditions or limitations, or
  - Deny the application.
- E. An applicant who is denied issuance or re-issuance of LNA licensure or CMA certification may request a hearing by filing

a written request with the Board within 30 days of service of the Board's order. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6, of this Chapter.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 20 A.A.R. 1859, effective September 8, 2014 (Supp. 14-3). Amended by exempt rulemaking at 22 A.A.R. 1900, effective July 1, 2016 (Supp. 16-2). Amended by final rulemaking at 25 A.A.R. 919, effective June 3, 2019 (Supp. 19-2). Amended by final rulemaking at 26 A.A.R. 3289, with an immediate effective date of December 2, 2020 (Supp. 20-4).

**ARTICLE 9. LICENSED HEALTH AIDE****R4-19-901. Standards for Licensed Health Aide (LHA) Training Programs**

- A. Organization and Administration: An LHA program may be offered only by an entity:
- Approved by Board;
  - Approved by the Arizona Department of Health Services as a Medicare-certified home health agency service provider; and
  - That meets the requirements of A.R.S. § 36-2939.
- B. Instructor qualifications. An LHA instructor shall:
- Hold a current, registered nurse license that is active and in good standing or multistate privilege to practice as an RN under A.R.S. Title 32, Chapter 15;
  - Possess at least two years of direct care nursing experience in pediatrics or medical/surgical care including medication administration, tracheostomy care, and enteral care and therapy for persons under 21 years of age.
- C. Curriculum: An LHA program shall provide a basic curriculum that includes: nursing assistant skills, medication administration, tracheostomy care; and enteral care and therapy for persons under 21 years of age.
- D. Competency Examination: An LHA program shall provide to the Board for approval a competency examination that includes a written portion and successful performance of the following skills for persons under 21 years of age, and specific to the LHA's singular patient:
- Nursing assistant skills,
  - Medication administration,
  - Tracheostomy care, and
  - Enteral care and therapy.
- E. Training requirements: The LHA program shall train and evaluate the LHA, both in writing and performance of LHA skills, as to the applicable, required competencies related to the healthcare needs of the individual patient for whom the LHA provides care; and provide ongoing assessments as to safety of LHA when performing LHA tasks.
- F. Program Certificate Requirements: Upon satisfactory completion of the basic curriculum, the LHA program shall issue a program certificate to those students who demonstrate the skills and ability to safely administer care to the individual patient for whom they provide care.

**Historical Note**

New Section made by final exempt rulemaking (the Board solicited comments on draft rules) at 28 A.A.R. 111 (January 7, 2022), with an effective date of January 2, 2022 (Supp. 21-4).

**R4-19-902. Initial Approval and Renewal of Approval of LHA Training Programs**

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- A. An applicant for initial training program approval shall submit an electronic application packet to the Board at least 90 days before the expected starting date of the program.
- B. A program applying for initial approval shall include all of the following in its application packet:
  - 1. Name, address, web address, telephone number, e-mail address and fax number of the program;
  - 2. Identity of all program owners or sponsoring institutions;
  - 3. Evidence of program compliance with all of the following:
    - a. Program description that includes the length of the program, number of hours of instruction;
    - b. A copy of the documentation that the program will use to verify student knowledge and skills;
    - c. A copy of course policies and any other materials that demonstrate compliance with R4-19-901;
- C. A program seeking renewal of its approval shall submit an application for renewal containing the information required in this Section at least 90 days prior to the expiration of its current approval.
- D. LHA program approvals and renewals shall be for a period of four years.

**Historical Note**

New Section made by final exempt rulemaking (the Board solicited comments on draft rules) at 28 A.A.R. 111 (January 7, 2022), with an effective date of January 2, 2022 (Supp. 21-4).

**R4-19-903. Rescission of Program Approval, Unprofessional Program Conduct, Voluntary Termination, Disciplinary Action, and Reinstatement**

- A. The Board may take disciplinary action against an LHA program, including rescinding program approval, for any of the following acts of unprofessional conduct:
  - 1. Failing to comply with Board requirements within designated timeframes;
  - 2. Making a false, inaccurate or misleading statement to the Board or the Board's designee in the course of an investigation, or on any application or information submitted to the Board or on the program's public website;
  - 3. Engaging in any other conduct that gives the Board reasonable cause to believe the program's conduct may be a threat to the safety or welfare of students, instructors, patients or the public.
  - 4. Failing to:
    - a. Furnish in writing a full and complete explanation of a matter reported pursuant to A.R.S. § 32-1664, or
    - b. Respond to a subpoena issued by the Board;
  - 5. Failing to promptly remove, or adequately discipline or train, program instructors whose conduct violates this Article or may be a threat to the safety or welfare of students, patients, or the public.
- B. Disciplinary Action. An LHA program may request a hearing prior to the imposition of any disciplinary action by the Board by filing a written request with the Board within 30 days of service of the Board's notice of charges. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10, and 4 A.A.C. 19, Article 6.
- C. Voluntary termination.
  - 1. An LHA program that seeks to voluntarily terminate the program before its next renewal shall submit a written notice of termination to the Board.
  - 2. The program shall continue the training program, including retaining necessary instructors, until the last enrolled student has transferred or completed the training program.

- 3. Within 15 days after the termination of a training program, a program representative shall notify the Board in writing of the permanent location and availability of all program records.
- 4. A program that fails to renew its approval with the Board shall be considered voluntarily terminated unless there is a complaint against the program.

**Historical Note**

New Section made by final exempt rulemaking (the Board solicited comments on draft rules) at 28 A.A.R. 111 (January 7, 2022), with an effective date of January 2, 2022 (Supp. 21-4).

**R4-19-904. Licensed Health Aide (LHA) Licensure, Renewals, and Patient Safety Referral**

- A. An applicant for initial licensed health aide (LHA) licensure shall submit the following to the Board:
  - 1. A verified application on a form furnished by the Board that provides the following information about the applicant:
    - a. Full legal name and any and all former names used by the applicant;
    - b. Current address of record, including county of residence, e-mail address and telephone number;
    - c. Place and date of birth;
    - d. Social Security number;
    - e. Relationship to the patient that meets the definition of "family member" in R4-19-101;
    - f. Patient age and enrollment status in Arizona Long Term Care System ("ALTCS").
  - 2. Proof of satisfactory completion of an LHA training program that meets the requirements of this Article within the past two years;
  - 3. Proof the applicant has satisfactorily completed an LHA competency examination approved by the Board.
  - 4. Proof of United States citizenship or alien status as specified in A.R.S. § 41-1080; and
  - 5. Applicable fees under A.R.S. § 32-1643.
- B. An applicant who is denied licensure or certification may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for certification. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.
- C. An applicant's license expires every four years. If an applicant fails to timely renew the license, the applicant shall not work as an LHA until the board issues a renewal license. To renew LHA licensure, an applicant shall:
  - 1. Pay applicable fees pursuant to A.R.S. § 32-1643;
  - 2. Submit proof that applicant's patient still meets the age and eligibility requirements of A.R.S. § 36-2939;
  - 3. Submit a statement on a form provided by the Board and completed by the applicant's home health agency employer or support coordinator confirming that applicant has adequately maintained the skills and knowledge required for safe LHA care of the applicant's patient.
- D. The Board shall maintain a list, published on its website, of all LHA licensees.
- E. The Board shall submit a safety referral for any LHA for whom the Board has concerns regarding potential patient neglect or abuse to the Arizona Department of Economic Security.

**Historical Note**

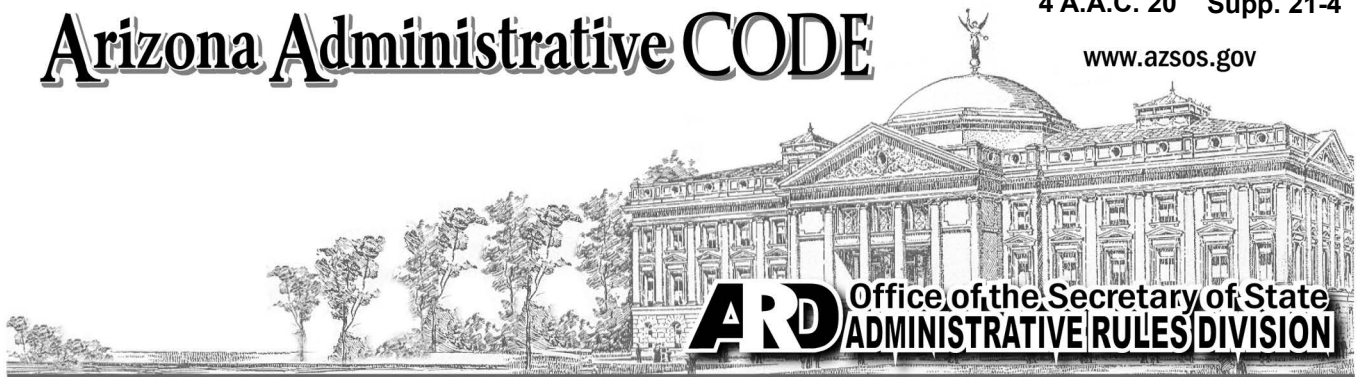
New Section made by final exempt rulemaking (the Board solicited comments on draft rules) at 28 A.A.R.

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CHAPTER 19. BOARD OF NURSING

111 (January 7, 2022), with an effective date of January 2,  
2022 (Supp. 21-4).

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## TITLE 4. PROFESSIONS AND OCCUPATIONS

### CHAPTER 20. BOARD OF DISPENSING OPTICIANS

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
October 1, 2021 through December 31, 2021

<a href="#">R4-20-102.</a>	<a href="#">Application for a Dispensing Optician's License by Examination .....</a>	<a href="#">2</a>	<a href="#">R4-20-110.</a>	<a href="#">Application for an Optical Establishment License: Qualifications .....</a>	<a href="#">4</a>
<a href="#">R4-20-107.</a>	<a href="#">Application for a Dispensing Optician's License by Comity .....</a>	<a href="#">3</a>	<a href="#">R4-20-112.</a>	<a href="#">Fees .....</a>	<a href="#">5</a>

#### Questions about these rules? Contact:

Board: Board of Dispensing Opticians  
Address: 1740 W. Adams, Suite 3001  
Phoenix, AZ 85007  
Website: [www.do.az.gov](http://www.do.az.gov)  
Name: Megan Darian, Executive Director  
Telephone: (602) 542-8158  
Fax: (602) 926-8103  
E-mail: [mdarian@do.az.gov](mailto:mdarian@do.az.gov)

**The release of this Chapter in Supp. 21-4 replaces Supp. 20-1, 1-8 pages**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

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### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

First Quarter: January 1 - March 31  
Second Quarter: April 1 - June 30  
Third Quarter: July 1 - September 30  
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2021 is cited as Supp. 21-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

### RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

### AUTHENTICATION OF PDF CODE CHAPTERS

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

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, [www.azsos.gov](http://www.azsos.gov) under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

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

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

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

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

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

### PERSONAL USE/COMMERCIAL USE

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

**Administrative Rules Division**

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

**TITLE 4. PROFESSIONS AND OCCUPATIONS****CHAPTER 20. BOARD OF DISPENSING OPTICIANS**

Authority: A.R.S. § 32-1671 et seq.

**Supp. 21-4****CHAPTER TABLE OF CONTENTS****ARTICLE 1. GENERAL**

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## CHAPTER 20. BOARD OF DISPENSING OPTICIANS

## ARTICLE 1. GENERAL

**R4-20-101. Definitions**

The following definitions apply in this Chapter unless otherwise specified:

1. "ABO" means the American Board of Opticianry.
2. "Applicant" means an individual requesting an initial or renewal license from the Board.
3. "Application packet" means the forms and additional information the Board requires to be submitted by an applicant or on the applicant's behalf.
4. "Comity" means the procedure for granting an Arizona license to an applicant who is already licensed as a dispensing optician in another state of the United States.
5. "Days" means calendar days.
6. "Laboratory experience" means work directly involved in the process of producing optical devices and does not include work that is strictly clerical.
7. "License" means a written authorization issued by the Board to practice as a dispensing optician or operate an optical establishment in Arizona.
8. "NCLE" means the National Contact Lens Examiners.
9. "Nationally recognized body on opticianry accreditation" means the Commission on Opticianry Accreditation.
10. "Optical devices" means eyeglasses, contact lenses, prosthetic eyes, low-vision aids, other eyewear, and eyewear appurtenances or parts.
11. "Optometrist" means a person currently licensed in any state of the United States in the practice of the profession of optometry as defined in A.R.S. § 32-1701.
12. "Physician" means a person currently licensed in any state of the United States to practice allopathic or osteopathic medicine.
13. "Work week" means the period of time beginning on Sunday at 12:00 a.m. and ending the following Saturday at 11:59 p.m.

**Historical Note**

Former Rule II. Amended effective December 14, 1979 (Supp. 79-6). Amended Subsections (A) and (D) effective April 2, 1981 (Supp. 81-2). Former Section R4-20-102 repealed, new Section R4-20-102 adopted effective October 24, 1983 (Supp. 83-5). Amended Subsection (B) effective August 29, 1985 (Supp. 85-4). Former Section R4-20-101 repealed, Section R4-20-102 amended and renumbered as Section R4-20-101 effective September 18, 1987 (Supp. 87-3). Amended by final rulemaking at 5 A.A.R. 418, effective January 15, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 1978, effective May 10, 2000 (Supp. 00-2). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3).

**R4-20-102. Application for a Dispensing Optician's License by Examination**

At least 30 days before a regularly scheduled board meeting date, an applicant for a dispensing optician's license by examination shall submit to the Board an application packet that contains:

1. An application form provided by the Board, signed and dated by the applicant, that contains:
  - a. The applicant's name, Social Security number, address, and telephone number;
  - b. The name and address of the applicant's employer at the time of application, if applicable;
  - c. If demonstrating technical skill and training under A.R.S. § 32-1683(5)(b), the name and address of each dispensing optician, physician, or optometrist for whom the applicant served as an apprentice for

three of the six years immediately preceding the application date, and the beginning and ending dates of each apprenticeship;

- d. If demonstrating technical skill and training under A.R.S. § 32-1683(5)(c), the name and address of the school from which the applicant graduated, dates of attendance, date of graduation, degree received, and the name and address of each dispensing optician for whom the applicant served as a dispensing optician apprentice for one of the six years immediately preceding the application date and the beginning and ending dates of service. The applicant shall submit a photocopy of the applicant's diploma from the optical dispensing school;
  - e. If demonstrating technical skill and training under A.R.S. § 32-1683(5)(c) received during military service, the name and address of the school from which the applicant graduated, dates of attendance, date of graduation, and degree received, the location and name of the duty station at which the applicant has worked for three of the six years immediately preceding the application date and the beginning and ending dates of service.
  - f. If demonstrating technical skill and training under A.R.S. § 32-1683(5)(d), the name and address of each dispensing optician, physician, or optometrist for whom the applicant has worked for three of the six years immediately preceding the application date and the beginning and ending dates of employment;
  - g. A statement of whether the applicant has ever been convicted of a felony or of a misdemeanor involving moral turpitude in any state;
  - h. A statement of whether the applicant has ever had an application for a professional license denied or had a license suspended or revoked in any state; and
  - i. A sworn statement by the applicant verifying the truthfulness of the information provided by the applicant;
2. A photocopy of the applicant's:
    - a. High school diploma or general educational diploma issued in any state; or
    - b. Transcripts from a high school or college; or,
    - c. Evidence of a college degree or admission to any college in any state;
  3. Verification of passing both spectacle and contact lens written and practical examinations in opticianry administered by a nationally recognized body as evidenced by an original notice of examination results or a copy of the original certificate of passage issued by the organization that prepared the examination;
  4. A letter attesting to good moral character from each of three individuals who are not family members, who have known the applicant for two years immediately before the date of the application, and support the applicant's licensure;
  5. A letter from each physician, optometrist, or dispensing optician named in subsections (1)(c), (d), or (e) that contains:
    - a. The individual's printed name, address, and telephone number; and
    - b. A statement that the applicant has either served as an apprentice or been employed as a dispensing optician by the physician, optometrist, or dispensing optician for the time required in subsections (1)(c), (d), or (e);



## CHAPTER 20. BOARD OF DISPENSING OPTICIANS

6. A photograph of the applicant taken not more than six months before the date of application; and
7. The fee required in R4-20-112.

**Historical Note**

Former Rule III. Amended effective August 9, 1977 (Supp. 77-4). Amended effective August 7, 1978 (Supp. 78-4). Amended effective December 14, 1979 (Supp. 79-6). Former Section R4-20-103 repealed, new Section R4-20-103 adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-103 amended and renumbered as Section R4-20-102 effective September 18, 1987 (Supp. 87-3). Amended effective September 13, 1989 (Supp. 89-3). Section R4-20-102 repealed, new Section adopted by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Amended by final rulemaking at 19 A.A.R. 584, effective May 5, 2013 (Supp. 13-1). Amended by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4). Amended by final rulemaking at 27 A.A.R. 2727 (November 26, 2021), with an immediate effective date of November 4, 2021 (Supp. 21-4).

**R4-20-103. Repealed****Historical Note**

Adopted effective August 9, 1977 (Supp. 77-4). Amended effective December 14, 1979 (Supp. 79-6). Amended Subsection (E) effective April 2, 1981 (Supp. 81-2). Former Section R4-20-104 repealed, new Section R4-20-104 adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-104 amended and renumbered as Section R4-20-103 effective September 18, 1987 (Supp. 87-3). Amended September 13, 1989 (Supp. 89-3). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Repealed by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4).

**R4-20-104. Repealed****Historical Note**

Adopted effective August 9, 1977 (Supp. 77-4). Former Section R4-20-105 repealed, new Section R4-20-105 adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-105 amended and renumbered as Section R4-20-104 effective September 18, 1987 (Supp. 87-3). Amended September 13, 1989 (Supp. 89-3). Amended effective July 22, 1994 (Supp. 94-3). Amended by final rulemaking at 6 A.A.R. 1978, effective May 10, 2000 (Supp. 00-2). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Repealed by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4).

**R4-20-105. Repealed****Historical Note**

Adopted effective August 9, 1977 (Supp. 77-4). Former Section R4-20-106 repealed, new Section R4-20-106 adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-106 amended and renumbered as Section R4-20-105 effective September 18, 1987 (Supp. 87-3). Amended effective September 13, 1989 (Supp. 89-3). Amended effective July 22, 1994 (Supp. 94-3). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Repealed by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4).

**R4-20-106. Repealed****Historical Note**

Adopted effective March 20, 1978 (Supp. 78-2). Amended effective August 7, 1978 (Supp. 78-4). Former Section R4-20-107 repealed, new Section R4-20-107 adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-107 amended and renumbered as Section R4-20-106 effective September 18, 1987 (Supp. 87-3). Amended effective September 13, 1989 (Supp. 89-3). Amended effective July 22, 1994 (Supp. 94-3). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Repealed by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4).

**R4-20-107. Application for a Dispensing Optician's License by Comity**

An applicant for a dispensing optician's license by comity shall submit an application packet to the Board that contains:

1. An application form provided by the Board, signed and dated by the applicant, that contains:
  - a. The applicant's name, Social Security number, address, and telephone number;
  - b. The applicant's dispensing optician license number and the state and date of licensure;
  - c. A statement of whether the applicant has ever been convicted of a felony or of a misdemeanor involving moral turpitude in any state;
  - d. A statement of whether the applicant has ever been denied a license or had a license suspended or revoked in any state; and
  - e. A sworn statement by the applicant verifying the truthfulness of the information provided by the applicant;
2. A photocopy of the unexpired license and a written statement, signed by an officer of the Board that issued the license, that states the license is in good standing, and that the license is valid to dispense both eyeglasses and contact lenses;
3. A photograph of the applicant taken not more than six months before the date of application; and
4. The fee required in R4-20-112.

**Historical Note**

Adopted effective August 7, 1978 (Supp. 78-4). Former Section R4-20-108 repealed, new Section R4-20-108 adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-108 amended and renumbered as Section R4-20-107 effective September 18, 1987 (Supp. 87-3). Amended effective September 13, 1989 (Supp. 89-3). Section R4-20-107 repealed, new Section adopted by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Amended by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4). Amended by final rulemaking at 27 A.A.R. 2727 (November 26, 2021), with an immediate effective date of November 4, 2021 (Supp. 21-4).

**R4-20-108. Repealed****Historical Note**

Adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-109 amended and renumbered as Section R4-20-108 effective September 18, 1987 (Supp. 87-3). Amended effective September 13, 1989 (Supp. 89-3).

## CHAPTER 20. BOARD OF DISPENSING OPTICIANS

Section R4-20-108 repealed by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

**R4-20-109. Renewal of Dispensing Optician's License; Late Renewal; Reinstatement**

- A. No later than December 31 of each year, an applicant for renewal of a dispensing optician's license shall submit to the Board the fee required by R4-20-112, proof of continuing education credits required by R4-20-120, and an application form, provided by the Board, signed and dated by the applicant, that contains:
1. The applicant's name, Social Security number, address, and telephone number;
  2. The name, address, telephone number, and Arizona license number of the optical establishment at which the applicant is currently practicing as a dispensing optician; and
  3. A statement that the information contained on the renewal application is correct.
- B. A licensee who submits a renewal application and renewal fee after December 31 but before January 31 of the following year shall pay the late fee in R4-20-112.
- C. A licensee who fails to submit a renewal application before January 31 following a license expiration of December 31, and who wishes to reinstate the license, shall:
1. Submit a reinstatement application within one year of license expiration;
  2. Pay the renewal fee and the late fee in R4-20-112;
  3. Achieve a passing grade on the practical examination, unless the applicant has successfully completed the practical examination in the five-year period immediately preceding the license expiration.

**Historical Note**

Adopted effective April 2, 1981 (Supp. 81-2). Former Section R4-20-110 repealed, new Section R4-20-110 adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-110 amended and renumbered as Section R4-20-109 effective September 18, 1987 (Supp. 87-3). Section R4-20-109 repealed, new Section adopted by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Amended by final rulemaking at 19 A.A.R. 584, effective May 5, 2013 (Supp. 13-1). Amended by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4).

**R4-20-110. Application for an Optical Establishment License; Qualifications**

- A. Any person, corporation, company, partnership, firm, association or society operating an optical establishment, except those exempt under A.R.S. § 32-1691, shall obtain an optical establishment license.
- B. An applicant for an optical establishment license shall submit an application packet to the Board that contains:
1. An application form provided by the Board, signed and dated by the applicant, that contains:
    - a. The applicant's name, establishment name, establishment address, and telephone number.
    - b. The hours the establishment will be open to the public for business;
    - c. If a corporation, the name of the statutory agent, the corporation's officers, and the state of incorporation; and
    - d. The name and license number of each licensed dispensing optician who is scheduled to work at the

establishment on a full-time basis, consisting of 32 hours or more per week;

2. If a corporation, the articles of incorporation; and
3. The fee required in R4-20-112.

- C. To be licensed, an optical establishment shall employ at least one dispensing optician licensed by the Board, for at least 32 hours or more per week.

**Historical Note**

Adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-111 amended and renumbered as Section R4-20-110 effective September 18, 1987 (Supp. 87-3). Repealed effective September 13, 1989 (Supp. 89-3). New Section R4-20-110 adopted by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Amended by final rulemaking at 14 A.A.R. 3668, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4). Amended by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4). Amended by final rulemaking at 27 A.A.R. 2727 (November 26, 2021), with an immediate effective date of November 4, 2021 (Supp. 21-4).

**R4-20-111. Time-frames for License Approvals**

- A. The overall time-frame described in A.R.S. § 41-1072(2) for each type of approval granted by the Board is set forth in Table 1. The applicant and the Executive Director of the Board may agree in writing to extend the substantive review and overall time-frame. The substantive review time-frame may not be extended by more than 25% of the overall time-frame.
- B. The administrative completeness review time-frame described in A.R.S. § 41-1072(1) for each type of approval granted by the Board is set forth in Table 1.
1. The administrative completeness review time-frame begins:
    - a. For approval to take a dispensing optician examination or for an optical establishment license, when the Board receives an application packet.
    - b. For approval or denial of a license by examination when the applicant takes the dispensing optician examination.
    - c. For a license by comity, when the Board receives an application packet.
  2. If the application packet is incomplete, the Board shall send to the applicant a written notice specifying the missing document or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the postmark date of the notice until the date the Board receives a complete application packet from the applicant.
  3. If an application packet is complete, the Board shall send a written notice of administrative completeness to the applicant.
  4. If the Board grants a license or approval during the time provided to assess administrative completeness, the Board shall not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the postmark date of the notice of administrative completeness.
1. During the substantive review time-frame, the Board may make one comprehensive written request for additional information or documentation. The time-frame for the Board to complete the substantive review is suspended

## CHAPTER 20. BOARD OF DISPENSING OPTICIANS

from the postmark date of the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation.

2. The Board shall send a written notice approving the applicant to take an examination or granting a license to an applicant who meets the qualifications in A.R.S. §§ 32-1681 through 32-1684 and 32-1687.
  3. The Board shall send a written notice of denial to an applicant who fails to meet the qualifications in A.R.S. §§ 32-1681 through 32-1684 and 32-1687.
- D.** The Board shall consider an application withdrawn if within 360 days from the application submission date the applicant fails to:
1. Supply the missing information under subsection (B)(2) or (C)(1); or
  2. Take the dispensing optician examination.
- E.** An applicant who does not want an application withdrawn may request a denial in writing within 360 days from the application submission date.
- F.** If a time-frame's last day falls on a Saturday, Sunday, or an official state holiday, the next business day shall be considered the time-frame's last day.

**Historical Note**

Adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-112 amended and renumbered as Section R4-20-111 effective September 18, 1987 (Supp. 87-3). Amended effective September 13, 1989 (Supp. 89-3). Section R4-20-111 repealed, new Section adopted by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3).

**R4-20-112. Fees**

- A.** Dispensing optician fees, which are non-refundable unless A.R.S. § 41-1077 applies, are as follows:
1. License issuance fee: \$100
  2. Renewal of dispensing optician license: \$135
  3. License renewal late fee: \$100
- B.** Optical establishment license fees are as follows:
1. License application fee: \$100
  2. License issuance fee: \$100
  3. Renewal of optical establishment license: \$135
  4. License renewal late fee: \$100

**Historical Note**

Adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-113 amended and renumbered as Section R4-20-112 effective September 18, 1987 (Supp. 87-3). Amended effective April 22, 1988 (Supp. 88-2). Amended effective May 26, 1989 (Supp. 89-2). Amended by final rulemaking at 6 A.A.R. 1978, effective May 10, 2000 (Supp. 00-2). Amended by final rulemaking at 11 A.A.R. 3163 effective August 3, 2005; amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Amended by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4). Amended by final rulemaking at 27 A.A.R. 2727 (November 26, 2021), with an immediate effective date of November 4, 2021 (Supp. 21-4).

**R4-20-113. Display of Licenses; Non-transferability**

- A.** A licensee shall display all licenses in a conspicuous place. If a license is renewed, the licensee shall display the evidence of renewal in public view.
- B.** Optical establishment and dispensing optician licenses are not transferable.

- C.** A licensee shall return an optical establishment license to the Board upon transfer of ownership or going out of business.

**Historical Note**

Adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-114 amended and renumbered as Section R4-20-113 effective September 18, 1987 (Supp. 87-3). Amended effective September 13, 1989 (Supp. 89-3). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Amended by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4).

**R4-20-114. Notice of Change of Status**

- A.** An optical establishment licensee and dispensing optician licensee shall notify the Board of any change in the information provided to the Board concerning license application or its renewal, including any change in name, address, work location, establishment ownership or the name, address or home telephone number of each dispensing optician working at the establishment.
- B.** This notice shall be in writing and made within 30 days of change of status.
- C.** For purposes of this Section, a change of establishment ownership means:
1. The transfer of a controlling interest in the optical establishment business from one person to another;
  2. The addition or termination of a general partner; or
  3. The transfer or agreement to transfer a block of 20% or more of the outstanding voting stock of a corporation or association or the transfer or agreement to transfer any amount of voting stock that would give the transferee control of a majority of outstanding voting stock. For purposes of this subsection, "voting stock" means any interest or system whereby the operation of a corporation is controlled by its owners or trustees.

**Historical Note**

Adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-115 amended and renumbered as Section R4-20-114 effective September 18, 1987 (Supp. 87-3). Amended effective September 13, 1989 (Supp. 89-3). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3).

**R4-20-115. Renewal of Optical Establishment License; Late Renewal; Re-application**

- A.** No later than June 30 of each year, an applicant for renewal of an optical establishment license shall submit to the Board the fee required by R4-20-112 and an application form, provided by the Board that contains:
1. The name, address, and telephone number of the optical establishment;
  2. The name and license number of each dispensing optician who is scheduled to work 32 hours or more each week at the optical establishment; and
  3. The applicant's signature and title.
- B.** A licensee who submits a renewal application and renewal fee after June 30 but before July 31 of the renewal year shall pay the late fee in R4-20-112.
- C.** A licensee who fails to submit a renewal application before July 31 following a license expiration of June 30, and who wishes to re-apply for an establishment license, shall submit an original application, and pay the application fee and license fee in R4-20-112.

**Historical Note**

Adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-116 repealed and reserved as Section R4-

## CHAPTER 20. BOARD OF DISPENSING OPTICIANS

20-115 effective September 18, 1987 (Supp. 87-3). Section R4-20-115 amended by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Amended by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4).

**R4-20-116. Rehearing or Review of Decision**

- A.** Except as provided in subsection (G), a party in a contested case before the Board who is aggrieved by a decision rendered in the case may file with the Board not later than 30 days after service of the decision, a written motion for rehearing or review of the decision specifying the particular grounds for the rehearing or review. For purposes of this Subsection a decision is deemed to be served when personally delivered or mailed by certified mail to the party at the party's last known residence or place of business.
- B.** A party may amend a motion for rehearing or review at any time before it is ruled upon by the Board. Any other party may file a response within 15 days after service of the motion or amended motion. The Board may require the filing of written brief upon the issues raised in the motion and may provide for oral argument.
- C.** A rehearing or review of the decision may be granted for any of the following causes materially affecting the moving party's rights:
  1. Irregularity in the administrative proceedings of the Board, the Board's informal interviewing officer or the prevailing party, or any order or abuse of discretion that deprived the moving party of a fair hearing or interview;
  2. Misconduct of the Board or the prevailing party;
  3. Accident or surprise that could not have been prevented by ordinary prudence;
  4. Newly discovered material evidence that could not with reasonable diligence have been discovered and produced at the original hearing;
  5. Excessive or insufficient penalties;
  6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing; or
  7. The decision is not justified by the evidence or is contrary to law.
- D.** The Board may affirm or modify the decision or grant a rehearing or review to all or any of the parties and on all or part of the issues for any of the reasons in subsection (C). An order granting a rehearing or review shall specify with particularity the grounds on which the rehearing or review is granted, and the rehearing or review shall cover only those matters specified.
- E.** Not later than 10 days after a decision is rendered, the Board may on its own initiative order a rehearing or review of its decision for any reason for which the Board might have granted a rehearing or review on motion of a party. After giving the parties or the parties' counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing or review for a reason not stated in the motion.
- F.** When a motion for rehearing or review is based upon affidavits, the moving party shall serve the affidavits with the motion. An opposing party may within 10 days after service, serve opposing affidavits. The Board may extend the period for an additional 20 days for good cause shown or by written stipulation of the parties. The Board may permit reply affidavits.
- G.** If in a decision the Board makes specific findings that the immediate effectiveness of the decision is necessary for the immediate preservation of the public peace, health or safety and that a rehearing or review of the decision is impracticable,

unnecessary or contrary to the public interest, the Board may issue the decision as a final decision without an opportunity for a rehearing or review. If a decision is issued as a final decision without an opportunity for rehearing or review, a party shall make application for judicial review of the decision within the time limits permitted for applications for judicial review of the Board's final decisions.

- H.** For purposes of this Section the terms "contested case" and "party" have the same meaning as in A.R.S. § 41-1001 and "appealable agency action" has the same meaning as in A.R.S. § 41-1092.

**Historical Note**

Adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-117 amended and renumbered as R4-20-116 effective September 18, 1987 (Supp. 87-3). Amended effective September 13, 1989 (Supp. 89-3). Amended effective July 22, 1994 (Supp. 94-3). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3).

**R4-20-117. Scope of Practice**

- A.** The scope of practice of a dispensing optician means the activities described in A.R.S. § 32-1671(3).
- B.** The dispensing optician shall fill a refill of a contact lens prescription prior to its expiration date with no more than the sufficient quantity of replacement contact lenses needed through the expiration date.

**Historical Note**

Adopted effective September 18, 1987 (Supp. 87-3). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Amended by final rulemaking at 13 A.A.R. 1216, effective May 5, 2007 (Supp. 07-1).

**R4-20-118. Unprofessional Conduct**

In addition to actions specified in A.R.S. § 32-1696, unprofessional conduct in the practice of optical dispensing includes the following:

1. Substandard care as specified in R4-20-119;
2. Failing to maintain a copy or record of the customer's prescription and failing to prepare and maintain a record of optical devices dispensed for at least three years. The record of optical devices dispensed shall include the brand, style, and size of the frame, if any, and the style, material, source, and all other information necessary to accurately reproduce each lens. The record shall be separate from optometrists' or physicians' records;
3. Failing or refusing to make a copy of a prescription or record described in subsection (2) promptly available to the customer who is the subject of the prescription or record, the customer's designated representative, the customer's prescribing practitioner, or the Board or its investigator, when requested. Notwithstanding this provision, a dispensing optician need not make the record of contact lenses dispensed on a trial basis available to the customer;
4. Failing or refusing to take corrective action or investigate a customer complaint concerning the manufacture or fit of eyeglasses, contact lenses, or other optical devices dispensed at the establishment by which the dispensing optician is employed if there is a substantial basis for the complaint;
5. Failure of any person, corporation, company, partnership, firm, association or society to maintain an active optical establishment license as required by R4-20-110; and
6. Failure to comply with a Board order.

## CHAPTER 20. BOARD OF DISPENSING OPTICIANS

**Historical Note**

Adopted effective September 18, 1987 (Supp. 87-3). Amended effective July 22, 1994 (Supp. 94-3). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Amended by final rulemaking at 14 A.A.R. 3668, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 19 A.A.R. 584, effective May 5, 2013 (Supp. 13-1).

**R4-20-119. Substandard Care**

- A. It is substandard care for a dispensing optician:
1. To dispense improperly manufactured eyeglasses or contact lenses. If a complaint indicates that eyeglasses or contact lenses dispensed by a dispensing optician or other employee of an optical establishment may have been improperly manufactured, the Board shall be guided in its determination of the facts by referring to the standards incorporated by reference in subsection (B) with regard to the individual parameters listed in the standards and considering patient wear, care, and usage;
  2. When interpreting written prescriptions:
    - a. To fail to follow standards incorporated by reference in subsection (B) in determining lens powers due to differences in vertex distances, base curvatures, special lens requirements, and facial fitting problems; or
    - b. To fail to comply with special instructions of the vision practitioner or optometrist shown on the prescription without the full knowledge and consent of the customer, the physician, or optometrist; or
    - c. To fill prescriptions beyond the expiration date indicated on the prescription;
  3. To fail to follow manufacturer's guidelines regarding usual and customary lens thickness of eyewear;
  4. To intentionally or negligently injure a customer during the course of optical dispensing; or
  5. To fail to give the customer appropriate instructions on the care, handling, and wearing of an optical device.
- B. The following standards published by the American National Standards Institute, Inc., (ANSI), 1819 L Street, NW, Suite 600, Washington, DC 20036, are incorporated by reference, and no further editions or amendments and are on file with the Board:
1. ANSI Z80.1 2015, "Prescription Ophthalmic Lenses-Recommendations."
  2. ANSI - Z80.20 2016, "Contact Lenses-Standard Terminology, Tolerances, Measurements And Physiochemical Properties."
  3. ANSI Z87.1 2015, "Occupational and Educational Personal Eye and Face Protection Devices."
  4. ANSI Z80.9 2015, "Optical Devices for Low Vision."

**Historical Note**

Adopted effective September 18, 1987 (Supp. 87-3). Amended effective July 22, 1994 (Supp. 94-3). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Amended by final rulemaking at 19 A.A.R. 584, effective May 5, 2013 (Supp. 13-1). Amended by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4).

**R4-20-120. Continuing Education; Hours Required; Reporting**

- A. A person licensed as a dispensing optician shall complete no fewer than 12 hours of continuing education that is approved by the Board for credit.
1. For the initial period of licensure for an applicant who obtains initial licensure between January 1 and June 30,

continuing education credits are due by December 31 of the second full calendar year of licensure.

2. For the initial period of licensure for an applicant who obtains initial licensure between July 1 and December 31, continuing education credits are due by December 31 of the third full calendar year of licensure.
  3. Continuing education credits for every subsequent period of licensure are due every three years thereafter at the time of licensure renewal.
- B. Each licensee shall submit documentation to the Board verifying that the licensee has completed 12 hours or more of continuing education, within each three-year period. The licensee shall provide documentation that identifies the courses and the number of credit hours completed and include the following:
1. If the course is from a school approved by the Commission on Opticianry Accreditation or college-accredited course, proof of course completion and the number of credits earned.
  2. If the course is part of an event, a certificate of completion issued by the sponsor which identifies each part completed.
  3. If the course is a home-study course, a certificate of completion issued by the sponsor and the number of credits earned.
  4. For any other course, a certificate of completion issued by the sponsor or presenter and the number of credits earned.
  5. If the licensee cannot obtain the above documentation, any other documents, affidavits, or testimony which provides assurance that the licensee has completed the requirements.
- C. Of the 12 hours of continuing education, each licensee shall obtain at least:
1. Four hours in eyeglass fitting and dispensing;
  2. Three hours in contact lens fitting and dispensing;
  3. One hour in state or national opticianry standards.
- D. Hours will be measured as follows: one credit hour will be assigned for each 50 minutes of a single session.
- E. The Board shall discipline any licensee who submits false information for continuing education documentation.
- F. A licensee shall not apply any hours accrued during one reporting period to any subsequent reporting period.

**Historical Note**

Adopted effective July 22, 1994 (Supp. 94-3). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Amended by final rulemaking at 26 A.A.R. 202, with an immediate effective date of January 14, 2020 (Supp. 20-1).

**R4-20-121. Continuing Education; Approval of Courses**

ABO and NCLE courses are approved by the Board for continuing education credit. Other individuals or organizations seeking approval of a continuing education course for credit shall apply to the Board 45 days before the date the course is offered. The application shall contain the following information on the course:

1. Title and description of course content;
2. Time, date, and place;
3. Number of credit hours;
4. Name of the sponsor and presenter; and
5. Brief curriculum vitae of the presenter.

**Historical Note**

Adopted effective July 22, 1994 (Supp. 94-3). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3).

## CHAPTER 20. BOARD OF DISPENSING OPTICIANS

**R4-20-122. Agency Record; Directory of Substantive Policy Statements**

The official rulemaking record for each rulemaking and a directory of substantive policy statements is located in the office of the Board and may be reviewed Monday through Friday, 8:00 a.m. to 5:00 p.m., except state holidays.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (05-3).

**R4-20-123. Repealed****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (05-3). Repealed by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4).

**R4-20-124. Repealed****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (05-3). Repealed by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4).

**R4-20-125. Repealed****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (05-3). Repealed by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4).

**R4-20-126. Repealed****Historical Note**

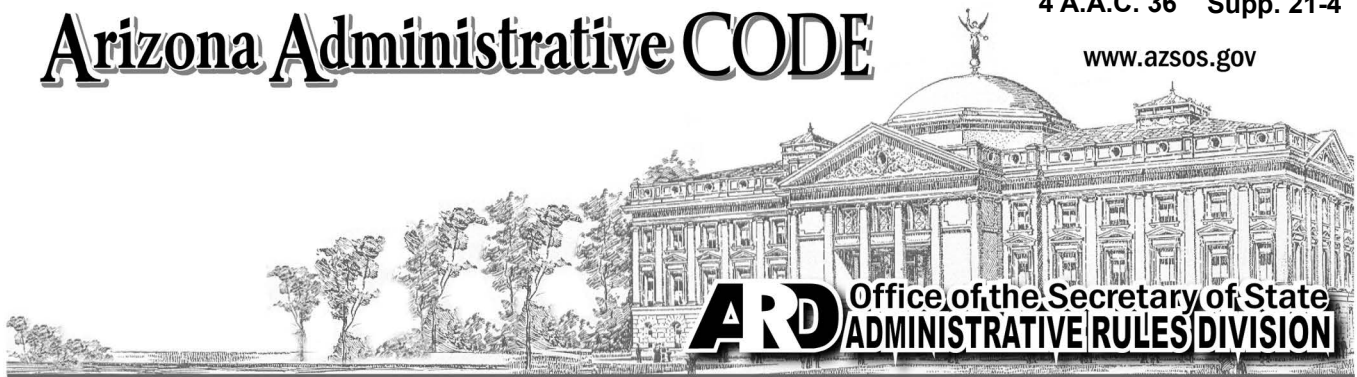
New Section made by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (05-3). Repealed by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4).

**Table 1. Time-frames (in days)**

Type of Approval	Statutory Authority	Overall Timeframe	Administrative Completeness Time-frame	Substantive Review Time-frame
License by Examination (R4-20-102)	A.R.S. § 32-1682 A.R.S. § 32-1684	60	30	30
License by Comity (R4-20-107)	A.R.S. § 32-1683	90	30	60
Optical Establishment License (R4-20-110)	A.R.S. § 32-1684.01	60	30	30
Optician's License Renewal (R4-20-109)	A.R.S. § 32-1682	60	30	30
Optical Establishment License Renewal (R4-20-115)	A.R.S. § 32-1684.01	60	30	30

**Historical Note**

Table adopted by final rulemaking at 5 A.A.R. 418, effective January 15, 1999 (Supp. 99-1). Table amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Amended by final rulemaking at 19 A.A.R. 584, effective May 5, 2013 (Supp. 13-1). Amended by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4).



## TITLE 4. PROFESSIONS AND OCCUPATIONS

### CHAPTER 36. DEPARTMENT OF FORESTRY AND FIRE MANAGEMENT

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
October 1, 2021 through December 31, 2021

<a href="#">R4-36-201.</a>	<a href="#">Incorporation by Reference of the International Fire Code .....</a>	<a href="#">R4-36-304.</a>	<a href="#">Inspections and Enforcement .....</a>	<a href="#">4</a>
<a href="#">R4-36-301.</a>	<a href="#">Definitions .....</a>	<a href="#">R4-36-305.</a>	<a href="#">Repealed .....</a>	<a href="#">4</a>
<a href="#">R4-36-302.</a>	<a href="#">Appendices .....</a>	<a href="#">R4-36-306.</a>	<a href="#">Repealed .....</a>	<a href="#">4</a>
<a href="#">Exhibit A.</a>	<a href="#">Incorporated Appendices .....</a>	<a href="#">R4-36-307.</a>	<a href="#">Repealed .....</a>	<a href="#">4</a>
<a href="#">R4-36-303.</a>	<a href="#">Permits .....</a>	<a href="#">R4-36-308.</a>	<a href="#">Repealed .....</a>	<a href="#">4</a>
		<a href="#">R4-36-309.</a>	<a href="#">Repealed .....</a>	<a href="#">4</a>

#### Questions about these rules? Contact:

Department: Department of Forestry and Fire Management  
Address: 1110 W. Washington St., Suite 100  
Phoenix, AZ 85007  
Website: [www.dffm.az.gov](http://www.dffm.az.gov)  
Name: Cassie Peters, Assistant Director  
Telephone: (602) 364-1015  
Fax: (602) 771-1421  
E-mail: [cpeters@dffm.az.gov](mailto:cpeters@dffm.az.gov)

#### The release of this Chapter in Supp. 21-4 replaces Supp. 21-1, 1-5 pages

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

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### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

First Quarter: January 1 - March 31  
Second Quarter: April 1 - June 30  
Third Quarter: July 1 - September 30  
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2021 is cited as Supp. 21-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

### RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

### AUTHENTICATION OF PDF CODE CHAPTERS

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

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, [www.azsos.gov](http://www.azsos.gov) under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

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

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

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

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

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

### PERSONAL USE/COMMERCIAL USE

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





## Administrative Rules Division

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**TITLE 4. PROFESSIONS AND OCCUPATIONS****CHAPTER 36. DEPARTMENT OF FORESTRY AND FIRE MANAGEMENT**

Authority: A.R.S. § 37-1302(A)(2)

**Supp. 21-4****CHAPTER TABLE OF CONTENTS**

*Editor's Note: Laws 2016, Chapter 128 abolished the Department of Fire, Building and Life Safety and divided its duties among the Department of Housing, the State Forester, and the Department of Real Estate. At the request of the State Fire Marshal, the Chapter heading of 4 A.A.C. 36 has been changed to the Department of Forestry and Fire Management. Other than the name change, no amendments have been made to this Chapter since supplement 15-4 (Supp. 21-1).*

*Editor's Note: The Department of Building and Fire Safety's name was changed to the Department of Fire, Building and Life Safety under the authority of A.R.S. § 41-2141, Laws 2005, Ch. 245, effective June 30, 2006 (Supp. 06-2).*

*Editor's Note: Chapter 36, formerly the Department of Building and Fire Safety, is now the Department of Fire, Building and Life Safety. This change became effective when the Department of Building and Fire Safety changed its name to the Department of Fire, Building and Life Safety, effective June 30, 2006 (Supp. 06-2).*

**ARTICLE 1. RESERVED****ARTICLE 2. ARIZONA STATE FIRE CODE**

4 A.A.C. 34, Article 11, consisting of Section R4-34-1101, renumbered to A.A.C. R4-36-201 (Supp. 95-4). Introduction and Section number corrected (Supp. 97-4).

Article 11 consisting of Section R4-34-1101 adopted as a permanent rule effective November 16, 1988.

Article 11 consisting of Section R4-34-1101 adopted as an emergency effective March 14, 1988 pursuant to A.R.S. § 41-1026, valid for only 90 days. Emergency expired.

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Article 3, consisting of Sections R4-36-301 through R4-36-308, repealed by summary action with an interim effective date of December 26, 1997; filed in the Office of the Secretary of State December 5, 1997 (Supp. 97-4). Interim effective date corrected Supp. 98-2. Adopted summary rules filed June 5, 1998; interim effective date of December 26, 1997, now the permanent effective

date (Supp. 98-2).

Article 3, consisting of Sections R4-36-301 through R4-36-308, adopted effective November 1, 1995 (Supp. 95-4). Introduction corrected (Supp. 97-4).

## Section

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## CHAPTER 36. DEPARTMENT OF FORESTRY AND FIRE MANAGEMENT

**ARTICLE 1. RESERVED****ARTICLE 2. ARIZONA STATE FIRE CODE****R4-36-201. Incorporation by Reference of the International Fire Code**

Unless otherwise provided by law, any person residing, doing business, or who is physically present within the state of Arizona shall comply with the provisions of the International Fire Code (2018 Edition), including D102.1 and D107.1 of Appendix D and all provisions of Appendices B, C, E, F, G, H, I, J, and N, which is published by the International Code Council, incorporated by reference as the State Fire Code, and modified by Article 3. The incorporated material does not include any later amendments or editions. Copies of the International Fire Code are available from the International Code Council, 4051 W. Flossmoor Road, Country Club Hills, IL 60478-5795 and a copy is available for inspection at the Office of the State Fire Marshal.

**Historical Note**

Adopted as an emergency effective March 24, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-2). Former Section R8-2-41 adopted as an emergency now adopted as a permanent rule effective June 24, 1982 (Supp. 82-3). Adopted as an emergency effective October 12, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-5). Emergency expired. former Section R8-2-41 repealed, new Section R8-2-41 adopted effective April 2, 1985 (Supp. 85-2). Former Section R8-2-41 repealed, new Section R4-34-1101 adopted as an emergency effective March 14, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Former Section R8-2-41 repealed, new Section R4-34-1101 adopted as a permanent rule with editorial corrections effective November 16, 1988 (Supp. 88-4). Section R4-34-1101 repealed, new Section adopted effective July 20, 1990 (Supp. 90-3). Section R4-36-201 renumbered from R4-34-1101 (Supp. 95-4). Amended by final rulemaking at 13 A.A.R. 449, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 21 A.A.R. 2973, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2797 (December 3, 2021), effective January 7, 2022 (Supp. 21-4).

**R4-36-202. Fees**

**A.** Under the authority provided by A.R.S. § 41-2146(D), the State Fire Safety Committee establishes the following schedule of fees:

1. Plan submission fees:
  - a. Each plan submitted: \$210, and
  - b. Each plan supplement submitted or each re-review of a previously submitted plan: \$30;
2. Plan review fees. A separate fee is charged for each system reviewed even if the systems are included in one submitted plan:
  - a. New installation of an automatic fire sprinkler system.
    - i. Servicing less than 10,000 square feet: \$375;
    - ii. Servicing between 10,000 and 50,000 square feet: \$450;
    - iii. For each 50,000 square feet or portion of 50,000 square feet serviced in excess of 50,000 square feet: \$450; and
    - iv. For each floor level serviced above or below the ground-level floor: \$200;
  - b. Modification of an existing automatic fire sprinkler system.

- i. System consisting of 1 to 20 sprinkler heads: \$75;
- ii. System consisting of 21 to 50 sprinkler heads: \$100;
- iii. System consisting of 51 to 100 sprinkler heads: \$250;
- iv. System consisting of 101 to 500 sprinkler heads: \$300;
- v. For each additional 100 sprinkler heads or portion of 100 sprinkler heads in excess of 500: \$100; and
- vi. For each floor level serviced above or below the ground-level floor: \$200;
- c. New installation or modification of an extinguishing system using clean agent, halon, dry chemical, carbon dioxide, or other extinguishing material:
  - i. Servicing up to 5,000 square feet: \$200; and
  - ii. For each 5,000 square feet or portion of 5,000 square feet serviced in excess of 5,000 square feet: \$50;
- d. New installation of one automatic hood extinguishing system: \$150;
- e. Modification of one existing automatic hood extinguishing system: \$75;
- f. New installation of a fire pump:
  - i. For the first fire pump: \$250; and
  - ii. For each additional fire pump: \$150;
- g. Modification of one existing fire pump: \$100;
- h. New installation or modification of underground fire line and hydrants:
  - i. System consisting of up to 500 lineal feet: \$300; and
  - ii. For each 500 lineal feet or portion of 500 lineal feet in excess of 500 lineal feet: \$175;
- i. New installation of standpipe system:
  - i. System consisting of up to four standpipes: \$200; and
  - ii. For each four standpipes or portion of four standpipes in excess of four: \$100;
- j. Modification of standpipe system: \$50;
- k. New installation of a fire alarm system:
  - i. Servicing up to 1,000 square feet: \$225;
  - ii. Servicing between 1,001 and 2,000 square feet: \$300;
  - iii. Servicing between 2,001 and 10,000 square feet: \$450;
  - iv. Servicing between 10,001 and 50,000 square feet: \$500;
  - v. For each 50,000 square feet or portion of 50,000 square feet serviced in excess of 50,000 square feet: \$200;
  - vi. For each floor level serviced above or below the ground-level floor: \$200; and
  - vii. For smoke detection throughout serviced area: 50% increase in fee calculated under subsections (A)(2)(k)(i) through (A)(2)(k)(vi); and
- l. Modification of a fire alarm system by adding:
  - i. One to five fire alarm devices: \$100; and
  - ii. Six or more fire alarm devices: \$150;
3. Permit issuance fees:
  - a. Fire protection permit: \$30 per system permitted;
  - b. Underground liquid fuel storage tank: \$164;
  - c. Tire storage: \$82;
  - d. Above-ground liquid fuel storage tank: \$164;
  - e. Pyrotechnics: \$164;
  - f. Special-event tent: \$164;

## CHAPTER 36. DEPARTMENT OF FORESTRY AND FIRE MANAGEMENT

- g. Hydrogen fuel cell: \$164;
  - h. Fair or trade show: \$164;
  - i. Explosives or blasting storage: \$164;
  - j. Compressed gases: \$164;
  - k. Cryogenics: \$164; and
  - l. Liquefied petroleum tank: \$164; and
4. Re-inspection fees: If the State Fire Marshal has to conduct a re-inspection because an entity failed to cancel or was not prepared for a previously scheduled inspection or because the site failed the inspection, the State Fire Marshal shall charge a minimum of \$164 for the re-inspection. The State Fire Marshal shall increase the minimum re-inspection fee by \$82 for each 25 miles or portion of 25 miles in excess of the first 25 miles required to travel to and from the site of the re-inspection.
- B.** The State Fire Safety Committee shall authorize the State Fire Marshal to refund any fee paid under this Section if:
- 1. The permit holder applies for a refund on a form furnished by the State Fire Marshal no more than 180 days after the fee is paid; and
  - 2. The State Fire Marshal determines that the fee paid was erroneous.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 2829, effective August 30, 2008 (Supp. 08-3).

*Editor's Note: Article 3, consisting of Sections R4-26-301 through R4-36-308, repealed by summary action with an interim effective date of December 26, 1997. Historical notes in this Article were corrected for clarification in Supp. 98-2. Adopted summary rules filed June 5, 1998; interim effective date of December 26, 1997, now the permanent effective date (Supp. 98-2).*

**ARTICLE 3. INTERNATIONAL FIRE CODE MODIFICATIONS AND ACCEPTED PRACTICES****R4-36-301. Definitions**

The following terms as used in the International Fire Code, incorporated by reference at R4-36-201, apply to the State Fire Code established in this Chapter, unless the context otherwise requires:

- 1. "Department of fire prevention" means the State Fire Marshal or the State Fire Marshal's designated representative.
- 2. "Fire chief" means the State Fire Marshal.
- 3. "Fire code official" means the State Fire Marshal or the State Fire Marshal's designated representative.
- 4. "Fire department" means the State Fire Marshal or the State Fire Marshal's designated representative.

**Historical Note**

Adopted effective November 1, 1995 (Supp. 95-4). R4-36-301 repealed by summary action with an interim effective date of December 26, 1997; filed in the Office of the Secretary of State December 5, 1997 (Supp. 97-4). Adopted summary rules filed June 5, 1998; interim effective date of December 26, 1997, now the permanent effective date (Supp. 98-2). New Section made by final rulemaking at 13 A.A.R. 449, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 21 A.A.R. 2973, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2797 (December 3, 2021), effective January 7, 2022 (Supp. 21-4).

**R4-36-302. Appendices**

The International Fire Code (2018 Edition), which is incorporated by reference at R4-36-201, is modified as shown in Exhibit A.

**Exhibit A. Incorporated Appendices**

Section 101.2.1. The following appendices are adopted as part of this Code:

- B: Fire-Flow Requirements for Buildings
- C: Fire Hydrant Locations and Distribution
- D102.1 or the minimum requirement of the local fire response agency
- D107.1 or the minimum requirement of the local building or subdivision authority
- E: Hazard Categories
- F: Hazard Ranking
- G: Cryogenic Fluids – Weight and Volume Equivalents
- H. Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions
- I. Fire Protection Systems – Noncompliant Conditions
- J. Building Information Sign
- N. Indoor Trade Shows and Exhibitions

**Historical Note**

Adopted effective November 1, 1995 (Supp. 95-4). R4-36-302 repealed by summary action with an interim effective date of December 26, 1997; filed in the Office of the Secretary of State December 5, 1997 (Supp. 97-4). Adopted summary rules filed June 5, 1998; interim effective date of December 26, 1997, now the permanent effective date (Supp. 98-2). New Section made by final rulemaking at 13 A.A.R. 449, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 21 A.A.R. 2973, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2797 (December 3, 2021), effective January 7, 2022 (Supp. 21-4).

**R4-36-303. Permits**

- A.** The following time-frames are established for permits issued under the State Fire Code:
- 1. The Office of the State Fire Marshal shall determine within five business days after receipt of a permit application and plan submission whether the permit application and plan are administratively complete and ready for review.
  - 2. The Office of the State Fire Marshal shall either grant or deny the permit within 60 calendar days after the documents are determined to be administratively complete.
  - 3. A permittee shall commence work within 180 days after the permit is issued or apply in writing for an extension from the State Fire Marshal. Without an extension, the permit is valid only for 180 days from the date of issuance.
- B.** The holder of an operational or construction permit is entitled to inspections as prescribed in this Chapter. The Office of the State Fire Marshal shall invoice a re-inspection caused by a violation or cancellation without 24-hours' notice at a rate established in the fee schedule and shall not conduct the re-inspection until the fee is paid.

**Historical Note**

Adopted effective November 1, 1995 (Supp. 95-4). R4-36-303 repealed by summary action with an interim effective date of December 26, 1997; filed in the Office of the Secretary of State December 5, 1997 (Supp. 97-4). Adopted summary rules filed June 5, 1998; interim effective date of December 26, 1997, now the permanent effective date (Supp. 98-2). New Section made by final rulemaking at 13 A.A.R. 449, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R.

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2829, effective August 30, 2008 (Supp. 08-3). Amended by final rulemaking at 21 A.A.R. 2973, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2797 (December 3, 2021), effective January 7, 2022 (Supp. 21-4).

**R4-36-304. Inspections and Enforcement**

Section 109.1 is modified to read: Board of appeals established. In order to hear and decide appeals of orders, decisions, or other determinations made by the fire code official regarding application or interpretation of this code, the authority having jurisdiction may establish a board of appeals. If established, the board of appeals shall be appointed by and hold office at the pleasure of the governing body. The fire code official shall be an ex officio member of the board of appeals with no vote on any matter before the board. The board of appeals shall adopt rules of procedure for conducting its business. The board of appeals shall provide a written copy of the findings and decision in an appeal to the appellant and fire code official.

**Historical Note**

Adopted effective November 1, 1995 (Supp. 95-4). R4-36-304 repealed by summary action with an interim effective date of December 26, 1997; filed in the Office of the Secretary of State December 5, 1997 (Supp. 97-4). Adopted summary rules filed June 5, 1998; interim effective date of December 26, 1997, now the permanent effective date (Supp. 98-2). New Section made by final rulemaking at 13 A.A.R. 449, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 21 A.A.R. 2973, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2797 (December 3, 2021), effective January 7, 2022 (Supp. 21-4).

**R4-36-305. Repealed****Historical Note**

Adopted effective November 1, 1995 (Supp. 95-4). R4-36-305 repealed by summary action with an interim effective date of December 26, 1997; filed in the Office of the Secretary of State December 5, 1997 (Supp. 97-4). Adopted summary rules filed June 5, 1998; interim effective date of December 26, 1997, now the permanent effective date (Supp. 98-2). New Section made by final rulemaking at 13 A.A.R. 449, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 21 A.A.R. 2973, effective January 2, 2016 (Supp. 15-4). Repealed by final rulemaking at 27 A.A.R. 2797 (December 3, 2021), effective January 7, 2022 (Supp. 21-4).

**R4-36-306. Repealed****Historical Note**

Adopted effective November 1, 1995 (Supp. 95-4). R4-36-306 repealed by summary action with an interim effective date of December 26, 1997; filed in the Office of the Secretary of State December 5, 1997 (Supp. 97-4). Adopted summary rules filed June 5, 1998; interim effective date of December 26, 1997, now the permanent effective date (Supp. 98-2). New Section made by final rulemaking at 13 A.A.R. 449, effective April 7, 2007 (Supp. 07-1). Repealed by final rulemaking at 27 A.A.R. 2797 (December 3, 2021), effective January 7, 2022 (Supp. 21-4).

**R4-36-307. Repealed****Historical Note**

Adopted effective November 1, 1995 (Supp. 95-4). R4-36-307 repealed by summary action with an interim

effective date of December 26, 1997; filed in the Office of the Secretary of State December 5, 1997 (Supp. 97-4). Adopted summary rules filed June 5, 1998; interim effective date of December 26, 1997, now the permanent effective date (Supp. 98-2). New Section made by final rulemaking at 13 A.A.R. 449, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 21 A.A.R. 2973, effective January 2, 2016 (Supp. 15-4). Repealed by final rulemaking at 27 A.A.R. 2797 (December 3, 2021), effective January 7, 2022 (Supp. 21-4).

**R4-36-308. Repealed****Historical Note**

Adopted effective November 1, 1995 (Supp. 95-4). R4-36-308 repealed by summary action with an interim effective date of December 26, 1997; filed in the Office of the Secretary of State December 5, 1997 (Supp. 97-4). Adopted summary rules filed June 5, 1998; interim effective date of December 26, 1997, now the permanent effective date (Supp. 98-2). New Section made by final rulemaking at 13 A.A.R. 449, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 21 A.A.R. 2973, effective January 2, 2016 (Supp. 15-4). Repealed by final rulemaking at 27 A.A.R. 2797 (December 3, 2021), effective January 7, 2022 (Supp. 21-4).

**R4-36-309. Repealed****Historical Note**

New Section made by final rulemaking at 13 A.A.R. 449, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 21 A.A.R. 2973, effective January 2, 2016 (Supp. 15-4). Repealed by final rulemaking at 27 A.A.R. 2797 (December 3, 2021), effective January 7, 2022 (Supp. 21-4).

**R4-36-310. Explosives and Fireworks**

Section 5601.1.3 is modified to read: Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks are prohibited. Exceptions:

1. Storage and handling of fireworks as allowed in Section 5604.
2. Manufacture, assembly and testing of fireworks as allowed in Section 5605.
3. The use of fireworks for fireworks displays as allowed in Section 5608.
4. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by A.R.S. Title 36, Chapter 13, Article 1 or local ordinances and regulations, provided the fireworks comply with 16 CFR Parts 1500 and 1507 and 49 CFR Parts 100-185, for consumer fireworks.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 449, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 21 A.A.R. 2973, effective January 2, 2016 (Supp. 15-4).

**R4-36-311. Repealed****Historical Note**

New Section made by final rulemaking at 13 A.A.R. 449, effective April 7, 2007 (Supp. 07-1). Section repealed by final rulemaking at 21 A.A.R. 2973, effective January 2, 2016 (Supp. 15-4).

## CHAPTER 36. DEPARTMENT OF FORESTRY AND FIRE MANAGEMENT

**ARTICLE 4. PERMISSIBLE CONSUMER FIREWORKS****R4-36-401. Material Incorporated by Reference**

As required by A.R.S. § 36-1609(A), the State Fire Marshal incorporates by this reference NFPA 1124, Code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles, 2013 edition as published August 29, 2012, which is published by the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02169-7471 and is available from NFPA at [www.nfpa.org](http://www.nfpa.org) and the Office of the State Fire Marshal. The incorporated material does not include a later amendment or edition but is modified as specified in R4-36-402.

**Historical Note**

New Section made by final rulemaking at 17 A.A.R. 107, effective January 11, 2011 (Supp. 11-1). Amended by final rulemaking at 21 A.A.R. 571, effective June 7, 2015 (Supp. 15-2).

**R4-36-402. Modification of NFPA 1124**

- A.** Whenever the term “Consumer fireworks” is used in NFPA 1124, substitute the term “Consumer firework” as defined at A.R.S. § 36-1601(1).

- B.** Whenever the term “Display fireworks” is used in NFPA 1124, substitute the term “Display firework” as defined at A.R.S. § 36-1601(2).
- C.** Whenever the term “Fireworks” is used in NFPA 1124, substitute the term “Fireworks” as defined at A.R.S. § 36-1601(3).

**Historical Note**

New Section made by final rulemaking at 17 A.A.R. 107, effective January 11, 2011 (Supp. 11-1).

**R4-36-403. Civil Penalties**

- A.** Under the authority provided by A.R.S. § 36-1610, the State Fire Marshal shall impose a civil penalty of \$1,000 for each incident of prohibited use of fireworks on state land when the State Fire Marshal determines that the incident of prohibited use of fireworks posed a risk of harm to life or property.
- B.** As used in A.R.S. § 36-1610 and subsection (A), an incident of prohibited use of fireworks means the combustion, explosion, deflagration, or detonation of a single firework device.

**Historical Note**

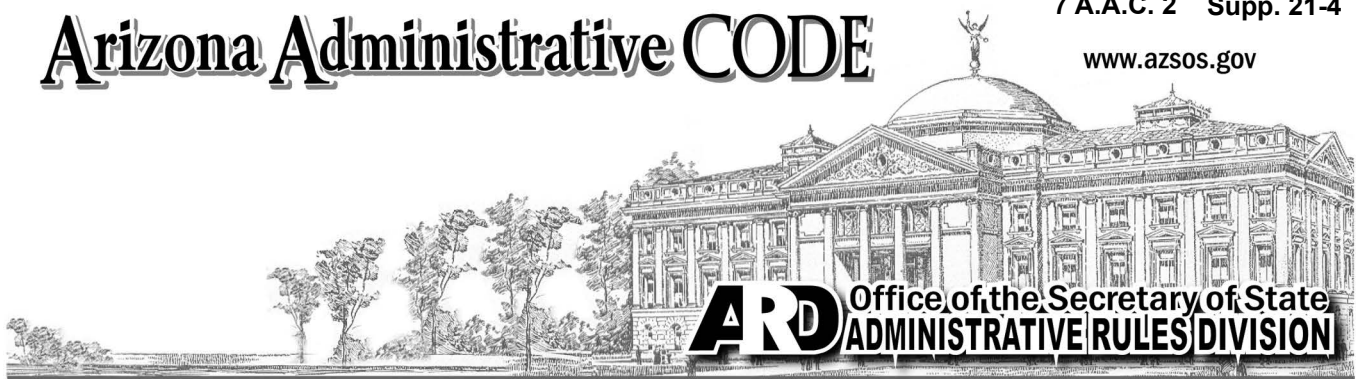
New Section made by final rulemaking at 17 A.A.R. 107, effective January 11, 2011 (Supp. 11-1).

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## TITLE 7. EDUCATION

### CHAPTER 2. STATE BOARD OF EDUCATION

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**The release of this Chapter in Supp. 21-4 replaces Supp. 21-3, 1-168 pages**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

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### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

First Quarter: January 1 - March 31  
Second Quarter: April 1 - June 30  
Third Quarter: July 1 - September 30  
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2021 is cited as Supp. 21-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

### RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

### AUTHENTICATION OF PDF CODE CHAPTERS

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

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, [www.azsos.gov](http://www.azsos.gov) under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

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

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

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

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

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

### PERSONAL USE/COMMERCIAL USE

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





## Administrative Rules Division

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

**TITLE 7. EDUCATION****CHAPTER 2. STATE BOARD OF EDUCATION**

Authority: A.R.S. § 15-203(A)(1)

**Supp. 21-4**

*Editor's Note: Under A.R.S. 41-1011(C) changes were made to headings and rule language for consistency in style and format. Part headings in this Chapter were assigned numbers. These changes did not alter the sense, meaning or effect of any rule in this Chapter. The Board reviewed and approved these clerical changes. Section R7-2-604.01 was inadvertently removed when Supp. 19-4 was published. It has been reinstated as last amended in Supp. 15-3 (Supp. 21-2).*

*Editor's Note: This Chapter contains rules in Articles 10 and 11 that were filed in 2015 but were adopted in 2014. The Office has corrected all Supp. 15-3 historical notes in these Articles to reflect the true effective year of the rules to July 1, 2014 (Supp. 18-2).*

*Editor's Note: This Chapter contains rules that were filed out of sequence by adoption date. The Office has made every effort to codify the previous filings with the current Chapter and update the historical references where necessary. Refer to the historical notes for more information (Supp. 16-2).*

*Editor's Note: Supp. 16-1 contains rules that were submitted as final exempt rules and approved by the Board February 25, 2008. Although approved by the Board in 2008, the rulemaking was not filed in the Secretary of State's Office for publication in this Chapter until 2016. The final exempt rulemaking was filed by the Board on January 6, 2016 (Supp. 16-1).*

*Editor's Note: Supp. 15-3 contains rules that were submitted as final exempt rules. Pursuant to the Board's rulemaking procedures a public hearing was held on the rules after they were proposed at a Board meeting. Even though the proposed rules were not published in the Register, the Office of the Secretary of State makes a distinction between exempt rulemakings and final exempt rulemakings. Final exempt rulemakings are those filed with conditional exemptions to the Arizona Administrative Procedures Act such as requirements to conduct a public hearing or accept public comments on a proposed exempt rulemaking. Although approved by the Board, these final exempt rulemakings were not filed with the Secretary of State's Office at the time of approval. Therefore these rules were in effect prior to the release of Supp. 15-3. Refer to the historical notes for effective dates.*

*Editor's Note: This Chapter contains rules made, amended, repealed, renumbered and approved by the State Board of Education that were exempt from the rulemaking process. Although approved by the Board, certain rulemakings were not filed with the Secretary of State's Office at the time of approval. These rulemakings were filed in 2009 and 2010 and printed as Exempt Rulemakings in the Arizona Administrative Register. The Office has expedited the publishing of these Sections in the Arizona Administrative Code because these rules were in effect prior to Supp. 09-1, Supp. 09-2, Supp. 09-3, Supp. 09-4, Supp. 10-1, Supp. 10-2, Supp. 10-3, Supp. 10-4, Supp. 11-1, and Supp. 12-2 releases. Refer to the historical notes for more information.*

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*Article 6, consisting of Sections R7-2-601 through R7-2-617,*

*adopted effective December 4, 1998 (Supp. 98-4).*

*Article 6, consisting of Sections R7-2-601 through R7-2-608,  
repealed effective December 4, 1998 (Supp. 98-4).*

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**ARTICLE 10. SCHOOL DISTRICT PROCUREMENT**

*The Part headings in Article 10 were assigned Part numbers (Supp. 21-2).*

*Article 10, consisting of Sections R7-2-1001 through R7-2-1009, R7-2-1021 through R7-2-1032, R7-2-1035 through R7-2-1037, R7-2-1041 through R7-2-1050, R7-2-1053, R7-2-1056, R7-2-1057, R7-2-1061 through R7-2-1068, R7-2-1072 through R7-2-1086, R7-2-1091 through R7-2-1093, R7-2-1101 through R7-2-1105, R7-2-1111 through R7-2-1115, R7-2-1117 through R7-2-1123, R7-2-1125, R7-2-1131 through R7-2-1133, R7-2-1141 through R7-2-1153, R7-2-1155 through R7-2-1159, R7-2-1161 through R7-2-1171, R7-2-1181, R7-2-1182, R7-2-1184, and R7-2-1191 through R7-2-1195, adopted effective December 17, 1987.*

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## CHAPTER 2. STATE BOARD OF EDUCATION

**ARTICLE 1. STATE BOARD OF EDUCATION MEETINGS****R7-2-101. Governance****A. Officers**

1. The elective officers of the State Board of Education (Board) shall be a President and a Vice President.
2. The State Superintendent of Public Instruction shall serve as the Secretary and as the Executive Officer of the Board.
3. The President shall preside over all meetings of the Board, call meetings as herein provided and perform such other special duties as may be vested in him or her by the Board.
4. In the absence of the President, the Vice President shall preside over all meetings and shall perform such other special duties as may be vested in him or her by the Board.
5. The President shall appoint a nominating committee that will prepare a slate of candidates for presentation to the Board at the first regular meeting following January 1 of each year. Other candidates may be nominated from the floor. The two elected officers shall be elected by written ballot and shall serve for one year, or until their successors are elected.
6. If a vacancy occurs in the office of President, the Vice President shall immediately become the President. As soon as practicable, the Board shall elect a new Vice President.

**B. Regular and special meetings**

1. Unless otherwise agreed upon by a majority of the Board, meetings shall be held on the fourth Monday of each month.
2. The place of the meeting shall be designated by the President. In the absence of the President, the place of meeting shall be designated by the Vice President.

**C. Public input to the Board**

1. Requests for matters to be placed on the agenda.
  - a. When any person wishes to have a matter placed on the agenda, that person shall submit a written request to the President of the Board not less than 21 days prior to the Board meeting.
  - b. The President of the Board may choose not to place an item submitted by a person other than a Board member on the agenda.
2. Public comment on agenda items.
  - a. Any member of the public who wishes to address the Board regarding a matter on the agenda for Board action may submit a written request to be heard on forms provided by the Board.
  - b. The President of the Board or a majority of the Board may allot a reasonable time for members of the public to address the Board with respect to agenda items.

**Historical Note**

Former Section R7-2-101 repealed, new Section R7-2-101 adopted effective December 4, 1978 (Supp. 78-6). Amended effective February 27, 1980 (Supp. 80-1). Former Section R7-2-101 repealed, new Section R7-2-101 adopted effective June 17, 1985 (Supp. 85-3).

**R7-2-102. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-103. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**ARTICLE 2. STATE BOARD OF EDUCATION COMMITTEES****R7-2-201. Advisory Committees**

- A.** The State Board of Education (Board) may create an advisory committee for the purpose of providing advice and recommendations as assigned by the Board. In this Section, unless the context otherwise requires, the following definitions shall apply:
  1. "Ad Hoc Advisory Committee" means a committee, established by the Board, for a limited time and scope, for the purpose of providing advice and recommendations to the Board.
  2. "Executive Committee" means a committee, whose members consist of the President and Vice-President of the Board, established for the purpose of appointing ad hoc advisory committee members.
  3. "Standing Advisory Committee" means the Certification Advisory Committee, the Professional Practices Advisory Committee, or any other designated permanent committee, established by the Board, for the specific purpose of providing ongoing advice and recommendations as assigned by the Board.
- B.** Any advisory committee or similar body that has been created by either the Board or statute shall be appointed and conduct its business in accordance with this Section except as otherwise required by law.
- C.** The Board shall determine the structure, membership, and tasks of any standing advisory committee the Board has created.
- D.** The Board's Appointments Subcommittee, whose members are appointed by the President of the Board, shall review nominations submitted by the Board members for appointment to a standing advisory committee and shall provide a recommendation to the Board for consideration. A vacancy on a standing advisory committee shall be filled in the manner described in this Section.
- E.** The Board shall determine the structure and task of an ad hoc advisory committee it has created and may make suggestions as to members. The Executive Committee shall appoint the members of an ad hoc advisory committee. An ad hoc advisory committee shall exist for the time necessary to accomplish its assigned task or for one year from the date it is created, whichever is less. An ad hoc advisory committee may continue to function beyond a one-year period only with the express approval of the Executive Committee. A vacancy on an ad hoc advisory committee shall be filled in the manner prescribed by the Executive Committee.
- F.** The Board may in its discretion remove any member from and dissolve any standing advisory committee that the Board has created. The Executive Committee may in its discretion remove any member from and dissolve any ad hoc advisory committee that the Executive Committee has created.
- G.** An advisory committee shall not conduct a meeting of its members without prior acknowledgment from the Executive Director of the Board that the notice and agenda for the meeting have been approved by the President of the Board and posted and that there are sufficient funds to meet all expenses that would be incurred in connection with such meeting. An advisory committee member shall not obligate the payment of Board funds.
- H.** The meetings of a committee shall be held at the offices of the Board or any other facility for which no charges would be incurred for use of the facility.

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- I. Activities of an advisory committee are limited to preparation of advice and recommendations to be presented to the Board for issues which relate directly to the task assigned by the Board.
- J. Advisory committees are not authorized the use of Board letterhead stationery without the express approval of the President of the Board and are not authorized the use of Department of Education letterhead stationery without the express approval of the Superintendent of Public Instruction.
- K. An advisory committee shall:
  1. Annually select from its members a chair and vice chair;
  2. Request information, assistance, or opinions from the Department of Education necessary to accomplish its task. An advisory committee shall convey any such request through the Department liaison designated pursuant to this Section.
- L. A quorum of an advisory committee shall be a majority of the voting members of the advisory committee. Voting members shall be only those members specifically appointed by the Board or Executive Committee. A quorum of an advisory committee is necessary to conduct its business. An affirmative vote of the majority of voting members present is necessary for an advisory committee to take action.
- M. The Superintendent shall designate an employee of the Department of Education to serve as a liaison to each advisory committee. The President of the Board may appoint a member of the Board to serve as an additional liaison to each advisory committee as the President deems appropriate.

**Historical Note**

Amended effective July 1, 1977 (Supp. 77-4). Former Section R7-2-201 repealed, new Section R7-2-201 adopted effective December 4, 1978 (Supp. 78-6). Amended effective February 25, 1987 (Supp. 87-1). Section repealed, new Section adopted effective March 18, 1994 (Supp. 94-1). Amended by final exempt rulemaking at 22 A.A.R. 2239, effective August 1, 2016 (Supp. 16-3). Amended by final exempt rulemaking at 25 A.A.R. 98, effective December 17, 2018 (Supp. 18-4). The word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-202. Repealed****Historical Note**

Former Section R7-2-202 repealed, new Section R7-2-202 adopted effective December 4, 1978 (Supp. 78-6). Former Section R7-2-202 repealed, new Section R7-2-202 adopted effective June 21, 1979 (Supp. 79-3). Amended effective June 12, 1989 (Supp. 89-2). Amended effective December 12, 1990 (90-4). Amended effective August 28, 1992 (Supp. 92-3). Repealed effective March 18, 1994 (Supp. 94-1).

**R7-2-203. Repealed****Historical Note**

Former Section R7-2-203 repealed, new Section R7-2-203 adopted effective April 9, 1984 (Supp. 84-2). Amended subsections (A) and (B) effective December 30, 1988 (Supp. 88-4). Repealed effective February 20, 1997 (Supp. 97-1).

**R7-2-204. Repealed****Historical Note**

Adopted effective December 4, 1978 (Supp. 78-6). Former Section R7-2-204 repealed, new Section R7-2-204 adopted effective December 31, 1984 (Supp. 84-6).

Amended effective August 28, 1992 (Supp. 92-3).

Repealed effective February 20, 1997 (Supp. 97-1).

**R7-2-205. Professional Practices Advisory Committee**

- A. Professional Practices Advisory Committees (Committees) shall act in an advisory capacity to the State Board of Education (Board) in regard to certification or recertification matters related to immoral conduct, unprofessional conduct, unfitness to teach, revocation, suspension, censure, or surrender of certificates, and matters related to immoral or unprofessional conduct, unfitness to teach and the discipline of noncertificated individuals.
- B. Committees shall each consist of nine members comprised of the following:
  1. One elementary classroom teacher,
  2. One secondary classroom teacher,
  3. One principal,
  4. One superintendent or assistant/associate superintendent,
  5. Three lay members, one lay member who shall be a parent of a student currently attending public school in Arizona,
  6. One local governing board member, and
  7. One charter school teacher, principal, or administrator.
- C. Members appointed under subsections (B)(1) through (4) shall meet at least the following requirements:
  1. Certified to teach in Arizona.
  2. Currently employed in or retired from the education profession in the specific category of their appointment.
- D. Terms of the members
  1. All regular terms shall be for four years except as set forth in subsection (E).
  2. A member may be reappointed with Board approval.
- E. The Board may remove any member from the Committee. All vacancies shall be filled as prescribed in subsections (C)(1) and (2), and those persons appointed to fill vacancies shall serve to complete the term of the person replaced.
- F. The Committee shall:
  1. Select from its members a Chairman and Vice-Chairman,
  2. A quorum shall be a majority of members of the Committee. A quorum is necessary to conduct business. An affirmative vote of the majority of the members present is needed to take action.
  3. Hold meetings as needed to conduct hearings or other Committee business by call of the Chairman of the Committee. If the Chairman neglects or declines to call a meeting, then a majority of the Committee may call a meeting. The Board may call a meeting as required to conduct necessary business. Notice of any meeting shall be given to Committee members seven days prior to the meeting.
  4. Recommend the removal of any member who is absent from three consecutive meetings.
  5. Refer to R7-2-1308 to assist in determining whether the acts complained of constitute unprofessional conduct.
  6. Conduct its business pursuant to R7-2-1301 et seq. and hearings pursuant to R7-2-701 et seq.

**Historical Note**

Adopted effective December 4, 1978 (Supp. 78-6). Former Section R7-2-205 repealed, new Section R7-2-205 adopted effective February 24, 1982 (Supp. 82-1). Former Section R7-2-205 repealed, new Section R7-2-205 adopted effective August 30, 1984 (Supp. 84-4). Amended effective February 21, 1986 (Supp. 86-1). Amended subsections (H), (I), and (J) effective February 3, 1987 (Supp. 87-1). Amended effective December 15, 1989 (Supp. 89-4). Amended effective May 31, 1991



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(Supp. 91-2). Amended effective April 9, 1993 (Supp. 93-2). Amended effective December 3, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Amended by final exempt rulemaking at 21 A.A.R. 1775, effective May 20, 2013 (Supp. 15-3). Amended by final exempt rulemaking at 23 A.A.R. 725, effective January 23, 2017 (Supp. 17-1). The word “rule” has been changed to “Section,” the words “above” and “below” have been removed to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-206. Certification Denial Appeals Process for Applications for Certification that Do Not Involve Allegations of Immoral or Unprofessional Conduct**

- A.** Request for hearing. A person who has had an application for certification denied by the Department of Education pursuant to A.R.S. § 15-534.01(B) may file a written request for a hearing with the Board within 15 days after being served notice of the denial pursuant to subsection (C). Intermediate Saturdays, Sundays and legal holidays shall be included in the computation of the 15 days. If the final day of the 15 day deadline falls on a Saturday, Sunday or legal holiday, the next business day is the final day of the deadline. Applications for certification that involve allegations of immoral or unprofessional conduct shall be reviewed by the Professional Practices Advisory Committee pursuant to R7-2-205.
- B.** Notice of hearing
1. If an applicant requests a hearing to appeal the denial of an application for certification, a notice of hearing shall be given at least 20 days prior to the date set for the hearing.
  2. The notice shall include:
    - a. A statement of the time, place and nature of the hearing.
    - b. A statement of the legal authority and jurisdiction under which the hearing is to be held.
    - c. A reference to the particular sections of the statutes and rules involved.
    - d. A short and plain statement of the matters asserted. If a party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.
- C.** Service of documents; change of address notice requirement
1. Every notice or decision issued by the Board or the Department pertaining to the denial of an application for initial certification or renewal of a certificate shall be served by personal delivery, first class mail or certified mail, return receipt requested, to the applicant or certificated person's last address of record with the Department of Education or by any other method that is reasonably calculated to give actual notice to the applicant or the certificated person. A document is filed with the Board on the date it is received by the Board, as established by the Board's date stamp on the face of the document. A document issued by the Board or the Department pursuant to this Section is served on a party as follows:
    - a. On the date it is personally served.
    - b. Five days after it is mailed by first class mail.
    - c. On the date of the return receipt if it is mailed by certified mail.
  2. Each applicant or certificated person shall inform the Department of Education and the Board of any change of address within 30 days of the change of address.
- D.** Hearing process
1. All hearings shall be conducted before the Board or a hearing officer pursuant to A.R.S. Title 41, Chapter 6, Article 6 and this Section.
  2. Parties may participate in the hearing in person or through an attorney.
  3. Upon request of either party, the hearing officer may schedule a prehearing conference. The purpose of a prehearing conference shall be to narrow issues, attempt settlement, address evidentiary issues or for any other purpose deemed necessary by the hearing officer.
  4. Opportunity shall be afforded all parties to respond and present evidence and argument on the issues involved.
  5. The Board may dispose of any certification appeal by decision or approved stipulation, agreed settlement, consent agreement or by default.
  6. A hearing shall be recorded manually or by a recording device and shall be transcribed on request of any party, unless otherwise provided by law. The cost of such transcript shall be paid by the party making the request, unless otherwise provided by law or unless assessment of the cost is waived by the Board.
  7. The hearing may be rescheduled, maintaining due regard for the interests of justice and the orderly and prompt conduct of the proceedings.
  8. The record in an appeal of a certification denial shall include:
    - a. All pleadings, motions and interlocutory rulings;
    - b. Evidence received or considered;
    - c. A statement of matters officially noticed;
    - d. Objections and offers of proof and rulings thereon;
    - e. Proposed findings of fact and conclusions of law and exceptions thereto;
    - f. Any decision, opinion, recommendation or report of the hearing officer;
    - g. All staff memoranda, other than privileged communications, or data submitted to the hearing officer in connection with its consideration of the case.
  9. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.
  10. A hearing may be conducted in an informal manner and without adherence to the rules of evidence required in judicial proceedings. Neither the manner of conducting the hearing nor the failure to adhere to the rules of evidence required in judicial proceedings shall be grounds for reversing any administrative decision or order, providing the evidence supporting such decision or order is substantial, reliable, and probative. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. Every person who is a party to such proceedings shall have the right to be represented by counsel, to submit evidence in open hearing and shall have the right of cross-examination. Unless otherwise provided by law, hearings may be held at any place determined by the Board. At such hearing such applicant shall be the moving party and have the burden of proof.
  11. Copies of documentary evidence may be received in the discretion of the hearing officer. Upon request, the parties shall be given an opportunity to compare the copy with the original.
  12. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the specialized knowl-

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edge of the hearing officer. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material noticed including any staff memoranda or data and they shall be afforded an opportunity to contest the material so noticed. The hearing officer's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.

**E. Subpoenas**

1. The hearing officer may issue subpoenas for the attendance of witnesses and for the production of books, records, documents and other evidence on the hearing officer's own volition or at the request of a party.
2. A request for a hearing subpoena shall be in writing and served on each party at least seven days prior to the date set for hearing and shall state:
  - a. The name of the case, the case number, and the date, time and place where the witness is expected to appear and testify;
  - b. The name and address of the witness subpoenaed;
  - c. The documents, if any, sought to be provided; and
  - d. A brief statement of the relevance of the testimony or documents.
3. On application of a party or the agency and for use as evidence, the hearing officer may permit a deposition to be taken, in the manner and upon the terms designated by the hearing officer, of a witness who cannot be subpoenaed or is unable to attend the hearing.
4. The individual to whom a subpoena is directed shall comply with its provisions unless, prior to the date set for appearance, the hearing officer grants a written request to quash or modify the subpoena. The request shall state the reasons why it should be granted. The hearing officer shall grant or deny such request by order.
5. The hearing officer shall quash or modify the subpoena if:
  - a. It is unreasonable or oppressive; or
  - b. The desired testimony or evidence may be obtained by an alternative method.
6. The party requesting the subpoena shall prepare it and cause it to be served upon the individual to whom it is directed in the same manner as provided for service of subpoenas in civil matters before the superior court. The return of service shall be filed with the Board.

**F. Conduct of hearing**

1. The hearing officer may conduct all or part of the hearing by telephone or other electronic means, as long as each party has an opportunity to participate in the entire proceeding as it takes place.
2. Except for those hearings which may involve presentation of evidence protected by law as confidential, or which are otherwise closed pursuant to an express provision of law, all hearings are open to public observation.
3. Conduct at any hearing that is disruptive or shows contempt for the proceedings shall be grounds for exclusion from further participation or observation.

**G. Evidence**

1. All witnesses shall testify under oath or affirmation.
2. The hearing officer shall have the power to administer oaths and affirmations.
3. All parties shall have the right to present such oral or documentary evidence and to conduct such cross-examination as may be required for a full and fair disclosure of the facts.
4. The hearing officer shall receive evidence, rule upon offers of proof, and exclude evidence the hearing officer

has determined to be irrelevant, immaterial, or unduly repetitious.

5. Unless otherwise ordered by the hearing officer, documentary evidence shall be limited in size when folded to 8 1/2 by 11 inches. The submitting party shall identify documentary exhibits by number or letter and party and furnish a copy of each exhibit to each party present. One additional copy shall be furnished to the hearing officer unless the hearing officer otherwise directs. When evidence offered by any party appears in a larger work, containing other information, the party shall plainly designate the portion offered. If the evidence offered is so voluminous as would unnecessarily encumber the record, the book, paper, or document shall not be received in evidence but may be marked for identification and, if properly authenticated, the designated portion may be read into or photocopied for the record. All documentary evidence offered shall be subject to appropriate and timely objection.

- H. Stipulations.** Parties to an appeal of a certification denial may stipulate, in writing, agreement upon any matter involved in the proceeding. If approved by the hearing officer, agreement on matters of procedure shall be binding upon the parties to the stipulation. The hearing officer may require presentation of evidence for proof of stipulated facts for the hearing officer's consideration. No substantive matter agreed to by the parties shall be binding upon the Board unless incorporated into the decision of the Board.

**I. Recommendations**

1. A recommended decision shall be prepared for the Board by the hearing officer and shall include findings of fact and conclusions of law, separately stated.
2. Parties shall be notified either personally or by mail to their last known address of any decision or order.
3. A recommended decision shall be delivered to the Board within 30 days after the close of the hearing unless the Board extends the period for good cause.

**J. Decisions and orders**

1. Any final decision or order adverse to a party shall be in writing or stated in the record.
2. When the Board is the hearing body, the decision shall be rendered within 60 days following the final day of the hearing.
3. Within 30 days after receipt of any recommended decision from the hearing officer, the Board shall render a decision to affirm, reverse, adopt, modify, supplement, amend or reject the recommendation and may remand the matter to the hearing officer with instructions, or may convene itself as the hearing body.

**K. Rehearing and review of decisions**

1. After a hearing is held, a party in an appeal of a certification denial who is aggrieved by a decision rendered by the Board may file with the Board, not later than 30 days after such decision has been made, a written motion for rehearing specifying the particular grounds therefor. A motion for rehearing under this Section may be amended at any time before it is ruled upon by the Board. A response may be filed within 15 days after service of such motion by any other party. The Board may require the filing of written briefs on the issues raised in the motion or response and may provide for oral argument.
2. A rehearing of a decision by the Board may be granted for any of the following causes materially affecting the moving party's rights:

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- a. Irregularity in the administrative proceedings of the hearing body, or abuse of discretion, whereby the moving party was deprived of a fair hearing.
  - b. Misconduct of the hearing body or the prevailing party.
  - c. Accident or surprise which could not have been prevented by ordinary prudence.
  - d. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the hearing.
  - e. Excessive or insufficient penalties.
  - f. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing.
  - g. That the decision is not justified by the evidence or is contrary to the law.
3. The Board may affirm or modify the decision or grant a rehearing to all or any of the parties, on all or part of the issues, for any of the reasons set forth in subsection (K)(2). An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.
  4. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing for a reason not stated in the motion. The order granting such a rehearing shall specify the grounds therefor.
  5. Not later than 20 days after a decision is rendered, the Board may, on its own initiative, order a rehearing of its decision for any reasons for which it might have granted a rehearing on motion of a party. The order granting such a rehearing shall specify the grounds therefor.
  6. When a motion for rehearing is based upon affidavits they shall be served with the motion. An opposing party may, within 10 days after service of such motion, serve opposing affidavits and this period may be extended for an additional period not exceeding 20 days, by the Board for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
  7. After a hearing has been held and a final administrative decision has been entered, a party is not required to file a motion for rehearing or review of the decision in order to exhaust the party's administrative remedies.
  8. Any party in an appeal of a certification denial who is aggrieved by a decision rendered by the Board may file with the Board, not later than 20 days after such decision has been made, a written request for review of the decision. If a review of the decision is granted, the Board may affirm or modify the previous decision.

**Historical Note**

Former Section R7-2-206 adopted effective December 4, 1978 (Supp. 78-6). Repealed effective February 24, 1982. See R7-2-205 adopted effective February 24, 1982 (Supp. 82-1). New Section R7-2-206 adopted effective August 9, 1989 (Supp. 89-3). Repealed effective March 18, 1994 (Supp. 94-1). New Section made by exempt rulemaking at 16 A.A.R. 156, effective December 7, 2009 (Supp. 09-4). Amended by final exempt rulemaking at 25 A.A.R. 98, effective December 17, 2018 (Supp. 18-4).

**R7-2-207. Repealed****Historical Note**

Adopted effective August 9, 1989 (Supp. 89-3). Repealed effective March 18, 1994 (Supp. 94-1).

**ARTICLE 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS****R7-2-300. Adoption of Assessments**

As required in A.R.S. § 15-741, the Board shall adopt statewide assessments in order to measure pupil achievement of the state board adopted academic standards as follows:

1. In English language arts and mathematics, annually in grades three through eight and at least once in high school.
2. In science, once in grades three through five and grades six through eight and at least once in high school.
3. In other subjects and for other students, at the direction of the Board.

**Historical Note**

New Section made by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2). Amended by final exempt rulemaking at 27 A.A.R. 2342 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-301. Minimum Course of Study and Competency Goals for Students in the Common Schools**

- A. Students shall demonstrate competency as defined by the State Board-adopted academic standards, at the grade levels specified, in the following required subject areas. District and charter school instructional programs shall include an ongoing assessment of student progress toward meeting the competency requirements. These shall include the successful completion of the academic standards in at least reading, writing, mathematics, science and social studies, as determined by district and/or statewide assessments.
  1. English language arts;
  2. Mathematics;
  3. Science;
  4. Social Studies; including:
    - a. Civics; and
    - b. Instruction on the Holocaust and other genocides at least once in either grade seven or grade eight;
  5. The Arts, which may consist of two or more of the following: visual arts, dance, theatre, music or media arts;
  6. Health/Physical Education, including mental health. Mental health instruction may be included as part of other subject areas and shall comply with A.R.S. § 15-701.02.
- B. The local governing board or charter school may prescribe course of study and competency requirements for promotion that are in addition to or higher than the course of study and competency requirements the State Board of Education prescribes. Additional subjects may be offered by the local governing board or charter school as options and may include, but are not limited to:
  1. Career and Technical Education,
  2. Computer Science,
  3. Educational Technology,
  4. World and Native Languages.
- C. Prior to the issuance of a standard certificate of promotion from the eighth grade, each student shall demonstrate competency, as defined by the local governing board, of the State Board of Education adopted academic standards for grade eight in the subject areas listed in subsections (A)(1) through (6).
- D. Special education and promotion from the eighth grade.
  1. The charter school or local governing board of each school district shall be responsible for developing a course of study and graduation requirements for all students placed in special education programs in accordance with R7-2-401 et seq.

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2. Students placed in special education classes in grades K through eight are eligible to receive the standard certificate of promotion without meeting State Board of Education competency requirements.
- E. Online and distance education courses may be offered by the local governing board or charter school if the course is provided through an Arizona Online Instruction Program established pursuant to A.R.S. § 15-808.
- F. Alternative Demonstration of Competency. Upon request of the student, the local school district governing board or charter school shall provide the opportunity for a student in grades seven and eight to demonstrate competency in the subject areas listed in subsections (A)(1) through (6) in lieu of classroom time.

**Historical Note**

Former Section R7-2-301 repealed, new Section R7-2-301 adopted effective December 4, 1978 (Supp. 78-6). Amended subsections (A) and (B) effective May 4, 1982 (Supp. 82-3). Amended subsection (B) by adding subsection (10) effective July 26, 1982 (Supp. 82-4). Section repealed, new Section adopted effective April 12, 1993 (Supp. 93-2). Amended effective May 3, 1993 (Supp. 93-2). Amended by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013 (the making of subsection (F)); filed in the Office January 15, 2016, with historical note added for clarification as the Board adopted the same amendment June 23, 2014 (Supp. 16-2). Amended by final exempt rulemaking at 21 A.A.R. 1778, effective June 23, 2014; filed in the Office August 4, 2015 (Supp. 15-3). Amended by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2). Amended by final rulemaking at 24 A.A.R. 691, effective February 26, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 26 A.A.R. 2897, effective October 26, 2020 (Supp. 20-4). The hyphen between “K-8” has been changed to the word “through,” the numeral “8” has been changed to “eight,” the ordinal “8th” was corrected to “eighth” for consistency in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2694 (November 19, 2021), effective October 25, 2021 (Supp. 21-4).

**R7-2-301.01. Repealed****Historical Note**

R7-2-301(A), (B), and (C) repeated and numbered as R7-2-301.01(A), (B), and (C); R7-2-301(D) and (E) repeated and numbered as R7-2-301.01(D) and (E) and amended; the text of R7-2-301.01 as amended is effective January 1, 1989 (Supp. 86-2). Complete text printed and historical note added (Supp. 89-3). Repealed effective April 12, 1993 (Supp. 93-2).

**R7-2-301.02. Repealed****Historical Note**

Adopted effective March 26, 1990 (Supp. 90-1). Amended effective December 18, 1991; amended effective December 20, 1991 (Supp. 91-4). Repealed effective March 18, 1994 (Supp. 94-1).

**R7-2-302. Minimum Course of Study and Competency Requirements for Graduation from High School**

The Board prescribes the minimum course of study and competency requirements as outlined in subsections (1) through (5) and, beginning with the graduating class of 2017, receipt of a passing score of 60 correct answers out of one hundred questions on a civics test identical to the civics portion of the naturalization test used by

the United States Citizenship and Immigration Services as prescribed in A.R.S. § 15-701.01(A)(2).

1. Subject area course requirements. The Board establishes 22 credits as the minimum number of credits necessary for high school graduation. Students shall obtain credits for required subject areas as specified in subsections (1)(a) through (e) based on completion of subject area course requirements or competency requirements. At the discretion of the local school district governing board or charter school, credits may be awarded for completion of elective subjects specified in subsection (1)(f) based on completion of subject area course requirements or competency requirements. The awarding of a credit toward the completion of high school graduation requirements shall be based on successful completion of the subject area requirements prescribed by the State Board and local school district governing board or charter school as follows:
  - a. Four credits of English or English as a Second Language, which shall include but not be limited to the following: reading American and other world literature, reading informational text, writing, research methods, speaking and listening skills, grammar, and vocabulary.
  - b. Three credits in social studies to minimally include the following:
    - i. One credit of American history, including Arizona history;
    - ii. One credit of world history/geography, to include instruction on the Holocaust and other genocides;
    - iii. One-half credit of American government, including civics and Arizona government; and
    - iv. One-half credit in economics.
  - c. Four credits of mathematics to minimally include:
    - i. Three credits containing course content in preparation for proficiency at the high school level on the statewide assessment and aligned to the Arizona Mathematics Standards for Algebra I, Geometry, and Algebra II. These three credits shall be taken beginning with the ninth grade unless a student meets these requirements prior to the ninth grade pursuant to subsection (1)(c)(iii). The requirement for the third credit covering Algebra II, may be met by, but is not limited to the following: a math course comparable to Algebra II course content; computer science, career and technical education and vocational education, economics, science and arts courses as determined by the local school district governing board or charter school.
    - ii. A fourth credit that includes significant mathematics content as determined by the local school district governing board or charter school.
    - iii. Courses successfully completed prior to the ninth grade that meet the high school mathematics credit requirements may be applied toward satisfying those requirements.
    - iv. The mathematics requirements may be modified for students using a Personal Curriculum pursuant to R7-2-302.03.
  - d. Three credits of science in preparation for proficiency at the high school level on the statewide assessment.

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- e. One credit of the Arts or career and technical education and vocational education.
  - f. Seven credits of additional courses prescribed by the local school district governing board or charter school.
    - i. Health instruction, regardless of the course it is provided in, shall include instruction on mental health;
    - ii. Mental health instruction may be included in other courses; and
    - iii. All mental health instruction shall comply with A.R.S. § 15-701.02.
  - g. A credit or partial credit may apply toward more than one subject area but shall count only as one credit or partial credit toward satisfying the 22 required credits.
2. Credits earned through correspondence courses to meet graduation requirements shall be taken from an accredited institution as defined in R7-2-601. Credits earned thereby shall be limited to four, and only one credit may be earned in each of the following subject areas:
    - a. English as described in subsection (1)(a) of this Section,
    - b. Social Studies,
    - c. Mathematics, and
    - d. Science.
  3. Online and distance education courses may be offered by the local governing board or charter school if the course is provided through an Arizona Online Instruction Program established pursuant to A.R.S. § 15-808.
  4. Local school district governing boards or charter schools may grant to career and technical education and vocational education program completers a maximum of 5 1/2 credits to be used toward the Board English, mathematics, science, and economics credit requirements for graduation, subject to the following restrictions:
    - a. The Board has approved the career and technical education and vocational education program for equivalent credit to be used toward the Board English, mathematics, science, and economics credit requirements for graduation.
    - b. A credit or partial credit may apply toward more than one subject area but shall count only as one credit or partial credit toward satisfying the 22 required credits.
    - c. A student who satisfies any part of the Board English, mathematics, science, and economics requirements through the completion of a career and technical education and vocational education program shall still be required to earn 22 total credits to meet the graduation requirements prescribed in this Section.
  5. Competency requirements.
    - a. The awarding of a credit toward the completion of high school graduation requirements shall be based on the requirements outlined in A.R.S. § 15-701.01 and the successful completion of State Board-adopted academic standards for subject areas listed in subsections (1)(a) through (1)(e) and the successful completion of the competency requirements for the elective subjects specified in subsection (1)(f). Competency requirements for elective subjects as specified in subsection (1)(f) shall be the academic standards adopted by the State Board. If there are no adopted academic standards for an elective subject, the local school district governing board or charter school shall be responsible for developing and adopting competency requirements for the successful completion of the elective subject. The school district governing board or charter school shall be responsible for developing and adopting the method and manner in which to administer a test that is identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services, and a pupil who does not obtain a passing score on the test may retake the test until the pupil obtains a passing score.
    - b. The determination and verification of student accomplishment and performance shall be the responsibility of the subject area teacher.
    - c. Upon request of the student, the local school district governing board or charter school shall provide the opportunity for the student to demonstrate competency in the subject areas listed in subsections (1)(a) through (1)(f) in lieu of classroom time. In appropriate courses, a school district governing board or charter school shall include as a mechanism to demonstrate competency a score determined by the State Board as college and career ready on the appropriate assessment adopted by the State Board pursuant to A.R.S. §§ 15-741 or 15-741.01.
  6. The local school district governing board or charter school shall be responsible for developing a course of study and graduation requirements for all students placed in special education programs in accordance with A.R.S. Title 15, Chapter 7, Article 4 and R7-2-401 et seq. Students placed in special education classes, grades nine through 12, are eligible to receive a high school diploma upon completion of graduation requirements.

**Historical Note**

Former Section R7-2-302 repealed, new Section R7-2-302 adopted effective December 4, 1978 (Supp. 78-6). Amended effective July 8, 1983 (Supp. 83-4). Amended subsections (1) and (5) effective January 1, 1987 (Supp. 84-3). See R7-2-302.01 and R7-2-302.02 for minimum credits for graduating classes of 1987 forward (Supp. 86-5). Repealed effective August 28, 1992; Inadvertently omitted from Supp. 92-3; corrected Supp. 93-4. Amended effective November 17, 1994 (Supp. 94-4). Repealed effective February 20, 1997 (Supp. 97-1). New Section adopted by final rulemaking at 7 A.A.R. 1255, effective February 20, 2001 (Supp. 01-1). Amended by final rulemaking at 8 A.A.R. 3893, effective August 21, 2002 (Supp. 02-3). Amended by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; since the Board did not file the amendments until January 15, 2016, subsection (3)(a) through (b) was already repealed at the time of publishing the Section in Supp. 15-3; therefore, there is no record of the amendments in the Administrative Code; these amendments can be viewed at 21 A.A.R. 1778 (Supp. 16-2). Amended by final exempt rulemaking at 21 A.A.R. 1778, effective June 23, 2014; filed in the Office August 4, 2015 (Supp. 15-3). Amended by final exempt rulemaking at 22 A.A.R. 197, effective October 26, 2015; filed in the Office January 15, 2016 (Supp. 16-3). Amended by final rulemaking at 24 A.A.R. 691, effective February 26, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 26 A.A.R. 2897, effective October 26, 2020 (Supp. 20-4). The word "sixty" has been changed to the numeral "60," the hyphen between "9-12" was replaced with the word "through" and the numeral "9" has been changed to "nine," the phrase "of this Sec-

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tion” was removed, and “one hundred” was changed to the numeral “100” to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2694 (November 19, 2021), effective October 25, 2021 (Supp. 21-4).

**R7-2-302.01. Repealed****Historical Note**

Section R7-2-302 repeated and amended effective January 1, 1987, filed September 24, 1986 (Supp. 86-5). Amended as an emergency by adding a new subsection (B) effective May 3, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Filing date for January 1, 1987, amendments corrected to September 24, 1986 (Supp. 89-3). Emergency expired. Adopted as a permanent rule effective February 7, 1990 (Supp. 90-1). Repealed effective August 28, 1992; Inadvertently omitted from Supp. 92-3; corrected Supp. 93-4. New Section made by exempt rulemaking at 14 A.A.R. 195, effective December 10, 2007 (Supp. 08-1). Section repealed by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

**R7-2-302.02. Repealed****Historical Note**

Adopted effective January 1, 1991, filed September 24, 1986 (Supp. 86-5). Amended effective May 9, 1988 (Supp. 88-2). Amended effective June 12, 1989 (Supp. 89-2). Amended effective March 26, 1990 (Supp. 90-1). Repealed effective March 18, 1994 (Supp. 94-1). New Section made by exempt rulemaking at 14 A.A.R. 195, effective December 10, 2007 (Supp. 08-1). Section repealed by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

**R7-2-302.03. Personal Curriculum****A. Definitions.**

1. “Personal Curriculum” means a documented process that may be used to modify the high school graduation requirements for mathematics delineated in R7-2-302.02(1)(c). A student may use a personal curriculum to modify the Algebra II requirement delineated in R7-2-302.02(1)(c)(ii) and reduce the credit requirements for mathematics from four to three credits. A student who successfully completes the student’s personal curriculum meets the requirements for high school graduation.
2. “Development Team” means a team that develops a personal curriculum for a student and consists of the student, the parent or legal guardian of the student, and a school counselor or principal or their designee. A school principal may add additional members to the development team as the principal deems appropriate.

**B. A student is eligible for a personal curriculum if the student meets the following criteria:**

1. The student has successfully completed the mathematics requirements delineated in R7-2-302.02(1)(c)(i); and
2. Despite the student’s successful completion of the mathematics requirements delineated in R7-2-302.02(1)(c)(i), the development team determines that the student demonstrates a need to modify the requirement delineated in R7-2-302.02(1)(c)(ii) for Algebra II or its equivalent course content.

**C. The requirements for a personal curriculum are as follows:**

1. An eligible student may only modify the mathematics requirement delineated in R7-2-302.02(1)(c)(ii) for Algebra II or its equivalent course content;
  2. In lieu of successfully completing Algebra II or its equivalent course content, an eligible student shall successfully complete at least one credit in mathematics that shall include significant mathematics content as determined by the local school district governing board or charter school; and
  3. An eligible student shall successfully complete a course in mathematics in the student’s senior year.
- D. The procedures for developing and implementing a personal curriculum are as follows:**
1. The parent or legal guardian of a student, an emancipated student, or a student with permission from the student’s parent or legal guardian may request a personal curriculum in a manner prescribed by the local school district governing board or charter school.
  2. Upon receipt of a request for a personal curriculum made pursuant to subsection (D)(1), the local school district or charter school shall verify that the student successfully completed the mathematics requirements delineated in R7-2-302.02(1)(c)(i) and, upon verification, shall convene a development team.
  3. The development team shall:
    - a. Verify that the student demonstrates a need to modify the requirement delineated in R7-2-302.02(1)(c)(ii) for Algebra II or its equivalent course content,
    - b. Identify an appropriate alternative mathematics course or courses to modify the requirement for Algebra II or its equivalent course content,
    - c. Develop a written personal curriculum plan that includes the alternative mathematics course or courses identified in subsection (D)(3)(b) and a plan for monitoring student progress toward successfully completing the alternative mathematics course or courses. In developing the personal curriculum plan the development team shall consider how the proposed modifications maintain the integrity of the high school diploma and enable the student to achieve the student’s post-secondary education and career goals.
  4. The development team may modify the personal curriculum plan based upon the development team’s evaluation of the student’s progress.
- E. The Superintendent of Public Instruction shall monitor a school district or charter school if there is reason to believe that the school district or charter school is allowing modifications inconsistent with the requirements delineated in this Section.**

**Historical Note**

Adopted effective November 1, 1989 (Supp. 89-4). Amended effective December 12, 1990 (Supp. 90-4). Repealed effective February 20, 1997 (Supp. 97-1). New Section made by exempt rulemaking at 14 A.A.R. 195, effective December 10, 2007 (Supp. 08-1).

**R7-2-302.04. Repealed****Historical Note**

Adopted effective July 10, 1992 (Supp. 92-3). Amended effective May 3, 1993 (Supp. 93-2). Amended effective December 17, 1998 (Supp. 98-4). Section repealed by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016

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(Supp. 16-2).

**R7-2-302.05. Arizona Education and Career Action Plan for Students in Grades nine through 12**

- A.** Effective for the graduation class of 2013, schools shall complete for every student in grades nine through 12 an Arizona Education and Career Action Plan ("ECAP") prior to graduation. Schools shall develop an Education and Career Action Plan in consultation with the student, the student's parent or guardian and the appropriate school personnel as designated by the school principal or chief administrative officer. Schools shall monitor, review and update each Education and Career Action Plan at least annually. Completion of an Education and Career Action Plan shall be verified by appropriate school personnel.
- B.** An Arizona Education and Career Action Plan shall at a minimum allow students to enter, track and update the following information:
1. Academic Goals that include identifying and planning the coursework necessary to achieve the high school graduation requirements and pursue postsecondary education and career options; analyzing assessment results to determine progress and identify needs for intervention and advisement; and documenting academic achievement;
  2. Career Goals that include identifying career plans, options, interests and skills; exploring entry level opportunities; and evaluating educational requirements;
  3. Postsecondary Education Goals that include identifying progress toward meeting admission requirements, completing application forms and creating financial assistance plans; and
  4. Extracurricular Activity Goals that include documenting participation in clubs, organizations, athletics, fine arts, community service, recreational activities, volunteer activities, work-related activities, leadership opportunities, and other activities.

**Historical Note**

New Section made by exempt rulemaking at 12 A.A.R. 876, effective August 22, 2005 (Supp. 06-1). Section R7-2-302.05 renumbered to R7-2-302.06; new Section R7-2-302.05 made by final exempt rulemaking at 22 A.A.R. 111, effective February 25, 2008; filed in the Office January 6, 2016 (Supp. 16-1). The hyphen between "9-12" has been changed to the word "through" and the numeral 9 has been changed to "nine," to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-302.06. Repealed****Historical Note**

New Section made by exempt rulemaking at 12 A.A.R. 876, effective August 22, 2005 (Supp. 06-1). Amended by exempt rulemaking at 15 A.A.R. 1570, effective September 25, 2006 (Supp. 09-1). Amended by exempt rulemaking at 16 A.A.R. 2031, effective August 25, 2008 (Supp. 09-2). Amended by exempt rulemaking at 15 A.A.R. 1602, effective August 24, 2009 (Supp. 09-3). Section R7-2-302.06 renumbered to R7-2-302.07; new Section R7-2-302.06 renumbered from Section R7-2-302.05 by final exempt rulemaking at 22 A.A.R. 111, effective February 25, 2008; filed in the Office January 6, 2016 (Supp. 16-1). Section repealed by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

**R7-2-302.07. Repealed****Historical Note**

New Section made by exempt rulemaking at 15 A.A.R. 1602, effective August 24, 2009 (Supp. 09-3). Section R7-2-302.07 renumbered to R7-2-302.08; new Section R7-2-302.07 renumbered from Section R7-2-302.06 by final exempt rulemaking at 22 A.A.R. 111, effective February 25, 2008; filed in the Office January 6, 2016 (Supp. 16-1). Section repealed by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

**R7-2-302.08. Repealed****Historical Note**

New Section made by exempt rulemaking at 15 A.A.R. 1602, effective August 24, 2009 (Supp. 09-3). Section R7-2-302.08 renumbered to R7-2-302.09; new Section R7-2-302.08 renumbered from Section R7-2-302.07 by final exempt rulemaking at 22 A.A.R. 111, effective February 25, 2008; filed in the Office January 6, 2016 (Supp. 16-1). Section repealed by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

**R7-2-302.09. Repealed****Historical Note**

New Section made by exempt rulemaking at 15 A.A.R. 1602, effective August 24, 2009 (Supp. 09-3). R7-2-302.09 renumbered to R7-2-302.10; new Section R7-2-302.09 renumbered from Section R7-2-302.08 by final exempt rulemaking at 22 A.A.R. 111, effective February 25, 2008; filed in the Office January 6, 2016 (Supp. 16-1). Section repealed by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

**R7-2-302.10. Repealed****Historical Note**

New Section R7-2-302.10 renumbered from Section R7-2-302.09 by final exempt rulemaking at 22 A.A.R. 111, effective February 25, 2008; filed in the Office January 6, 2016 (Supp. 16-1). Section amended by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2). Repealed by final exempt rulemaking at 22 A.A.R. 197, effective October 26, 2015; filed in the Office January 15, 2016 (Supp. 16-3).

**R7-2-302.11. Minimum Course of Study and Competency Requirements During Public Health Emergency in the 2019-2020 School Year**

- A.** Notwithstanding any other rule, local education agencies shall not refuse to withhold academic credit or a diploma from a student solely because the student missed instructional time due to a school closure issued by the governor.
- B.** Local education agencies may issue academic credit and a diploma to a student if the student meets competency requirements pursuant to Article 3. When determining if a student meets competency requirements in a school year during which the governor issues a school closure, local education agencies may consider the educational opportunities provided to the student during the school closure. Educational opportunities, as determined by the local education agency, may include, but are not limited to the following:
1. Independent study provided online or through printed materials; and
  2. Online instruction.

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- C. If a local education agency is unable to consider or unable to provide the educational opportunities pursuant to subsection (B), the local education agency may award academic credit or a diploma if the student was on track to earn the academic credit or diploma prior to the school closure. Evidence that a student was on track to earn academic credit or a diploma, as determined by the local education agency, may include, but is not limited to, passing grades issued by the student's teacher or passing scores on locally or nationally administered assessments. It is the intent of the Board that all schools attempt, to the extent possible, to provide educational opportunities to students during a school closure issued by the governor.
- D. Local education agencies that issue academic credit and a diploma to a student pursuant to subsections (B) and (C) shall issue transcripts and diplomas to students in the same manner as the local education agency would for students that did not miss instructional time due to a school closure caused issued by the governor.
- E. This Section applies only to the 2019-2020 school year and the graduating class of 2020.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 966, effective March 31, 2020 (Supp. 19-2).

**R7-2-303. Sex Education**

- A. Instruction in sex education in the public schools of Arizona, including instruction provided after hours, shall be offered only in conformity with the following requirements. Nothing in this section shall be construed to require a school district or charter school provide sex education instruction to pupils.
  - 1. Common schools: Nature of instruction; approval; format.
    - a. Supplemental/elective nature of instruction. The common schools of Arizona may provide a specific elective lesson or lessons concerning sex education as a supplement to the health course of study.
      - i. This supplement may only be taken by the student at the written request of the student's parent or guardian. When the school district or charter school seeks consent pursuant to this subsection, the school district or charter school shall inform the parent or guardian of their right to review the instructional materials and activities.
      - ii. Alternative elective lessons from the state-adopted optional subjects shall be provided for students who do not enroll in elective sex education.
      - iii. School districts and charter schools may not provide sex education lessons or instruction before grade five.
      - iv. Elective sex education lessons shall not exceed the equivalent of one class period per day for 1/4 of the school year for grades five through eight.
    - b. Local governing board approval. All elective sex education lessons to be offered shall first be approved by the local governing board.
      - i. Each local governing board contemplating the offering of elective sex education shall establish an advisory committee with membership representative of district size and the racial and ethnic composition of the community to assist in the development of lessons and advise the local governing board on an ongoing basis. All meetings of committees that are authorized for the purposes of reviewing and selecting the sex education course of study shall be publicly noticed at least two weeks before occurring and be open to the public according to A.R.S. Title 38, Chapter 3, Article 3.1.
  - 2. High schools: Course offering; approval; format.
    - a. A course in sex education may be provided in the high schools of Arizona.
    - b. This course may only be taken by the student at the written request of the student's parent or guardian.
    - c. Alternative elective lessons from the state-adopted optional subjects shall be provided for students who do not enroll in elective sex education.
    - d. All meetings of committees that are authorized for the purposes of reviewing and selecting the sex education course of study shall be publicly noticed at least two weeks before occurring and be open to the public according to A.R.S. Title 38, Chapter 3, Article 3.1.
    - e. The local governing board shall review the total instructional materials and approve all lessons and curricula in the course of study to be offered in sex education.
    - f. The local governing board shall make any proposed sex education course of study available and accessible for review and public comment for at least sixty days before the governing board or governing body decides whether to approve that course of study. The



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local governing board shall publicize and hold at least two public hearings within the sixty-day period for the purpose of receiving public input at least one week prior to the local governing board meeting at which the elective sex education lessons will be considered for approval. Public input may include written comments, oral comments and comments submitted electronically.

- g. Lessons shall not include tests, psychological inventories, surveys, or examinations containing any questions about the student's or the student's parents' personal beliefs or practices in sex, family life, morality, values or religion.
  - h. Local governing boards shall maintain for viewing by the public, both online and in-person according to A.R.S. § 15-102(A)(2), the total instructional materials to be used in all sex education courses to be offered in high schools within the school district or charter school at least two weeks before any instruction is offered.
3. Content of instruction: Common schools and high schools.
- a. All sex education materials and instruction shall be age appropriate, recognize the needs of exceptional students, meet the needs of the district, recognize local community standards and sensitivities, shall not include the teaching of abnormal, deviate, or unusual sexual acts and practices, and shall include the following:
    - i. Emphasis upon the power of individuals to control their own personal behavior. Pupils shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control and ethical considerations such as respect for self and others; and
    - ii. Instruction on how to say "no" to unwanted sexual advances and to resist negative peer pressure. Pupils shall be taught that it is wrong to take advantage of, or to exploit, another person.
  - b. All sex education materials and instruction which discuss sexual intercourse shall:
    - i. Stress that pupils should abstain from sexual intercourse until they are mature adults;
    - ii. Emphasize that abstinence from sexual intercourse is the only method for avoiding pregnancy that is 100 percent effective;
    - iii. Stress that sexually transmitted diseases have severe consequences and constitute a serious and widespread public health problem;
    - iv. Include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual intercourse and the consequences of preadolescent and adolescent pregnancy;
    - v. Advise pupils of Arizona law pertaining to the financial responsibilities of parenting, and legal liabilities related to sexual intercourse with a minor.
- B. Certification of compliance. All districts and charter schools offering a local governing board-approved sex education course or lesson shall certify, under the notarized signature of both the president of the local governing board and the chief administrator of the school district or charter school, compliance with this Section except as specified in subsection (C). Acknowledgment of receipt of the compliance certification

from the State Board of Education is required as a prerequisite to the initiation of instruction. Certification of compliance shall be in a format and with such particulars as shall be specified by the Department of Education.

- C. School districts and charter schools shall make any existing sex education course of study available and accessible for review both online and in person by June 30, 2021.

**Historical Note**

Former Section R7-2-303 repealed, new Section R7-2-303 adopted effective December 4, 1978 (Supp. 78-6). Former Section R7-2-303 repealed, new Section R7-2-303 adopted effective June 12, 1989 (Supp. 89-2). Amended by final exempt rulemaking at 25 A.A.R. 1551, effective May 20, 2019 (Supp. 19-2). The hyphens between grades in this Section have been replaced with the word "through," the word "rule" was corrected to "Section," the numeral "4" was corrected to "four," the numeral "5" was corrected to "five," and the numeral "8" was corrected to "eight" to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 1107, effective June 28, 2021 (Supp. 21-3). Amended by final exempt rulemaking at 27 A.A.R. 2340 (October 22, 2021) effective September 27, 2021 (Supp. 21-4).

**R7-2-304. Extended School Year**

The governing board of a common high school considering the adoption of an extended school year shall:

1. Prepare a comparative cost analysis of the extended school year program versus the cost of new facilities and sites.
2. Hold at least one public hearing, publicized a week in advance, to present the alternatives, including the results of the comparative cost analysis.
3. Determine faculty, community, and parental support prior to making a final determination.

**Historical Note**

Former Section R7-2-304 repealed, new Section R7-2-304 adopted effective December 4, 1978 (Supp. 78-6). The Section heading has been updated to title case to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-305. Declaration of Independence**

The governing board of each common school district shall adopt policies that:

1. Require pupils to recite the following passage from the Declaration of Independence for pupils in grades four through six at the commencement of the first class of the day in the schools: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."; and
2. Enable the pupil or the parent or legal guardian of the pupil to object to reciting the passage of the Declaration of Independence, and that specify that a pupil shall not be required to participate if the pupil or the pupil's parent or guardian objects.

**Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6). Adopted effective February 15, 1979 (Supp. 79-1). Repealed effective February 20, 1997 (Supp. 97-1). New Section made by final rulemaking at 7 A.A.R. 5363,

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effective November 7, 2001 (Supp. 01-4). The numeral “4” was corrected to “four,” the numeral “6” was corrected to “six” to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-306. English Language Learner Programs**

**A.** Definitions. All terms defined in A.R.S. § 15-751 are applicable, with the following additions:

1. “Statewide assessment” means the test prescribed by A.R.S. § 15-741 or an assessment approved by the Board pursuant to A.R.S. § 15-741.02 to administer to students instead of the statewide assessment.
2. “Arizona Academic Standards” means the standards adopted by the State Board of Education pursuant to A.R.S. §§ 15-203, 15-701, and 15-701.01.
3. “Board” means the State Board of Education.
4. “Compensatory instruction” means instruction given in addition to regular classroom instruction, such as individual or small group instruction, extended day classes, summer school or intersession school.
5. “Department” means the Department of Education.
6. “EL” means English learner.
7. “FEP” means fluent English language proficient, a student who has met the requirements for exit from an English language learner program.
8. “Federal EL grant monies” means federal grants or funds awarded to an LEA to educate ELs or to improve the LEA’s capacity to educate ELs, including but not limited to grants awarded under Title III of the Every Student Succeeds Act of 2015.
9. “IEP” means individualized education program, a written statement specifying special education services to be provided to a child with a disability.
10. “LEA” means local education agency, the school district or charter school that provides educational services.
11. “PHLOTE” means primary or home language other than English.
12. “Reassessment for reclassification” means the process of determining whether an English language learner may be reclassified as fluent English proficient (FEP).
13. “Superintendent” means the State Superintendent of Public Instruction.
14. “WICP” means written individualized compensatory plan that documents the scope and type of services provided to an EL to overcome the identified language and academic deficiencies.

**B.** Identification of students to be assessed.

1. The primary or home language of all students shall be identified by the students’ parent or legal guardian on the home language survey. These documents shall inform parents that the responses to these questions will determine whether their student will be assessed for English language proficiency.
2. A student shall be considered as a PHLOTE student if the home language survey indicates that one or more of the following are true:
  - a. The primary language used in the home is a language other than English, regardless of the language spoken by the student.
  - b. The language most often spoken by the student is a language other than English.
  - c. The student’s first acquired language is a language other than English.
3. The English language proficiency of all PHLOTE students shall be assessed as provided in subsection (C).

**C.** English language proficiency assessment.

1. PHLOTE students in kindergarten shall be administered an English language proficiency test. Students in grades one through 12 shall be administered an English language proficiency test. Students who score below the designated score for fluent English language proficiency, adopted by the Department and based on the test publishers’ designated scores, shall be classified as ELs.
2. English language proficiency assessments shall be conducted by individuals who are proficient in English and trained in language proficiency testing to administer and, when applicable, score the tests.
3. The LEA shall assess the English language proficiency of all new PHLOTE students as prescribed above within 60 days of the beginning of the school year or within 30 school days of a student’s enrollment in school, whichever is later, unless the LEA receives funds under Title III of the Every Student Succeeds Act of 2015 or another federal grant that requires assessment and parental notification within 30 calendar days from the start of the school year or within two calendar weeks of a student enrolling at a school.

**D.** Screening and assessment of students in gifted education. ELs who meet the qualifications for placement in a gifted educational program shall receive programmatic services designed to develop their specific areas of potential and academic ability and may be concurrently enrolled in gifted programs and English language learner programs.

**E.** English language learner programs.

1. All ELs shall be provided daily instruction in English language development appropriate to their level of English language proficiency and consistent with A.R.S. §§ 15-751, 15-752, and, as applicable, § 15-753. The English language instruction shall include listening and speaking skills, reading and writing skills, and cognitive and academic development in English.
2. ELs shall be provided daily instruction in subject areas required under the minimum course of study adopted by the Board pursuant to R7-2-301 and R7-2-302 that is understandable and appropriate to the level of academic achievement of the EL and is in conformity with accepted strategies for teaching ELs. This subsection does not require an LEA to provide daily instruction in every subject area required pursuant to R7-2-301 and R7-2-302 if those subject areas are not provided daily to English proficient students.
3. The curriculum of all English language learner programs shall incorporate the Academic Standards adopted by the Board and shall be comparable in amount, scope and quality to that provided to English language proficient students.
4. ELs who are not progressing toward achieving proficiency of the Arizona Academic Standards adopted by the Board, as evidenced by the failure to improve scores on the statewide assessment, shall be provided compensatory instruction to assist them in achieving those Arizona Academic Standards. A WICP describing the compensatory instruction provided shall be kept in the student’s academic file.
5. On request of a parent or legal guardian of an EL the principal of the EL’s school shall require a meeting with the principal or principal’s designee, the parent or legal guardian and the classroom teacher to review the student’s progress in achieving proficiency in the English language or in making progress toward the Arizona Academic Standards adopted by the Board, to identify any problems, to determine appropriate solutions and to iden-

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tify the person or persons responsible for implementing the changes and determining their effectiveness.

**F. Reassessment for reclassification.**

1. The purpose of reassessment is to determine if an EL has developed the English language skills necessary to succeed in the English language curricula.
2. An EL in grades one through 12 may be reassessed for reclassification during test windows established by the Department if the mid-year test requirements are met, but shall be reassessed for reclassification at least once per year. ELs that score at or above the designated score for fluent English language proficiency, adopted by the Department and based on the test publishers' designated scores, shall be reclassified as FEP.
3. LEAs shall notify the parents or legal guardians in writing that their child has been reclassified as FEP when the student meets the criteria for such reclassification.

**G. Evaluation of FEP students after exit from EL programs.**

1. The LEA shall monitor exited students based on the criteria provided in this Section during each of the two years after being reclassified as FEP to determine whether these students are performing satisfactorily in achieving the Arizona Academic Standards adopted by the Board. Such students will be monitored in reading, writing and mathematics skills and mastery of academic content areas, including science and social studies. The criteria shall be grade-appropriate and uniform throughout the LEA, and upon request, is subject to Board review. Students who are not making satisfactory progress shall, with parent consent, be provided compensatory instruction or shall be re-enrolled in an EL program. A WICP describing the compensatory instruction provided shall be maintained in the students' EL files.
2. The LEA shall use statewide assessment scores to determine progress toward achieving the Arizona Academic Standards in monitoring FEP students after exit from an EL program unless no score is available. Performing satisfactorily will be measured by whether a student meets or exceeds the state standards in reading, writing, and mathematics as measured by the statewide assessment.
3. If a statewide assessment score is not available because the test is not administered in the students' grade or to assess progress in academic subjects not assessed by the statewide assessment, the LEA shall use one or more of the following criteria in its evaluation to determine progress toward achieving the Arizona Academic Standards in monitoring FEP students after exit from an EL program:
  - a. LEA-developed criterion-referenced tests of academic achievement that demonstrate alignment to the Arizona Academic Standards; or
  - b. Standardized tests measuring academic achievement that demonstrate alignment to the Arizona Academic Standards; or
  - c. Nationally norm-referenced test scores; or
  - d. Teacher recommendations based on classroom assessments that demonstrate alignment to the Arizona Academic Standards.

**H. Monitoring of EL programs.**

1. Each year the Department shall monitor at least 32 LEAs, as follows:
  - a. At least 12 of the 50 LEAs with the highest EL enrollment;
  - b. At least 10 LEAs with ELs that are not included in the 50 described above;
  - c. At least 10 LEAs that have reported that they have 25 or fewer EL students in their schools; and

- d. Other LEAs upon receipt of a documented written complaint from any Arizona resident, the U.S. Department of Education, or the U.S. Office for Civil Rights, alleging that the LEA is not complying with state or federal law regarding ELs.
2. All of the 50 LEAs in subsection (H)(1)(a) shall be monitored by the Department at least once every four years.
3. The monitoring shall be on-site monitoring and shall include classroom observations, curriculum reviews, faculty interviews, student records reviews, and review of EL programs. The Department may use personnel from other schools to assist in the monitoring.
4. The Department shall issue a report on the results of its monitoring within 45 days after completing the monitoring. If the Department determines that an LEA is not complying with state or federal laws applicable to EL students, the LEA shall prepare and submit to the Department, within 60 days of the Department's determination, a corrective action plan that sets forth steps that the LEA will take to correct the deficiencies noted in the report.
5. The Department shall review and return such corrective action plan to the LEA within 30 days, noting any required changes. No later than 30 days after receiving its corrective action plan back from the Department, the LEA shall begin implementing the measures set forth in the plan, including any revisions required by the Department.
6. The Department shall conduct a follow-up evaluation of the LEA within one year after returning the corrective action plan to the LEA.
7. If the Department finds continued non-compliance during the follow-up evaluation, the LEA shall be referred to the Board for a determination of non-compliance. If the Board determines the LEA to be out of compliance with state or federal laws applicable to EL students, it may take one or more of the following actions:
  - a. Temporarily withhold cash payments of federal EL grant monies;
  - b. Disallow (that is deny both use of funds and matching credit for) all or part of the cost of the activity or action not in compliance;
  - c. Wholly or partly suspend or terminate the current award of federal EL grant monies;
  - d. Withhold further awards of federal EL grant monies for the program.
8. The Department shall monitor all LEAs that the Board has determined to be non-compliant and which have had federal EL grant monies withheld or terminated to ensure that such LEAs do not reduce the amount of funds spent on their EL programs as the result of its loss of funds.

**Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6). New Section R7-2-306 adopted effective July 10, 1979 (Supp. 79-4). Amended effective August 20, 1981 (Supp. 81-4). Former Section R7-2-306 repealed, new Section R7-2-306 adopted effective November 14, 1984 (Supp. 84-6). Amended by final rulemaking at 10 A.A.R. 353, effective March 8, 2004 (Supp. 04-1). Amended by final exempt rulemaking at 26 A.A.R. 66, effective December 13, 2019 (Supp. 19-4). The word "twelve" was changed to the numeral "12" for consistency in Chapter style and format (Supp. 21-2).

**R7-2-307. High School Equivalency Diplomas**

- A.** For the purposes of this Section, the following definitions shall apply:

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1. "DANTES" means the Defense Activity for Non-Traditional Education Support.
  2. "Department" means the Adult Education Services Division of the Arizona Department of Education.
  3. "Equivalency Test" means a High School Equivalency Test approved by the State Board of Education.
  4. "High School Equivalency Testing Center" means a testing center established by the Department for the purpose of administering High School Equivalency tests and providing High School Equivalency testing services pursuant to the requirements established by a State Board approved testing provider and state jurisdictional rules.
  5. "USAFI" means the United States Armed Forces Institute.
- B.** Eligibility requirements. Any individual who is 16 years of age or older and who has officially been withdrawn from school may take a High School Equivalency Test.
1. Individuals shall be required to provide the High School Equivalency Testing Center with positive identification and proof of age, and
  2. Individuals who are at least 16 years of age and under 18 years of age shall also be required to provide:
    - a. A signed and notarized statement of consent from a parent or legal guardian, and
    - b. A letter from the last school attended verifying that the individual has officially withdrawn from the school.
- C.** Issuance of a diploma. The Department shall issue a high school equivalency diploma to any individual who has not received a high school diploma or high school equivalency certificate or diploma if the individual:
1. Meets the eligibility requirements specified in subsection (B) and has received passing scores on a High School Equivalency Test; or
  2. Is a member of the U.S. Armed Forces and has received passing scores on a High School Equivalency Test through USAFI or DANTES provided that the individual's last high school enrollment was in an Arizona high school. Individuals who have taken a High School Equivalency Test through USAFI or DANTES shall send their military permanent record and application card to DANTES with a request that the official High School Equivalency Test scores and application card be forwarded to the Department; or
  3. Has received passing scores on a High School Equivalency Test taken at an approved testing provider's site, provided that the Department receives an official transcript directly from the approved testing provider.
- D.** The Department shall keep a record of test scores for each individual who has taken a High School Equivalency Test.
- E.** The Arizona Department of Education may collect fees for the issuance of High School Equivalency Diplomas and Transcripts. Fees established pursuant to this Section shall not exceed \$20.
1. The State Board of Education will deposit, pursuant to A.R.S. §§ 35-146 and 35-147, fees collected under this Section in the High School Equivalency Testing Revenue Account within the Arizona Department of Education budget, to be used to offset costs of providing these services.
  2. If the state fee for General High School Equivalency Diplomas and/or Transcripts presents a financial hardship for the examinee, the examinee may request a fee waiver.
  3. A fee waiver shall be granted if all of the following apply:
    - a. Applicant presents documented proof of Arizona residency.
    - b. Applicant submits a completed Fee Waiver Request Form, available from the State High School Equivalency Testing Office or from any official High School Equivalency Testing Center.
    - c. Applicant demonstrates sufficient need for a fee waiver. This may include, but is not limited to the following:
      - i. Proof of eligibility for public assistance and/or federally subsidized housing,
      - ii. Residence in a foster home,
      - iii. Enrollment in a program for the economically disadvantaged such as Upward Bound, or
      - iv. Participation in a free or reduced lunch program.
- Historical Note**
- Adopted effective August 20, 1981 (Supp. 81-4). Amended subsections (A), (C), and (G) effective October 2, 1984 (Supp. 84-5). Amended effective December 22, 1997 (Supp. 97-4). Amended effective December 31, 1998 (Supp. 98-4). Amended by exempt rulemaking at 18 A.A.R. 1023, effective October 24, 2011 (Supp. 12-2). Amended by final exempt rulemaking at 21 A.A.R. 1781, effective September 23, 2013 (Supp. 15-3). The word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2).
- R7-2-308. Adult Education**
- A.** For the purposes of this Section the following definitions apply:
1. "Adult Basic Education" (ABE) means instruction in reading, writing and math equivalent to grades one through eight, speaking and citizenship skills.
  2. "Adult Secondary Education" (ASE) means instruction in reading, writing, math, science and social studies equivalent to the completion of high school.
  3. "Eligible applicants" may include local educational agencies, community based organizations, volunteer literacy organizations, institutions of higher education, public or private nonprofit organizations, institutions of higher education, public or private nonprofit agencies, libraries, public housing authorities, and consortiums of any of the aforementioned entities.
  4. "English Language Acquisition for Adults" (ELAA) means a program of instruction designed to help individuals of limited English proficiency achieve competency in the English language, including reading, writing, listening and speaking.
  5. "Literacy" means an individual's ability to read, write and speak in English, compute and solve problems at levels of proficiency necessary to function on the job, in the family and in society.
  6. "Project" means the approved and funded application which is administered by the eligible applicant.
- B.** Application for funding
1. Only eligible applicants may apply for funding.
  2. Contracts shall be awarded through a competitive funding process.
  3. Applications shall include budgets and be submitted according to the standard procurement and grants management policies of the Department of Education for the awarding of competitive grants.
- C.** Board priorities and criteria for application approval
1. Priority shall be given to projects funded during the previous fiscal year which:
    - a. Adhered to all applicable state and federal rules and regulations.

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- b. Operated in an efficient and effective manner demonstrating high levels of student educational gains as measured by standardized assessments and student retention as compared with the state average for these projects.
  - c. Completed and submitted all required state and federal reports.
  - d. Utilized volunteers where possible.
- 2. Equal opportunity for project application approval will be given to eligible applicants who demonstrate previous comparable experience and performance in another adult literacy program.
- 3. Criteria for approval shall include a determination by the project review committee that the application meets state and federal rules and regulations and the policies and procedures contained in the Arizona State Plan for Adult Education.
- D. Use of funds and student reporting**
  - 1. Federal and state funds shall not be co-mingled.
  - 2. Projects shall not assess students a tuition charge for instruction or fees for books, instructional supplies, or materials used in the program.
  - 3. Student attendance hours reported to the Adult Education Division shall not be used in securing financing from any other source. Classes taught by volunteers are not to be reported unless they are administered and supervised by the local project.
- E.** An adult education certificate issued by the Board shall be required to teach in the Adult Education Program.
- F.** Students enrolled in adult education classes must be at least 16 years of age and officially withdrawn from school.
- G. Course of study**
  - 1. Adult Basic Education (A.B.E.) students shall be functioning academically below the eighth grade level. The sequential course of study shall:
    - a. Develop and improve communication and computational skills of students.
    - b. Raise the general educational level of students.
    - c. Improve the student's ability to benefit from occupational training.
    - d. Increase opportunities for more productive and profitable employment.
    - e. Assist students to be better able to meet their adult responsibilities as parents, citizens and as co-workers.
  - 2. Adult Secondary Education (A.S.E.) students shall be functioning below the 12th grade level. The course of study shall:
    - a. Give the students a foundation in the areas of English, social studies, literature, science and math.
    - b. Enable students, through the development of critical thinking, to utilize new learning experiences in recognizing, evaluating and solving problems of daily life.
    - c. Attempt to motivate students to continue their education through more advanced study and to become more proficient in observing and adopting new skills in a changing society.
    - d. Equip students with the knowledge prerequisite for satisfactory achievement on a High School Equivalency Test approved by the State Board of Education.
  - 3. English Language Acquisition for Adults (ELAA) and citizenship students shall be resident aliens. The course of study shall:
    - a. Develop an increasing ability to speak, understand, read, and write English.
    - b. Encourage the student to become a participating citizen and give insight into the values of such participation.
    - c. Help the student prepare for the Naturalization Test for U.S. Citizenship by developing a background in American history and government.
    - d. Create a desire for continued learning and self-realization.
- H. Reports**
  - 1. Each project shall maintain bookkeeping records and must be able to substantiate expenditures.
  - 2. A financial report shall be filed quarterly for each project with the Adult Education Division within 30 days after the close of the quarter.
  - 3. Projects shall be completed by June 30. A fiscal completion report which has been reconciled with the County School Superintendent's Office, or if another agency, that agency's comparable administrative office, shall be filed with the Adult Education Division within 60 days after the project ending date.
  - 4. Participation in the project reporting system designed to collect student and staff attendance, demographic information and student performance data is required. These reports shall be filed with the Adult Education Division monthly.
  - 5. An annual written report on the year's activities, including internal written monitoring reports, shall be submitted to the Adult Education Division, no later than August 15.
- I.** If changes in the approved program or budget are desired, an amendment shall be submitted to the Adult Education Division for review and approval prior to expending any funds for the proposed changes.

**Historical Note**

Adopted effective December 14, 1984 (Supp. 84-6).  
 Amended by exempt rulemaking at 15 A.A.R. 1292, effective June 26, 2006 (Supp. 09-1). Amended by final exempt rulemaking at 21 A.A.R. 1781, effective September 23, 2013 (Supp. 15-3). The word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-309. Completion of Grade 10**

Completion of grade 10 is accomplished when a student has earned 10 credits which shall include:

- 1. Two credits of English.
- 2. One credit of mathematics.
- 3. One credit of science.
- 4. Six credits of additional courses prescribed by the local Governing Board.

**Historical Note**

Adopted effective March 13, 1986 (Supp. 86-2). The Section heading has been updated to title case, governing board has been changed to lowercase to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-310. Pupil Achievement Testing**

- A.** The statewide assessments adopted by the Board shall be administered annually during the testing windows established by the Department. By June 1 of each year, the Department shall designate the window for testing for the next school year and all school districts and charter schools shall administer the test during the windows designated.
- B.** The superintendent or head of the local education agency shall be responsible for:

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1. Reviewing, and attesting to have reviewed, the policies, procedures and guidance provided by the Department regarding administration of statewide assessments.
  2. Providing school district enrollment data to the Department annually for purposes of test material distribution.
  3. Verifying the count of test materials received and distributing the test materials to each public school in the local education agency.
  4. Securing the test materials prior to distribution to pupils or persons administering the tests at the time of testing, as well as after the time of testing. Test materials shall be kept in locked storage.
  5. Advising all district and school employees that the test materials are not to be reproduced in any manner.
  6. Familiarizing each person who will administer the test with the test publishers' directions for administering the tests, the timing of the tests and the testing schedule. This is to be accomplished through meetings which shall be held near the window for testing.
  7. Distributing actual test materials to persons administering the tests on the day of testing and collecting test materials at the end of the day of testing.
  8. Training persons administering the tests on how to properly complete the identification information and how to code the information required on the variables being collected according to A.R.S. § 15-741, et seq.
  9. Properly packaging all scorable and nonscorable materials which are to be returned to the scoring contractor. Packaging shall comply with instructions furnished by the scoring contractor or the Department.
  10. Forwarding all scorable and nonscorable materials which are to be returned to the scoring contractor per instructions. Materials for the entire local education agency should be forwarded in one shipment.
  11. Retaining all unused and reusable test materials, reporting them in the school's inventory, storing them in a safe and secure manner and returning the test materials at the end of the testing window per instructions.
  12. Immediately reporting to the Department any losses of test materials or other irregularities.
  13. The superintendent or head of the local education agency may designate a testing coordinator to act on their behalf.
- C.** Persons designated by the superintendent or head of the local education agency to administer the test shall:
1. Keep all test materials in locked storage.
  2. Not reproduce any test materials in any manner.
  3. Not disclose any actual test items to pupils prior to testing.
  4. Not provide answers of any test items to any pupils.
  5. Administer only sample tests which are provided by the test publishers. Previous editions of the test series being used in the statewide testing program may not be used as sample tests.
  6. Strictly observe all timed statewide assessments, if the assessments are timed. The test publishers' suggested time limits for untimed subtests shall be followed as closely as possible in order to maintain uniformity in test administration.
  7. Follow directions for administering the test explicitly. No test item may be repeated unless otherwise indicated in the directions.
  8. Not change a pupil's answer.
  9. Return all test materials to the superintendent or head of the local education agency immediately upon completion of testing.
- D.** Local education agencies shall administer the statewide assessment to all students in the grades designated by the Board. Failure to administer a statewide assessment to at least 95 percent of all students will be factored into the statewide accountability system.
- E.** All violations of this Section shall be referred by the superintendent or head of the local education agency to the State Superintendent of Public Instruction, for appropriate action.
- Historical Note**
- Adopted effective March 13, 1986 (Supp. 86-2). Amended subsections (A) and (B) effective February 25, 1987 (Supp. 87-1). Amended effective October 22, 1991; amended effective December 20, 1991 (Supp. 91-4). The Section heading has been updated to title case, the numeral "3" has been changed to "three," the numeral "7" has been changed to "seven," the numeral "8" has been changed to "eight," and the word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2342 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).
- R7-2-311. Pupil Testing Variable Information**
- Persons designated by the superintendent or head of the local education agency to administer the State Board approved statewide assessments shall assure that information requested by the Department is properly completed for each pupil that is administered a statewide assessment.
- Historical Note**
- Adopted effective June 25, 1986 (Supp. 86-3). The Section heading has been updated to title case to reflect current standards in Chapter style and format (Supp. 21-1). Amended by final exempt rulemaking at 27 A.A.R. 2342 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).
- R7-2-312. Honorary High School Diploma**
- A.** An honorary high school diploma shall be provided to an individual who has never obtained a high school diploma and who meets both of the following requirements:
1. Currently resides in Arizona; and
  2. Provides documented evidence from the Arizona Department of Veterans' Services that the individual enlisted in the armed forces of the United States and served in World War I, World War II, the Korean conflict or the Vietnam conflict.
- B.** All high schools shall provide for the presentation of an honorary high school diploma to an individual eligible pursuant to subsection (A). The individual shall not be required to reside within the school boundaries. The Arizona Department of Education may issue an honorary high school diploma to an individual eligible pursuant to subsection (A).
- Historical Note**
- Adopted effective December 15, 1989 (Supp. 89-4). Repealed effective February 20, 1997 (Supp. 97-1). New Section made by final rulemaking at 9 A.A.R. 1125, effective May 10, 2003 (Supp. 03-1). Amended by final exempt rulemaking at 27 A.A.R. 241, effective January 25, 2021 (Supp. 21-1).
- R7-2-313. Academic Contests Fund**
- The State Board of Education establishes an academic contests fund consisting of monies appropriated by the legislature or received as gifts or grants for deposit in the academic contests fund pursuant to A.R.S. § 15-1241.

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1. The Superintendent of Public Instruction shall, at least annually, compile a list of national contests to be presented to the State Board of Education for approval. Contest requirements are:
  - a. Shall be sponsored by a recognized national organization.
  - b. Shall be academic in nature, motivate pupils to be creative and demonstrate excellence.
  - c. Shall be open to all pupils, regardless of race, creed, sex or national origin. Contests may separate pupils by age or grade level.
2. School districts shall submit an application for academic contest funds to the Superintendent of Public Instruction for student and chaperone expenses. Requirements are:
  - a. No other sponsoring agency is assuming the total costs.
  - b. The participation of the students shall be the result of successfully competing at the local or state level, or both, of that contest.
  - c. The governing board of the school district in which the students attend shall approve the participation and travel of the students.
  - d. The fiscal agent applying for academic contest funds shall be an authorized district representative and responsible for the disbursement of travel funds.
  - e. A school district receiving academic contest funds shall submit a completion report and return any unused portion within 90 days after completion of travel to the Department of Education.
3. Application review and approval; funding limitations.
  - a. The State Board of Education shall annually set expenditure limitations for expenses of students and chaperones. These limitations shall be based on the number of applicants, monies available and current state travel regulations.
  - b. The Superintendent of Public Instruction shall review applications for academic contest funds and shall approve applications based upon the criteria set forth in this Section and the availability of funds.

**Historical Note**

Adopted effective December 15, 1989 (Supp. 89-4). The Section heading has been updated to title case, the word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-314. Definitions**

The following definitions apply to Sections R7-2-315 and R7-2-315.01:

1. "Board examination system" means a complete instructional system that includes all of the following components:
  - a. A coherent group of courses that collectively constitutes a core curriculum at the high school level,
  - b. A comprehensive syllabus for each course,
  - c. Appropriate instructional and teaching materials for each course,
  - d. High quality examinations that are closely aligned with the course syllabus,
  - e. Professional scoring of examinations, and
  - f. Teacher education that is designed to train teachers to properly teach those courses.
2. "Grand Canyon Diploma" means a high school diploma that is offered to any student who demonstrates readiness for college level mathematics and English according to standards prescribed by an interstate compact on board examination systems, who has passing grades on an addi-

tional set of required approved board examinations in core academic courses as determined by the State Board of Education.

3. "Readiness for college level mathematics and English" means that a student has the mathematics and English skills and knowledge needed to succeed in college level courses that count toward a degree or certificate without taking remedial or developmental coursework.

**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-4).  
 Repealed effective February 20, 1997 (Supp. 97-1). New  
 Section made by exempt rulemaking at 18 A.A.R. 1025,  
 effective January 24, 2011 (Supp. 12-2).

**R7-2-315. Board Examination Systems; Offerings; Procedures**

- A. The State Board of Education shall select board examination systems that may be used by traditional public schools and charter schools in accordance with the requirements of this Section. Board examination systems selected by the State Board of Education shall:
  1. Be approved by an interstate compact on board examination systems,
  2. Be periodically modified to reflect core standards selected by an interstate compact on board examination systems,
  3. Be aligned to State Board of Education approved academic standards,
  4. Have common passing scores that are prescribed by an interstate compact on board examination systems that are set to the level of literacy required to succeed in college-level courses offered by community colleges in this state that count toward a degree or certificate without taking remedial or developmental coursework.
- B. The State Board of Education shall contract with a private organization to act as primary administrator of approved board examination systems. The private organization shall:
  1. Identify, select and contract with a national organization that is devoted to issues concerning education and the economy and that is selected by the State Board of Education to provide technical services to develop and maintain an interstate system of approved board examination systems.
  2. Provide data and other information to a national organization that is devoted to issues concerning education and the economy and that is selected by the State Board of Education to provide technical services the national organization deems necessary to set appropriate performance standards for students in this state. The Department of Education shall provide data and other information to the private organization, as necessary.
  3. Conduct technical studies required by the State Board of Education to compare the scores on approved board examinations by the students in this state to scores on the Arizona Instrument to Measure Standards Test and other measures deemed necessary to ensure the efficacy of the approved board examinations. The private organization may contract with other entities that are selected by the State Board of Education for the purpose of conducting technical studies.
  4. In cooperation with the Superintendent of Public Instruction and the State Board of Education, solicit monies from all lawful private and public sources, including federal monies, to offset the costs of instruction provided to students pursuant to this Section.

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5. Exercise general supervision over the implementation of the approved board examination systems in this state.
  6. Prepare an annual report for the State Board of Education, which shall forward it to the legislature and the governor, on the progress made toward the goals established in A.R.S. Title 15, Chapter 7, Article 6. Participating schools and the Department of Education shall provide data to the private organization as needed in order to complete the annual report.
  7. Identify, select and represent this state on the national governing body of an interstate compact on board examination systems, as approved by the State Board of Education.
  8. Select this state's representatives in an interstate compact on board examination systems in accordance with the policies prescribed by that interstate compact.
  9. Develop the Grand Canyon Diploma to be approved and adopted by the State Board of Education.
- C.** The Department of Education shall develop a system, subject to State Board of Education approval, to track the academic progress of pupils who participate in board examination systems.
- D.** School districts or charter schools wishing to implement an approved board examination in one or more schools shall:
1. Send written notice to the private organization described in this Section indicating that school district's or charter school's interest in implementing an approved board examination system,
  2. Submit an implementation plan to the private organization described in this Section that includes at least the following elements:
    - a. The specific approved board examination system the school district wishes to implement;
    - b. A proposed timeline for the implementation of an approved board examination system;
    - c. A description of the funding model that will be employed to ensure the sustainability of the approved board examination system offering;
    - d. A communication plan for students and parents that provides an overview of the selected approved board examination system, potential course offerings, a description of student support systems, and contact information for students and parents to obtain more detailed information regarding board examination systems and the Grand Canyon Diploma option, as defined in R7-2-315.01.
- E.** Upon receipt of an implementation plan described in this Section the private organization shall work cooperatively with the applicable school district or charter school to ensure that the plan is feasible and to modify any elements of the plan deemed necessary for successful implementation of the approved board examination system.
- Historical Note**
- Adopted effective November 17, 1994 (Supp. 94-4).  
 Repealed effective February 20, 1997 (Supp. 97-1). New Section made by exempt rulemaking at 18 A.A.R. 1025, effective January 24, 2011 (Supp. 12-2).
- R7-2-315.01. Grand Canyon Diploma**
- A.** School districts and charter schools in this state may choose to offer a Grand Canyon Diploma beginning in the 2012 – 2013 school year. A high school student who is enrolled in a school district or charter school that offers a Grand Canyon Diploma may choose to pursue a Grand Canyon Diploma.
- B.** A student may be awarded a Grand Canyon Diploma at the end of grade 10 or during or at the end of grade 11 or 12 provided that the student has passed both the mathematics and English assessments for the applicable approved board examination system, and the student has successfully completed the following subject area requirements within board examination system curriculum:
1. Two credits of English;
  2. Two credits of mathematics;
  3. Two credits of science, including lab-based science, engineering or information technologies;
  4. One credit of American History;
  5. One credit of World History;
  6. One credit of fine arts or career and technical education and vocational education; and
  7. One-half credit of economics.
- C.** A student that satisfies all the criteria for issuance of a Grand Canyon Diploma is exempt from the minimum course of study requirements delineated in R7-2-302.02.
- D.** Students who earn a Grand Canyon Diploma shall have multiple pathways available to them and may:
1. Enroll the following semester in a community college under the jurisdiction of a community college in this state. Students who take community college courses on high school campuses pursuant to this subsection shall be eligible to participate in extracurricular activities, including interscholastic sports, through the end of grade 12.
  2. Remain in high school and enroll in additional advanced preparation board examination programs that are designed to prepare students for admission to high quality postsecondary institutions that offer baccalaureate degree programs. These board examination programs shall be selected from a list provided by an interstate compact for board examination systems and approved by the State Board of Education. Students who elect to remain in high school pursuant to this subsection shall be eligible to participate in extracurricular activities, including interscholastic sports, through the end of grade 12.
  3. Enroll in a full-time career and technical education program offered on a community college campus, a high school campus or a joint technical education district campus, or any combination of these campuses. Students who elect to remain in high school pursuant to this subsection shall be eligible to participate in extracurricular activities, including interscholastic sports, through the end of grade 12.
  4. Return to a traditional academic program without completing the next level of board examination systems curriculum through the end of grade 12. Students who elect to remain in high school pursuant to this subsection shall be eligible to participate in extracurricular activities, including interscholastic sports, through the end of grade 12.
- E.** Students who pursue but do not earn a Grand Canyon Diploma at the end of grade 10 or 11 shall receive a customized program of assistance during the next school year that addresses the areas in which the student demonstrated deficiencies in the approved board examinations. These students may retake the board examinations at the next available examination administration. Students may choose to return to a traditional academic program without completing the board examination system curriculum.
- F.** A student who remains in a board examination system curriculum through grade 12 and does not pass the board examination may graduate with a standard diploma provided that the student meets the following requirements:
1. The student has passed the Arizona Instrument to Measure Standards assessments in mathematics and English



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or received a sufficient score as determined by the State Board of Education on the ACT, SAT, or an approved board examination in mathematics and English.

2. The student has earned at least 22 credits and has passed a State Board of Education approved sequence of courses within the board examination system curriculum. For the purpose of this requirement the private organization and the Department of Education shall recommend for State Board of Education approval a sequence of courses for each approved board examination system. The sequence of courses for each board examination system shall ensure that students receive instruction in all State Board of Education approved academic standards encompassed in R7-2-302.02(1)(a) through (e).
- G.** A student who is enrolled in a school district or charter school that does not offer a board examination system curriculum may earn a Grand Canyon Diploma by:
1. Obtaining a passing score on the assessments of an approved board examination system in each of the subject areas delineated in R7-2-315.01(B)(1) through (6), and
  2. Completing a high school course in economics.

**Historical Note**

New Section made by exempt rulemaking at 18 A.A.R. 1025, effective January 24, 2011 (Supp. 12-2).

**Appendix A. Repealed****Historical Note**

Adopted effective November 17, 1994 (Supp. 94-4).  
Repealed effective February 20, 1997 (Supp. 97-1).

**R7-2-316. Charter Schools Stimulus Fund**

- A.** "Start-up costs" mean those costs associated with developing or implementing the following essential components of a charter school:
1. The hiring of teachers and other essential staff members;
  2. The hiring of a chief administrative officer and other costs associated with instituting the administrative structure of the school;
  3. Curriculum development and implementation;
  4. The leasing of physical facilities or equipment and costs associated with establishment of utility services and accounts;
  5. Operational expenses incurred prior to the date on which the charter school begins operations;
  6. The development and implementation of an accounting system which complies with the uniform system of financial records requirements;
  7. Obtaining insurance, including prepayment of premiums which will effectuate insurance coverage during the first year of operation;
  8. Costs associated with licensing and compliance with other health, safety and civil rights requirements.
- B.** "Costs associated with renovating or remodeling existing buildings and structures" means those costs associated with the following essential components:
1. Modifications affecting the structural integrity of the building, including those changes needed to meet building code and zoning standards.
  2. Modifications needed to meet non-structural building code requirements, such as those related to plumbing, electrical wiring and fire safety.
  3. Modifications needed to meet state health standards, such as those related to rest rooms and food preparation and service.
  4. Adjusting the size of rooms to accommodate the number of students to be served.
5. Construction-related finish work, such as exterior and interior replastering and painting, carpeting, flooring, baseboards and door hanging.
  6. Roofing and air conditioning/heating installation or repair required prior to operation of the school.
  7. Access requirements for persons with disabilities.
- C.** The State Board of Education shall, subject to legislative appropriation, provide an initial grant or an additional grant from the charter schools stimulus fund to applicants who have a charter or application that has been approved by a sponsor pursuant to A.R.S. § 15-183 and who meet the requirements of A.R.S. § 15-188 and this Section. The grant may be in any amount up to \$100,000 per charter school applicant or charter school.
- D.** The application for an initial grant shall include:
1. A copy of the applicant's charter;
  2. The identity of the sponsor which approved the charter;
  3. The total amount of funding requested;
  4. An itemization of the specific start-up costs and costs associated with renovating or remodeling existing building and structures for which the funds will be used. Itemization shall include the amount of funds requested for each essential component and a detailed explanation of the basis for calculating the amount requested;
  5. The number of students to be served at the school;
  6. The dimensions of the facility in which the school is to be operated;
  7. A description of the extent to which the facility must be remodeled or renovated in order to meet applicable health and safety standards, unless this information is included in the applicant's charter.
- E.** The application for an additional grant shall be in a format approved by the State Board of Education and shall include:
1. The date and amount of the initial grant award.
  2. A copy of any amendments or other modifications to the charter or application which formed the basis for the initial grant.
  3. The identity of the current sponsor of the charter school.
  4. An itemized accounting of the expenditures made with the initial grant monies.
  5. The total amount of additional funding requested.
  6. An itemization of the specific start-up costs associated with renovating or remodeling existing buildings and structures for which the additional funds will be used. Itemization shall include the amount of funds requested for each essential component and a detailed explanation of the basis for calculating the amount requested.
- F.** In its review of an application for a stimulus fund grant, the State Board of Education may receive information concerning the application from the Department of Education, an advisory committee, and any other source. The State Board may award a grant in an amount different from that requested by the applicant. No grant shall be awarded pursuant to this Section unless the State Board determines that:
1. Every amount requested in the applicant's itemization of costs is for the essential component with which the amount is associated; and
  2. Based on all of the information before the State Board concerning the application, there is a rational basis for the award of funds.
- G.** No applicant or charter school shall be eligible for more than one initial grant and one additional grant, regardless of the amount awarded.
- H.** An applicant who receives an initial grant and fails to begin operating a charter school within the 18 months following the date of the award shall reimburse the Department of Education

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for the amount of the initial grant plus interest calculated at a rate of 10% per year. Such reimbursement is immediately due and payable at the end of the initial 18-month period.

- I. An applicant who receives an additional grant and fails to begin operating a charter school within the 18 months following the date of the award shall reimburse the Department of Education for the amount of the initial grant plus interest calculated at a rate of 10% per year. Such reimbursement is immediately due and payable at the end of the applicable 18-month period and is in addition to any amounts required by subsection (H).
- J. An applicant for a grant pursuant to this Section shall be notified of the date at which the State Board of Education shall consider the application no less than 10 days in advance thereof. Written notification of the Board's decision concerning an application for a grant shall be mailed to the applicant within 10 days following such decision.

**Historical Note**

Adopted effective April 20, 1995 (Supp. 95-2). The word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-317. State Seal of Biliteracy Program**

- A. Definitions. For purposes of this Section, "foreign language" means any language other than English.
- B. School districts and charter schools in this state may choose to participate in the State Seal of Biliteracy Program (Program) which recognizes students who have attained a high level of proficiency in one or more foreign languages, in addition to English. School districts and charter schools participating in the Program may award the State Seal of Biliteracy to any high school student who graduates from a school operated by the school district or charter school and who meets the requirements of subsections (B)(1) or (2), and subsection (B)(3).
  - 1. Assessment Method. To demonstrate language proficiency through the assessment method, the student must attain the required score on a language assessment as adopted by the State Board of Education, upon recommendation by the Arizona Department of Education, for purposes of demonstrating language proficiency for the Program in the four domains of speaking, writing, listening, and reading.
  - 2. Alternative evidence model. A school district or charter school may choose to award the State Seal of Biliteracy through an alternative evidence method.
    - a. An alternative evidence method may be used in any of the following circumstances:
      - i. No standardized assessment exists for the targeted foreign language;
      - ii. Evaluating the language proficiency of a student with disabilities for whom the standardized assessment is inappropriate as determined by the student's Individualized Education Program team or a student on a 504 plan as determined by the student's 504 plan committee; or
      - iii. The standardized assessment for the targeted foreign language does not assess one or more of the four domains of speaking, writing, listening and reading.
    - b. Any alternative evidence method used shall consist of a student portfolio that contains evidence of experience in the targeted foreign language, as well as work samples, test results and other accomplishments that demonstrate proficiency, as established in the guidelines developed by the Arizona Department of Education, in the targeted foreign language in the four domains of speaking, writing, listening and reading. Student portfolios shall comply with guidelines adopted by the Department.
  - c. A school district or charter school that uses an alternative evidence model must notify the Arizona Department of Education.
- 3. To be eligible to be awarded the State Seal of Biliteracy, each student shall also demonstrate proficiency in English by meeting the following requirements:
  - a. The student must successfully complete all English Language Arts requirements for graduation, pursuant to R7-2-302, with an overall grade point average in those classes of 2.0 or higher on a 4.0 scale, or the equivalent; and
  - b. The student receives a passing score in English Language Arts on one of the following:
    - i. The statewide assessment adopted pursuant to A.R.S. § 15-741, an assessment approved by the Board pursuant to A.R.S. § 15-741.02, or another state's statewide assessment;
    - ii. A nationally recognized college entrance exam;
    - iii. An exam that is accepted for credit or admission by at least one university under the jurisdiction of the Arizona Board of Regents; or
    - iv. An end of course exam administered as part of a dual enrollment or concurrent enrollment course.
  - c. If the student has a primary home language other than English, the student shall obtain a score of proficient based on the English language proficiency standards pursuant to A.R.S. § 15-756.
- C. By October 1 of each year, the Arizona Department of Education shall make an electronic facsimile of the State Seal of Biliteracy available to each school district or charter school participating in the Program. Each participating school district or charter school shall identify each student who has met the requirements of the Program, affix the State Seal of Biliteracy to the student's diploma upon graduation, and shall note the receipt of the State Seal of Biliteracy on the transcript of the student.
- D. The Arizona Department of Education shall post on its website by July 1 of each year, the list of acceptable language assessments and the score to be achieved on each, as approved by the Board, which qualifies the student as proficient in a foreign language. The Arizona Department of Education shall ensure that all approved assessments are aligned to the Arizona world and native languages standards adopted by the Board.
- E. Each school district and charter school that chooses to participate in the Program shall meet the following requirements:
  - 1. Notify the Arizona Department of Education of its intent to participate in the Program at least 30 days prior to issuing the seal by filling out the form provided on the Arizona Department of Education's website.
  - 2. Designate at least one individual to serve as coordinator of the Program and provide that individual's name and contact information to the Arizona Department of Education.
  - 3. Using a format prescribed by the Arizona Department of Education, submit a report no later than 90 days after the end of the school year with the total number of students awarded the State Seal of Biliteracy, the number of seals for each targeted foreign language and the method used to determine proficiency in the foreign language.
  - 4. Make available to parents and students information regarding the Program and the name and contact information for the coordinator of the Program.

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- F. The Arizona Department of Education shall establish guidelines and procedures to assist school districts and charter schools in the administration of the Program.

**Historical Note**

New Section made by final exempt rulemaking at 22 A.A.R. 3367, effective October 24, 2016 (Supp. 16-4). The word “rule” has been changed to “Section” to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 1529, effective August 27, 2021 (Supp. 21-3).

**R7-2-318. K through Three Reading Program**

- A. In this Section, unless the context otherwise requires:

1. “Intensive reading instruction” is a proactive instructional approach used to reduce the likelihood of future reading problems by addressing severe and persistent difficulties with learning to read through the use of evidence-based instruction in smaller-group settings, increased instructional time, and increased intensity that is aligned to individual student needs or deficiencies and is driven by ongoing student performance data from a valid assessment tool.
2. “Interventions” are instructional supports provided to students with the purpose of preventing and remediating reading difficulties. These supports are organized in tiers which provide increasing instructional intensity and support with each level.
3. “Motivational assessments” are measures of motivation or attitudes toward reading and produce information to monitor student progress.
4. “Prevention” is instructional support provided to students before students have experienced failure in learning to read.
5. “Remediation” is instructional support provided to students after a student has experienced significant and persistent difficulties in learning to read.
6. “Universal screeners” are very brief measures based on established standardized benchmarks or performance targets developed through extensive research designed to improve accuracy of identifying students who will likely need additional support for meeting grade level reading standards.

- B. Prior to the release of monies generated by the K through three reading support level weight, a school district or charter school assigned a letter grade of C, D or F, or that has more than ten percent of its pupils in grade three who do not demonstrate sufficient reading skills as established by the Board, shall submit to the Department on or before October 1, a comprehensive local education agency K through three reading program plan, using the format prescribed by the Department. Each school district or charter school assigned a letter grade of A or B shall submit its plan to the Department on or before October 1 in odd numbered years only beginning in 2016-2017.

- C. Pursuant to A.R.S. §§ 15-211, 15-701 and 15-704, the K through three reading program plan submission shall contain the following components for pupils in half-day and full-day kindergarten programs and grades one through three:
1. School literacy contacts, literacy team members and master reading schedules;
  2. A list of the staff who reviewed and approved the individual school K through 3 reading program plans;
  3. Program expenditures for the prior school year and a budget for the current school year regarding the monies used only on instructional purposes intended to improve reading proficiency from the K through three support level

weight and the K through three reading support level weight;

4. An analysis of the effectiveness of the local education agency’s K through three reading program for the previous school year and plans for improvement for the current school year;
  5. Core reading programs which teach the essential components of reading instruction including explicit and systematic phonics pursuant to A.R.S. § 15-704(H)(1), with a description of the frequency and duration of the instruction;
  6. Date of last K through three reading curriculum review for standards alignment;
  7. Tier II and Tier III intensive reading intervention programs, including frequency and duration;
  8. A sample template of a parental notification letter;
  9. Evidence-based intervention and remedial services provided to students; and
  10. Evidence of ongoing teacher training based on evidence-based reading research.
- D. The local education agency shall submit universal screening data on October 1, winter benchmark data on February 1 and end of year assessment data on June 1 for pupils in kindergarten programs and grades one through three.
- E. Each school district or charter school governing body shall submit data for the prior school year on the total number of pupils that were subject to retention, the total number that were promoted, the total number actually retained and the interventions administered pursuant to A.R.S. § 15-701 to the Department no later than October 1 and prior to the release of monies generated by the K through three reading support level weight.

**Historical Note**

New Section made by final exempt rulemaking at 23 A.A.R. 1637, effective May 22, 2017 (Supp. 17-2). The hyphen between “K-3” and the numeral “3” have been corrected to the words “through three” for consistency in Chapter style and format (Supp. 21-2).

**R7-2-319. State Seal of Personal Finance Proficiency**

- A. School districts and charter schools may participate in the State Seal of Personal Finance Proficiency Program (Program), which recognizes students who have attained a high level of proficiency in personal finance. School districts and charter schools participating in the Program may award the State Seal of Personal Finance Proficiency to any high school student who graduates from a school operated by the school district or charter school and who meets the requirements of the Program outlined in subsections (A)(1) and (A)(2) of this subsection. To be eligible to be awarded the State Seal of Personal Finance Proficiency, each student shall do each of the following:

1. Complete all Social Studies requirements for graduation with GPA of 3.0 or higher on a 4.0 scale, or the equivalent; and
2. Complete all of the following activities:
  - a. Passage of an assessment. The student shall attain the required score on one personal finance assessment as adopted by the State Board of Education, defined by the Arizona Department of Education, for purposes of demonstrating personal finance proficiency;
  - b. Completion of an approved Personal Finance Program. The student shall complete one of the personal finance programs as adopted by the State Board of Education, defined by the Arizona Department of

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Education, for purposes of demonstrating personal finance proficiency;

- c. Participation in a curricular or extracurricular program. The student shall complete one personal finance curricular or extracurricular program as adopted by the State Board of Education, defined by the Arizona Department of Education, for purposes of demonstrating personal finance proficiency; and
  - d. Demonstrated college and/or career readiness plan. The student shall complete one college and career readiness plan as adopted by the State Board of Education, defined by the Arizona Department of Education, for purposes of demonstrating personal finance proficiency.
- B.** By October 1 of each year, the Arizona Department of Education shall make an electronic facsimile of the State Seal of Personal Finance Proficiency available to each school district or charter school participating in the Program. Each participating school district or charter school shall identify each student who has met the requirements of the Program, affix the State Seal of Personal Finance Proficiency to the student's diploma upon graduation, and shall note the receipt of the State Seal of Personal Finance Proficiency on the transcript of the student.
- C.** The Arizona Department of Education shall post on its website by July 1 of each year:
- 1. The list of acceptable personal finance assessments and the score to be achieved on each, as approved by the Board, which meet the requirements of R7-2-319(A)(2)(a);
  - 2. The list of acceptable personal finance programs, as approved by the Board, which meet the requirements of R7-2-319(A)(2)(b);
  - 3. The list of acceptable personal finance curricular or extracurricular programs, as approved by the Board, which meet the requirements of R7-2-319(A)(2)(c); and
  - 4. The list of acceptable college and/or career readiness plans, as approved by the Board, which meet the requirements of R7-2-319(A)(2)(d).
- D.** Each school district and charter school that participates in the Program shall meet the following requirements:
- 1. Notify the Arizona Department of Education of its intent to participate in the Program at least 30 days prior to issuing the seal by filling out the form provided on the Arizona Department of Education's website;
  - 2. Designate at least one individual to serve as coordinator of the Program and provide that individual's name and contact information to the Arizona Department of Education;
  - 3. Using a format prescribed by the Arizona Department of Education, submit a report no later than 90 days after the end of the school year with the total number of students awarded the State Seal of Personal Finance Proficiency; and
  - 4. Make available to parents and students information regarding the Program and the name and contact information for the coordinator of the Program.
- E.** The Arizona Department of Education shall establish guidelines and procedures to assist school districts and charter schools in the administration of the Program.

**Historical Note**

New Section made by final exempt rulemaking at 25 A.A.R. 962, effective March 25, 2019 (Supp. 19-1).

**R7-2-320. State Seal of Civics Literacy**

- A.** School districts and charter schools may participate in the State Seal of Civics Literacy Program (Program), which recog-

nizes students who have attained a high level of proficiency in Civics. School districts and charter schools participating in the Program may award the State Seal of Civics Literacy to any high school student who graduates from a school operated by the school district or charter school and who meets the requirements of the Program outlined in subsections (A)(1), (2) and (3) of this subsection. To be eligible, each student shall do all of the following:

- 1. Complete all Social Studies requirements for graduation with GPA of 3.0 or higher on a 4.0 scale, or the equivalent;
- 2. Pass the Civics test prescribed in R7-2-302; and
- 3. Complete all of the following activities:
  - a. Civic Learning Programs. The student shall complete the required number of civic learning programs for purposes of demonstrating civic literacy.
    - i. Students graduating in school year 2019-2020 shall complete at least two approved civic learning programs.
    - ii. Students graduating in school year 2020-2021 and thereafter shall complete at least three approved civic learning programs.
  - b. Civic Engagement Activities. The student shall complete the required number of civic engagement activities as for purposes of demonstrating civic literacy.
    - i. Students graduating in school year 2019-2020 shall complete at least one approved civic engagement activity.
    - ii. Students graduating in school year 2020-2021 and thereafter shall complete at least two approved civic engagement activities.
  - c. Service Learning and/or Community Service for a public agency or charitable organization that serves the public good. The student shall complete the required number of hours engaged in Service Learning and/or Community Service for a public agency or charitable organization that serves the public good for purposes of demonstrating civic literacy proficiency.
    - i. Students graduating in school year 2019-2020 shall complete at least 30 hours engaged in Service Learning and/or Community Service for a public agency or charitable organization that serves the public good.
    - ii. Students graduating in school year 2020-2021 shall complete at least 45 hours engaged in Service Learning and/or Community Service for a public agency or charitable organization that serves the public good.
    - iii. Students graduating in school year 2021-2022 shall complete at least 60 hours engaged in Service Learning and/or Community Service for a public agency or charitable organization that serves the public good.
    - iv. Students graduating in school year 2022-2023 and thereafter shall complete at least 75 hours engaged in Service Learning and/or Community Service for a public agency or charitable organization that serves the public good.
  - d. Written Reflection. The student shall complete a writing assignment as adopted by the State Board of Education for purposes of demonstrating civic literacy proficiency.

- B.** By October 1 of each year, the Arizona Department of Education shall make an electronic facsimile of the State Seal of Civ-

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ics Literacy available to each school district or charter school participating in the Program. Each participating school district or charter school shall identify each student who has met the requirements of the Program, affix the State Seal of Civics Literacy to the student's diploma upon graduation, and shall note the receipt of the State Seal of Civics Literacy on the transcript of the student.

- C. The Arizona Department of Education shall post on its website by July 1 of each year:
  1. The list of acceptable civic learning programs, as approved by the Board, which meet the requirements of R7-2-320(A)(3)(a);
  2. The list of acceptable civic engagement activities, as approved by the Board, which meet the requirements of R7-2-320(A)(3)(b);
  3. The defined number of hours of service learning and/or community service for a public agency or charitable organization that serves the public good, as approved by the Board, which meet the requirements of R7-2-320(A)(3)(c); and
  4. The list of written assignments, as approved by the Board, which meet the requirements of R7-2-320(A)(3)(d).
- D. Each school district and charter school that chooses to participate in the Program shall meet the following requirements:
  1. Notify the Arizona Department of Education of its intent to participate in the Program at least 30 days prior to issuing the seal by filling out the form provided on the Arizona Department of Education's website;
  2. Designate at least one individual to serve as coordinator of the Program and provide that individual's name and contact information to the Arizona Department of Education;
  3. Using a format prescribed by the Arizona Department of Education, submit a report no later than 90 days after the end of the school year with the total number of students awarded the State Seal of Civics Literacy; and
  4. Make available to parents and students information regarding the Program and the name and contact information for the coordinator of the Program.
- E. The Arizona Department of Education shall establish guidelines and procedures to assist school districts and charter schools in the administration of the Program.

**Historical Note**

New Section made by final exempt rulemaking at 25 A.A.R. 962, effective March 25, 2019 (Supp. 19-1).

**R7-2-321. State Seal of Arts Proficiency**

- A. School districts and charter schools in this state may choose to participate in the State Seal of Arts Proficiency Program, which recognizes students who have attained a high level of proficiency in the Arts. School districts and charter schools participating in the Program may award the State Seal of Arts Proficiency to any high school student who graduates from a school operated by the school district or charter school and who meets the requirements of the Program outlined in subsections (A)(1) and (2). To be eligible, a student shall do both of the following:
  1. Complete all qualifying Arts and Career and Technical Education (CTE) courses with GPA of 3.0 or better on a 4.0 scale, or the equivalent.
  2. Complete the required activities from each of the following three categories:
    - a. Minimum Credit Requirements. The student shall complete one of the following credit pathways of Arts and CTE classes as follows:
      - i. A minimum of 4 credits in one artistic discipline; or
      - ii. 3 credits in one artistic discipline, and 1 qualifying creative industries CTE credit or separate artistic discipline; or
      - iii. 2 credits in one artistic discipline, and 2 credits in a qualifying creative industries CTE credits or separate artistic discipline.
    - b. Arts related extracurricular activities. The student shall complete the required number of hours engaged in arts related extracurricular activity for purposes of demonstrating arts proficiency as follows:
      - i. Students graduating in school year 2019-2020 must complete at least 30 hours engaged in arts related extracurricular activities as identified by the school district or charter school.
      - ii. Students graduating in school year 2020-2021 must complete at least 45 hours engaged in arts related extracurricular activities as identified by the school district or charter school.
      - iii. Students graduating in school year 2021-2022 must complete at least 60 hours engaged in arts related extracurricular activities as identified by the school district or charter school.
      - iv. Students graduating in school year 2022-2023 and beyond must complete at least 80 hours engaged in arts related extracurricular activities as identified by the school district or charter school.
    - c. Student Capstone Project. The student shall complete a Capstone Project, as defined by the Arizona Department of Education, for purposes of demonstrating arts proficiency.
- B. By October 1 of each year, the Arizona Department of Education shall make the State Seal of Arts Proficiency available to each school district or charter school participating in the Program. Each participating school district or charter school shall identify each student who has met the requirements of the Program, affix the State Seal of Arts Proficiency to the student's diploma upon graduation, and shall note the receipt of the State Seal of Arts Proficiency on the transcript of the student.
- C. The Arizona Department of Education shall post on its website by July 1 of each year:
  1. A list of arts and CTE classes which meet the requirements of R7-2-321(A)(2)(a);
  2. A list of extracurricular arts activities which meet the requirements of R7-2-321(A)(2)(b);
  3. A list of student capstone examples which meet the requirements of R7-2-321(A)(2)(c).
- D. Each school district and charter school that chooses to participate in the Program shall meet the following requirements:
  1. Notify the Arizona Department of Education of its intent to participate in the Program by September 15 by filling out the form provided on the Arizona Department of Education's website.
  2. Designate at least one individual to serve as coordinator of the Program and provide that individual's name and contact information to the Arizona Department of Education.
  3. Using a format prescribed by the Arizona Department of Education, submit a list of qualifying students who have met graduation and Arts Seal pathway requirements to the Arizona Department of Education by April 15 of each year.

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4. Make information available to parents and students regarding the Program and the name and contact information for the coordinator of the Program.
- E. The Arizona Department of Education shall establish guidelines and procedures to assist school districts and charter schools in the administration of the Program.

**Historical Note**

New Section made by final exempt rulemaking at 25 A.A.R. 3399, effective October 28, 2019 (Supp. 19-4).

**ARTICLE 4. SPECIAL EDUCATION**

**Authority:** Laws 2017, Ch. 337

**R7-2-401. Special Education Standards for Public Agencies Providing Educational Services**

- A. For the purposes of this Article, the Individuals with Disabilities Education Improvement Act (IDEA), 20 U.S.C. 1400 et seq. and its implementing regulations, 34 CFR 300.1 et seq., are incorporated herein by reference. Copies of the incorporated material can be obtained from the U.S. Government Printing Office, <https://bookstore.gpo.gov/catalog/law-regulations> or the Arizona Department of Education, Exceptional Student Services, 1535 West Jefferson Street, Phoenix, Arizona 85007.
- B. Definitions. All terms defined in the IDEA, its implementing regulations and A.R.S. § 15-761 are applicable, with the following additions:
  1. "Accommodations" means the provisions made to allow a student to access the general education curriculum and demonstrate learning. Accommodations do not substantially change the instructional level, content or performance criteria, but are made in order to provide a student equal access to learning and equal opportunity to demonstrate what is known. Accommodations shall not alter the content of the curriculum or a test, or provide inappropriate assistance to the student within the context of the test.
  2. "Administrator" means the chief administrative official or designee authorized to act on behalf of a public education agency.
  3. "Boundaries of responsibility" means for:
    - a. A school district, the geographical area within its legally designated boundaries.
    - b. A charter school, the population of students enrolled in the charter school.
    - c. A public education agency other than a school district or charter school, the population of students receiving educational services from a public education agency.
  4. "Child with a disability," has the same meaning prescribed in A.R.S. § 15-761.
  5. "Department" means the Arizona Department of Education.
  6. "Exceptional Student Services" means the Exceptional Student Services Division of the Arizona Department of Education.
  7. "Evaluator" means a person trained and knowledgeable in a field relevant to the child's disability who administers specific and individualized assessment for the purpose of special education evaluation and placement.
  8. "Full and individual evaluation" means procedures used in accordance with the IDEA to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. This evaluation includes:
    - a. A review of existing information about the child;
    - b. A decision regarding the need for additional information;
    - c. If necessary, the collection of additional information; and
    - d. A review of all information about the child and a determination of eligibility for special education services and needs of the child.
  9. "Independent educational evaluation" means an evaluation conducted by an evaluator who is not employed by the public education agency responsible for the education of the child in question.
  10. "Informed written consent" means a person has been fully informed of all information relevant to the activity for which consent is sought, in the person's native language or through another mode of communication; the person understands and agrees in writing to the carrying out of the activity for which consent is sought; and the person understands that the granting of consent is voluntary and may be revoked at any time.
  11. "Interpreter" means a person trained to translate orally or in sign language in matters pertaining to special education identification, evaluation, placement, the provision of free appropriate public education (FAPE), or assurance of procedural safeguards for parents and students who converse in a language other than spoken English. Each student's IEP team determines the level of interpreter skill necessary for the provision of FAPE.
  12. "Multidisciplinary Evaluation Team" has the same meaning prescribed in A.R.S. § 15-761.
  13. "Modifications" means substantial changes in what a student is expected to learn and to demonstrate. Changes may be made in the instructional level, the content or the performance criteria. Such changes are made to provide a student with meaningful and productive learning experiences, environments, and assessments based on individual needs and abilities.
  14. "Private school" means any nonpublic educational institution where academic instruction is provided, including nonsectarian and parochial schools, that are not under the jurisdiction of the state or a public education agency.
  15. "Private special education school" means a nonpublic educational institution where instruction is provided primarily to students with disabilities. The school may also serve students without disabilities.
  16. "Public education agency" or "PEA" means a school district, charter school, accommodation school, state supported institution, or other political subdivision of the state that is responsible for providing education to children with disabilities.
  17. "Qualified professionals" means individuals who have met state approved or recognized degree, certification, licensure, registration or other requirements that apply in the areas in which the individuals are providing services such as screening, identification, evaluation, general education, special education or related services, including supplemental aids and services.
  18. "Specially designed instruction" has the same meaning prescribed in A.R.S. § 15-761.
  19. "Special education teacher" means a teacher holding a special education certificate from the Arizona Department of Education.
  20. "Suspension" has the same meaning prescribed in A.R.S. § 15-840.
- C. Public Awareness.
  1. Each public education agency shall inform the general public and all parents, within the public education

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agency's boundaries of responsibility, of the availability of special education services for students aged 3 through 21 years and how to access those services. This includes information regarding early intervention services for children aged birth through 2 years.

2. School districts are responsible for public awareness in private schools located within their boundaries of responsibility.

**D. Child Identification and Referral.**

1. Each public education agency shall establish, implement, and make available, either in writing or electronically, to its school-based personnel and all parents, within the public education agency boundaries of responsibility, written procedures for the identification and referral of all children with disabilities, aged birth through 21, including children with disabilities attending private schools and home schools, regardless of the severity of their disability.
2. Each public education agency shall require appropriate school-based personnel to review the written procedures related to child identification and referral on an annual basis. The public education agency shall maintain documentation of school-based personnel review.
3. Procedures for child identification and referral shall meet the requirements of the IDEA and regulations, A.R.S. Title 15, Chapter 7, Article 4 and these rules.
4. The public education agency responsible for child identification activities is the school district in which the parents reside unless:
  - a. The student is enrolled in a charter school or public education agency that is not a school district. In that event, the charter school or public education agency is responsible for child identification activities;
  - b. The student is enrolled in a non-profit private school. In that event, the school district within whose boundaries the private school is located is responsible for child identification activities.
5. Identification (screening for possible disabilities) shall be completed within 45 calendar days after:
  - a. Entry of each preschool or kindergarten student and any student enrolling without appropriate records of screening, evaluation, and progress in school; or
  - b. Notification to the public education agency by parents of concerns regarding developmental or educational progress by their child aged 3 years through 21 years.
6. Screening procedures shall include vision and hearing status and consideration of the following areas: cognitive or academic, communication, motor, social or behavioral, and adaptive development. Screening does not include detailed individualized comprehensive evaluation procedures.
7. For a student transferring into a school; the public education agency shall review enrollment data and educational performance in the prior school. If there is a history of special education for a student not currently eligible for special education, or poor progress, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services.
8. If a concern about a student is identified through screening procedures or through review of records, the public education agency shall notify the parents of the student of the concern within 10 school days and inform them of the public education agency procedures to follow-up on the student's needs.

9. Each public education agency shall maintain documentation of the identification procedures utilized, the dates of entry into school or notification by parents made pursuant to subsection (D)(5), and the dates of screening. The results shall be maintained in the student's permanent records in a location designated by the administrator. In the case of a student not enrolled, the results shall be maintained in a location designated by the administrator.
10. If the identification process indicates a possible disability, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services. A parent or a student may request an evaluation of the student. For parentally-placed private school students the school district within whose boundaries the non-profit private school is located is responsible for such evaluation.
11. If, after consultation with the parent, the responsible public education agency determines that a full and individual evaluation is not warranted, the public education agency shall provide prior written notice and procedural safeguards notice to the parent in a timely manner.

**E. Evaluation/re-evaluation.**

1. Each public education agency shall establish, implement, and make available to school-based personnel and parents within its boundaries of responsibility written procedures for the initial full and individual evaluation of students suspected of having a disability, and for the re-evaluation of students previously identified as being eligible for special education.
2. Procedures for the initial full and individual evaluation of children suspected of having a disability and for the re-evaluation of students with disabilities shall meet the requirements of IDEA and its regulations, state statutes and State Board of Education rules.
3. The initial evaluation of a child being considered for special education, or the re-evaluation per a parental request of a student already receiving special education services, shall be conducted within 60 calendar days from the public education agency's receipt of the parent's informed written consent and shall conclude with the date of the Multidisciplinary Evaluation Team (MET) determination of eligibility.
4. If the parent requests the evaluation the PEA must, within a reasonable amount of time not to exceed 15 school days from the date it receives a parent's written request for an evaluation, either begin the evaluation by reviewing existing data, or provide prior written notice refusing to conduct the requested evaluation. The 60-day evaluation period shall commence upon the PEA's receipt of the parent's informed written consent.
5. The 60-day evaluation period may be extended for an additional 30 days, provided it is in the best interest of the child, and the parent and PEA agree in writing to such an extension. Neither the 60-day evaluation period nor any extension shall cause a re-evaluation to exceed the timelines for a re-evaluation within three years of the previous evaluation.
6. The public education agency may accept current information about the student from another state, public agency, public education agency, or through an independent educational evaluation. In such instances, the Multidisciplinary Evaluation Team shall be responsible for reviewing and approving or supplementing an evaluation to meet the requirements identified in subsections (E)(1) through (7).

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7. For the following disabilities, the full and individual initial evaluation shall include:
    - a. Emotional disability: verification of a disorder by a qualified professional.
    - b. Hearing impairment:
      - i. An audiological evaluation by a qualified professional, and
      - ii. An evaluation of communication/language proficiency.
    - c. Other health impairment: verification of a health impairment by a qualified professional.
    - d. Specific learning disability: a determination of whether the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development that meets the public education agency criteria through one of the following methods:
      - i. A discrepancy between achievement and ability;
      - ii. The child's response to scientific, research-based interventions; or
      - iii. Other alternative research-based procedures.
    - e. Orthopedic impairment: verification of the physical disability by a qualified professional.
    - f. Speech/language impairment: an evaluation by a qualified professional.
    - g. For students whose speech impairments appear to be limited to articulation, voice, or fluency problems, the written evaluation may be limited to:
      - i. An audiometric screening within the past calendar year,
      - ii. A review of academic history and classroom functioning,
      - iii. An assessment of the speech problem by a speech therapist, or
      - iv. An assessment of the student's functional communication skills.
    - h. Traumatic brain injury: verification of the injury by a qualified professional.
    - i. Visual impairment: verification of a visual impairment by a qualified professional.
  8. The Department shall develop a list, subject to review and approval of the State Board of Education, of qualified professionals eligible to conduct the appropriate evaluations prescribed in subsection (E)(7).
  9. The Multidisciplinary Evaluation Team shall determine, in accordance with the IDEA and regulations, whether the requirements of subsections (E)(7)(a) through (i) are required for a student's re-evaluation.
- F. Parental Consent.**
1. A public education agency shall obtain informed written consent from the parent of the child with a disability before the initial provision of special education and related services to the child.
  2. If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of special education and related services, the public education agency may not use mediation or due process procedures in order to obtain agreement or a ruling that the services may be provided to the child.
  3. If the parent of the child refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, the public education agency:
    - a. Will not be considered to be in violation of the requirement to make available FAPE to the child because of the failure to provide the child with the special education and related services for which the parent refuses to or fails to provide consent, and
    - b. Is not required to convene an IEP Team meeting or develop an IEP in accordance with these rules.
4. If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public education agency:
- a. May not continue to provide special education and related services to the child, but shall provide prior written notice before ceasing the provision of special education and related services;
  - b. May not use the mediation procedures or the due process procedures in order to obtain agreement or a ruling that the services may be provided to the child;
  - c. Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and
  - d. Is not required to convene an IEP Team meeting or develop an IEP for the child for further provision of special education and related services.
5. If a parent revokes consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.
- G. Individualized Education Program (IEP).**
1. Each public education agency shall establish, implement, and make available to its school-based personnel and parents written procedures for the development, implementation, review, and revision of IEPs.
  2. Procedures for IEPs shall meet the requirements of the IDEA and its regulations, state statutes and State Board of Education rules.
  3. Procedures shall include the incorporation of Arizona academic standards as adopted by the State Board of Education into the development of each IEP and address grade-level expectations and grade-level content instruction.
  4. Each IEP of a student with a disability shall be developed in accordance with IDEA and its regulations, state statutes and State Board of Education rules. If appropriate to meet the needs of a student and to ensure access to the general curriculum, an IEP team may include specially designed instruction in the IEP that may be delivered in a variety of educational settings by a general education teacher or other certificated personnel provided that certificated special education personnel are involved in the planning, progress monitoring and when appropriate, the delivery of the specially designed instruction.
  5. Each student with a disability who has an IEP shall participate in the state assessment system. Students with disabilities can test with or without accommodations or modifications as indicated in the student's IEP. Students who are determined to have a significant cognitive disability based on the established eligibility criteria will be assessed with the state's alternate assessment as determined by the IEP team.



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6. A meeting of the IEP team shall be conducted to review and revise each student's IEP at least annually, or more frequently if the student's progress substantially deviates from what was anticipated. The public education agency shall provide written notice of the meeting to the parents of the student to ensure that parents have the opportunity to participate in the meeting. After the annual review, the public education agency and parent may agree not to convene an IEP team meeting for the purposes of making changes, and instead may develop a written document to amend or modify the student's current IEP.
  7. A parent or public education agency may request in writing a review of the IEP, and shall identify the basis for requesting review. Such review shall take place within 45 school days of the receipt of the request at a mutually agreed upon date and time.
- H. Least Restrictive Environment.**
1. Each public education agency shall establish, implement, and make available to its school-based personnel and parents, written procedures to ensure the delivery of special education services in the least restrictive environment as identified by IDEA and its regulations, state statutes and State Board of Education rules.
  2. A continuum of services and supports for students with disabilities shall be available through each public education agency.
- I. Procedural Safeguards.**
1. Each public education agency shall establish, implement, and make available to school-based personnel and parents of students with disabilities written procedures to ensure children with disabilities and their parents are afforded the procedural safeguards required by federal statute and regulation and state statute. These procedures shall include dissemination to parents information about the public education agency's and state's dispute resolution options.
  2. In accordance with the requirements of IDEA, prior written notice shall be provided to the parents of a child within a reasonable time after the PEA proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, educational placement or the provision of FAPE to the child, but before the decision is implemented.
- J. Confidentiality.**
1. Each public education agency shall establish, implement, and make available to its personnel and parents written policies and procedures to ensure the confidentiality of records and information in accordance with the IDEA and its regulations, the Family Educational Rights and Privacy Act (FERPA) and its regulations, and state statutes.
  2. Parents shall be fully informed about the requirements of the IDEA and regulations, including an annual notice of the policies and procedures that the PEA shall follow regarding storage, disclosure to a third party, retention, and destruction of personally identifiable information.
  3. The rights of parents regarding education records are transferred to the student at age 18, unless the student has been adjudicated incapacitated, or the student has executed a delegation of rights to make educational decisions pursuant to A.R.S. § 15-773.
  4. Upon receiving a written request, each public education agency shall forward special education records to any other public education agency in which a student has enrolled or is seeking to enroll. Records shall be forwarded within the time-frame specified in A.R.S. § 15-828(F). The public education agency shall also forward records to any other person or agency for which the parents have given signed consent.
- K. Preschool Programs.** Each public education agency responsible for serving preschool children with disabilities shall establish, implement, and make available to its personnel and parents, written procedures for:
1. The operation of the preschool program, in accordance with federal statute and regulation, and state statute, that provides a continuum of placements to students;
  2. The smooth and effective transition from the Arizona Early Intervention Program to a public school preschool program in accordance with the agreement between the Department of Economic Security and the Department; and
  3. The provision of a minimum of 360 minutes per week of instruction in a program that meets at least 216 hours over the minimum number of days.
- L. Children in Private Schools.** Each education agency shall establish, implement, and make available to its personnel and parents written procedures regarding the access to special education services to students enrolled in private schools by their parents as identified by the IDEA and its regulations, state statutes and State Board of Education rules.
- M. Department Responsible for General Supervision and Obligations Related to and Methods of Ensuring Services.**
1. The Department is responsible for the general supervision of services to children with disabilities aged 3 through 21 served through a public education agency.
  2. The Department shall ensure through fund allocation, monitoring, dispute resolution, and technical assistance that all eligible students receive FAPE in conformance with the IDEA and its regulations, A.R.S. Title 15, Chapter 7, Article 4, and these rules.
  3. In exercising its general supervision responsibilities, the Department shall ensure that when it identifies noncompliance with the requirements of the IDEA Part B, the noncompliance is corrected as soon as possible, and in no case later than one year after the Department's written notification to the PEA of its identification of the noncompliance.
- N. Procedural Requirements Relating to Public Education Agency Eligibility.**
1. Each public education agency shall establish eligibility for funding with the Department in accordance with the IDEA and its regulations, state statutes and with schedules and methods prescribed by the Department.
  2. In the event the Department determines that a public education agency does not meet eligibility for funding requirements, the public education agency has a right to a hearing before such funding is withheld.
  3. The Department may suspend payments during any time period when a public education agency has not corrected deficiencies in eligibility for federal funds as a result of fiscal requirements of monitoring, auditing, complaint and due process findings.
  4. Each public education agency shall, on an annual basis, determine the number of children within each disability category who have been identified, located, evaluated, and/or receiving special education services. This includes children residing within the boundaries of responsibility of the public education agency who have been placed by their parents in private schools or who are home schooled.
- O. Public Participation.**
1. Each public education agency shall establish, implement, and make available to personnel and parents written pro-

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cedures to ensure that, prior to the adoption of any policies and procedures needed to comply with federal and state statutes and regulations, there are:

- a. Public hearings;
- b. Notice of the hearings; and
- c. An opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities.

2. This requirement does not pertain to day-to-day operating procedures.

**P. Suspension and Expulsion.**

1. Each public education agency shall establish, implement, and make available to personnel and parents written procedures for the suspension and expulsion of students with disabilities.
2. Each public education agency shall require all school-based staff involved in the disciplinary process to review the policies and procedures related to suspension and expulsion on an annual basis. The public education agency shall maintain documentation of staff review.
3. Procedures for such suspensions and expulsions shall meet the requirements of the IDEA and its regulations, and state statutes.

**Historical Note**

Amended effective December 11, 1974. Amended effective July 14, 1975 (Supp. 75-1). Amended effective July 1, 1977 (Supp. 77-4). Amended effective April 26, 1978 (Supp. 78-2). Former Section R7-2-401 repealed, new Section R7-2-401 adopted effective December 4, 1978 (Supp. 78-6). Amended by adding subsection (H) as an emergency effective July 20, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Amended (D)(11), (E)(5)(b) and added (H) effective December 14, 1984 (Supp. 84-6). Amended as an emergency effective June 18, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-3). Emergency expired. Amended subsection (D) by adding subsection (12) effective March 13, 1986 (Supp. 86-2). Amended subsection (G) effective July 8, 1986 (Supp. 86-4). Amended subsections (D) and (H) and added subsection (I) effective June 22, 1987 (Supp. 87-2). Amended effective August 2, 1988 (Supp. 88-3). Amended effective December 6, 1995 (Supp. 95-4). Amended by final rulemaking at 7 A.A.R. 1541, effective March 19, 2001 (Supp. 01-1). Amended to correct a manifest typographical error in subsection (D)(1) (Supp. 01-3). Subsections (D)(9), (E)(4), and (E)(6) amended under A.R.S. § 41-1011 to correct subsection cross-references (Supp. 02-2). Amended by final rulemaking at 9 A.A.R. 4633, effective December 8, 2003 (Supp. 03-4). Amended by exempt rulemaking at 15 A.A.R. 1838, effective August 29, 2006 (Supp. 09-1). Amended by exempt rulemaking at 15 A.A.R. 1849, effective May 19, 2008 (Supp. 09-2). Amended by exempt rulemaking at 16 A.A.R. 201, effective December 7, 2009 (Supp. 10-1). Amended by final exempt rulemaking at 24 A.A.R. 140, effective October 23, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

**R7-2-402. Standards for Approval of Special Education Programs in Private Schools**

- A.** Definitions. All terms defined in the regulations for the Individuals with Disabilities Education Improvement Act (IDEA) Amendments, A.R.S. § 15-761, and State Board of Education Section R7-2-401 are applicable.

- B.** No student may be placed by a public education agency in a private special education school program unless the facility has been approved as meeting the standards as outlined in this Section, and the public education agency is unable to provide satisfactory education and services through its own facilities and personnel.

- C.** In order for a private special education school to be approved by the Department for the purpose of contracting with a public education agency, the private facility shall:

1. Provide special education instructional programs for students with disabilities that are at least comparable to those provided by the public schools of Arizona and meet the requirements of IDEA.
2. Provide the following documentation:
  - a. Policies and procedures based on IDEA and state statutes;
  - b. Curriculum that is aligned with the Arizona Academic Standards;
  - c. A completed application;
  - d. Copies of all teacher and related service personnel certifications and licenses; and
  - e. If applicable, a copy of North Central Accreditation.
3. Provide certificated special education teachers in each classroom to implement the IEPs of those students assigned to that classroom.
4. Provide related services to meet the needs of the students as indicated on their IEPs.
5. Provide administration personnel such as head teacher, principal, or other administrator certificated in an administrative area or experienced and certificated in the appropriate area of special education.
6. Provide an education that meets the standards that apply to education provided by the public education agency.
7. Maintain student records in accordance with the statutory requirements.
8. Accept all responsibilities concerning instructional programs to the disabled student and parent or guardian that are required of the public schools of Arizona. Ultimate responsibility for any student under contract in a private special education school rests with the public education agency contracting for the students' education.
9. Administer all required statewide assessments to those students placed in the private facility by a PEA or through the educational voucher system.
10. Maintain adequate liability insurance.
11. Maintain an accounting system and budget which includes the costs of operation, maintenance, transportation, and capital outlay, and which is open to review upon request.
12. Maintain an attendance reporting system that provides public education agencies and the Department with required information.
13. Provide notification to contracting public education agencies and the Department of any changes in staff or deletion of programs within 10 school days of the change or deletion.
14. Provide notification to the contracting PEA of any intent to discontinue, suspend, or terminate services to a student for longer than 10 days. Services to the student must be continued by the private school until an IEP meeting with the PEA is convened to determine an appropriate alternative placement. The PEA must be given up to 10 school days to arrange for the transition of the student after the IEP determination.

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15. Permit onsite evaluation of the program by the Department or its designees, and the representatives of the public education agencies.
16. Request approval to contract with public education agencies from the Department in accordance with the prescribed procedures.

**Historical Note**

Former Section R7-2-402 repealed, new Section R7-2-402 adopted effective December 4, 1978 (Supp. 78-6). Amended by final rulemaking at 7 A.A.R. 1541, effective March 19, 2001 (Supp. 01-1). Amended by final rulemaking at 9 A.A.R. 4633, effective December 8, 2003 (Supp. 03-4). Amended by exempt rulemaking at 15 A.A.R. 1849, effective May 19, 2008 (Supp. 09-2). The word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-403. Repealed****Historical Note**

Adopted effective December 4, 1978 (Supp. 78-6). Amended as an emergency effective September 26, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-5). Former emergency adoption now adopted effective December 4, 1979 (Supp. 79-6). Section repealed by final rulemaking at 9 A.A.R. 4633, effective December 8, 2003 (Supp. 03-4).

**R7-2-404. Special Education Voucher Program Policies and Procedures**

- A. Institutional vouchers. Students residing and attending special education programs at the Arizona Schools for the Deaf and the Blind (ASDB) or the Arizona State Hospital (ASH) or students attending special education day programs provided by ASDB may be eligible for special education institutional voucher funding.
  1. Eligibility criteria.
    - a. Student shall be between the ages of 3 and 22 years.
    - b. Student shall have a recognized disability as documented by a current educational evaluation. Evaluations shall be completed by the institution or the student's home school district (HSD), as determined by a multidisciplinary evaluation team (MET).
    - c. Student shall have a current individualized education program (IEP) identifying the placement as the most appropriate and least restrictive educational environment.
  2. Institutional voucher application/approval.
    - a. Applications for special education institutional vouchers shall be completed by the institution and submitted to the Exceptional Student Services Division of the Department of Education. The institution shall provide all student information requested on the institutional voucher application.
    - b. Institutions shall sign a Statement of Assurance guaranteeing their maintenance of and ability to produce all supporting documentation for each application.
    - c. Institutional voucher applications shall be reviewed and approved or disapproved by the voucher unit manager. Applications that are disapproved may be corrected and resubmitted. Institutional voucher payments will not be made for student attendance prior to voucher approval date.
    - d. Voucher identification numbers shall be assigned for each new student approval, and shall be used by the

institution to complete claims for payment and the special education census form.

- e. Institutional vouchers are approved for the current year only; therefore the application process shall be repeated each school year for each student.
- f. Institutions shall report any changes in student status, including withdrawals, transfers, current evaluation dates and changes in disability categories to the Exceptional Student Services Division of the Department of Education. Changes shall be submitted within ten days of the occurrence.
3. Institutional voucher claim for payment.
  - a. The special education institutional voucher claim for payment form shall be completed by the institution at the end of each calendar month. The claim shall be submitted in accordance with procedures established by the School Finance Division of the Department of Education.
  - b. Claims for payment shall be submitted to the School Finance Division of the Department of Education.
4. Special education census.
 

All institutional voucher students shall be reported on the special education census in accordance with procedures established by the School Finance Division of the Department of Education.
5. Review of placement.
  - a. It is the responsibility of the HSD to review student progress at least once a semester.
  - b. The IEP may be completed by the institution but is ultimately the responsibility of the student's HSD to ensure that it is reviewed and revised annually.
  - c. It is the responsibility of the HSD to ensure that re-evaluations are conducted on a tri-annual basis or more frequently as needed.
- B. Residential vouchers: Students placed in private residential treatment facilities (PRF) may be eligible for residential voucher funding for the educational portion of the placement.
  1. Eligibility Criteria.
    - a. Students shall be enrolled in and eligible for educational services from a Public Education Agency (PEA).
    - b. Placement shall be made by one of the State Placing Agencies. They are the Department of Economic Security (DES), the Department of Health Services (DHS), the Administrative Office of the Courts (AOC), or the Department of Juvenile Corrections (ADJC).
    - c. Residential facilities shall be licensed by the Department of Health Services or Department of Economic Security and approved by the Department of Education for the specific educational needs of each student placed there.
    - d. The following conditions invalidate eligibility.
      - i. Placement by any agency other than those noted in subsection (B)(1)(b).
      - ii. Placement in facilities not appropriately licensed by DHS or DES or approved by the Department of Education.
      - iii. Student attendance at a PEA while residing in a residential facility.
    - e. Eligible students are divided into three categories.
      - i. Non-special education (NSE): Students not eligible for special education services who are placed by a State Placing Agency for their care, safety, or treatment.

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- ii. Care special education (CSE): Students eligible for special education services who are placed by a State Placing Agency for their care, safety, or treatment.
  - iii. Residential special education (RSE): Students requiring residential placement to benefit from educational programming who are placed by an IEP team.
- 2. Voucher application/approval process. The process differs depending on category.
  - a. NSE and CSE options:
    - i. When a placement decision is reached, the State Placing Agency (SPA) shall complete a SPA Application for Voucher Funding, and forward a copy to the student's Home School District (HSD) for appropriate signatures within five days of placement.
    - ii. Upon placement, copies of the completed voucher shall be provided to the PRF and the Exceptional Student Services of the Department of Education (ESS).
    - iii. Upon receipt and review of the application and verification of facility approval, the SPA application will be approved for the initial 60 days of placement. An approval memo is sent to the PRF and the HSD. The Exceptional Student Services shall assign a student identification number to each approved voucher student. This number shall be used by the private facility when completing the special education census form and the claim for payment form.
    - iv. The HSD shall submit the HSD Application for Education Voucher Funding packet and submit it to the Exceptional Student Services of the Department of Education. Appropriate documentation of eligibility for special education and provision of services, if applicable, shall be included.
    - v. The HSD voucher application packet shall be reviewed and approved or disapproved by the voucher unit manager. Applications that are disapproved may be corrected and resubmitted. Approvals are granted from the date of receipt through the end of the school year. An approval memo is sent to the PRF and the HSD.
    - vi. If the HSD cannot complete the requirements for the HSD application packet within the initial 60-day approval period, they shall submit an Application For Extension Of Education Voucher Funding.
  - b. RSE option.
 

The HSD shall follow statutory requirements and procedures agreed upon by the ADE, DHS, and DES when considering placement in a PRF for educational reasons. If a need for such a placement is determined, the HSD shall complete and submit the HSD Application for Education Voucher Funding packet to the ESS. Documentation of the necessity for PRF placement, measurable exit criteria, and a reintegration plan shall be required.
- 3. Changes in placement/Discharge.
  - a. If a student is discharged or is absent without leave for more than ten days from the PRF, the facility shall notify the State Placing Agency, Home School District and the Exceptional Student Services Division of the Department of Education in writing within five days.
  - b. Students returning to a facility after a discharge or students transferred from one facility to another require a new SPA voucher application.
  - c. Students placed under the RSE option shall not be discharged without the consent of the IEP team.
- 4. Voucher claim for payment.
  - a. A special education voucher claim for payment shall be submitted in accordance with procedures established by the School Finance Division of the Department of Education.
  - b. Claim for payment shall be submitted to the School Finance Division of the Department of Education.
- 5. Special education census.
 

A special education census form shall be completed for all voucher students in accordance with procedures established by the School Finance Division of the Department of Education.
- 6. Review and continuation of placement.
  - a. The Home School District (HSD) shall regularly monitor the progress of students, ensure the annual review and revision of IEPs, and complete three-year re-evaluations as applicable.
  - b. Voucher approval is for one school year only. Students remaining in an PRF from the end of one school year to the beginning of the next year require new voucher applications. Prior to the beginning of the new school year, the PRF shall submit an Application for Continuing Voucher funding, signed by both the SPA and the HSD. For a student who is eligible for special education services, a current IEP shall accompany the continuing application if the IEP has been reviewed or revised after the original voucher was approved.

**Historical Note**

Adopted effective December 4, 1978 (Supp. 78-6).  
 Amended by final rulemaking at 9 A.A.R. 4633, effective December 8, 2003 (Supp. 03-4).

*Editor's Note: The following Section was erroneously published in Supp. 04-2 with amendments that were not approved by the Attorney General's Office. It is republished with the text in effect before Supp. 04-2. The correct notice was published at 10 A.A.R. 3274 (Supp. 04-3).*

**R7-2-405. Special Education Dispute Resolution; Due Process**

**A.** Definitions. The following definitions are applicable to this Section:

- 1. "Due process hearing" means a fair and impartial administrative hearing conducted by the State Education Agency by an impartial hearing officer through the Arizona Office of Administrative Hearings in accordance with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and its implementing regulations (34 CFR 300).
- 2. "Impartial hearing officer" or "hearing officer" means an Administrative Law Judge ("ALJ") of the Arizona Office of Administrative Hearings ("OAH") and who is knowledgeable in the laws governing special education and administrative hearings.
- 3. "Public agency" ("PEA") has the same definition as provided in R7-2-401.
- 4. "State Education Agency" ("SEA") means the Department of Education, Exceptional Student Services Section.

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- B.** The due process procedures specified in this Section apply to all public agencies dealing with the identification, evaluation, special education placement of, and the provision of a free appropriate public education ("FAPE") for children with disabilities.
- C.** The SEA shall establish procedures concerning:
1. Impartial due process hearings, and
  2. Confidentiality and access to student records.
- D.** An impartial hearing officer shall be:
1. Unbiased - not prejudiced for or against any party in the hearing;
  2. Disinterested - not having any personal or professional interest that would conflict with objectivity in the hearing;
  3. Independent - may not be an officer, employee, or agent of a public agency involved in the education or care of the child or the SEA. A person who otherwise qualifies to conduct a hearing is not an employee of the public agency or the SEA solely because the person is paid by the public agency to serve as a hearing officer;
  4. Trained by the SEA as to the state and federal laws pertaining to the identification, evaluation, placement of, and the provision of FAPE for children with disabilities.
- E.** Hearing officer qualifications and training.
1. All hearing officers shall participate in all required training conducted by the SEA as to the state and federal laws pertaining to the identification, evaluation, educational placement, and the provision of FAPE for children with disabilities.
  2. A hearing officer shall meet the requirements set forth by OAH regarding ALJs. A hearing officer shall not have represented a parent in a special education matter during the preceding 12 months, and shall not have represented a school district in any matter during the preceding 12 months.
- F.** Selection of hearing officers.
1. The SEA shall prepare and maintain a list of individuals who meet the qualifications specified in subsection (E) to serve as hearing officers. This list shall also include the qualifications of each hearing officer.
  2. A hearing officer shall be assigned in accordance with the procedures of the Office of Administrative Hearings.
- G.** Request for due process hearing.
1. The due process complaint must allege a violation that occurred not more than two years before the date the parent or public education agency knew or should have known about the alleged action that forms the basis of the due process complaint.
  2. A parent shall submit a written request for a due process hearing to the public education agency and the SEA. The SEA shall provide a model form that a parent may use in requesting a due process hearing. Upon receipt of a written request, there shall be no change in the educational placement of the child except under the applicable provisions of IDEA, unless the PEA and parents agree. If a parent requests a due process hearing, the public education agency shall advise the parents of any free or low-cost legal services available, and provide a copy of the procedural safeguards notice. All correspondence to the parent shall be provided in English and the primary language of the home. If the written request involves an application for initial admission, the child, with the consent of the parent, shall be placed in the public school until the completion of all proceedings.
  3. If the public education agency requests a due process hearing, such request may be made on a model form, as noted in subsection (G)(2), and a copy shall be provided to the parent and the SEA. Upon receipt of a written request, there shall be no change in the educational placement of the child except under the applicable provisions of IDEA, unless the PEA and the parents agree. In conjunction with its request for due process hearing, the public education agency shall advise the parents of any free or low-cost legal services available and provide a copy of the procedural safeguards notice. All correspondence to the parent, including the due process request, shall be provided in English and the primary language of the home. If the written request involves an application for initial admission, the child, with the consent of the parent, shall be placed in the public school until the completion of all proceedings.
- H.** An impartial due process hearing shall be conducted in accordance with the following procedures:
1. The hearing officer shall hold a pre-hearing conference, either telephonically or at a location that is reasonably convenient to the parents and the child involved, to determine if the complaint is a legitimate due process complaint, to ensure that all matters are clearly defined, to establish the proceedings that will be used for the hearing, to determine who will represent and/or advise each party, and to set the time and dates for the hearing.
  2. The hearing officer shall conduct the hearing at a location that is reasonably convenient to the parents and the child involved.
  3. The hearing officer shall preside at the hearing and shall conduct the proceedings in a fair and impartial manner, and shall ensure that all parties involved have an opportunity to:
    - a. Present their evidence and confront, cross-examine, and compel the attendance of witnesses;
    - b. Object to the introduction of any evidence at the hearing that has not been disclosed to all parties at least five business days before the hearing;
    - c. Produce outside expert witnesses;
    - d. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities.
  4. The parent involved in the hearing shall be given the right to:
    - a. Have the child who is the subject of the hearing present,
    - b. Have the hearing conducted in public,
    - c. Have an interpreter provided by the public agency.
  5. The hearing officer shall review all relevant facts concerning the identification, evaluation, the educational placement, and the provision of FAPE. This shall include any Independent Education Evaluation secured by the parent.
    - a. The hearing officer shall determine whether the public agency has met all requirements of federal and state law, rules, and regulations.
    - b. The hearing officer shall render findings of fact and a decision, which shall be binding on all parties unless appealed pursuant to this Section.
  6. The hearing officer's findings of fact and decision shall be in writing and shall be provided to the parent, the public education agency, the SEA, and their respective representatives. The parent may choose to receive an electronic verbatim record of the hearing and electronic findings of fact and decision relative to the hearing in addition to the written findings of fact and decision. The hearing officer's findings of fact and decision shall be

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delivered by certified mail or by hand within 45 calendar days after notification to the hearing officer that the parties have been unable to resolve the matter in accordance with 20 U.S.C. 1415(f)(1)(B). A hearing officer may grant specific extensions of time beyond the 45 calendar days for good cause shown at the request of either party.

7. The findings of fact and decision of the hearing officer shall be final at the administrative level. The notification of the findings of fact and decision shall contain notice to the parties that they have a right to judicial review.
8. Any party to the proceeding has the right to appeal a final administrative decision to a court of competent jurisdiction within 35 calendar days after receipt of the decision.
9. The SEA, after deleting any personally identifiable information, shall make such written findings of fact and decision available to the public.

**I. Expedited hearing.**

1. An expedited hearing regarding disciplinary matters may be requested in accordance with federal law as set forth in 20 U.S.C. 1415(k).
2. Hearing officers for an expedited hearing shall be assigned by the Office of Administrative Hearings.
3. The expedited hearing shall be conducted within 20 school days of the date the hearing is requested and shall result in a determination within 10 school days after the hearing.

**Historical Note**

Adopted effective December 4, 1978 (Supp. 78-6). Amended subsection (V) effective May 1, 1987 (Supp. 87-2). Amended effective July 20, 1990 (Supp. 90-3). Emergency amendment adopted effective November 21, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4). Emergency expired. Emergency amendment readopted effective March 21, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-1). Amended effective May 2, 1991 (Supp. 91-2). Amended effective November 17, 1994 (Supp. 94-4). Amended effective December 6, 1995 (Supp. 95-4). Amended by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 2399, effective July 23, 2004 (Supp. 04-2). Supp. 04-2 Historical Note entry is in error. R7-2-405 was erroneously included in Supp. 04-2 with amendments that were not approved by the Attorney General's Office. It is republished with the text in effect before Supp. 04-2. The correct notice was published at 10 A.A.R. 3274 (Supp. 04-3). Amended by exempt rulemaking at 15 A.A.R. 1732, effective January 26, 2006 (Supp. 09-1). Amended by exempt rulemaking at 15 A.A.R. 1849, effective May 19, 2008 (Supp. 09-2). Amended by exempt rulemaking at 16 A.A.R. 201, effective December 7, 2009 (Supp. 10-1). The word "rule" has been replaced with "Section" to reflect current standards in Chapter style and format (Supp. 21-1).

**R7-2-405.01. Special Education Dispute Resolution; State Administrative Complaints**

- A. Notwithstanding any other provision of law, a state administrative complaint filed with the Department regarding any alleged violations of Part B of the federal Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1400 et seq.) or its implementing regulations (34 CFR 300) shall be investigated in accordance with the Code of Federal Regulations Title 34.
1. The party filing the complaint shall forward a copy of the state administrative complaint to the public education

agency serving the child at the same time the party files the complaint with the Department.

2. A written decision shall be issued to the complainant and the public education agency that is the subject of the state administrative complaint in accordance with the 60-day time limit specified in the Code of Federal Regulations Title 34.
- B.** The Department shall accept and investigate state administrative complaints that allege a violation that occurred not more than one year prior to the date that the complaint is received by the Department.
- C.** The state administrative complaint shall include all of the following:
1. A statement that a public education agency has violated a requirement of Part B of the IDEA or its implementing regulations.
  2. The facts on which the statement is based.
  3. The signature and contact information for the complainant.
  4. If alleging violations with respect to a specific child, all of the following:
    - a. The name and address of the child.
    - b. The name of the school the child is attending.
    - c. In the case of a homeless child or youth (within the meaning of Section 725(2) of the McKinney-Vento Homeless Assistance Act (20 U.S.C. 11434a(2))), available contact information for the child, and the name of the school the child is attending.
    - d. A description of the nature of the problem of the child, including facts relating to the problem.
    - e. A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.
  5. The Department shall develop a model form to assist parents and public agencies in filing a state administrative complaint under this Section.

**Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 201, effective December 7, 2009 (Supp. 10-1).

**R7-2-405.02. Special Education Dispute Resolution; Mediation**

In accordance with the Individuals with Disabilities Education Act, the Department shall provide parents of students with disabilities and public education agencies the opportunity to resolve disputes involving any matter under IDEA, including matters arising prior to the filing of a request for due process, through a mediation process.

1. The mediation process shall:
  - a. Be voluntary on the part of both parties,
  - b. Not be used to deny or delay a parent's right to a due process hearing or any other rights afforded under Part B of the IDEA,
  - c. Be conducted by a qualified and impartial mediator who is trained in effective mediation techniques.
2. The Department shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services.
3. The Department shall select mediators on a random or rotational basis.
4. The Department shall bear the cost of the mediation process.
5. Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to both the parent and the public education agency.

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6. If the parties resolve a dispute through the mediation process, the parties shall execute a legally binding agreement that:
    - a. States that all discussions that occurred during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings,
    - b. Is signed by both the parent and a representative of the public education agency who has the authority to bind the agency, and
    - c. Is enforceable in any state court of competent jurisdiction or in a district court of the United States.
  7. Whether or not the dispute is resolved through mediation, discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings of any federal court or state court.
  8. Impartiality of the Mediator. An individual who serves as a mediator:
    - a. May not be an employee of the Department or of the public education agency that is involved in the education or care of the student.
    - b. Shall not have a personal or professional interest that conflicts with the person's objectivity.
    - c. Is not an employee of the Department or of a public education agency solely because the mediator is paid by the Department of Education to serve as a mediator.
- a. Each LEA shall provide the following information to all parents or legal guardians:
    - i. Definition of a gifted child;
    - ii. Services mandated for gifted students by the state of Arizona;
    - iii. Services available from the LEA;
    - iv. Written criteria of the LEA for referral, screening, selection and placement.
  - b. Each LEA shall develop policies and procedures which ensure that parents or legal guardians are:
    - i. Given the opportunity to have their children tested;
    - ii. Given advance notice of the week that their children are to be tested;
    - iii. Given the opportunity to withhold permission for testing;
  - c. Each LEA shall:
    - i. Make testing available for students K through 12 on a periodic basis but not less than three times per year;
    - ii. Inform parents or legal guardians of the results of the district-administered test within 30 school days of determining the test results;
    - iii. Upon request, explain test results to parents or legal guardians.
4. The scope and sequence shall be a written program description which demonstrates articulation across all grades and schools to ensure opportunities for continuous progress and shall include:
    - a. Statement of purpose;
    - b. General population description;
    - c. Identification process and placement criteria including provisions for special populations;
    - d. Goals and objectives;
    - e. Curriculum, differentiated instruction, and supplemental services;
    - f. Program models;
    - g. Time allocations for services;
    - h. Procedures and criteria for evaluation of student and program outcomes.
- B. The Arizona Department of Education shall develop and make available model policies for the development, implementation, and evaluation of services for gifted students.

**Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 201, effective December 7, 2009 (Supp. 10-1).

**R7-2-406. Gifted Education Programs and Services**

- A. Governing boards shall adopt policies for the education of gifted students which shall include:
  1. Procedures for identification and placement of students to be placed in gifted programs.
    - a. Students shall be served who score at or above the 97th percentile on national norms in any one of three areas - verbal, nonverbal, or quantitative reasoning - on any test from the State Board-approved list. Students who score below the 97th percentile also may be served.
    - b. Local educational agencies (LEAs) shall accept, as valid for placement, scores at or above the 97th percentile on any State Board-approved test submitted by other LEAs or by qualified professionals.
    - c. LEAs shall place transfer students as soon as they have verified eligibility.
  2. Curriculum, differentiated instruction, and supplemental services for gifted students.
    - a. Expanded academic course offerings may include, for example, one or more of the following: acceleration, enrichment, flexible pacing, interdisciplinary curriculum, and seminars.
    - b. Differentiated instruction, which emphasizes the development of higher order thinking, may include critical thinking, creative thinking, and problem solving skills.
    - c. Supplemental services, which may be offered to meet the individual needs of each gifted student, may include, for example, guidance and counseling, mentorships, independent study, correspondence courses, and concurrent enrollment.
  3. Parent involvement.

**Historical Note**

Adopted effective December 12, 1990 (Supp. 90-4). The hyphen between "K-12" has been changed to the word "through" for consistency in Chapter style and format (Supp. 21-2).

**R7-2-407. Special Education Standards and Assistance for Providing Educational Services and Materials for Visually Impaired Students**

- A. All requirements in this Section are in addition to the general special education standards in R7-2-401 for public education agencies providing special education.
- B. For the purposes of this Section, the following definitions apply:
  1. "Accessible Electronic File" means, until the effective date of a nationally adopted file format, a digital file in a mutually agreed upon electronic file format that has been prepared using a markup language that maintains the structural integrity of the information and can be processed by Braille conversion software. Upon the effective date of a nationally adopted file format, such as the Instructional Materials Accessibility Standard (IMAS), "Accessible Electronic File" shall mean an electronic file

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- conforming to the specifications of the nationally adopted file format, including future technical revisions and versions of this nationally adopted file format.
2. "Individualized Braille literacy assessment" means the Learning Media Assessment or other standardized or individualized assessments that pertain to the child's reading medium.
  3. "Non-printed instructional materials" means non-printed textbooks and related core materials, including those that require the availability of electronic equipment in order to be used as a learning resource, that are written and published primarily for use in elementary school and secondary school instruction and are required by a state educational agency or a local educational agency for use by pupils in the classroom. These materials shall be available to the extent technologically available, and may include software programs, CD-ROMs and internet-based materials.
  4. "Printed instructional materials" means textbooks and related printed core materials, that are written and published primarily for use in elementary school and secondary school instruction and are required by a state educational agency or a local educational agency for use by pupils in the classroom. This may include workbooks, practice tests, and tests.
  5. "Publisher" means an individual, firm, partnership or corporation that publishes or manufactures printed instructional materials for students attending public schools in Arizona, including an on-line service, a software developer, or a distributor of an electronic textbook.
  6. "Specialized format" means Braille, audio or digital text which is exclusively for use by blind or other persons with disabilities.
  7. "Structural integrity" means the structure of all parts of the printed instructional material will be kept intact to the extent feasible and as mutually agreed upon by the publisher and the local educational agency. This may include appropriate representation of graphic illustrations.
- C. Upon determination of a student having a visual impairment as assessed by a full and initial evaluation defined in R7-2-401(E)(6)(i), a visually impaired student who is determined to be blind as defined by A.R.S. § 15-214(B) shall receive an individualized Braille literacy assessment.
- D. Individualized Education Programs (IEP) for blind students. In addition to the requirements for establishing and implementing an IEP consistent with R7-2-401(F) for a student determined to have a disability, each IEP for a student determined to be "blind" as assessed by R7-2-401(E)(6)(i) and defined by A.R.S. § 15-214(B), shall presume that proficiency in Braille is essential in achieving academic success unless otherwise determined by the IEP team established consistent with the regulations for the most recent reauthorization of the Individuals with Disabilities Education Act (IDEA) and in the manner provided by the most recent reauthorization of the IDEA Act for developing an IEP. An IEP developed under this Section for a student determined to be blind shall include all required provisions of A.R.S. § 15-214(A)(3), including the following:
1. The results of the individualized Braille literacy assessment.
  2. The date on which Braille instruction will begin, the methods to be used and the frequency and duration of the Braille instruction.
  3. The level of competency expected to be achieved within specified time-frames and the objective measures to be used for evaluation.
  4. The Braille materials and equipment necessary to achieve the stated expected competency gains, including ordering instructional materials to achieve the IEP-stated goals.
  5. The rationale for not providing Braille instruction if Braille is not determined to be an appropriate medium by the IEP team and is not included in the IEP.
- E. The Arizona Department of Education shall designate a central repository for publishers to, upon request, provide accessible electronic files for instructional materials used by public schools in Arizona as defined in subsection (B)(1). The central repository shall be responsible for maintaining a complete list of available accessible electronic files for instructional materials and instructional materials in specialized formats, processing requests from PEAs for instructional materials in specialized formats and providing access to these materials in specialized formats to schools throughout Arizona that are providing services to blind or other students with disabilities.
1. Upon receipt of a written request certifying to the requirements set forth in subsections (E)(1)(a) through (c) publishers shall deliver to the repository, at no additional cost and consistent with the time-frame for providing materials for students without disabilities, accessible electronic files for printed instructional materials and non-printed instructional materials. Certification shall include all of the following:
    - a. The PEA purchased a copy of the printed instructional material or non-printed instructional material for use by a student who is blind or has a visual impairment in a course that the student is attending or registered to attend;
    - b. The student who will utilize the instructional materials in a specialized format has an IEP stating that such materials and/or equipment are necessary for the student to achieve stated expected competency gains; and
    - c. The instructional materials are for use by the student in connection with a course in which he or she is enrolled, as verified by the person overseeing the education of students who are blind or visually impaired.
  2. A PEA may access the materials maintained by the central repository, upon written request, for instructional use with a student with a visual impairment, as identified by R7-2-401(E)(6)(i), who requires the use of instructional materials in a specialized format pursuant to the student's IEP.
  3. Nothing in this Section shall be construed to prohibit the central repository from assisting a student with a disability by using the electronic format version of instructional material provided pursuant to this Section solely to transcribe or arrange for the transcription of the printed instructional material into Braille or large print. In the event a Braille transcription is made, the central repository has the right to share the Braille copy of the printed instructional material with other eligible students with disabilities. The PEA will be required to return the specialized format version of the instructional material to the central repository when the student no longer needs the instructional material. The central repository may share the copies of the specialized format of the instructional material with other PEAs who have met the requirements of subsections (B) and (D) to provide services to students who require such services pursuant to R7-2-401(F)(5).

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2399, effective July 23, 2004 (Supp. 04-2). The word



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“rule” has been changed to “Section,” and “of this Section” was removed to reflect current standards in Chapter style and format (Supp. 21-2).

Section heading has been updated to title case to reflect current standards in Chapter style and format (Supp. 21-2)

**R7-2-408. Extended School Year Programs for Children with Disabilities**

- A. “Extended school year” (ESY) shall be as defined in A.R.S. § 15-881.
- B. Eligibility. Eligibility shall be determined by the Individualized Education Program (IEP) Team. Criteria for determining eligibility in an extended school year program shall be as defined in A.R.S. § 15-881.
- C. For a student with a disability currently enrolled in special education, eligibility for ESY services shall be determined no later than 45 calendar days prior to the last day of the school year.
- D. The availability of an extended school year program is required for all students for whom the IEP team has determined that it is necessary in order to ensure a free appropriate public education. Student participation in an ESY program is not compulsory. ESY services are not required for all students with a disability.
- E. Factors that are inappropriate for consideration. Eligibility for participation shall not be based on need or desire for any of the following:
  - 1. A day care or respite care service for students with a disability;
  - 2. A program to maximize the academic potential of a student with a disability; and
  - 3. A summer recreation program for students with a disability.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 4633, effective December 8, 2003 (Supp. 03-4).

**ARTICLE 5. CAREER AND VOCATIONAL EDUCATION****R7-2-501. Repealed****Historical Note**

Not in original publication, correction, Section R7-2-501. Adopted effective July 2, 1974. Amended effective November 8, 1974. Amended effective August 11, 1975 (Supp. 75-1). Former Section R7-2-501 repealed, new Section R7-2-501 adopted effective December 4, 1978 (Supp. 78-6). Repealed effective February 20, 1997 (Supp. 97-1).

**R7-2-502. Vocational Education Provisions and Standards**

All eligible recipients receiving federal or state monies or services in support of vocational and technical education programs, courses, or classes shall comply with the applicable provisions and standards of the following plans, which are filed with the Secretary of State, which plans are incorporated herein by reference.

- 1. 1986-1988 Arizona State Plan for Vocational Education for Federal Funding as required by A.R.S. § 15-784; and
- 2. Arizona State Plan for Vocational Education for State Funding approved April 22, 1985, as required by A.R.S. § 15-787(C).

**Historical Note**

Adopted (FY 76) effective July 14, 1975 (Supp. 75-1). Adopted (FY 77) effective June 25, 1976 (Supp. 76-3). Former Section R7-2-502 repealed, new Section R7-2-502 adopted effective December 4, 1978 (Supp. 78-6). Former Section R7-2-502 repealed, new Section R7-2-502 adopted effective March 13, 1986 (Supp. 86-2). The

**R7-2-503. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-504. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-505. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-506. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-507. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-508. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-509. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-510. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-511. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-512. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-513. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-514. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-515. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-516. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-517. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-518. Repealed**

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**Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-519. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-520. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**ARTICLE 6. CERTIFICATION****R7-2-601. Definitions**

In this Article, the following definitions apply unless the context otherwise requires:

1. "Accredited institution" means a postsecondary institution that has accreditation that is recognized by the U.S. Department of Education. An institution based outside the United States shall be considered accredited if a Department-approved foreign document evaluation firm verifies that it has accreditation in the foreign country that is comparable to accreditation that is recognized by the U.S. Department of Education.
2. "Accredited training" means training provided by an organization that has accreditation from an association approved by the Board.
3. "Appropriately certified" means holding the certificate, endorsement and approved area that is required for a teaching assignment.
4. "Approved area" means a subject area denoted on a teaching certificate that is taught in Arizona public schools.
5. "Board" means the State Board of Education.
6. "Capstone experience" means a culminating professional experience in a PreK through 12 setting that may include student teaching or internships in administration, counseling, or school psychology, or alternative path PreK through 12 teaching.
7. "CTE" means Career and Technical Education.
8. "Department" means the Arizona Department of Education.
9. "Practicum" means a period of structured observation and practice of the skills being learned, supervised by an individual trained in that area. The commonly used terms "student teaching," "internship," "residency," or "observation course" are included in this definition.
10. "Professional development" means training to increase skills related to the occupation of education.
11. "Self-contained classroom" means a classroom in which the teacher teaches multiple subjects to one class of students.
12. "Single subject classroom" means a classroom in which the teacher teaches one subject to one class of students.
13. "Teaching experience" means full-time employment which included full responsibility for the planning and delivery of instruction and evaluation of student learning. Except for meeting the capstone experience requirement when applying for a standard teaching certificate, substitute teaching is not considered full-time teaching experience.

**Historical Note**

Former Section R7-2-601 repealed, new Section R7-2-601 adopted effective December 4, 1978 (Supp. 78-6). Amended subsection (C) effective May 31, 1983 (Supp. 83-3). Amended subsection (I) effective September 12, 1989 (Supp. 89-3). Amended effective August 14, 1991

(Supp. 91-3). Amended effective July 30, 1992 (Supp. 92-3). Section repealed, new Section adopted effective March 10, 1994 (Supp. 94-1). Amended effective July 25, 1994 (Supp. 94-3). Amended effective September 20, 1996 (Supp. 96-3). Amended effective March 6, 1997 (Supp. 97-1). Typographical error corrected in subsection (A) (Supp. 97-3). Section repealed; new Section adopted effective December 3, 1998 (Supp. 98-4). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-602. Professional Teaching Standards**

- A. The standards presented in this Section shall be the basis for approved teacher preparation programs, described in R7-2-604, and the Arizona Teacher Proficiency Assessment, described in R7-2-606.
- B. Standard 1. Learner Development: The teacher understands how learners grow and develop, recognizing that patterns of learning and development vary individually within and across the cognitive, linguistic, social, emotional, and physical areas, and designs and implements developmentally appropriate and challenging learning experiences. The teacher:
  1. Regularly assesses individual and group performance in order to design and modify instruction to meet learners' needs in each area of development (cognitive, linguistic, social, emotional, and physical) and scaffolds the next level of development.
  2. Creates developmentally appropriate instruction that takes into account individual learners' strengths, interests, and needs and that enables each learner to advance and accelerate his/her learning.
  3. Collaborates with families, communities, colleagues, and other professionals to promote learner growth and development.
  4. Understands how learning occurs – how learners construct knowledge, acquire skills, and develop disciplined thinking processes – and knows how to use instructional strategies that promote student learning.
  5. Understands that each learner's cognitive, linguistic, social, emotional, and physical development influences learning and knows how to make instructional decisions that build on learners' strengths and needs.
  6. Identifies readiness for learning, and understands how development in any one area may affect performance in others.
  7. Understands the role of language and culture in learning and, consistent with Arizona law, knows how to modify instruction to make language comprehensible and instruction relevant, accessible, and challenging.
  8. Respects learners' differing strengths and needs and is committed to using this information to further each learner's development.
  9. Is committed to using learners' strengths as a basis for growth, and their misconceptions as opportunities for learning.
  10. Takes responsibility for promoting learners' growth and development.
- C. Standard 2. Learning Differences: The teacher uses understanding of individual differences and diverse cultures and communities to ensure inclusive learning environments that enable each learner to meet high standards. The teacher:
  1. Designs, adapts, and delivers instruction to address each student's diverse learning strengths and needs and creates opportunities for students to demonstrate their learning in different ways.

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2. Makes appropriate and timely provisions (e.g., pacing for individual rates of growth, task demands, communication, assessment, and response modes) for individual students with particular learning differences or needs.
  3. Designs instruction to build on learners' prior knowledge and experiences, allowing learners to accelerate as they demonstrate their understandings.
  4. Brings multiple perspectives to the discussion of content, including attention to learners' personal, family, and community experiences and cultural norms.
  5. Incorporates tools of language development into planning and instruction, including strategies for making content accessible to English language learners and for evaluating and supporting their development of English proficiency.
  6. Accesses resources, supports, and specialized assistance and services to meet particular learning differences or needs.
  7. Understands and identifies differences in approaches to learning and performance and knows how to design instruction that uses each learner's strengths to promote growth.
  8. Understands students with exceptional needs, including those associated with disabilities and giftedness, and knows how to use strategies and resources to address these needs.
  9. Knows about second language acquisition processes and knows how to incorporate instructional strategies and resources to support language acquisition.
  10. Understands that learners bring assets for learning based on their individual experiences, abilities, talents, prior learning, and peer and social group interactions, as well as language, culture, family, and community values.
  11. Knows how to access information about the values of diverse cultures and communities and how to incorporate learners' experiences, cultures, and community resources into instruction.
  12. Believes that all learners can achieve at high levels and persists in helping each learner reach his/her full potential.
  13. Respects learners as individuals with differing personal and family backgrounds and various skills, abilities, perspectives, talents, and interests.
  14. Makes learners feel valued and helps them learn to value each other.
  15. Values diverse languages and dialects and seeks to integrate them into his/her instructional practice to engage students in learning.
- D. Standard 3. Learning Environments:** The teacher works with others to create environments that support individual and collaborative learning, and that encourage positive social interaction, active engagement in learning, and self motivation. The teacher:
1. Collaborates with learners, families, and colleagues to build a safe, positive learning climate of openness, mutual respect, support, and inquiry.
  2. Develops learning experiences that engage learners in collaborative and self-directed learning and that extend learner interaction with ideas and people locally and globally.
  3. Collaborates with learners and colleagues to develop shared values and expectations for respectful interactions, rigorous academic discussions, and individual and group responsibility for quality work.
  4. Manages the learning environment to actively and equitably engage learners by organizing, allocating, and coordinating the resources of time, space, and learners' attention.
5. Uses a variety of methods to engage learners in evaluating the learning environment and collaborates with learners to make appropriate adjustments.
  6. Communicates verbally and nonverbally in ways that demonstrate respect for and responsiveness to the cultural backgrounds and differing perspectives learners bring to the learning environment.
  7. Promotes responsible learner use of interactive technologies to extend the possibilities for learning locally and globally.
  8. Intentionally builds learner capacity to collaborate in face-to-face and virtual environments through applying effective interpersonal communication skills.
  9. Understands the relationship between motivation and engagement and knows how to design learning experiences using strategies that build learner self-direction and ownership of learning.
  10. Knows how to help learners work productively and cooperatively with each other to achieve learning goals.
  11. Knows how to collaborate with learners to establish and monitor elements of a safe and productive learning environment including norms, expectations, routines, and organizational structures.
  12. Understands how learner diversity can affect communication and knows how to communicate effectively in differing environments.
  13. Knows how to use technologies and how to guide learners to apply them in appropriate, safe, and effective ways.
  14. Is committed to working with learners, colleagues, families, and communities to establish positive and supportive learning environments.
  15. Values the role of learners in promoting each other's learning and recognizes the importance of peer relationships in establishing a climate of learning.
  16. Is committed to supporting learners as they participate in decision making, engage in exploration and invention, work collaboratively and independently, and engage in purposeful learning.
  17. Seeks to foster respectful communication among all members of the learning community.
  18. Is a thoughtful and responsive listener and observer.
- E. Standard 4. Content Knowledge:** The teacher understands the central concepts, tools of inquiry, and structures of the discipline(s) he or she teaches and creates learning experiences that make these aspects of the discipline accessible and meaningful for learners to assure mastery of the content. The teacher:
1. Effectively uses multiple representations and explanations that capture key ideas in the discipline, guide learners through learning progressions, and promote each learner's achievement of content standards.
  2. Engages students in learning experiences in the discipline(s) that encourage learners to understand, question, and analyze ideas from diverse perspectives so that they master the content.
  3. Engages learners in applying methods of inquiry and standards of evidence used in the discipline.
  4. Stimulates learner reflection on prior content knowledge, links new concepts to familiar concepts, and makes connections to learners' experiences.
  5. Recognizes learner misconceptions in a discipline that interfere with learning, and creates experiences to build accurate conceptual understanding.
  6. Evaluates and modifies instructional resources and curriculum materials for their comprehensiveness, accuracy

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- for representing particular concepts in the discipline, and appropriateness for his or her learners.
7. Uses supplementary resources and technologies effectively to ensure accessibility and relevance for all learners.
  8. Creates opportunities for students to learn, practice, and master academic language in their content.
  9. Accesses school and/or district-based resources to evaluate the learner's content knowledge in his or her primary language.
  10. Understands major concepts, assumptions, debates, processes of inquiry, and ways of knowing that are central to the discipline(s) he or she teaches.
  11. Understands common misconceptions in learning the discipline and how to guide learners to accurate conceptual understanding.
  12. Knows and uses the academic language of the discipline and knows how to make it accessible to learners.
  13. Knows how to integrate culturally relevant content to build on learners' background knowledge.
  14. Has a deep knowledge of student content standards and learning progressions in the discipline(s) he or she teaches.
  15. Realizes that content knowledge is not a fixed body of facts but is complex, culturally situated, and ever evolving. The teacher keeps abreast of new ideas and understandings in the field, and ensures instruction is consistent with Arizona's adopted academic standards.
  16. Appreciates multiple perspectives within the discipline and facilitates learners' critical analysis of these perspectives.
  17. Recognizes the potential of bias in his or her representation of the discipline and seeks to appropriately address problems of bias.
  18. Commits to work toward each learner's mastery of disciplinary content and skills.
- F. Standard 5. Application of Content:** The teacher understands how to connect concepts and use differing perspectives to engage learners in critical thinking, creativity, and collaborative problem solving related to authentic local and global issues. The teacher:
1. Develops and implements projects that guide learners in analyzing the complexities of an issue or question using perspectives from varied disciplines and cross-disciplinary skills (e.g., a water quality study that draws upon biology and chemistry to look at factual information and social studies to examine policy implications).
  2. Engages learners in applying content knowledge to real world problems through the lens of interdisciplinary themes (e.g., financial literacy, environmental literacy).
  3. Facilitates learners' use of current tools and resources to maximize content learning in varied contexts.
  4. Engages learners in questioning and challenging assumptions and approaches in order to foster innovation and problem solving in local and global contexts.
  5. Develops learners' communication skills in disciplinary and interdisciplinary contexts by creating meaningful opportunities to employ a variety of forms of communication that address varied audiences and purposes.
  6. Engages learners in generating and evaluating new ideas and novel approaches, seeking inventive solutions to problems, and developing original work.
  7. Facilitates learners' ability to develop diverse social and cultural perspectives that expand their understanding of local and global issues and create novel approaches to solving problems.
  8. Develops and implements supports for learner literacy development across content areas.
  9. Understands the ways of knowing in his/her discipline, how it relates to other disciplinary approaches to inquiry, and the strengths and limitations of each approach in addressing problems, issues, and concerns.
  10. Understands how current interdisciplinary themes (e.g., civic literacy, health literacy, global awareness) connect to the core subjects and knows how to weave those themes into meaningful learning experiences.
  11. Understands the demands of accessing and managing information as well as how to evaluate issues of ethics and quality related to information and its use.
  12. Understands how to use digital and interactive technologies for efficiently and effectively achieving specific learning goals.
  13. Understands critical thinking processes and knows how to help learners develop high level questioning skills to promote their independent learning.
  14. Understands communication modes and skills as vehicles for learning (e.g., information gathering and processing) across disciplines as well as vehicles for expressing learning.
  15. Understands creative thinking processes and how to engage learners in producing original work.
  16. Knows where and how to access resources to build global awareness and understanding, and how to integrate them into the curriculum.
  17. Is constantly exploring how to use disciplinary knowledge as a lens to address local and global issues.
  18. Values knowledge outside his/her own content area and how such knowledge enhances student learning.
  19. Values flexible learning environments that encourage learner exploration, discovery, and expression across content areas.
- G. Standard 6. Assessment:** The teacher understands and uses multiple methods of assessment to engage learners in their own growth, to monitor learner progress, and to guide the teacher's and learner's decision making. The teacher:
1. Balances the use of formative and summative assessment as appropriate to support, verify, and document learning.
  2. Designs assessments that match learning objectives with assessment methods and minimizes sources of bias that can distort assessment results.
  3. Works independently and collaboratively to examine test and other performance data to understand each learner's progress and to guide planning.
  4. Engages learners in understanding and identifying quality work and provides them with effective descriptive feedback to guide their progress toward that work.
  5. Engages learners in multiple ways of demonstrating knowledge and skill as part of the assessment process.
  6. Models and structures processes that guide learners in examining their own thinking and learning as well as the performance of others.
  7. Effectively uses multiple and appropriate types of assessment data to identify each student's learning needs and to develop differentiated learning experiences.
  8. Prepares all learners for the demands of particular assessment formats and makes appropriate accommodations in assessments or testing conditions, especially for learners with disabilities and language learning needs.
  9. Continually seeks appropriate ways to employ technology to support assessment practice both to engage learners more fully and to assess and address learner needs.

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10. Understands the differences between formative and summative applications of assessment and knows how and when to use each.
  11. Understands the range of types and multiple purposes of assessment and how to design, adapt, or select appropriate assessments to address specific learning goals and individual differences, and to minimize sources of bias.
  12. Knows how to analyze assessment data to understand patterns and gaps in learning, to guide planning and instruction, and to provide meaningful feedback to all learners.
  13. Knows when and how to engage learners in analyzing their own assessment results and in helping to set goals for their own learning.
  14. Understands the positive impact of effective descriptive feedback for learners and knows a variety of strategies for communicating this feedback.
  15. Knows when and how to evaluate and report learner progress against standards.
  16. Understands how to prepare learners for assessments and how to make accommodations in assessments and testing conditions, especially for learners with disabilities and language learning needs.
  17. Is committed to engaging learners actively in assessment processes and to developing each learner's capacity to review and communicate about their own progress and learning.
  18. Takes responsibility for aligning instruction and assessment with learning goals.
  19. Is committed to providing timely and effective descriptive feedback to learners on their progress.
  20. Is committed to using multiple types of assessment processes to support, verify, and document learning.
  21. Is committed to making accommodations in assessments and testing conditions, especially for learners with disabilities and language learning needs.
  22. Is committed to the ethical use of various assessments and assessment data to identify learner strengths and needs to promote learner growth.
- H. Standard 7. Planning for Instruction:** The teacher plans instruction that supports every student in meeting rigorous learning goals by drawing upon knowledge of content areas, curriculum, cross-disciplinary skills, and pedagogy, as well as knowledge of learners and the community context. The teacher:
1. Individually and collaboratively selects and creates learning experiences that are appropriate for curriculum goals and content standards, and are relevant to learners.
  2. Plans how to achieve each student's learning goals, choosing appropriate strategies and accommodations, resources, and materials to differentiate instruction for individuals and groups of learners.
  3. Develops appropriate sequencing of learning experiences and provides multiple ways to demonstrate knowledge and skill.
  4. Plans for instruction based on formative and summative assessment data, prior learner knowledge, and learner interest.
  5. Plans collaboratively with professionals who have specialized expertise (e.g., special educators, related service providers, language learning specialists, librarians, media specialists) to design and jointly deliver as appropriate learning experiences to meet unique learning needs.
  6. Evaluates plans in relation to short- and long-range goals and systematically adjusts plans to meet each student's learning needs and enhance learning.
  7. Understands content and content standards and how these are organized in the curriculum.
  8. Understands how integrating cross-disciplinary skills in instruction engages learners purposefully in applying content knowledge.
  9. Understands learning theory, human development, cultural diversity, and individual differences and how these impact ongoing planning.
  10. Understands the strengths and needs of individual learners and how to plan instruction that is responsive to these strengths and needs.
  11. Knows a range of evidence-based instructional strategies, resources, and technological tools and how to use them effectively to plan instruction that meets diverse learning needs.
  12. Knows when and how to adjust plans based on assessment information and learner responses.
  13. Knows when and how to access resources and collaborate with others to support student learning (e.g., special educators, related service providers, language learner specialists, librarians, media specialists, community organizations).
  14. Respects learners' diverse strengths and needs and is committed to using this information to plan effective instruction.
  15. Values planning as a collegial activity that takes into consideration the input of learners, colleagues, families, and the larger community.
  16. Takes professional responsibility to use short- and long-term planning as a means of assuring student learning.
  17. Believes that plans must always be open to adjustment and revision based on learner needs and changing circumstances.
- I. Standard 8. Instructional Strategies:** The teacher understands and uses a variety of instructional strategies to encourage learners to develop deep understanding of content areas and their connections, and to build skills to apply knowledge in meaningful ways. The teacher:
1. Uses appropriate strategies and resources to adapt instruction to the needs of individuals and groups of learners.
  2. Continuously monitors student learning, engages learners in assessing their progress, and adjusts instruction in response to student learning needs.
  3. Collaborates with learners to design and implement relevant learning experiences, identify their strengths, and access family and community resources to develop their areas of interest.
  4. Varies his/her role in the instructional process (e.g., instructor, facilitator, coach, audience) in relation to the content and purposes of instruction and the needs of learners.
  5. Provides multiple models and representations of concepts and skills with opportunities for learners to demonstrate their knowledge through a variety of products and performances.
  6. Engages all learners in developing higher order questioning skills and metacognitive processes.
  7. Engages learners in using a range of learning skills and technology tools to access, interpret, evaluate, and apply information.
  8. Uses a variety of instructional strategies to support and expand learners' communication through speaking, listening, reading, writing, and other modes.
  9. Asks questions to stimulate discussion that serves different purposes (e.g., probing for learner understanding, helping learners articulate their ideas and thinking pro-

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- cesses, stimulating curiosity, and helping learners to question).
10. Understands the cognitive processes associated with various kinds of learning (e.g., critical and creative thinking, problem framing and problem solving, invention, memorization and recall) and how these processes can be stimulated.
  11. Knows how to apply a range of developmentally, culturally, and linguistically appropriate instructional strategies to achieve learning goals.
  12. Knows when and how to use appropriate strategies to differentiate instruction and engage all learners in complex thinking and meaningful tasks.
  13. Understands how multiple forms of communication (oral, written, nonverbal, digital, visual) convey ideas, foster self expression, and build relationships.
  14. Knows how to use a wide variety of resources, including human and technological, to engage students in learning.
  15. Understands how content and skill development can be supported by media and technology and knows how to evaluate these resources for quality, accuracy, and effectiveness.
  16. Is committed to deepening awareness and understanding the strengths and needs of diverse learners when planning and adjusting instruction.
  17. Values the variety of ways people communicate and encourages learners to develop and use multiple forms of communication.
  18. Is committed to exploring how the use of new and emerging technologies can support and promote student learning.
  19. Values flexibility and reciprocity in the teaching process as necessary for adapting instruction to learner responses, ideas, and needs.
- J. Standard 9. Professional Learning and Ethical Practice:** The teacher engages in ongoing professional learning and uses evidence to continually evaluate his/her practice, particularly the effects of his/her choices and actions on others (learners, families, other professionals, and the community), and adapts practice to meet the needs of each learner. The teacher:
1. Engages in ongoing learning opportunities to develop knowledge and skills in order to provide all learners with engaging curriculum and learning experiences based on local and state standards.
  2. Engages in meaningful and appropriate professional learning experiences aligned with his/her own needs and the needs of the learners, school, and system.
  3. Independently and in collaboration with colleagues, uses a variety of data (e.g., systematic observation, information about learners, research) to evaluate the outcomes of teaching and learning and to adapt planning and practice.
  4. Actively seeks professional, community, and technological resources, within and outside the school, as supports for analysis, reflection, and problem-solving.
  5. Reflects on his/her personal biases and accesses resources to deepen his/her own understanding of cultural, ethnic, gender, and learning differences to build stronger relationships and create more relevant learning experiences.
  6. Advocates, models, and teaches safe, legal, and ethical use of information and technology including appropriate documentation of sources and respect for others in the use of social media.
  7. Understands and knows how to use a variety of self-assessment and problem-solving strategies to analyze and reflect on his/her practice and to plan for adaptations/adjustments.
  8. Knows how to use learner data to analyze practice and differentiate instruction accordingly.
  9. Understands how personal identity, worldview, and prior experience affect perceptions and expectations, and recognizes how they may bias behaviors and interactions with others.
  10. Understands and adheres to laws related to learners' rights and teacher responsibilities (e.g., for educational equity, appropriate education for learners with disabilities, confidentiality, privacy, appropriate treatment of learners, reporting in situations related to possible child abuse).
  11. Knows how to build and implement a plan for professional growth directly aligned with his/her needs as a growing professional using feedback from teacher evaluations and observations, data on learner performance, and school- and system-wide priorities.
  12. Takes responsibility for student learning and uses ongoing analysis and reflection to improve planning and practice.
  13. Is committed to deepening understanding of his/her own frames of reference (e.g., culture, gender, language, abilities, ways of knowing), the potential biases in these frames, and their impact on expectations for and relationships with learners and their families.
  14. Sees him/herself as a learner, continuously seeking opportunities to draw upon current education policy and research as sources of analysis and reflection to improve practice.
  15. Understands the expectations of the profession including codes of ethics, professional standards of practice, and relevant law and policy.
- K. Standard 10. Leadership and Collaboration:** The teacher seeks appropriate leadership roles and opportunities to take responsibility for student learning, to collaborate with learners, families, colleagues, other school professionals, and community members to ensure learner growth, and to advance the profession. The teacher:
1. Takes an active role on the instructional team, giving and receiving feedback on practice, examining learner work, analyzing data from multiple sources, and sharing responsibility for decision making and accountability for each student's learning.
  2. Works with other school professionals to plan and jointly facilitate learning on how to meet diverse needs of learners.
  3. Engages collaboratively in the schoolwide effort to build a shared vision and supportive culture, identify common goals, and monitor and evaluate progress toward those goals.
  4. Works collaboratively with learners and their families to establish mutual expectations and ongoing communication to support learner development and achievement.
  5. Working with school colleagues, builds ongoing connections with community resources to enhance student learning and well being.
  6. Engages in professional learning, contributes to the knowledge and skill of others, and works collaboratively to advance professional practice.
  7. Uses technological tools and a variety of communication strategies to build local and global learning communities that engage learners, families, and colleagues.
  8. Uses and generates meaningful research on education issues and policies.

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9. Seeks appropriate opportunities to model effective practice for colleagues, to lead professional learning activities, and to serve in other leadership roles.
10. Strives to meet the needs of learners and to strengthen the learning environment.
11. Takes on leadership roles at the school, district, state, and/or national levels.
12. Understands schools as organizations within a historical, cultural, political, and social context and knows how to work with others across the system to support learners.
13. Understands that alignment of family, school, and community spheres of influence enhances student learning and that discontinuity in these spheres of influence interferes with learning.
14. Knows how to work with other adults and has developed skills in collaborative interaction appropriate for both face-to-face and virtual contexts.
15. Knows how to contribute to a common culture that supports high expectations for student learning.
16. Actively shares responsibility for shaping and supporting the mission of his/her school as one of advocacy for learners and accountability for their success.
17. Respects families' beliefs, norms, and expectations and seeks to work collaboratively with learners and families in setting and meeting challenging goals.
18. Takes initiative to grow and develop with colleagues through interactions that enhance practice and support student learning.
19. Takes responsibility for contributing to and advancing the profession.
20. Embraces the challenge of continuous improvement and change.

**Historical Note**

Former Section R7-2-602 repealed, new Section R7-2-602 adopted effective December 4, 1978 (Supp. 78-6). Amended by adding a new subsection (B) effective August 29, 1988 (Supp. 88-3). Amended effective December 15, 1989 (Supp. 89-4). Amended effective July 10, 1992 (Supp. 92-3). Amended effective March 6, 1997 (Supp. 97-1). Section repealed; new Section adopted effective December 3, 1998 (Supp. 98-4). Amended by exempt rulemaking at 18 A.A.R. 1029, effective December 5, 2011 (Supp. 12-2).

**R7-2-602.01. Induction Program Standards for New Teachers**

- A. For the purposes of this Section, the following definitions apply:
  1. "Induction" and "mentoring and retention programming" means a program of regular, job-embedded, in-person, one-on-one feedback that is focused on instruction and ensuring new classroom teacher quality, success and retention.
  2. "New classroom teacher" means a classroom teacher who is in the first, second, or third year of teaching.
- B. The Arizona Teacher Induction Standards, and substantially similar programs developed by local education agencies, shall serve as the form and format of mentoring and retention programming for school districts, charter schools, the State Education System for Committed Youth, and the Arizona State Schools for the Deaf and the Blind who receive grant funds established pursuant to A.R.S. § 15-1281(D)(3). The standards and programs developed by local education agencies shall require that the equivalent of one full-time mentor may be assigned to not more than 15 new classroom teachers employed by the school district or charter school.
- C. The Department shall:
  1. Develop the induction program standards in consultation with state educators and experts in instruction and educator quality, success, and retention.
  2. Present the induction program standards and the development process to the Board for review and approval.
- D. The Board shall adopt the Arizona Teacher Induction Standards in a meeting following the presentation of the standards to the Board.

**Historical Note**

New Section made by final exempt rulemaking at 27 A.A.R. 743, effective April 26, 2021 (Supp. 21-2).

**R7-2-603. Professional Administrative Standards**

- A. The standards presented in this Section shall be the basis for approved administrative preparation programs, described in R7-2-604. The Arizona Administrator Proficiency Assessment shall assess proficiency in the standards as a requirement for certification of supervisors, principals, and superintendents, as set forth in R7-2-616.
- B. Standard 1: Effective educational leaders develop, advocate, and enact a shared mission, vision, and core values of high-quality education and academic success and well-being of each student. Effective leaders:
  1. Develop an educational mission for the school to promote the academic success and well-being of each student.
  2. In collaboration with members of the school and the community and using relevant data, develop and promote a vision for the school on the successful learning and development of each child and on instructional and organizational practices that promote such success.
  3. Articulate, advocate, and cultivate core values that define the school's culture and stress the imperative of child-centered education; high expectations and student support; equity, inclusiveness, and social justice; openness, caring, and trust; and continuous improvement.
  4. Strategically develop, implement, and evaluate actions to achieve the vision for the school.
  5. Review the school's mission and vision and adjust them to changing expectations and opportunities for the school, and changing needs and situations of students.
  6. Develop shared understanding of and commitment to mission, vision, and core values within the school and the community.
  7. Model and pursue the school's mission, vision, and core values in all aspects of leadership.
- C. Standard 2: Effective educational leaders act ethically and according to professional norms to promote each student's academic success and well-being. Effective leaders:
  1. Act ethically and professionally in personal conduct, relationships with others, decision-making, stewardship of the school's resources, and all aspects of school leadership.
  2. Act according to and promote the professional norms of integrity, fairness, transparency, trust, collaboration, perseverance, learning, and continuous improvement.
  3. Place children at the center of education and accept responsibility for each student's academic success and well-being.
  4. Safeguard and promote the values of democracy, individual freedom and responsibility, equity, social justice, community, and diversity.
  5. Lead with interpersonal and communication skill, social-emotional insight, and understanding of all students' and staff members' backgrounds and cultures.
  6. Provide moral direction for the school and promote ethical and professional behavior among faculty and staff.

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- D.** Standard 3: Effective educational leaders strive for equity of educational opportunity and culturally responsive practices to promote each student's academic success and well-being. Effective leaders:
1. Ensure that each student is treated fairly, respectfully, and with an understanding of each student's culture and context.
  2. Recognize, respect, and employ each student's strengths, diversity, and culture as assets for teaching and learning.
  3. Ensure that each student has equitable access to effective teachers, learning opportunities, academic and social support, and other resources necessary for success.
  4. Develop student policies and address student misconduct in a positive, fair, and unbiased manner.
  5. Confront and alter institutional biases of student marginalization, deficit-based schooling, and low expectations associated with race, class, culture and language, gender and sexual orientation, and disability or special status.
  6. Promote the preparation of students to live productively in and contribute to the diverse cultural contexts of a global society.
  7. Act with cultural competence and responsiveness in their interactions, decision making, and practice.
  8. Address matters of equity and cultural responsiveness in all aspects of leadership.
- E.** Standard 4: Effective educational leaders develop and support intellectually rigorous and coherent systems of curriculum, instruction, and assessment to promote each student's academic success and well-being. Effective leaders:
1. Implement coherent systems of curriculum, instruction, and assessment that promote the mission, vision, and core values of the school, embody high expectations for student learning, align with academic standards, and are culturally responsive.
  2. Align and focus systems of curriculum, instruction, and assessment within and across grade levels to promote student academic success, love of learning, the identities and habits of learners, and healthy sense of self.
  3. Promote instructional practice that is consistent with knowledge of child learning and development, effective pedagogy, and the needs of each student.
  4. Ensure instructional practice that is intellectually challenging, authentic to student experiences, recognizes student strengths, and is differentiated and personalized.
  5. Promote the effective use of technology in the service of teaching and learning.
  6. Employ valid assessments that are consistent with knowledge of child learning and development and technical standards of measurement.
  7. Use assessment data appropriately and within technical limitations to monitor student progress and improve instruction.
- F.** Standard 5: Effective educational leaders cultivate an inclusive, caring, and supportive school community that promotes the academic success and well-being of each student. Effective leaders:
1. Build and maintain a safe, caring, and healthy school environment that meets the academic, social, emotional, and physical needs of each student.
  2. Create and sustain a school environment in which each student is known, accepted and valued, trusted and respected, cared for, and encouraged to be an active and responsible member of the school community.
  3. Provide coherent systems of academic and social supports, services, extracurricular activities, and accommodations to meet the range of learning needs of each student.
- G.** Standard 6: Effective educational leaders develop the professional capacity and practice of school personnel to promote each student's academic success and well-being. Effective leaders:
1. Recruit, hire, support, develop, and retain effective and caring teachers and other professional staff and form them into an educationally effective faculty.
  2. Plan for and manage staff turnover and succession, providing opportunities for effective induction and mentoring of new personnel.
  3. Develop teachers' and staff members' professional knowledge, skills, and practice through differentiated opportunities for learning and growth, guided by understanding of professional and adult learning and development.
  4. Foster continuous improvement of individual and collective instructional capacity to achieve outcomes envisioned for each student.
  5. Deliver actionable feedback about instruction and other professional practice through valid, research-anchored systems of supervision and evaluation to support the development of teachers' and staff members' knowledge, skills, and practice.
  6. Empower and motivate teachers and staff to the highest levels of professional practice and to continuous learning and improvement.
  7. Develop the capacity, opportunities, and support for teacher leadership and leadership from other members of the school community.
  8. Promote the personal and professional health, well-being, and work-life balance of faculty and staff.
  9. Tend to their own learning and effectiveness through reflection, study, and improvement, maintaining a healthy work-life balance.
- H.** Standard 7: Effective educational leaders foster a professional community of teachers and other professional staff to promote each student's academic success and well-being. Effective leaders:
1. Develop workplace conditions for teachers and other professional staff that promote effective professional development, practice, and student learning.
  2. Empower and entrust teachers and staff with collective responsibility for meeting the academic, social, emotional, and physical needs of each student, pursuant to the mission, vision, and core values of the school.
  3. Establish and sustain a professional culture of engagement and commitment to shared vision, goals, and objectives pertaining to the education of the whole child; high expectations for professional work; ethical and equitable practice; trust and open communication; collaboration, collective efficacy, and continuous individual and organizational learning and improvement.
  4. Promote mutual accountability among teachers and other professional staff for each student's success and the effectiveness of the school as a whole.
  5. Develop and support open, productive, caring, and trusting working relationships among leaders, faculty, and



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- staff to promote professional capacity and the improvement of practice.
6. Design and implement job-embedded and other opportunities for professional learning collaboratively with faculty and staff.
  7. Provide opportunities for collaborative examination of practice, collegial feedback, and collective learning.
  8. Encourage faculty-initiated improvement of programs and practices.
- I.** Standard 8: Effective educational leaders engage families and the community in meaningful, reciprocal, and mutually beneficial ways to promote each student's academic success and well-being. Effective leaders:
1. Are approachable, accessible, and welcoming to families and members of the community.
  2. Create and sustain positive, collaborative, and productive relationships with families and the community for the benefit of students.
  3. Engage in regular and open two-way communication with families and the community about the school, students, needs, problems, and accomplishments.
  4. Maintain a presence in the community to understand its strengths and needs, develop productive relationships, and engage its resources for the school.
  5. Create means for the school community to partner with families to support student learning in and out of school.
  6. Understand, value, and employ the community's cultural, social, intellectual, and political resources to promote student learning and school improvement.
  7. Develop and provide the school as a resource for families and the community.
  8. Advocate for the school and district, and for the importance of education and student needs and priorities to families and the community.
  9. Advocate publicly for the needs and priorities of students, families, and the community.
  10. Build and sustain productive partnerships with public and private sectors to promote school improvement and student learning.
- J.** Standard 9: Effective educational leaders manage school operations and resources to promote each student's academic success and well-being. Effective leaders:
1. Institute, manage, and monitor operations and administrative systems that promote the mission and vision of the school.
  2. Strategically manage staff resources, assigning and scheduling teachers and staff to roles and responsibilities that optimize their professional capacity to address each student's learning needs.
  3. Seek, acquire, and manage fiscal, physical, and other resources to support curriculum, instruction, and assessment; student learning community; professional capacity and community; and family and community engagement.
  4. Are responsible, ethical, and accountable stewards of the school's monetary and non-monetary resources, engaging in effective budgeting and accounting practices.
  5. Protect teachers' and other staff members' work and learning from disruption.
  6. Employ technology to improve the quality and efficiency of operations and management.
  7. Develop and maintain data and communication systems to deliver actionable information for classroom and school improvement.
  8. Know, comply with, and help the school community understand local, state, and federal laws, rights, policies, and regulations so as to promote student success.
9. Develop and manage relationships with feeder and connecting schools for enrollment management and curricular and instructional articulation.
  10. Develop and manage productive relationships with the central office and school board.
  11. Develop and administer systems for fair and equitable management of conflict among students, faculty and staff, leaders, families, and community.
  12. Manage governance processes and internal and external politics toward achieving the school's mission and vision.
- K.** Standard 10: Effective educational leaders act as agents of continuous improvement to promote each student's academic success and well-being. Effective leaders:
1. Seek to make school more effective for each student, teachers and staff, families, and the community.
  2. Use methods of continuous improvement to achieve the vision, fulfill the mission, and promote the core values of the school.
  3. Prepare the school and the community for improvement, promoting readiness, an imperative for improvement, instilling mutual commitment and accountability, and developing the knowledge, skills, and motivation to succeed in improvement.
  4. Engage others in an ongoing process of evidence-based inquiry, learning, strategic goal setting, planning, implementation, and evaluation for continuous school and classroom improvement.
  5. Employ situationally-appropriate strategies for improvement, including transformational and incremental, adaptive approaches and attention to different phases of implementation.
  6. Assess and develop the capacity of staff to assess the value and applicability of emerging educational trends and the findings of research for the school and its improvement.
  7. Develop technically appropriate systems of data collection, management, analysis, and use, connecting as needed to the district office and external partners for support in planning, implementation, monitoring, feedback, and evaluation.
  8. Adopt a systems perspective and promote coherence among improvement efforts and all aspects of school organization, programs, and services.
  9. Manage uncertainty, risk, competing initiatives, and politics of change with courage and perseverance, providing support and encouragement, and openly communicating the need for, process for, and outcomes of improvement efforts.
  10. Develop and promote leadership among teachers and staff for inquiry, experimentation and innovation, and initiating and implementing improvement.

**Historical Note**

Former Section R7-2-603 repealed, new Section R7-2-603 adopted effective December 4, 1978 (Supp. 78-6). Amended effective July 21, 1980 (Supp. 80-4). Amended subsection (J) effective August 20, 1981 (Supp. 81-4). Amended subsections (D) and (E) effective April 10, 1984 (Supp. 84-2). Amended subsection (J)(8) and (9) effective October 10, 1984 (Supp. 84-5). Amended subsection (G) effective December 13, 1985. Amended subsection (J)(6), (7), (8) and (9) effective December 18, 1985 (Supp. 85-6). Editorial correction, amendment to subsections (D) and (E) shown effective April 10, 1984 should read Amended subsections (D) and (E) effective October 1, 1985. Amended by adding subsection (G)(9) and (10) effective January 31, 1986 (Supp. 86-1).

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Amended by adding subsection (R) effective April 24, 1986 (Supp. 86-2). Amended subsection (G), filed May 5, 1986, effective July 1, 1987 (Supp. 86-3). Amended by adding subsection (J)(10) and (11) effective July 2, 1986; amended by adding subsection (J)(12), (13) and (14), filed August 7, 1986, effective July 1, 1987 (Supp. 86-4). Amended subsection (H) effective September 16, 1987 (Supp. 87-3). Correction: subsection (G)(3), "Provisional" is corrected to read: "Principal" as certified effective December 3, 1985; amended subsection (B) effective July 13, 1988; amended subsection (J)(2) effective August 10, 1988; amended subsection (R)(2)(b) effective August 15, 1988 (Supp. 88-3). Amended effective August 9, 1989, and amended effective September 12, 1989 (Supp. 89-3). Amended effective December 15, 1989 (Supp. 89-4). Amended effective November 6, 1990; Amended effective December 12, 1990 (Supp. 90-4). Amended effective March 21, 1991 (Supp. 91-1). Amended effective May 2, 1991 (Supp. 91-2). Amended effective October 22, 1991 (Supp. 91-4). Section repealed, new Section adopted effective March 10, 1994 (Supp. 94-1). Amended effective December 19, 1996 (Supp. 96-4). Amended effective March 6, 1997 (Supp. 97-1). Typographical error corrected in subsection (J) (Supp. 97-4). Section repealed; new Section adopted effective December 4, 1998 (Supp. 98-4). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by exempt rulemaking at 18 A.A.R. 1029, effective December 5, 2011 (Supp. 12-2). Amended by final exempt rulemaking at 22 A.A.R. 3369, effective October 24, 2016 (Supp. 16-4).

**R7-2-604. Definitions**

In R7-2-604 through R7-2-604.05, unless the context otherwise requires:

1. "Accreditation" means a professional preparation institution's recognition by a national or regional agency or organization acknowledged for meeting identified standards or criteria.
2. "Alternative educator preparation program" means a program designed for individuals who are working as a PreK through 12 teacher or administrator while certified under an alternative teaching certificate or interim administrative certificate. Alternative educator preparation programs may have substantially different program sequences, designs, and/or formats than that of a traditional education preparation program.
3. "Biennial report" means a report submitted every two years to the Department by all Arizona State Board approved professional preparation institutions for each approved educator preparation program.
4. "Biennial status letter" means correspondence issued by the Department to the professional preparation institution within 30 days upon completion of the review of the biennial report, indicating the status of the educator preparation program(s).
5. "Board approved program" means a course of study that is approved by the Board and meets all relevant standards for teachers, administrators, school guidance counselors, or school psychologists.
6. "Capstone experience" means a culminating professional experience in a PreK through 12 setting. This experience may include student teaching or internships in administration, counseling, or school psychology, or alternative path PreK through 12 teaching.
7. "Classroom-based educator preparation program" means a program administered through a school district or charter school that is approved pursuant to R7-2-604.05.
8. "Educator preparation program" means a traditional or alternative educator preparation program that prepares PreK through 12 teachers, administrators, school counselors, and school psychologists for an institutional recommendation for an Arizona certificate.
9. "Field experience" means scheduled, directed, structured, supervised, frequent experiences in a PreK through 12 setting that occurs prior to the capstone experience. Field experiences must assist educator candidates in developing the knowledge, skills, and dispositions necessary to ensure all students learn, and provide evidence in meeting standards described in the Board approved professional teaching standards or professional administrative standards, and relevant Board approved academic standards.
10. "Institutional recommendation" means a form developed by the Department and issued by a professional preparation institution, that indicates an individual has completed a Board approved educator preparation program.
11. "Internship" means significant opportunities for candidates to practice and develop the skills identified in relevant state and national standards as measured by substantial and sustained work in real settings, appropriate for the certificate the candidate is seeking, performed under the direction of a supervising practitioner and a program supervisor.
12. "National standards" means written expectations for meeting a specified level of performance that are established by, but not limited to, the following organizations: Council for Accreditation of Counseling and Related Education Program (CACREP), Council for the Accreditation of Educator Preparation (CAEP), Council for Exceptional Children (CEC), The National Educational Leadership Preparation (NELP), Interstate New Teacher Assessment and Support Consortium (InTASC), Professional Standards for Educational Leadership (PSEL), International Society for Technology in Education (ISTE), National Association for the Education of Young Children (NAEYC), National Association of School Psychologists (NASP), National Council for Accreditation of Teacher Education (NCATE) or Teacher Education Accreditation Council (TEAC).
13. "Probationary educator preparation program" means a program with at least one deficiency identified in the biennial status letter issued by the Department, as a result of a Department review of the biennial report. Programs with the same deficiency(s) in two consecutive biennial status letters are subject to revocation of Board approval. A deficiency may include, but is not limited to, stakeholder surveys, completer data and student achievement data.
14. "Professional preparation institutions" means organizations that include, but are not limited to, universities and colleges, school districts, not for profit organizations, professional organizations, private businesses, charter schools, and regional training centers that oversee one or more educator preparation programs.
15. "Program completer" means a student who has met all the professional program institution's requirements of a Board approved educator preparation program necessary to obtain an institutional recommendation.
16. "Program supervisor" means an educator from the professional preparation institution under whose supervision the candidate for licensure practices during a capstone experience.

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rience. The program supervisor's professional work experiences must be relevant to the license the candidate is seeking. Program supervisors must also have adequate training from the professional preparation institution.

17. "Review Team" means a committee that reviews educator preparation programs seeking Board approval that consists of representatives from the Department and at least three of the following entities: institutions under the jurisdiction of the Arizona Board of Regents, Arizona private institutions of higher education, Arizona community colleges, other organizations with a Board approved educator preparation program, professional educator associations, PreK through 12 administrators from local education agencies, National Board Certified Teachers, and a graduate or representative from an Arizona alternative educator preparation program. For alternative educator preparation program applications, the review team shall include at least one graduate or representative from an Arizona alternative educator preparation program.
18. "Student teaching" means a minimum of 12 weeks of rigorous field-based experiences, appropriate for the certificate the candidate is seeking, performed under the direction of a supervising practitioner and a program supervisor. The student teaching placement must be appropriate for the certification that the applicant is seeking.
19. "Supervising practitioner" means a standard certified educator, currently employed by a local education agency, private agency or other PreK through 12 setting who supervises the candidate during a capstone experience. Supervising practitioners must have:
  - a. A minimum of three full years of experience relevant to the license the candidate is seeking.
  - b. A current classification of highly effective or effective pursuant to A.R.S. §§ 15-341(A)(41), 15-189.06, when applicable.
  - c. Adequate training from the professional preparation institution.
20. "Traditional educator preparation program" means a program that includes courses, field experiences, and a capstone experience that is designed to prepare preservice PreK through 12 teachers, administrators, school counselors, and school psychologists."

**Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 318, effective August 29, 2006 (Supp. 09-1). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 21 A.A.R. 2047, effective October 27, 2014 (Supp. 15-3). Amended by final exempt rulemaking at 26 A.A.R. 66, effective December 13, 2019 (Supp. 19-4). Amended by final exempt rulemaking at 26 A.A.R. 1311, effective May 18, 2020 (Supp. 20-2). The word "twelve" has been changed to the numeral "12," the hyphen between "PreK-12" has been changed to the word "through" for consistency in Chapter style and format (Supp. 21-2).

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

- A. Professional preparation institutions shall include evidence that the educator preparation program is aligned to standards described in the Board approved professional teaching standards or professional administrative standards and relevant national standards, and provides field experiences, and a capstone experience.

- B. Educator preparation programs of professional preparation institutions requesting Board approval shall be reviewed by the Department, and the Department shall recommend Board action. Upon the recommendation of the Department, the Board shall evaluate and may approve an educator preparation program. The Board may grant program approval for a period not to exceed six years.
- C. All educator preparation programs that lead to an Arizona certification must be approved by the Board pursuant to these rules. Board approval of educator preparation programs may be granted following the successful evaluation of the program. Board rules in effect at the time of the submission of a program for evaluation shall be the rules upon which the educator preparation program is evaluated.

**Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 318, effective August 29, 2006 (Supp. 09-1). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 21 A.A.R. 2047, effective October 27, 2014 (Supp. 15-3). This Section was inadvertently removed when Supp. 19-4 was published. It has been reinstated as last amended in Supp. 15-3 (Supp. 21-2).

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

- A. Professional preparation institutions with no Board approved educator preparation programs, seeking initial approval for an educator preparation program shall submit to the Department the information necessary to conduct a readiness review of the professional preparation institution. The Department shall prescribe forms to assist professional preparation institutions with providing all information required as part of the readiness review process. The required information, includes the following:
  1. An institutional profile demonstrating program and financial stability, a description of the educator preparation program seeking approval, a listing of national or regional accreditations the institution's governance and administrative structures and student demographic data.
  2. A description of the professional preparation institution's vision, mission, philosophy and goals, and a description of how this information is shared with students, relevant staff and other relevant stakeholders.
  3. Data regarding the professional preparation institution's relevant staff, including the following:
    - a. Demographic data relating to the relevant staff for each educator preparation program seeking approval, including, at a minimum, educational degrees, staff to student ratio, experience teaching in a PreK through 12 setting, and, if available, ethnicity and gender data.
    - b. Definitions of titles and clarification of roles of individuals responsible for courses, seminars, or modules of study; field experiences; capstone experiences; and administration.
    - c. A description of the professional preparation institution's employment policies, including procedures for determining staff assignments, evaluation procedures and professional development opportunities and requirements.
- B. The Department shall provide professional preparation institutions written notification, within 60 days of receiving readiness review materials, either indicating readiness to submit educator preparation programs for review or specifying any deficiencies. The institution has 30 days from receipt of the

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notice to supply the Department with all required information regarding identified deficiencies.

- C. The Department shall initiate a review of the specific educator preparation programs being considered for Board approval. The Department shall prescribe forms to assist institutions with providing all information required as part of the educator preparation programs review. Professional Preparation Institutions with accreditation may submit accreditation documentation to be considered as part of the review process. To facilitate this review, institutions shall provide the Department with the following:
  1. A description of the educator preparation programs being considered for Board approval. This shall include, at a minimum, the criteria for student entry into the program; a summary of the program courses, seminars, or modules of study; field experiences; and capstone experiences. The professional preparation institution must verify that it requires courses, seminars, or modules of study necessary to obtain a full Structured English Immersion endorsement if required for the certificate the candidate is seeking.
  2. A description of the field experience and capstone experience policies for the educator preparation programs being considered for Board approval. The review team shall verify that the field experience and capstone experience includes evidence of engagement in the application of relevant standards as articulated in the Board approved professional teaching standards or professional administrative standards and relevant national standards. Educator preparation programs applying for approval in school psychology and guidance counseling shall only be required to demonstrate compliance with applicable national standards.
  3. Evidence that candidates are provided instruction and practice in how to gather, evaluate, and synthesize multiple data sources and how to effectively use data in educational and classroom instructional decisions.
  4. Provide the Department with evidence that candidates are provided instruction and practice in how to appropriately integrate technology when working with students.
  5. A description of the assessment plan for measuring each candidate's competencies as they progress through courses, seminars, or modules of study and field experiences to ensure readiness for a capstone experience. The plan shall require, at a minimum, that candidates demonstrate competencies as articulated in the Board approved professional teaching standards or professional administrative standards, relevant Board approved academic standards, and relevant national standards. The plan shall also describe processes for utilizing performance-based assessments and for providing candidates with necessary remediation. Programs applying for approval in school psychology and guidance counseling shall only be required to demonstrate compliance with relevant national standards.
  6. A description of the procedures used to monitor and evaluate the operation, scope and quality of the educator preparation program being considered for approval. This shall include the use of internal and external evaluations, and may include stakeholder surveys, program completer employment information, and PreK through 12 student achievement data.
  7. An educator preparation program matrices demonstrating that program course, seminar, or module assessments, field experiences and capstone experiences measure candidates' success in meeting the Board approved professional teaching standards or professional administrative standards, and relevant national standards. Educator preparation programs applying for approval in school psychology and guidance counseling shall only be required to demonstrate compliance with relevant national standards.
- D. The Department may schedule and conduct an onsite visit upon completion of the educator preparation programs review for professional preparation institutions seeking initial approval. The onsite visit may include, a tour of the professional preparation institution; a review of documentation and related evidence; and interviews of relevant staff, educator candidates, and local education agency, private agency or other PreK through 12 administrators who employ program completers.
- E. Upon completion of the review, and onsite review if applicable, the Department shall, within 90 days, provide the professional preparation institution with a program report of the Department's findings. This report shall cite any evidence showing deviation from each relevant standard Board approved professional teaching standard, professional administrative standard, and relevant national standard that applies to the educator preparation program. The professional preparation institution shall have 30 days from receipt of the Department's program report to submit a response addressing any identified deficiencies.
- F. Based upon the Department's program report, the Department shall recommend to the Board that the educator preparation program be approved or denied.
- G. The Board may grant educator preparation program approval for a period not to exceed six years or deny program approval.
- H. Within 60 days of the Board's action, a professional preparation institution may request reconsideration of the Board's decision to deny an educator preparation program.
- I. Professional preparation institutions with Board approval shall make available to the public a statement indicating the valid period for which the educator preparation program has been approved.
- J. Professional preparation institutions with Board approved educator preparation programs shall comply with the reporting requirements established by Title II of the Higher Education Act (P.L. 110-315).
- K. Each approved professional preparation institution shall submit a biennial report with the Department documenting educator preparation program activities for the previous two years. The biennial report shall include the following:
  1. A description of any substantive changes in courses, seminars, modules, assessments, field experiences or capstone experiences in Board approved educator preparation programs;
  2. Electronic access to relevant educator preparation program information;
  3. The name, title and original signature of the certification officer for the professional preparation institution;
  4. Relevant data on the educator preparation program, relevant staff, and candidates, which may include, but is not limited to, stakeholder surveys, completer data, and student achievement data required as a condition of initial or continuing program approval.
- L. The Department shall provide annual updates to the Board and make publically available information summarizing the biennial reports to include, but not limited to, program status, deficiencies, and commendations.
- M. Board approved educator preparation programs shall provide their program completers with an institutional recommenda-

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tion for issuance of the appropriate Arizona certification within 45 days.

- N. To maintain Board educator preparation program approval, the professional preparation institution shall be in continuous operation and training candidates in accordance with its mission and program objectives, fulfill all reporting requirements, and maintain compliance with all applicable local, state, tribal and federal requirements.
- O. The Department shall provide a timeline for professional preparation institutions to submit educator preparation programs for approval.
- P. Professional preparation Institutions seeking renewal of educator preparation program approval shall submit the required preliminary documents for review at least six month prior to the program expiration date.

**Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 318, effective August 29, 2006 (Supp. 09-1). Amended by final exempt rulemaking at 21 A.A.R. 2047, effective October 27, 2014 (Supp. 15-3). The hyphen between “PreK-12” was replaced with the word “through” for consistency in Chapter style and format (Supp. 21-2).

**R7-2-604.03. Alternative Educator Preparation Program Approval Process**

- A. An organization that includes, but is not limited to, universities under the jurisdiction of the Arizona Board of Regents, community colleges in this state, private postsecondary institutions licensed by this state, school districts, charter schools, professional organizations, nonprofit organizations, private entities and regional training centers that oversee one or more educator preparation program which wishes to offer a program for an alternative route for the certification of teachers and administrators in this State shall apply to the Department of Education for review to become an approved provider of such a program. The Department of Education shall convene a review team to review the application, using a rubric approved by the Board, and submit a recommendation to the Board. The application shall include:
  - 1. The name and location of the applicant;
  - 2. The name of the program;
  - 3. If the applicant is accredited, the name of the regional accrediting body and the accreditation status of the applicant;
  - 4. If the applicant is a private postsecondary educational institution, evidence that the applicant is licensed to operate by the State Board of Private Postsecondary Education pursuant to A.R.S. § 32-3021;
  - 5. A description of the budget of the program;
  - 6. A list of all staff members responsible for the administration of the program, the roles and responsibilities of each person and his or her credentials;
  - 7. The areas of certification for which the applicant will offer the program;
  - 8. A description of the program, which shall include:
    - a. The way in which the elements of the program will comply with the requirements of this Section and R7-2-602, R7-2-603 as applicable and A.R.S. § 15-501.01;
    - b. The application and review process for persons to enroll in the program, including a copy of all forms that will be used in the process;
    - c. A summary of the program courses, seminars, or modules of study; and
    - d. The supervised, school-based experiences the applicant will provide, including:

- i. The name of each school and school district that will participate in the supervised, school-based experience, evidenced by a letter or other communication from the school or school district that demonstrates interest in participating;
  - ii. The length of time for which a candidate will be required to participate in the supervised, school-based experience, including any orientation that the candidate must complete;
  - iii. The manner by which candidates will be mentored by an effective or highly effective teacher and evaluated during the supervised, school-based experience;
  - iv. How the supervised, school-based experience will promote the effectiveness of teachers and administrators, as appropriate; and
  - v. A copy of all forms that will be used for the supervised, school-based experience process;
- 9. If available, data on the efficacy of its preparation program which may include stakeholder surveys, completer data, and student achievement data;
- 10. A statement of the estimated time it will take a candidate enrolled in the program to complete the program, which shall allow for completion of the program within one year but not more than three years;
- 11. A description of the manner by which the applicant will evaluate the success or failure of each candidate enrolled in the program and track the progress of each such candidate, including a copy of all forms that will be used for the evaluation and tracking;
- 12. A description of how the applicant will evaluate the success of the program, which must include the information required for the evaluation pursuant to R7-2-604.02(K)(4).
- B. Upon receipt of an application for approval as an approved provider pursuant to subsection (A), the Department of Education shall convene a review team that shall:
  - 1. Examine the application;
  - 2. Determine whether to recommend that the State Board of Education grant its approval of the application based upon the requirements of this Section and the Board-approved rubric without any additional requirements; and
  - 3. Submit its recommendation to the State Board of Education within 90 days of receipt of the application.
- C. The State Board of Education shall review the recommendation of the review team and provide to the applicant written notice of its approval or denial. The State Board of Education may grant provisional approval to an applicant pursuant to subsection (D). If the State Board of Education denies an application, the applicant may correct any deficiencies identified in the notice of denial and resubmit the application for review by the Department within 30 days of the denial. The review team shall review the resubmitted application and submit its recommendation to the Board within 60 days of receipt of the resubmitted application.
- D. If the State Board of Education grants an applicant provisional approval, the applicant may offer the program for an alternative route to certification described in the application for the period prescribed by the State Board of Education. The applicant must remove all the provisions under which the approval was issued before the expiration of the provisional approval. If the applicant removes the provisions within the prescribed time, the State Board of Education will grant nonprovisional approval to the applicant as an approved provider. Provisional approval is valid for two years after the date on which the State Board of Education granted provisional approval. If an appli-

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cant does not remove all the provisions within the prescribed time, the provisional approval is automatically revoked.

- E. Except as otherwise provided in subsection (D), if an applicant is approved as an approved provider pursuant to this Section, the approval is valid for six years after the date of approval. To continue the approval, the qualified provider must submit an application for renewal before the expiration of the approval to the Department of Education. If the application for renewal is approved by the State Board of Education, the renewal is valid for six years after the date of the approval.
- F. If an approved provider intends to offer a program for an alternative route to certification for an area of certification that is different from the area of certification for which the qualified provider has been approved, the qualified provider must submit a new application pursuant to subsection (A) to offer a program for an alternative route to certification for that area of certification.
- G. An approved provider shall provide its program completers with an institutional recommendation for issuance of the appropriate Arizona alternative path certification within 45 days. An approved provider seeking renewal of its program approval shall submit the required renewal application for review at least 90 days prior to the program expiration date.
- H. Each qualified provider must submit a report once every two years which includes:
  - 1. A description of any substantive changes in courses, seminars, modules or assessments in the Board approved educator preparation programs;
  - 2. The name, title and original signature of the certification officer for the professional preparation institution; and
  - 3. Relevant data on the educator preparation program, relevant staff, and candidates, which may include, but is not limited to, stakeholder surveys, completer data, and student achievement data required as a condition of continuing program approval.
- I. The Department shall:
  - 1. Present the results of the report to the State Board of Education; and
  - 2. After the results have been presented to the State Board of Education, post the report on the Department's website.
- J. Each qualified provider shall cooperate with the State Board of Education and the Department in the evaluation of the effectiveness of this Section.

**Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 728, effective March 22, 2010 (Supp. 10-3). Amended by final exempt rulemaking at 21 A.A.R. 2047, effective October 27, 2014 (Supp. 15-3). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 25 A.A.R. 965, effective March 25, 2019 (Supp. 19-1). Amended by final exempt rulemaking at 26 A.A.R. 1311, effective May 18, 2020 (Supp. 20-2).

**R7-2-604.04. Revocation of Approval of Qualified Provider: Notification of Intent; Requirements of Exit Plan**

- A. The State Board of Education may revoke its approval of an approved provider if the Board determines that the program for an alternative route to certification offered by the qualified provider does not meet the applicable requirements of R7-2-604.03.
- B. Before the Board revokes its approval of an approved provider, the Board will notify the qualified provider of its intent to revoke approval. The notice must include the specific rea-

sons upon which the Board is basing its decision. Not later than 30 days after the date on which the qualified provider receives the notice, the qualified provider may submit a written response to the Board which sets forth the reasons why approval should not be revoked. The Board will review the notice and any response submitted by the qualified provider and will determine whether to:

- 1. Revoke the approval of the qualified provider;
  - 2. Allow the qualified provider to continue providing the program for an alternative route to certification if certain enumerated conditions are met; or
  - 3. Allow the continued approval of the qualified provider without conditions.
- C. If the Board revokes its approval of an approved provider, the qualified provider must provide an exit plan which includes a description of how the qualified provider will assist candidates enrolled in the program for an alternative route to certification in completing another program with a different qualified provider at no cost to the candidate.

**Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 728, effective March 22, 2010 (Supp. 10-3). Amended by final exempt rulemaking at 21 A.A.R. 2047, effective October 27, 2014 (Supp. 15-3). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

**R7-2-604.05. Classroom-Based Alternative Preparation Program Approval Process**

- A. A school district or charter school may apply to the Department of Education for approval as a classroom-based alternative preparation program provider. The application, on a form prescribed by the Department, shall include the following:
  - 1. The name of the program;
  - 2. The areas of certification for which the applicant will offer the program;
  - 3. Verification that individuals to be enrolled in the program will have a bachelor's degree from an accredited institution;
  - 4. Verification that individuals to be enrolled in the program will have a valid fingerprint card issued by the Arizona Department of Public Safety;
  - 5. Individuals enrolled in the program possess:
    - a. An emergency teaching certificate; or
    - b. An alternative teaching certificate.
  - c. Individuals enrolled at a charter school classroom-based alternative preparation program are not required to possess a certificate.
  - 4. Data supporting the efficacy of its teacher preparation program, which may include stakeholder surveys, completer data and student achievement data. The school district or charter school may contract with a third party provider to provide the classroom-based alternative preparation program and may use that program's efficacy data to meet this requirement.
- B. A review team shall review the application and make a recommendation to the Board as prescribed in R7-2-604.03(B) through (E) and shall submit biennial reports prescribed in R7-2-604.03(H).
- C. An approved provider shall provide its program completers with an institutional recommendation for issuance of the appropriate Arizona alternative pathway certification within 45 days.
- D. Upon successful completion of a classroom-based alternative preparation program, an individual may apply for the appro-

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prate Arizona Classroom-Based Standard Teaching certificate.

**Historical Note**

New Section made by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 26 A.A.R. 1311, effective May 18, 2020 (Supp. 20-2).

**R7-2-605. Certification Responsibility**

The Superintendent of Public Instruction or the Superintendent's designee shall be responsible for the issuance and evaluation of the appropriate certificates based on the applicant's compliance with the statutes and rules.

**Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6). New Section R7-2-605 adopted effective April 10, 1984 (Supp. 84-2). Editorial correction, new Section R7-2-605 shown adopted effective April 10, 1984 should read new Section R7-2-605 adopted effective October 1, 1985. Amended by adding a new subsection (B) effective December 18, 1985 (Supp. 85-6). Amended by adding subsection (C), filed May 5, 1986, effective July 1, 1987; amended by adding subsection (D) effective June 30, 1986 (Supp. 86-3). Correction to Historical Note dated June 30, 1986, second part should have read: "...amended by adding subsections (D), (E), (F), (G) and (H) effective June 30, 1986"; amended subsection (A) effective August 10, 1988 (Supp. 88-3). Amended effective September 12, 1989 (Supp. 89-3). Amended effective November 6, 1990; Amended effective December 12, 1990 (Supp. 90-4). Amended effective March 10, 1994 (Supp. 94-1). Section repealed; new Section adopted effective December 4, 1998 (Supp. 98-4). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4).

**R7-2-606. Proficiency Assessments**

- A. The Arizona Teacher Proficiency Assessment is adopted as the proficiency assessment for applicants for teaching certificates. The Arizona Administrator Proficiency Assessment is adopted as the proficiency assessment for applicants for administrative certificates.
- B. The subject knowledge portion of the Arizona Teacher Proficiency Assessment shall assess proficiency as described in R7-2-602 related to the teacher's knowledge of the certification subject area or areas.
- C. The professional knowledge portion of the Arizona Teacher Proficiency Assessment shall assess proficiency as described in R7-2-602 related to the teacher's pedagogical knowledge.
- D. The Arizona Administrator Proficiency Assessment shall assess professional knowledge as described in R7-2-603 as a requirement for certification of administrators, supervisors, principals, and superintendents.
- E. The passing score for each assessment shall be determined by the Board using the results of validity and reliability studies. The passing score for each assessment shall be reviewed by the Board at least every three years.
- F. The proficiency assessments for professional knowledge and subject knowledge for a certificate, endorsement, or approved area shall be approved by the Board.

**Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6). New Section adopted effective March 10, 1994 (Supp. 94-1). Amended effective March 6, 1997 (Supp. 97-1). Section repealed; new Section adopted effective December 4, 1998 (Supp. 98-4). Section R7-2-606 amended by emer-

gency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 2562, effective May 23, 2002 for a period of 180 days (Supp. 02-2). Emergency Section R7-2-606 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 3739, effective August 5, 2002 for a period of 180 days (Supp. 02-3). May 23, 2002 emergency rulemaking renewed under A.R.S. § 41-1026 at 8 A.A.R. 5132, effective November 19, 2002 for a period of 180 days (Supp. 02-4). August 5, 2002 emergency rulemaking renewed under A.R.S. § 41-1026 at 9 A.A.R. 522, effective January 31, 2003 for a period of 180 days (Supp. 03-1). Amended by final rulemaking at 9 A.A.R. 1605, effective May 5, 2003 (Supp. 03-2). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 24 A.A.R. 1427, effective April 23, 2018 (Supp. 18-2).

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

- A. The evaluation to determine qualification for certification shall not begin until an institutional recommendation or application for certification and official transcripts, and the appropriate fees have been received by the Department. Course descriptions, verification of employment, and other documents may also be required for the evaluation.
- B. Unless otherwise specified, a standard certificate shall be issued for 12 years and may be issued with deficiencies. Applicants may receive a standard certificate with the following deficiencies of requirements to be completed within three years: research-based phonics; reading instruction including for students with dyslexia; professionalism and ethics; and U.S. and Arizona Constitutions. If an applicant fails to meet these requirements within the prescribed time period, the Department of Education or the Board shall temporarily suspend the standard certificate, but the suspension is not considered a disciplinary action and the individual shall be allowed to correct the deficiency within the remaining time of the standard certification.
- C. The effective date of a new certificate shall be the date the evaluation is completed by the Department. The effective date of a renewed certificate shall be the date the evaluation for renewal is completed by the Department.
- D. Unless otherwise specified, all certificates and provisional endorsements issued for three years or less shall expire on the date of issuance in the year of expiration. All certificates issued for more than three years shall expire on the holder's birth date in the year of expiration.
- E. Only those degrees awarded by an accredited institution shall be considered to satisfy the requirements for certification.
- F. Professional preparation programs, courses, practica, and examinations required for certification shall be taken at an accredited institution or a Board-approved teacher preparation program.
- G. Only those courses in which the applicant received a passing grade or credit shall be considered to satisfy the requirements for certification.
- H. All certificates issued by the Department are considered to have been issued in conformance with these rules, except on a finding that an applicant submitted falsified or misrepresented documents, records, or facts in an application for certification or on a finding that a certificate was issued in error due to an error by the verifying authority or issuing authority. If the Department makes a finding pursuant to this subsection, the Department shall provide notice to the applicant of the finding. Within 60 days of the date of the notice, the applicant shall submit proof to the Department that the applicant meets the requirements for the certification. If the applicant is unable to provide proof they meet the requirements within 60 days of

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receipt of notice, the Department shall reclaim the certificate. Reclaiming a certificate pursuant to this subsection is not considered a disciplinary action but the Department shall refer the case for investigation pursuant to R7-2-1308 for findings that an applicant submitted falsified or misrepresented documents, records, or facts.

- I. The Department shall issue a comparable standard Arizona certificate described in R7-2-608, R7-2-609, R7-2-610, R7-2-611, R7-2-612 or R7-2-613 to an applicant who holds a valid certification from the National Board for Professional Teaching Standards, possess a valid fingerprint clearance card issued by the Arizona Department of Public Safety, and holds a bachelor's, master's or doctoral degree from an accredited institution. These applicants are exempt from all portions of the Arizona Teacher Proficiency Assessment.
- J. An applicant is not required to take any portion of the Arizona Teacher Proficiency Assessment if the applicant has at least three years of full-time teaching experience in any state, including this state, in the comparable area of certification or endorsement in which the person is applying for certification, regardless of whether the applicant was certified or uncertified. An applicant is not required to take any portion of the Arizona Administrator Proficiency Assessment if the person has at least three years of full-time experience as a school administrator in any state, including this state, regardless of whether the applicant was certified or uncertified.
- K. An applicant is exempt from the testing requirements for Arizona certificates if the applicant passed corresponding portions of a professional or subject knowledge examinations, or administrator examination adopted by a state agency in another state that are substantially similar to the Arizona Teacher Proficiency Assessments or the Arizona Administrator Proficiency Assessment.
- L. An applicant is exempt from the subject knowledge portion of the Arizona Teacher Proficiency Assessment if:
  1. The applicant provides verification of teaching courses relevant to a content area or subject matter for the last two consecutive years, and for a total of at least three years at one or more accredited postsecondary institutions; or
  2. The applicant obtained a bachelor's, master's or doctoral degree from an accredited institution in a relevant subject area; or
  3. The applicant provides verification of a minimum of five years of work experience that is relevant to a subject area of certification.
- M. Unless otherwise specified, individuals who hold a valid Arizona elementary, middle grades or secondary certificate, or a special education certificate that includes grades six through 12, may add an approved area to their certificate by passing the appropriate subject area portion of the Arizona Teacher Proficiency Assessment or as provided in subsections (J), (K) and (L). Any approved area shall be specified on the certificate. If a proficiency assessment is not offered in a subject area, an approved area shall consist of a minimum of 24 semester hours of courses in the subject.
- N. If a language assessment is not offered through the Arizona Teacher Proficiency Assessment, a passing score on a nationally accredited test of a foreign language approved by the Board may demonstrate proficiency of that foreign language in lieu of the 24 semester hours of courses in that subject.
- O. A teacher's language proficiency in a Native American language shall be verified by a person, persons, or entity designated by the appropriate tribe in lieu of the 24 semester hours of courses in that subject.
- P. Teachers of homebound students shall hold the same certificate that is required of a classroom teacher.
- Q. Fingerprint clearance cards shall be issued by the Arizona Department of Public Safety.
- R. A person who surrenders their teaching certificate for any reason shall not submit an application for certification with the Board for a period of five years. A person re-applying after the five-year ban must apply under the current rules at the time of re-application.
- S. Notwithstanding any other provision, an individual with a deficiency in the Arizona and U.S. Constitutions who teaches an academic course that focuses primarily on history, government, social studies, citizenship, law or civics shall be issued a standard certificate subject to suspension in one year if that deficiency is not removed. The suspension is not considered a disciplinary action and the individual shall be allowed to correct that deficiency within the remaining time of the standard certification.
- T. As used in this Article, unless otherwise provided, "work experience" means paid or unpaid work, including teaching experience as a certificated or noncertificated educator at a public or private school, which demonstrates knowledge or skill relevant to a subject area. Work experience, and its relevance to a subject area, shall be verified with one of the following:
  1. A letter from a superintendent or personnel director that the applicant demonstrates knowledge or skill in the subject area that is comparable to holding a bachelor's degree, master's degree, or doctoral degree in that subject area, as identified in a resume;
  2. A letter from a public or private school superintendent or personnel director, in this state or in another state, that the applicant has the requisite experience teaching the most advanced Arizona academic standards, or comparable out-of-state standards, in the subject area sought; or
  3. If an applicant is unable to obtain a letter described in subsections (T)(1) or (2), the applicant may submit a letter from a current or former supervisor verifying that the applicant demonstrates knowledge or skill in the subject area that is comparable to holding a bachelor's degree, master's degree, or doctoral degree in that subject area, as determined by the Department.
- U. Single subject classroom teachers in grades six through 12 are required to be appropriately certified for the subject they teach for the greater part of their instructional schedule. If a teacher is assigned to two or more subjects for equal parts of their instructional schedule, the teacher is required to be appropriately certified in each subject.
- V. The requirements to be considered appropriately certified for a self-contained, single subject, or other classroom shall be established in the Certification Guidelines for Teaching Assignments, which shall be approved by the Board and on file with the Department.

**Historical Note**

Adopted effective December 5, 1977 (Supp. 77-6).  
 Repealed effective December 4, 1978 (Supp. 78-6). New Section adopted effective May 3, 1993 (Supp. 93-2).  
 Amended effective March 6, 1997 (Supp. 97-1). Section repealed; new Section adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1).  
 Amended by exempt rulemaking at 16 A.A.R. 102, effective May 1, 2009 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 160, effective October 26, 2009 (Supp. 10-2). Amended by exempt rulemaking at 16 A.A.R. 324, effective January 25, 2010 (Supp. 10-3).  
 Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final



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exempt rulemaking at 21 A.A.R. 2054, effective December 8, 2014 (Supp. 15-3). Amended by final exempt rulemaking at 22 A.A.R. 648, effective January 25, 2016 (Supp. 16-1). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 27 A.A.R. 2353, (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-607.01 Subject Areas – Waiver**

Notwithstanding any other provision in this Article, any individual with a valid Elementary or Secondary certificate, or a Special Education certificate that includes grades six through 12, issued prior to August 1, 2016 may add one or more approved areas to the certificate prior to August 1, 2017 without any additional requirements provided the individual received an evaluation in the top two levels of performance on the most recent teacher evaluation related to one or more of the subject areas and meets one of the following requirements:

1. The individual was teaching in one or more subject areas based on a verified Arizona High, Objective, Uniform, State Standard of Evaluation (HOUSSE) rubric as highly qualified to teach the subject area(s) as defined under the No Child Left Behind Act; or
2. The individual has completed of a minimum of 24 semester hours of courses in the subject area(s).

**Historical Note**

New Section made by final exempt rulemaking at 23 A.A.R. 725, effective January 23, 2017 (Supp. 17-1).

**R7-2-608. Early Childhood Teaching Certificates**

- A. A standard early childhood education certificate shall be required for individuals teaching in public school early childhood education programs, except as provided in R7-2-611 or in R7-2-615(N). For individuals teaching in grades kindergarten through three, this certificate is optional. An Early Childhood Special Education certificate as described in R7-2-611 is not required for individuals who hold the Early Childhood Teaching Certificate as described in this Section in combination with an Arizona cross-categorical mild-moderate disabilities, specialized special education, or moderate to severe disabilities teaching certificate as described in R7-2-611.
- B. For the purposes of this Section, public school early childhood education programs means education programs provided by local education agencies, including their sub-grantees and contracted providers, for children birth through age 8 for the purpose of providing academically and developmentally appropriate learning opportunities that are standards-based with defined curriculum and comprehensive in content to include all appropriate developmental and academic areas as defined by the Arizona Early Childhood Education Standards or the Arizona K through 12 Academic Standards approved by the Board.
- C. Except as noted, all certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.
- D. Standard Professional Early Childhood Education Certificate – birth through age 8 or through grade three. The requirements are:
  1. A bachelor's degree, and
  2. One of the following:
    - a. Completion of a teacher preparation program in early childhood education from an accredited institution or a teacher preparation program approved by the Board, or
    - b. Early childhood education coursework and practicum experience which teaches the knowledge and skills described in R7-2-602 and includes both of the following:
      - i. Thirty-seven semester hours of early childhood education courses to include all of the following areas of study:
        - (1) Foundations of early childhood education;
        - (2) Child guidance and classroom management;
        - (3) Characteristics and quality practices for typical and atypical behaviors of young children;
        - (4) Child growth and development, including health, safety and nutrition;
        - (5) Child, family, cultural and community relationships;
        - (6) Developmentally appropriate instructional methodologies for teaching language, math, science, social studies and the arts;
        - (7) Early language and literacy development;
        - (8) Assessing, monitoring and reporting progress of young children; and
      - ii. A minimum of eight semester hours of practicum, including:
        - (1) A minimum of four semester hours in a supervised field experience, practicum, internship or student teaching setting serving children birth through preschool. One year of full-time verified teaching experience with children in birth through preschool may substitute for this student teaching experience. This verification may come from a school-based education program or center-based program licensed by the Department of Health Services or regulated by tribal or military authorities; and
        - (2) A minimum of four semester hours in a supervised student teaching setting serving children in kindergarten through grade three. One year of full-time verified teaching experience with children in kindergarten through grade three in an accredited school may substitute for this student teaching experience; or
- E. Standard Professional Early Childhood Education Certificate – birth through age 8 or through grade three for applications received on and after August 1, 2018.
  1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in early childhood education from a Board-approved educator preparation program or from an accredited institution offering substantially similar training

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addressing the following topics and any others as required by law:

- i. Research-based systematic phonics, including early language and literacy development;
  - ii. Research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to support readers of varying ages and ability levels, including students with dyslexia;
  - iii. Foundations of early childhood education;
  - iv. Teaching students with exceptionalities;
  - v. Child guidance and classroom management, including characteristics and quality practices for typical and atypical behaviors of young children;
  - vi. Child growth and development, including health, safety and nutrition;
  - vii. Child, family, cultural and community relationships;
  - viii. Developmentally appropriate instructional methodologies for teaching language, math, science, social studies and the arts;
  - ix. Assessing, monitoring and reporting progress of young children;
  - x. Instructional design and lesson planning, including modifications and accommodations;
  - xi. Practicum as described in R7-2-604 serving children birth through preschool;
  - xii. Professional responsibility and ethical conduct; and
  - xiii. Twelve-week capstone experience as described in R7-2-604 children in kindergarten through grade three, which may be completed during the valid period of a teaching intern or student teaching intern certificate. For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.
- c. A valid Fingerprint Clearance Card issued by the Arizona Department of Public Safety;
  - d. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; and
  - e. A passing score on the early childhood subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge examination.
2. Applicants may meet the requirements in subsection (E)(1)(b) with the submission of an application for the Standard Professional Early Childhood Education certificate that includes evidence of two years of verified full-time teaching experience serving children birth through grade three, and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (E)(1)(b)(i) through (xii). One year of verified full-time teaching experience serving children in kindergarten through grade three may be substituted for the capstone experience.

#### Historical Note

Adopted effective May 20, 1994 (Supp. 94-2). Section repealed; new Section adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6

A.A.R. 1132, effective March 10, 2000 (Supp. 00-1).

Section R7-2-608 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 2562, effective May 23, 2002 for a period of 180 days (Supp. 02-2). May 23, 2002 emergency rulemaking renewed under A.R.S. § 41-1026 at 8 A.A.R. 5132, effective November 19, 2002 (Supp. 02-4). Amended by final rulemaking at 9 A.A.R. 1605, effective May 5, 2003 (Supp. 03-2). Former Section R7-2-608 recodified to R7-2-609 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). New Section R7-2-608 made by exempt rulemaking at 16 A.A.R. 52, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 119, effective September 21, 2009 (Supp. 10-2). Amended by exempt rulemaking at 16 A.A.R. 235, effective December 7, 2009 (Supp. 10-3). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

#### R7-2-609. Elementary Teaching Certificates

- A. Except as noted, all certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.
- B. Standard Professional Elementary Certificate – grades K through eight. The requirements are:
  1. A bachelor's degree;
  2. One of the following:
    - a. Completion of a teacher preparation program in elementary education from an accredited institution or a Board-approved teacher preparation program, described in R7-2-604; or
    - b. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including at least eight semester hours of practicum in grades K through eight. Two years of verified teaching experience in grades Prekindergarten through eight may be substituted for the eight semester hours of practicum; or
    - c. A valid elementary certificate from another state.
  3. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
  4. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment;
  5. A valid fingerprint card issued by the Arizona Department of Public Safety; and
  6. Forty-five hours or three semester hours of instruction in research-based systematic phonics. An accredited institution or other provider may provide this instruction.
- C. Standard Professional Elementary Certificate – grades kindergarten through eight for applications received on and after August 1, 2018.
  1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in elementary education from a Board-approved educator preparation program or from an accredited institution offering substantially similar training, addressing the following topics and any others as required by law:
      - i. At least forty-five hours or three semester hours of instruction in research-based systematic phonics, including language and literacy development;

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- ii. For applications received on and after October 15, 2020, at least forty-five hours or three semester hours of instruction in research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to support readers of varying ages and ability levels, including students with dyslexia;
  - iii. Developmentally appropriate instructional delivery, facilitation and methodologies for teaching language, math, science, social studies and the arts;
  - iv. Instructional design and lesson planning, including modifications, and accommodations;
  - v. The learning environment, including classroom management;
  - vi. Assessing, monitoring and reporting progress;
  - vii. Teaching students with exceptionalities;
  - viii. Professional responsibility and ethical conduct; and
  - ix. Twelve weeks of capstone experience as described in R7-2-604 in grades kindergarten through eight, which may be completed during the valid period of a teaching intern or student teaching intern certificate. One year of verified full-time teaching experience in grades kindergarten through eight may be substituted for the capstone experience requirement. For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.
  - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
  - d. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment; and
  - e. A valid fingerprint card issued by the Arizona Department of Public Safety.
2. Applicants may meet the requirements in subsection (C)(1)(b) with the submission of an application for the Standard Professional Elementary certificate that includes evidence of two years of verified full-time teaching experience in grades kindergarten through eight, and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (C)(1)(b)(i) through (viii).

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Section R7-2-609 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 2562, effective May 23, 2002 for a period of 180 days (Supp. 02-2). May 23, 2002 emergency rulemaking renewed under A.R.S. § 41-1026 at 8 A.A.R. 5132, effective November 19, 2002 (Supp. 02-4). Amended by final rulemaking at 9 A.A.R. 1605, effective May 5, 2003 (Supp. 03-2). Former R7-2-609 recodified to R7-2-610; new R7-2-609 recodified from R7-2-608 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). R7-2-609 "Pre-kindergarten" corrected to "PreK" at request of the Board, Office File No. M09-444, filed November 24, 2009 (Supp. 10-1). Amended by exempt rulemaking at 16

A.A.R. 235, effective December 7, 2009 (Supp. 10-3).

Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 24 A.A.R. 2947, effective September 24, 2018 (Supp. 18-3).

**R7-2-609.01. Middle Grades Teaching Certificate**

- A. Except as noted, all certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.
- B. Standard Professional Middle Grades Certificate – grades five through nine
  - 1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in middle grades education from a Board-approved educator preparation program or from an accredited institution offering substantially similar training, addressing the following topics and any others as required by law:
      - i. Early adolescent psychology;
      - ii. Research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to support readers of varying ages and ability levels, including students with dyslexia;
      - iii. Instructional design and lesson planning, including modifications and accommodations;
      - iv. The learning environment, including classroom management;
      - v. Developmentally appropriate instructional delivery, facilitation and methodologies;
      - vi. Assessing, monitoring and reporting progress;
      - vii. Teaching students with exceptionalities;
      - viii. Professional responsibility and ethical conduct; and
      - ix. Twelve weeks of capstone experience as described in R7-2-604 in grades five through nine, which may be completed during the valid period of a teaching intern or student teaching intern certificate. One year of verified full-time teaching experience in grades five through nine may be substituted for the capstone experience requirement. For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.
  - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
  - d. A passing score on at least one subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in the relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment; and
  - e. A valid fingerprint card issued by the Arizona Department of Public Safety.
- 2. Applicants may meet the requirements in subsection (B)(1)(b) with the submission of an application for the Standard Professional Middle Grades certificate that includes evidence of two years of verified full-time teaching experience in grades five through nine, and Board-approved or accredited training or coursework which

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teaches the knowledge and skills described in R7-2-602 and subsections (B)(1)(b)(i) through (viii).

**Historical Note**

New Section by final exempt rulemaking at 24 A.A.R. 791, effective March 26, 2018 (Supp. 18-1).

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

- A. Except as noted, all certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.
- B. Standard Professional Secondary Certificate – grades six through 12. The requirements are:
  1. A bachelor's degree;
  2. One of the following:
    - a. Completion of a teacher preparation program in secondary education from an accredited institution or a Board-approved teacher preparation program, described in R7-2-604; or
    - b. Thirty semester hours of education courses which teach the knowledge and skills described in R7-2-602, including at least eight semester hours of practicum in grades six through 12. Two years of verified teaching experience in grades six through postsecondary may substitute for the eight semester hours of practicum; or
    - c. A valid secondary certificate from another state.
  3. A passing score on one or more subject knowledge portions of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant subject area or otherwise qualifies for a waiver of the subject knowledge exam;
  4. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; and
  5. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- C. Standard Professional Secondary Certificate – grades six through 12 for applications received on and after August 1, 2018.
  1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in secondary education from a Board-approved educator preparation program or from an accredited institution offering substantially similar training, addressing the following topics and any others as required by law:
      - i. Research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to support readers of varying ages and ability levels, including students with dyslexia;
      - ii. Instructional design and lesson planning, including modifications and accommodations;
      - iii. The learning environment, including classroom management;
      - iv. Developmentally appropriate instructional delivery, facilitation and methodologies;
      - v. Assessing, monitoring and reporting progress;
      - vi. Teaching students with exceptionalities;
      - vii. Professional responsibility and ethical conduct;
      - viii. Twelve weeks of capstone experience as described in R7-2-604 in grades six through postsecondary, which may be completed during the valid period of a teaching intern or student teaching intern certificate; one year of verified full-time teaching experience in grades six through postsecondary may substitute for the capstone experience requirement. For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.
  2. Applicants may meet the requirements in subsection (C)(1)(b) with the submission of an application for the Standard Professional Secondary certificate that includes evidence of two years of verified full-time teaching experience in grades six through postsecondary, and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (C)(1)(b)(i) through (vii). One year of verified full-time teaching experience in grades six through postsecondary may be substituted for the capstone experience.
- D. Notwithstanding any other provision, individuals seeking a secondary certificate with an approved area in science, technology, engineering or mathematics are exempted from the requirements of a passing score on one or more subject knowledge portions of the Arizona Teacher Proficiency Assessment based on:
  1. Verified work experience of five or more years in science, technology, engineering or mathematics; and
  2. Demonstrated adequate knowledge of science, technology, engineering or mathematics by:
    - a. A master's or a doctoral degree in an academic subject that is specific to science, technology, engineering or mathematics; or
    - b. Twenty-four semester hours of relevant coursework in an academic subject that is specific to science, technology, engineering or mathematics.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Section R7-2-610 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 2562, effective May 23, 2002 for a period of 180 days (Supp. 02-2). May 23, 2002 emergency rulemaking renewed under A.R.S. § 41-1026 at 8 A.A.R. 5132, effective November 19, 2002 (Supp. 02-4). Amended by final rulemaking at 9 A.A.R. 1605, effective May 5, 2003 (Supp. 03-2). Amended by final rulemaking at 10 A.A.R. 2399, effective July 23, 2004 (Supp. 04-2). Amended by exempt rulemaking at 15 A.A.R. 1838, effective August 29, 2006 (Supp. 09-1). Former R7-2-610 recodified to R7-2-611; new R7-2-610 recodified from R7-2-609 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 235, effective December 7, 2009 (Supp. 10-3). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 21 A.A.R. 2054, effective December 8, 2014 (Supp. 15-3). Amended by final exempt rulemaking at 24 A.A.R.

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195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

**R7-2-610.01. Specialized Secondary Teaching Certificates**

Specialized Secondary Certificate – Science, Technology, Engineering or Mathematics – grades six through 12

**A.** The requirements are:

1. One of the following:
  - a. Demonstrate expertise in the subject matter knowledge through:
    - i. A bachelor's, master's or a doctoral degree and 24 semester hours of relevant coursework in an academic subject that is specific to science, technology, engineering or mathematics; or
    - ii. Verified teaching experience for the last two consecutive years, and for a total of at least three years at one or more accredited postsecondary institutions in science, technology, engineering or mathematics
  2. Verified work experience of five or more years in science, technology, engineering or mathematics
  3. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

**B.** An individual who meets the requirements of this Section is exempt from the competency requirements of the United States and Arizona Constitutions, and the professional knowledge and the subject knowledge portions of the Arizona Teacher Proficiency Assessments.**Historical Note**

New Section made by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

**R7-2-610.02. Subject Matter Expert Standard Teaching Certificate**

Subject Matter Expert Standard Teaching Certificate – grades six through 12

**A.** The requirements are:

1. A bachelor's degree and one of the following:
  - a. Verified teaching experience for the last two consecutive years, and for a total of at least three years at one or more accredited postsecondary institutions in the relevant subject area of certification. An individual seeking certification pursuant to this subdivision is exempt from passing the professional knowledge portion of the Arizona Teacher Proficiency Assessment; or
  - b. A bachelor's, master's or doctoral degree from an accredited postsecondary institution in the specific subject area of certification that is directly relevant to a content area or subject matter taught in public schools; or
  - c. Verification of expertise through work experience of a minimum of five years in the relevant area of certification.
2. A passing score on the professional knowledge Arizona Teacher Proficiency Assessment within two years except as provided by subsection (A)(1)(a). If an applicant fails to meet this requirement within two years, the Department of Education or the Board shall temporarily suspend the standard certificate, but the suspension is not considered a disciplinary action and the individual shall be allowed to correct the deficiency within the remaining time of the standard certification.
3. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

**B.** An individual who meets the requirements of this Section is exempt from the competency requirements of the United States and Arizona Constitutions and the subject knowledge portion of the Arizona Teacher Proficiency Assessment.**Historical Note**

New Section made by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 24 A.A.R. 2947, effective September 24, 2018 (Supp. 18-3).

**R7-2-611. Special Education Teaching Certificates****A.** Except as noted, all certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619. An Early Childhood Special Education certificate as described in this Section is not required for individuals who hold the Early Childhood endorsement as described in R7-2-615 in combination with an Arizona cross-categorical, specialized special education, or moderate/severe disabilities teaching certificate as described in this Section. An Early Childhood Special Education certificate as described in this Section is not required for individuals who hold the Early Childhood Teaching Certificate as described in R7-2-608 in combination with an Arizona cross-categorical, specialized special education, or moderate/severe disabilities teaching certificate as described in this Section.**B.** Terms used in this Section are defined in A.R.S. § 15-761.**C.** Standard Professional Mild/Moderate Disabilities Certificate - grades K through 12.

1. The holder is qualified to teach students with mild/moderate disabilities as documented by student needs in the individualized education program and the following categories, including: autism, mild/moderate intellectual disabilities, traumatic brain injury, emotional disability, specific learning disability, orthopedic impairments, developmental delay and/or other health impairments.
2. The requirements are:
  - a. A bachelor's degree,
  - b. One of the following:
    - i. Completion of a teacher preparation program in special education from an accredited institution which included courses in the instruction and behavior management of students with mild/moderate disabilities; or
    - ii. Forty-five semester hours of education courses which teach the standards described in R7-2-602, including a minimum of 37 semester hours of special education courses and eight semester hours of practicum with students with mild/moderate disabilities. Special education courses shall include foundations of special education, legal aspects, effective collaboration and communication practices, research-based instruction in mathematics, research-based instruction in English language arts, classroom management and behavior analysis, assessment and eligibility, language development and disorders, and electives. Two years of verified teaching experience in mild/moderate special education, grades K through 12 may substitute for the eight semester hours of practicum.
  - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment,
  - d. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral

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degree in mild/moderate special education or otherwise qualifies for a waiver of the subject knowledge examination, and

- e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

**D. Standard Professional Mild/Moderate Disabilities Certificate – grades K through 12 for applications received on or after August 1, 2018.**

1. The holder is qualified to teach students with mild/moderate disabilities as documented by student needs in the individualized education program and the following categories, including: autism, mild/moderate intellectual disabilities, traumatic brain injury, emotional disability, specific learning disability, orthopedic impairments, developmental delay and/or other health impairments.
2. The requirements include all of the following:
  - a. A bachelor's degree;
  - b. Completion of a teacher preparation program in mild/moderate disabilities special education from a Board-approved educator preparation program or from an accredited institution offering substantially similar training addressing the following topics and any others as required by law:
    - i. Research-based systematic phonics;
    - ii. Research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to support readers of varying ages and ability levels, including students with dyslexia;
    - iii. Instructional design and lesson planning, including specially designed instruction;
    - iv. The learning environment, including classroom and behavioral management;
    - v. Instructional delivery, facilitation and methodologies;
    - vi. Legal aspects of special education, including individualized education programs and transition planning;
    - vii. Effective collaboration and communication practices, including modifications and accommodations;
    - viii. Research-based instruction in math;
    - ix. Research-based instruction in English language arts;
    - x. Assessment and eligibility, including monitoring and reporting requirements;
    - xi. Language development and disorders;
    - xii. Professional responsibility and ethical conduct;
    - xiii. Twelve weeks of capstone experience as described in R7-2-604 in mild/moderate special education in grades K through 12, which may be completed during the valid period of a teaching intern certificate. One year of verified teaching experience in mild/moderate special education in grades K through 12 may substitute for the capstone experience requirement. For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.
  - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
  - d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
3. Applicants may meet the requirements in subsection (D)(2)(b) with the submission of an application for the

Standard Professional Mild/Moderate Disabilities Certificate grades K through 12 that includes evidence of two years of verified full-time teaching experience in mild/moderate disabilities special education in grades K through 12 and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (D)(2)(b)(i) through (xii).

4. Board approved educator preparation programs leading to dual certification in mild/moderate disabilities and elementary, middle school, or secondary education may exempt a student from the mild/moderate special education capstone experience upon the completion of the following:
  - a. Verification from the applicable district or charter school administrator that the student was employed continuously as a paraprofessional whose primary responsibility was working with students in mild/moderate special education classrooms for the two years preceding commencement of the capstone experience in elementary, middle school, or secondary education;
  - b. Verification from the applicable district or charter school administrator that the student received evaluations, in each of the preceding two years of employment as a paraprofessional, indicating effectiveness in performance; and
  - c. Completion of the capstone experience in elementary, middle school or secondary education and demonstration of all of the following competencies during the dual certification educator preparation program:
    - i. Participation on a multi-disciplinary evaluation team;
    - ii. Participation in and drafting of an acceptable individualized education program; and
    - iii. Planning and delivery of specially designed instruction for a class of students.
- E. Provisional Specialized Special Education Certificate – grades K through 12.**
  1. The certificate is valid for three years and is not renewable.
  2. No new applications for a Provisional Specialized Education Certificate will be accepted after December 31, 2015.
  3. The holder is qualified to teach students with intellectual disabilities, emotional disability, specific learning disability, orthopedic impairments or other health impairments, as specified on the certificate.
- F. Standard Professional Specialized Special Education Certificate – grades K through 12.**
  1. The certificate is valid for 12 years and may be renewed.
  2. The holder is qualified to teach students with intellectual disabilities, emotional disability, specific learning disability, orthopedic impairments or other health impairments, as specified on the certificate.
  3. The requirements are:
    - a. A valid Arizona Provisional Specialized Special Education certificate, or a Provisional Specialized Special Education certificate which has not expired for more than one year;
    - b. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- G. Standard Professional Moderate/Severe Disabilities Certificate – grades K through 12.**
  1. The holder is qualified to teach students with moderate/severe disabilities as documented by student needs in the

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individualized education program and the following categories, including: autism, moderate/severe intellectual disabilities, traumatic brain injury, emotional disability, orthopedic impairments, and/or other health impairments.

2. The requirements are:
  - a. A bachelor's degree,
  - b. One of the following:
    - i. Completion of a teacher preparation program in moderate/severe disabilities education from an accredited institution; or
    - ii. Forty-five semester hours of education courses which teach the standards described in R7-2-602, including a minimum of 37 semester hours of special education courses and eight semester hours of practicum with students with moderate/severe disabilities. Special education courses shall include foundations of low incidence disabilities, legal aspects, effective collaboration and communication practices, adaptive communication, instructional strategies across the curriculum, classroom management and behavior analysis, assessment and eligibility, and electives. Two years of verified special education teaching experience in with students with moderate/severe disabilities, grades K through 12 may substitute for the eight semester hours of practicum.
  - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment,
  - d. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in moderate/severe special education or otherwise qualifies for a waiver of the subject knowledge examination, and
  - e. A valid fingerprint card issued by the Arizona Department of Public Safety.

**H. Standard Professional Moderate/Severe Disabilities Certificate – grades K through 12 for applications received on or after August 1, 2018.**

1. The holder is qualified to teach students with moderate/severe disabilities as documented by student needs in the individualized education program and the following categories, including: autism, moderate/severe intellectual disabilities, traumatic brain injury, emotional disability, orthopedic impairments, and/or other health impairments.
2. The requirements include all of the following:
  - a. A bachelor's degree;
  - b. Completion of a teacher preparation program in moderate/severe disabilities education from a Board-approved educator preparation program or from an accredited institution offering substantially similar training addressing the following topics and any others as required by law:
    - i. Research-based systematic phonics;
    - ii. Research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to support readers of varying ages and ability levels, including students with dyslexia;
    - iii. Instructional design and lesson planning, including specially designed instruction;
    - iv. The learning environment, including classroom and individual behavioral management;

- v. Instructional delivery, facilitation and methodologies for teaching research-based instruction in math and English language arts;
- vi. Legal aspects of special education, including individualized education programs and transition planning;
- vii. Effective collaboration and communication practices, including modifications and accommodations;
- viii. Adaptive communication, including language development and disorders;
- ix. Assessment and eligibility, including monitoring and reporting requirements;
- x. Professional responsibility and ethical conduct;
- xi. Twelve weeks of capstone experience as described in R7-2-604 in special education in moderate/severe disabilities grades K through 12, which may be completed during the valid period of a teaching intern certificate. One year of verified full-time teaching experience in special education in moderate/severe disabilities grades K through 12 may substitute for the capstone experience requirement. For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.
- c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment,
- d. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment unless the applicant has a bachelor's, master's or doctoral degree in moderate/severe special education or otherwise qualifies for a waiver of the subject knowledge examination, and
- e. A valid fingerprint card issued by the Arizona Department of Public Safety.

3. Applicants may meet the requirements in subsection (H)(2)(b) with the submission of an application for the Standard Professional Moderate/Severe Disabilities Certificate grades K through 12 that includes evidence of two years of verified full-time teaching experience in moderate/severe disabilities special education in grades K through 12 and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (H)(2)(b)(i) through (x).

**I. Standard Professional Hearing Impaired Certificate – birth through grade 12. The requirements are:**

1. A bachelor's degree,
2. One of the following:
  - a. Completion of a teacher preparation program in hearing impaired education from an accredited institution; or
  - b. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses for the hearing impaired and eight semester hours of practicum. Special education courses shall include survey of exceptional students, teaching methodologies for students with hearing impairment, foundations of instruction of students with hearing impairment, and diagnostic and assessment procedures for the hearing impaired. Two years

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of verified teaching experience in the area of hearing impaired in grade PreK through 12 may be substituted for the eight semester hours of practicum.

3. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment,
  4. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment unless the applicant has a bachelor's, master's or doctoral degree in hearing impaired special education or otherwise qualifies for a waiver of the subject knowledge examination, and
  5. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- J.** Standard Professional Hearing Impaired Certificate – birth through grade 12 for applications received on or after August 1, 2018.
1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in hearing impaired education from a Board-approved educator preparation program or from an accredited institution offering substantially similar training addressing the following topics and any others as required by law:
      - i. Research-based systematic phonics;
      - ii. Research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to support readers of varying ages and ability levels, including students with dyslexia;
      - iii. Survey of exceptional students;
      - iv. Teaching methodologies for students with hearing impairment;
      - v. Foundations of instruction of students with hearing impairment;
      - vi. Diagnostic and assessment procedures for the hearing impaired;
      - vii. Professional responsibility and ethical conduct;
      - viii. Twelve weeks of capstone experience as described in R7-2-604 in hearing impaired special education birth through grade 12, which may be completed during the valid period of a teaching intern certificate. One year of verified full-time teaching experience in the area of hearing impaired in birth through grade 12 may be substituted for the capstone experience requirement. For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.
    - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
    - d. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment unless the applicant has a bachelor's, master's or doctoral degree in hearing impaired special education or otherwise qualifies for a waiver of the subject knowledge examination; and
    - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  2. Applicants may meet the requirements in subsection (J)(1)(b) with the submission of an application for the Standard Professional Hearing Impaired Certificate – birth through grade 12 that includes evidence of receipt of two years of verified full-time teaching experience in hearing impaired special education birth through grade 12 and training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (J)(1)(b)(i) through (vii).
- K.** Standard Professional Visually Impaired Certificate – birth through grade 12. The requirements are:
1. A bachelor's degree,
  2. One of the following:
    - a. Completion of a teacher preparation program in visual impairment from an accredited institution; or
    - b. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses for the visually impaired and eight semester hours of practicum. Special education courses shall include survey of exceptional students, teaching methodologies for students with visual impairment, foundations of instruction of students with visual impairment, and diagnostic and assessment procedures for the visually impaired. Two years of verified teaching experience in the area of visually impaired in grades PreK through 12 may be substituted for the eight semester hours of practicum.
  3. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment,
  4. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment, and
  5. Demonstration of competency in Braille through one of the following:
    - a. A passing score on the original version of the National Library of Congress certification exam, or
    - b. A valid certificate for a literary Braille transcriber issued by the National Library of Congress, or
    - c. A passing score on a Braille exam administered by another state, or
    - d. A passing score on the Braille exam developed and administered by the University of Arizona. Individuals who take this test and are not students at the University of Arizona may be assessed a fee.
  6. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- L.** Standard Professional Visually Impaired Certificate – birth through grade 12 for applications received on or after August 1, 2018.
1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in visual impairment from a Board-approved educator preparation program or from an accredited institution offering substantially similar training addressing the following topics and any others as required by law:
      - i. Research-based systematic phonics;
      - ii. Research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to support readers of varying ages and ability levels, including students with dyslexia;
      - iii. Survey of exceptional students;
      - iv. Teaching methodologies for students with visual impairment;
      - v. Foundations of instruction of students with visual impairment;
      - vi. Diagnostic and assessment procedures for the visually impaired;
      - vii. Professional responsibility and ethical conduct;



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- viii. Twelve weeks of capstone experience as described in R7-2-604 in visually impaired special education birth through grade 12, which may be completed during the valid period of a teaching intern certificate. One year of verified full-time teaching experience in the area of visually impaired in birth through grade 12 may be substituted for the capstone experience requirement. For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.
    - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment,
    - d. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment,
    - e. Demonstration of competency in Braille through one of the following:
      - i. A passing score on the original version of the National Library of Congress certification exam, or
      - ii. A valid certificate for a literary Braille transcriber issued by the National Library of Congress, or
      - iii. A passing score on a Braille exam administered by another state, or
      - iv. A passing score on the Braille exam developed and administered by the University of Arizona. Individuals who take this test and are not students at the University of Arizona may be assessed a fee.
    - f. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  - 2. Applicants may meet the requirements in subsection (L)(1)(b) with the submission of an application for the Standard Professional Visually Impaired Certificate – birth through grade 12 that includes evidence of two years of verified full-time teaching experience in visually impaired special education birth through grade 12 and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (L)(1)(b)(i) through (vii).
- M. Standard Professional Early Childhood Special Education Certificate – Birth through age 8 or grade three.**
- 1. The requirements are:
    - a. A bachelor's degree,
    - b. Completion of a teacher preparation program in early childhood special education from an accredited institution,
    - c. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in early childhood special education or otherwise qualifies for a waiver of the subject knowledge examination,
    - d. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment,
    - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  - 2. Applicants may meet the requirements in subsection (M)(1)(b) with completion of the following:
    - a. Thirty-seven semester hours of early childhood education which teach the standards described in R7-2-602 which include the following areas of study:
      - i. Foundations early childhood education and special education;
      - ii. Behavioral interventions for children with and without disabilities;
      - iii. Characteristics and quality practices for typical and atypical behaviors of young children;
      - iv. Typical and atypical child growth and development, including health, safety and nutrition with an emphasis on special health care needs for children birth through grade three;
      - v. Child, family, cultural and community relationships including community organizations that support and assist children with disabilities and their families;
      - vi. Developmentally appropriate instructional and inclusive methodologies for teaching social and emotional development, language arts, math, science, social studies, and the arts;
      - vii. Diagnosis and remediation of learning difficulties;
      - viii. Early language and literacy development including communication methods in early childhood education/special education;
      - ix. Assessment and evaluation for early childhood special education to include observing, assessing, monitoring and reporting on the progress of young children;
      - x. A minimum of four semester hours in a supervised field experience, practicum, internship or student teaching setting serving children with identified special needs birth through preschool or one year of full-time teaching experience with children identified with special needs birth through preschool; and
      - xi. A minimum of four semester hours in a supervised student teaching setting serving children with identified special needs in kindergarten through grade three or one year of full time teaching experience with children identified with special needs kindergarten through grade three.
- N. Standard Professional Early Childhood Special Education Certificate – birth through age 8 or grade three for applications received on or after August 1, 2018.**
- 1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in early childhood special education from a Board-approved educator preparation program or from an accredited institution offering substantially similar training addressing the following topics and any others as required by law:
      - i. Research-based systematic phonics;
      - ii. Research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to support readers of varying ages and ability levels, including students with dyslexia;
      - iii. Teaching students with exceptionalities;
      - iv. Characteristics and quality practices for typical and atypical behaviors of young children, including behavioral interventions for children with and without disabilities;
      - v. Typical and atypical child growth and development, including health, safety and nutrition

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- with an emphasis on special health care needs for children birth through grade three;
- vi. Child, family, cultural and community relationships including community organizations that support and assist children with disabilities and their families;
- vii. Developmentally appropriate instructional and inclusive methodologies for teaching social and emotional development, language arts, math, science, social studies, the arts and diagnosis and remediation of learning difficulties;
- viii. Early language and literacy development including communication methods in early childhood education/special education;
- ix. Assessment and evaluation for early childhood special education to include observing, assessing, monitoring and reporting on the progress of young children;
- x. Substantial experience in practicum as described in R7-2-604 serving children with exceptionalities birth through preschool and kindergarten through grade three;
- xi. Professional responsibility and ethical conduct; and
- xii. Twelve weeks of capstone experience as described in R7-2-604 serving children with exceptionalities in birth through grade three, which may be completed during the valid period of a teaching intern certificate. For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.
- c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment,
- d. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment unless the applicant has a bachelor's, master's or doctoral degree in early childhood special education or otherwise qualifies for a waiver of the subject knowledge examination, and
- e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- 2. Applicants may meet the requirements in subsection (N)(1)(b) with the submission of an application for the Standard Professional Early Childhood Special Education Certificate – birth through age 8 or grade three that includes two years of verified full-time teaching experience in early childhood special education serving children birth through prekindergarten and kindergarten through grade three and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (N)(1)(b)(i) through (xi).
- 3. Board approved educator preparation programs leading to dual certification in early childhood special education and early childhood teaching may exempt a student from the early childhood special education capstone experience upon completion of the following:
  - a. Verification from the applicable district or charter school administrator that the student was employed continuously as a paraprofessional whose primary responsibility was working with students in early childhood special education for two years preceding commencement of the early childhood teaching capstone experience;
  - b. Verification from the applicable district or charter school administrator that the student received evaluations, in each of the preceding two years of employment as a paraprofessional, indicating effectiveness in performance; and
  - c. Completion of the capstone experience in early childhood education and demonstration of all of the following competencies during the dual certification educator preparation program:
    - i. Participation on a multi-disciplinary evaluation team;
    - ii. Participation in and drafting of an acceptable individualized education program; and
    - iii. Planning and delivery of specially designed instruction for a class of students.
- O. Provisional Cross-Categorical Special Education Certificate – grades K through 12
  - 1. No new applications for the Provisional Cross-Categorical Special Education certificate are accepted as of December 31, 2015.
  - 2. Individuals who hold a valid Provisional Cross-Categorical Special Education certificate are qualified to teach students with mild to moderate autism, intellectual disabilities, traumatic brain injury, emotional disability, specific learning disability, orthopedic impairments, developmental delay and/or other health impairments.
  - 3. The Provisional certificate may not be renewed or extended. Individuals who hold a valid Provisional Cross-Categorical Special Education certificate, or a Provisional Cross-Categorical certificate which has not expired for more than one year, may apply for a Standard Professional Cross-Categorical Special Education certificate.
- P. Standard Professional Cross-Categorical Special Education Certificate – grades K through 12.
  - 1. The Standard Professional Cross-Categorical is valid for 12 years and may be renewed.
  - 2. Individuals who hold a valid Standard Professional Cross-Categorical Special Education certificate are qualified to teach students with autism, intellectual disabilities, traumatic brain injury, emotional disability, specific learning disability, orthopedic impairments, developmental delay and/or other health impairments.
  - 3. The requirements are:
    - a. An Arizona Provisional Cross-Categorical Special Education Certificate that is either valid or has not expired for more than one year.
    - b. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 5139, effective November 19, 2002 for a period of 180 days (Supp. 02-4). Emergency rulemaking renewed under A.R.S. § 41-1026(D) at 9 A.A.R. 1547, effective April 29, 2003 for a period of 180 days (Supp. 03-2). Emergency rulemaking repealed under A.R.S. § 41-1026(E) and permanent R7-2-611 amended by final rulemaking at 9 A.A.R. 3950, effective October 21, 2003 (Supp. 03-3). Former R7-2-611 recodified to R7-2-612; new R7-2-611 recodified from R7-2-610 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). R7-2-611 "Prekindergarten" corrected to "PreK" at request of the Board, Office File No. M09-444, filed November 24, 2009 (Supp. 10-

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1). Amended by exempt rulemaking at 16 A.A.R. 119, effective September 21, 2009 (Supp. 10-2). Amended by exempt rulemaking at 16 A.A.R. 235, effective December 7, 2009 (Supp. 10-3). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 21 A.A.R. 2056, effective December 2, 2013 (Supp. 15-3). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 24 A.A.R. 1427, effective April 23, 2018 (Supp. 18-2). The word “kindergarten” has been changed to the letter “K,” the term, “grade 3” has been changed to “grade three,” the word “twelve” has been changed to the numeral “12,” and “age eight” has been changed to “age 8” for consistency in this Section at the request of the Board (Supp. 21-2).

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

- A.** Except as noted, all certificates are subject to the general certification provisions in R7-2-607, and the renewal requirements in R7-2-619.
- B.** For purposes of this Section, the following definitions apply:
1. “Career and Technical Education means a field of study in any area relating to a CTE program approved by the Arizona Department of Education as described in the Guidance on CTE Teacher Certification, which is on file with the Arizona Department of Education.
  2. “Occupational Area” means employment in any area relating to a CTE program approved by the Department as described in the Guidance on CTE Teacher Certification, which is on file with the Arizona Department of Education.
  3. “Verified Work Experience” means written documentation from a current or former supervisor for paid or unpaid work, a current school superintendent, or the Department of Education Career and Technical Education Programmatic State Supervisor indicating that an applicant for a career and technical education certificate performed work in a business or industry setting related to an approved CTE program occupational area.
- C.** Standard Career and Technical Education (CTE) Certificate – CTE Field of Study – grades K through 12
1. The requirements include all of the following:
    - a. Within three years, obtain a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment or qualification for a waiver of this assessment.
    - b. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
    - c. At least one of the following options:
      - i. Option A – Bachelor’s degree in the specified CTE field of study – requirements include all of the following:
        - (1) A bachelor’s or more advanced degree in the specified CTE field of study from an accredited institution.
        - (2) Thirty semester hours of courses in the specified CTE field of study.
        - (3) Two hundred forty clock hours of verified work experience in the specified CTE occupational area. Hours may have been accumulated before obtaining a certification.
        - (4) Within three years, complete 15 semester hours of courses in professional knowl-

edge in career and technical education, to include any of the following areas: principles/philosophy of career and technical education, developmentally appropriate instructional delivery, facilitation and methodologies, instructional technology, instructional design and lesson planning, including modifications and accommodations, assessing, monitoring and reporting progress, the learning environment, including classroom management, teaching students with exceptionalities, or professional responsibility and ethical conduct. Hours may be obtained prior to issuance of the standard career and technical education certificate in the specified CTE field of study. Fifteen semester hours may be obtained through Department or Board-CTE approved professional development. Fifteen clock hours equals one semester hour.

- ii. Option B – Valid non-CTE Arizona Provisional or Standard teaching certificate or an Arizona CTE teaching certificate in another CTE field of study – requirements include all of the following:
  - (1) A valid Arizona provisional or standard teaching certificate for teachers in birth through grade 12 issued pursuant to this Article.
  - (2) One year of the most recent teacher evaluation(s) approved by a certificated administrator, or the administrator’s designee, in a grades PreK through 12 school setting and issued during the term of the Arizona teaching certificate exhibiting satisfactory performance in the classroom.
  - (3) Three semester hours of courses in professional knowledge in career and technical education to include any of the following areas: principles/philosophy of career and technical education, developmentally appropriate instructional delivery, facilitation and methodologies for career and technical education, or instructional technology. Three semester hours may be obtained through Department or Board-CTE approved professional development. Fifteen clock hours equals one semester hour.
  - (4) Two hundred forty clock hours of verified work experience in the specified CTE occupational area. Hours may have been accumulated before obtaining a certification.
  - (5) Within three years, complete nine semester hours of subject knowledge courses in the CTE field of study.
- iii. Option C – Business and industry professional – requirements include 6,000 clock hours of verified work experience in an occupational area. Within three years, complete 15 semester hours of courses in professional knowledge in career and technical education to include any of the following areas: principles/philosophy of career and technical education, developmen-

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- tally appropriate instructional delivery, facilitation and methodologies, instructional design and lesson planning, including modifications and accommodations, assessing, monitoring and reporting progress, instructional technology, the learning environment, including classroom management, teaching students with exceptionalities, or professional responsibility and ethical conduct. Fifteen semester hours may be obtained through Department or Board-CTE approved professional development. Fifteen clock hours equals one semester hour; and
- iv. Option D – Bachelor’s degree in the specified CTE field of study teacher preparation program – requirements include both of the following:
    - (1) A bachelor’s or more advanced degree that included completion of a Board approved teacher preparation program in the CTE field of study or from an accredited institution offering substantially similar training, addressing the following topics in career and technical education and any others as required by law: Principles/philosophy of career and technical education, instructional design and lesson planning, including modifications and accommodations; the learning environment, including classroom management; developmentally appropriate instructional delivery, facilitation and methodologies; assessing, monitoring and reporting progress; teaching students with exceptionalities; professional responsibility and ethical conduct; and
    - (2) Two hundred forty clock hours of verified work experience in the specified occupational area. Hours shall have been accumulated before obtaining a certification.
  2. If an applicant fails to meet these requirements within the prescribed time period, the Department of Education or the Board shall temporarily suspend the standard certificate, but the suspension is not considered a disciplinary action and the individual shall be allowed to correct the deficiency within the remaining time of the standard certification.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Section R7-2-612 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 2562, effective May 23, 2002 for a period of 180 days (Supp. 02-2). May 23, 2002 emergency rulemaking renewed under A.R.S. § 41-1026 at 8 A.A.R. 5132, effective November 19, 2002 (Supp. 02-4). Amended by final rulemaking at 9 A.A.R. 1605, effective May 5, 2003 (Supp. 03-2). Amended by final rulemaking at 11 A.A.R. 1885, effective June 26, 2005 (Supp. 05-2). Amended by exempt rulemaking at 15 A.A.R. 1292, effective June 26, 2006 (Supp. 09-1). Amended by exempt rulemaking at 15 A.A.R. 1893, effective September 25, 2006 (Supp. 09-2). Amended by exempt rulemaking at 15 A.A.R. 2086, effective May 19, 2008 (Supp. 09-3). Former R7-2-612 recodified to R7-2-613 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). New Section made by exempt rulemaking at 15 A.A.R. 2143, effective August 25, 2008 (Supp. 09-4). Former R7-2-612 recodified to

R7-2-613; new R7-2-612 recodified from R7-2-611 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 102, effective May 1, 2009 (Supp. 10-1). Amended by final exempt rulemaking at 21 A.A.R. 2063, effective August 26, 2013 (Supp. 15-3). Amended by final exempt rulemaking at 23 A.A.R. 725, effective January 23, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 23 A.A.R. 694, effective February 26, 2018 (Supp. 18-1). The word “fifteen” has been changed to the numeral “15,” the words “six thousand” have been changed to the numeral “6,000,” and the word “rule” has been changed to “Section” to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-612.01. Standard Specialized Career and Technical Education (CTE) Certificates – grades K through 12**

- A. Standard Specialized CTE certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.
- B. The holder is qualified to teach in an area that is specified on the certificate relating to a CTE program approved by the Arizona Department of Education as described in Guidance on CTE Teacher Certification which is on file with the Arizona Department of Education.
- C. The requirements are:
  1. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  2. Demonstration of expertise in the specified CTE area through one of the following:
    - a. A Bachelor’s, master’s or doctoral degree in the specified CTE area; or
    - b. A Bachelor’s or more advanced degree and completion of 24 semester hours of coursework in the specified CTE area; or
    - c. An Associate’s degree in the specified CTE area; or
    - d. An industry certification, license, or credential in the specified CTE area approved by the appropriate Department of Education Career and Technical Education Program Specialist or Career and Technical Education Program Services Director; or
    - e. Verified teaching experience for the last two consecutive years, and for a total of at least three years at one or more accredited postsecondary institutions in a subject that is specific to the CTE course being taught.
  3. Verification of five years of work experience in the specified CTE occupational area.
  4. An individual who meets the requirements of this Section is exempt from the competency requirements of the United States and Arizona Constitutions, the professional knowledge and subject knowledge portions of the Arizona Teacher Proficiency Assessments, and structured English immersion endorsement requirements.

**Historical Note**

New Section made by final exempt rulemaking at 22 A.A.R. 2617, effective August 22, 2016 (Supp. 16-4). Amended by final exempt rulemaking at 23 A.A.R. 694, effective February 26, 2018 (Supp. 18-1). The term “twenty-four” has been changed to the numeral “24,” the hyphen between “PreK-12” has been replaced with the word “through” in the Section heading for consistency in Chapter style and format (Supp. 21-1).

**R7-2-613. PreK through 12 Teaching Certificates**

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- A. Except as noted, all certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.
- B. Standard Professional PreK through 12 Arts Education Certificate: art, dance, dramatic arts or music. The requirements are:
1. A bachelor's degree.
  2. One of the following:
    - a. Completion of a teacher preparation program in PreK through 12 arts education in one of the following approved areas: art, dance, dramatic arts or music from a Board-approved teacher preparation program, described in R7-2-604; or
    - b. Completion of a teacher preparation program in PreK through 12 arts education in one of the following approved areas: art, dance, dramatic arts or music from an institution accredited by the National Association of Schools of Art and Design, National Association of Schools of Dance, National Association of Schools of Theatre, the National Association of Schools of Music, or National Council for Accreditation of Teacher Education; or
    - c. Thirty semester hours of education or arts education courses which teach the knowledge and skills described in R7-2-602, including at least eight semester hours of elementary and secondary methods in the certificate area and 12 semester hours of practicum in the certificate area grades PreK through 12. Two years of verified full-time teaching experience in the certificate area in grades PreK through 12 may substitute for the 12 semester hours of practicum; or
    - d. A valid PreK through 12 arts education certificate from another state.
  3. A passing score on the appropriate subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment. If a proficiency assessment is not offered in a subject area, an approved area shall consist of a minimum of 24 semester hours of courses in the subject.
  4. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment.
  5. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- C. Standard Professional PreK through 12 Arts Education Certificate for applications received on or after August 1, 2018.
1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in PreK through 12 arts education from a Board-approved teacher educator preparation program or from an accredited institution offering substantially similar training, addressing the following topics and any others as required by law:
      - i. Studio art;
      - ii. Art history and analysis;
      - iii. Advanced work in studio or art application areas;
      - iv. Technical processes;
      - v. Instructional design and lesson planning, including modifications, and accommodations;
      - vi. The learning environment, including classroom management;
      - vii. Assessing, monitoring and reporting progress;
      - viii. Professional responsibility and ethical conduct;
    - c. A passing score on the appropriate subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment.
  2. Applicants may meet the requirements in subsection (C)(1)(b) with the submission of an application for the Standard Professional PreK through 12 Arts Education certificate that includes evidence of two years of verified full-time teaching experience in grades PreK through 12 arts education, and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (C)(1)(b)(i) through (vii). One year of verified full-time teaching experience in grades PreK through 12 arts education may be substituted for the capstone experience.
- D. Standard Professional PreK through 12 Dance Education Certificate
1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in PreK through 12 dance education from an accredited institution offering substantially similar training, addressing the following topics and any others as required by law:
      - i. Performance;
      - ii. Choreography;
      - iii. Theoretical and historical studies of dance;
      - iv. Technical processes;
      - v. Instructional design and lesson planning, including modifications, and accommodations;
      - vi. The learning environment, including classroom management;
      - vii. Assessing, monitoring and reporting progress;
      - viii. Professional responsibility and ethical conduct; and
    - c. A passing score on the appropriate subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment.
  2. Twelve weeks of capstone experience as described in R7-2-604 in grades PreK through 12 arts education, which may be completed during the valid period of a teaching intern or student teaching intern certificate. One year of verified full-time teaching experience in the certificate area in grades PreK through 12 arts education may substitute for the capstone experience requirement;
  3. A passing score on the appropriate subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment.
  4. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment and
  5. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

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- d. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; and
  - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
2. Applicants may meet the requirements in subsection (D)(1)(b) with the submission of an application for the Standard Professional PreK through 12 Dance Education certificate that includes evidence of two years of verified full-time teaching experience in grades PreK through 12 dance education, and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (D)(1)(b)(i) through (viii). One year of verified full-time teaching experience in grades PreK through 12 dance education may be substituted for the capstone experience.
- E. Standard Professional PreK through 12 Theatre Education Certificate**
- 1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in PreK through 12 theatre education from an accredited institution offering substantially similar training, addressing the following topics and any others as required by law:
      - i. Foundations of production;
      - ii. Aesthetics, theatre history, literature, theory and criticism;
      - iii. Advanced work in theatre performance;
      - iv. Instructional design and lesson planning, including modifications, and accommodations;
      - v. The learning environment, including classroom management;
      - vi. Assessing, monitoring and reporting progress;
      - vii. Professional responsibility and ethical conduct and;
      - viii. Twelve weeks of capstone experience as described in R7-2-604 in grades PreK through 12 theatre education, which may be completed during the valid period of a teaching intern or student teaching intern certificate. One year of verified full-time teaching experience in grades PreK through 12 theatre education may substitute for the capstone experience requirement; and
    - c. A passing score on the appropriate subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment.
    - d. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; and
    - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  - 2. Applicants may meet the requirements in subsection (E)(1)(b) with the submission of an application for the Standard Professional PreK through 12 Theatre Education certificate that includes evidence of two years of verified full-time teaching experience in grades PreK through 12 theatre education, and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (E)(1)(b)(i) through (vii). One year of verified full-time teaching experience in grades PreK through 12 theatre education may be substituted for the capstone experience.
- atre education may be substituted for the capstone experience.
- F. Standard Professional PreK through 12 Music Education Certificate**
- 1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in PreK through 12 music education from an accredited institution offering substantially similar training, addressing the following topics and any others as required by law:
      - i. Performance;
      - ii. Musicianship skills and analysis;
      - iii. Composition and improvisation;
      - iv. Music history and repertoire;
      - v. Instructional design and lesson planning, including modifications, and accommodations;
      - vi. The learning environment, including classroom management;
      - vii. Assessing, monitoring and reporting progress;
      - viii. Professional responsibility and ethical conduct; and
      - ix. Twelve weeks of capstone experience as described in R7-2-604 in grades PreK through 12 music education, which may be completed during the valid period of a teaching intern or student teaching intern certificate. One year of verified full-time teaching experience in grades PreK through 12 music education may substitute for the capstone experience requirement; and
    - c. A passing score on the appropriate subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment.
    - d. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; and
    - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  - 2. Applicants may meet the requirements in subsection (F)(1)(b) with the submission of an application for the Standard Professional PreK through 12 Music Education certificate that includes evidence of two years of verified full-time teaching experience in grades PreK through 12 music education, and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (F)(1)(b)(i) through (viii). One year of verified full-time teaching experience in grades PreK through 12 music education may be substituted for the capstone experience.
- G. Standard Professional PreK through 12 Physical Education Certificate. The requirements are:**
- 1. A bachelor's degree.
  - 2. One of the following:
    - a. Completion of a teacher preparation program in PreK through 12 physical education, including 12 semester practicum hours evenly split between elementary and secondary physical education from an accredited institution or a Board-approved teacher preparation program; or
    - b. Thirty-three semester hours of education or physical education courses, including:

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- i. At least nine semester hours of elementary, secondary and adaptive physical education methods;
  - ii. Foundational coursework in the areas of Growth and Motor Development, Movement Activities, Lifelong Physical Fitness and Comprehensive School Physical Activity Programming; and
  - iii. Twelve semester hours of practicum in physical education in PreK through 12 grades, evenly split between elementary and secondary physical education, and supervised by a licensed or certified physical education teacher. Two years of verified full-time teaching experience in the certificate area in grades PreK through 12 may substitute for the 12 semester hours of practicum; or
  - c. A valid PreK through 12 physical education certificate from another state.
  3. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment.
  4. A passing score on the Physical Education subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment.
  5. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- H. Standard Professional PreK through 12 Physical Education Certificate for applications received on or after August 1, 2018.**
1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in PreK through 12 physical education a Board-approved educator preparation program or from an accredited institution offering substantially similar training, addressing the following topics and any others as required by law:
      - i. Elementary, secondary and adaptive physical education methods;
      - ii. Foundational coursework in the areas of Growth and Motor Development;
      - iii. Movement Activities;
      - iv. Lifelong Physical Fitness;
      - v. Instructional design and lesson planning, including modifications, and accommodations;
      - vi. The learning environment, including classroom management;
      - vii. Assessing, monitoring and reporting progress;
      - viii. Professional responsibility and ethical conduct and;
      - ix. Twelve weeks of capstone experience as described in R7-2-604 in grades PreK through 12 physical education, serving students in elementary and secondary physical education, which may be completed during the valid period of a teaching intern or student teaching intern certificate. One year of verified full-time teaching experience in the certificate area in grades PreK through 12 physical education may substitute for the capstone experience requirement;
    - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
    - d. A passing score on the Physical Education subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment; and
    - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  2. Applicants may meet the requirements in subsection (H)(1)(b) with the submission of an application for the Standard Professional PreK through 12 Physical Education certificate that includes evidence of two years of verified full-time teaching experience in grades PreK through 12 physical education, and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (H)(1)(b)(i) through (viii). One year of verified full-time teaching experience in grades PreK through 12 physical education may be substituted for the capstone experience.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 4581, effective December 18, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 1885, effective June 26, 2005 (Supp. 05-2). Amended by exempt rulemaking at 15 A.A.R. 1225, effective December 5, 2006 (Supp. 09-1). Amended by exempt rulemaking at 15 A.A.R. 1259, effective March 26, 2007 (Supp. 09-2). Amended by exempt rulemaking at 15 A.A.R. 1298, effective July 18, 2007 (Supp. 09-3). Former R7-2-613 recodified to R7-2-614; new R7-2-613 recodified from R7-2-612 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-613 recodified to R7-2-614; new R7-2-613 recodified from R7-2-612 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 235, effective December 7, 2009 (Supp. 10-3). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 21 A.A.R. 2073, effective June 22, 2015 (Supp. 15-3). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1). The hyphen between "PreK-12" has been changed to the word "through" in the Section heading and subsections for consistency in Chapter style and format (Supp. 21-1).

**R7-2-614. Other Teaching Certificates**

- A.** Except as noted, all certificates are subject to the general certification provisions in R7-2-607.
- B.** Substitute Certificate - PreK through 12
  1. The certificate is valid for six years and renewable by reapplication.
  2. The certificate entitles the holder to substitute in the temporary absence of a regular contract teacher. A person holding only a substitute certificate shall not be assigned a contract teaching position.
  3. An individual who holds a valid teaching or administrator certificate shall not be required to hold a substitute certificate to be employed as a substitute teacher.
  4. A person holding only a substitute certificate shall be limited to teaching 120 days in the same school each school year.
  5. The requirement for issuance is a bachelor's degree and a valid fingerprint clearance card issued by the Arizona Department of Public Safety.

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6. Substitute certificates previously issued as valid for life under this Section shall remain valid for life.
  7. A person holding only a substitute certificate may be exempt from the limit on teaching 120 days in the same school each school year if the school district superintendent has provided verification to the Department of Education that the position is continuously advertised on a statewide basis at a minimum of three sites with at least one being a higher education institution and that a highly qualified and employable candidate was not found. An exemption from teaching 120 days shall not be granted to the same individual more than three times.
- C. Emergency Substitute Certificate - PreK through 12**
1. The certificate is valid for one school year or part thereof. The expiration date shall be the following July 1.
  2. The certificate entitles the holder to substitute only in the district that verifies that an emergency employment situation exists.
  3. The certificate entitles the holder to substitute in the temporary absence of a regular contract teacher. A person holding only an emergency substitute certificate shall not be assigned a contract teaching position.
  4. The holder of an emergency substitute certificate shall be limited to 120 days of substitute teaching per school year.
  5. The requirements for initial issuance are:
    - a. High school diploma, General Education diploma, or associate's degree;
    - b. Verification from the school district superintendent that an emergency employment situation exists; and
    - c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  6. The requirements for each reissuance are:
    - a. Two semester hours of academic courses completed since the last issuance of the Emergency Substitute Certificate. District in-service programs designed for professional development may substitute for academic courses. Fifteen clock hours of in-service is equivalent to one semester hour. In-service hours shall be verified by the district superintendent or personnel director. Individuals who have earned 30 or more semester hours are exempt from this requirement,
    - b. Verification from the school district superintendent that an emergency employment situation exists, and
    - c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- D. Emergency Teaching Certificate - birth through grade 12**
1. The emergency teaching certificate is valid one school year or part thereof. The expiration date shall be the following July 1. Excluding an emergency teaching certificate issued under subsection (D)(6), an emergency teaching certificate shall not be issued more than three times to an individual.
  2. The emergency teaching certificate entitles the holder to enter into a teaching contract.
  3. Emergency teaching certificates shall be issued for early childhood, elementary and secondary certificates required by A.R.S. § 15-502(B) and required endorsements.
  4. The emergency teaching certificate entitles the holder to teach only in the district or charter school that verifies that an emergency employment situation exists.
  5. The requirements for initial issuance are:
    - a. A bachelor's degree,
    - b. Verification from the school district superintendent or charter school administrator that an emergency employment situation exists, and
    - c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- E. Alternative Teaching Certificate - PreK through 12**
1. The certificate is valid for two years from the date of initial issuance and may be extended yearly for no more than two consecutive years at no cost to the applicant if the provisions in subsection (E)(5) are met.
  2. The alternative teaching certificate entitles the holder to enter into a teaching contract while completing the requirements for an Arizona teaching certificate. During the valid period of the alternative teaching certificate the holder may teach in a Structured English Immersion classroom, or in any subject area in which the holder has passed the appropriate Arizona Teacher Proficiency Assessment. Alternative Teaching certificate holders who teach in a Structured English Immersion classroom shall hold a valid Provisional or full Structured English Immersion Endorsement, an English as a Second Language Endorsement, or a Bilingual Endorsement, if applicable. The candidate shall be enrolled in a Board authorized alternative path to certification program or a Board approved teacher educator preparation program.
  3. An individual is not eligible to hold the alternative teaching certificate more than once in a five year period.
  4. The requirements for initial issuance of the alternative teaching certificate are:
    - a. A bachelor's degree or higher from an accredited institution;
    - b. Verification of enrollment in a Board approved alternative path to certification program, or a Board approved educator preparation program; and
    - c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  5. The requirements for the extension of the alternative teaching certificate are:
    - a. The alternative teaching certificate outlined in subsection (E)(4),
    - b. Verification from the educator preparation program in which the alternative teaching certificate holder is enrolled, that the certificate holder has made adequate progress toward completion of the program,



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- c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  - 6. The holder of the alternative teaching certificate may apply for a Standard teaching certificate upon completion of the following:
    - a. Successful completion of a Board authorized alternative path to certification program or a Board-approved educator preparation program.
    - b. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment as applicable;
    - c. A passing score on one or more subject knowledge portions of the Arizona Teacher Proficiency Assessment that corresponds to the Board approved alternative path to certification program in which the applicant is enrolled, unless the applicant has a bachelor's, master's or doctoral degree in the corresponding content area;
    - d. The submission of an application for a Standard teaching certificate to the Department;
    - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  - 7. Placement decisions of alternative teaching certificate holders shall only be based on agreements between the educator preparation provider, the provider's partner organizations and the local education agency except as otherwise provided in this subsection.
- F. Standard Adult Education Certificate
  - 1. The holder is qualified to teach Adult Basic Education, Adult Secondary Education, English Language Acquisition for Adults, or Citizenship.
  - 2. The requirements are:
    - a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and
    - b. A bachelor's degree.
  - 3. The renewal requirements are completion of a professional development program, described in R7-2-619.
- G. Junior Reserve Officer Training Corps Teaching Certificate - grades nine through 12
  - 1. The standard certificate is valid at any local education agency which conducts an approved Junior Reserve Officer Training Corps program of the Air Force, Army, Navy, or Marine Corps.
  - 2. The requirements are:
    - a. Verification by the district of an approved Junior Reserve Officer Training Corps program of instruction in which the applicant will be teaching,
    - b. Verification by the district that the applicant meets the work experience required by the respective military service, and
    - c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- H. Athletic coaching certificate - grades seven through 12
  - 1. The standard certificate entitles the holder to perform coaching duties in interscholastic and extracurricular athletic activities. It is not required for teachers who hold a valid elementary, secondary or special education certificate.
  - 2. The requirements are:
    - a. Valid certification in first aid and Coronary and Pulmonary Resuscitation (CPR);
    - b. Completion of courses, Board-approved or accredited seminars or modules of study which shall include the following:
      - i. Methods of coaching,
      - ii. Anatomy and physiology,
      - iii. Sports psychology,
      - iv. Adolescent psychology,
      - v. The prevention and treatment of athletic injuries; and
      - vi. Signs of physical abuse, emotional abuse, sexual abuse, neglect, bullying, hazing and cyberbullying.
    - c. Two hundred fifty hours of verified coaching experience in the sport to be coached. Coaching experience may include experience as a head coach or assistant coach in a school program or in an organized athletic league; and
    - d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- 4. Renewal requirements are:
  - a. Completion of a professional development program described in R7-2-619,
  - b. Valid certification in first aid and CPR.
- I. International Teaching Certificate
  - 1. The International Teaching certificate is issued to teachers from foreign countries who are contracted through the foreign teacher program as authorized by federal statutes enacted by the Congress of the United States or other foreign teacher recruitment programs approved by the United States Department of State or the United States Citizenship and Immigration Services.
  - 2. This certificate is valid for the length of the certificate holder's visa, not to exceed 12 years.
  - 3. The requirements are:
    - a. Verification that the applicant has completed teacher preparation in the home country or country of legal residence that is comparable to the requirements to qualify for an Arizona teaching certificate as provided in R7-2-608, R7-2-609, R7-2-610, R7-2-610.01, R7-2-610.02, R7-2-611 and R7-2-613.
    - b. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
    - c. A valid non-immigrating visa issued by the United States Department of State or the United States Citizenship and Immigration Services for international teachers.
    - d. Verification that the applicant has been contracted by an Arizona school through a foreign teacher program.
  - 4. An individual with an international teaching certificate may qualify for a certificate to instruct students in a language other than English with submission of a letter from a department chair or dean of an accredited institution in another country or in the United States verifying that the applicant is proficient in the language.
  - 5. The international teaching certificate may be extended with the following:
    - a. Verification of an extended visa issued by the United States Department of State or the United States Citizenship and Immigration Services for international teachers. The certificate may be extended to the new expiration date of the visa not to exceed 12 years.
    - b. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- J. Native American Language Certificate
  - 1. The standard certificate is optional and issued to individuals to teach only a Native American language in grades PreK through 12.
  - 2. The requirements are:
    - a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

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- b. Language proficiency in a Native American Language. Proficiency shall be verified on official letterhead by a person, persons, or entity designated by the appropriate tribe.
  - 3. The certificate may be renewed upon completion of professional development, as prescribed in R7-2-619.
- K. Student Teaching Intern Certificate - PreK through 12
  - 1. The student teaching intern certificate is optional and is not a requirement for participation in a student teaching capstone experience.
  - 2. The certificate entitles the holder to perform teaching duties under the supervision of a program supervisor as defined in R7-2-604(14) and is only valid in the school district or charter school requesting the certificate.
  - 3. The certificate is valid for one year from date of initial issuance and may be extended for one year at no cost to the applicant if the provisions in subsection (K)(4) are met.
  - 4. The requirements are:
    - a. Verification of enrollment in the culminating student teaching capstone experience of a Board approved educator preparation program pursuant to R7-2-604.01,
    - b. Verification documenting completed coursework with a minimum GPA of 3.0 on a 4.0 scale or the equivalent,
    - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment that corresponds to the teaching certificate the student teaching intern is pursuing,
    - d. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment that corresponds to the teaching certificate the student teaching intern is pursuing,
    - e. A request for issuance of the student teaching intern certificate from the district superintendent or charter school superintendent and the educator preparation program.
    - f. Verification from the educator preparation provider that a written supervision plan, approved by the Board, includes the following:
      - i. The educator preparation provider's roles and responsibilities for the Program Supervisor, and
      - ii. The onsite mentorship and induction provided by the Local Education Agency.
    - g. A valid fingerprint card issued by the Arizona Department of Public Safety.
  - 5. Placement decisions of student teaching intern certificate holders shall only be based on collaborative agreements between the Board approved educator preparation provider and the local education agency. Notwithstanding any other provision, a student teaching intern certificate holder may not teach in a special education classroom unless the certificate holder has a bachelor's degree.
  - 6. The holder of the student teaching certificate may apply for an Arizona Teaching Certificate upon completion of the following:
    - a. Successful completion of a Board approved educator preparation program.
    - b. The submission of an application, and all required documentation including an institutional recommendation, for the Arizona teaching certificate to the Department.
- L. Classroom-Based Standard Teaching Certificate
  - 1. The requirements are:
    - a. A bachelor's degree;
    - b. Successful completion of a Board-approved Classroom-Based Alternative Preparation Program;
    - c. Verification of satisfactory progress and achievement with students;
    - d. Demonstration of subject knowledge proficiency with:
      - i. Verification of teaching courses relevant to a content area or subject matter for the last two consecutive years, and for a total of at least three years at one or more accredited postsecondary institutions; or
      - ii. A bachelor's, master's or doctoral degree from an accredited institution in the applicable subject area; or
      - iii. Verification of a minimum of five years of work experience in the applicable subject area of certification; or
      - iv. Three years of verified teaching experience in the same area of certification in which the individual is applying for certification; or
      - v. A passing score on the applicable subject knowledge portion of the Arizona Teacher Proficiency Assessment;
    - e. Demonstration of professional knowledge proficiency with:
      - i. Three years of verified teaching experience in the same area of certification in which the individual is applying for certification; or
      - ii. A passing score on the applicable professional knowledge portion of the Arizona Teacher Proficiency Assessment;
    - f. An individual seeking certification who was teaching courses or subjects tested by the statewide assessment must also provide:
      - i. Verified evidence of two years of full-time teaching; and
      - ii. Verified evidence that the individual's students performed at grade level; or
      - iii. Verified evidence that the individual's students achieved at least one year of academic growth at a rate equivalent to the state average for the students' associated peer groups;
    - g. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Section R7-2-614 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 3739, effective August 5, 2002 for a period of 180 days (Supp. 02-3). Emergency rulemaking renewed under A.R.S. § 41-1026 at 9 A.A.R. 522, effective January 31, 2003 for a period of 180 days (Supp. 03-1). Amended by final rulemaking at 9 A.A.R. 1605, effective May 5, 2003 (Supp. 03-2). Amended by exempt rulemaking at 15 A.A.R. 1304, effective June 26, 2006 (Supp. 09-1). Amended by exempt rulemaking at 15 A.A.R. 1898, effective April 28, 2008 (Supp. 09-2). Former R7-2-614 recodified to R7-2-615; new R7-2-614 recodified from R7-2-613 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-614 recodified to R7-2-615; new R7-2-614 recodified from R7-2-613 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 52, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 63, effective June 22, 2009 (Supp. 10-2).

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Amended by exempt rulemaking at 16 A.A.R. 728, effective March 22, 2010 (Supp. 10-3). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). R7-2-614(J) amended by final exempt rulemaking at 21 A.A.R. 2073, effective August 27, 2012; R7-2-614(I) amended by final exempt rulemaking at 21 A.A.R. 2073, effective June 24, 2013; R7-2-614(B)(C)(E) amended by final exempt rulemaking at 21 A.A.R. 2073, effective January 26, 2015 (Supp. 15-3). Amended by final exempt rulemaking at 22 A.A.R. 667, effective January 25, 2016; filed in the Office March 1, 2016 (Supp. 16-3). Amended by final exempt rulemaking at 22 A.A.R. 2617, effective August 22, 2016 (Supp. 16-4). Amended by final exempt rulemaking at 23 A.A.R. 725, effective January 23, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 24 A.A.R. 2947, effective September 24, 2018 (Supp. 18-3). Amended by final exempt rulemaking at 26 A.A.R. 1311, effective May 18, 2020 (Supp. 20-2). The hyphen between “PreK-12” has been changed to the word “through,” and the word “rule” has been changed to “Section” to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-615. Endorsements**

- A.** An endorsement shall be automatically renewed with the certificate on which it is posted.
- B.** Except as noted, all endorsements are subject to the general certification provisions in R7-2-607.
- C.** Endorsements which are optional as specified herein may be required by local governing boards.
- D.** Special subject endorsements, grades Pre-K through 12
  1. Special subject endorsements shall be issued in the area of art, computer science, dance, dramatic arts, music, or physical education.
  2. Special subject endorsements are optional.
  3. The requirements are:
    - a. An Arizona elementary, secondary, or special education certificate;
    - b. One course in the methods of teaching the subject at the elementary level and one course in the methods of teaching the subject at the secondary level; and
    - c. One of the following:
      - i. Thirty semester hours of courses in the subject area which may include the courses listed in subsection (D)(3)(b);
      - ii. A passing score on the subject area portion of the Arizona Teacher Proficiency Assessment, if an assessment has been adopted by the Board; or
      - iii. A passing score on a comparable out-of-state subject area assessment.
- E.** Mathematics Specialist Endorsement, grades K through eight. This subsection is valid until June 30, 2011.
  1. The mathematics specialist endorsement is optional.
  2. The requirements are:
    - a. An Arizona elementary or special education certificate,
    - b. Three semester hours of courses in the methods of teaching elementary school mathematics, and
    - c. Fifteen semester hours of courses in mathematics education for teachers of elementary or middle school mathematics.
- F.** Mathematics Endorsement, grades K through eight. This subsection becomes effective on July 1, 2011.
  1. The mathematics endorsement is optional for all K through eight teachers, but recommended for an individual in the position of mathematics specialist, consultant, interventionist, or coach. Nothing in this Section prevents school districts from requiring certified staff to obtain a mathematics endorsement as a condition of employment. The mathematics endorsement does not waive the requirements set forth in R7-2-607.
  2. The requirements are:
    - a. An Arizona elementary or special education certificate;
    - b. Three years of full-time teaching experience in grades K through eight; and
    - c. Eighteen semester hours to include:
      - i. Three semester hours of data analysis, probability, and discrete mathematics;
      - ii. Three semester hours of geometry and measurement;
      - iii. Six semester hours of patterns, algebra, and functions; and
      - iv. Six semester hours of number and operations.
    - d. Six semester hours to include:
      - i. Three semester hours of mathematics classroom assessment;
      - ii. Three semester hours of research-based practices, pedagogy, and instructional leadership in mathematics.
    - e. A passing score on the middle school mathematics knowledge portion of the Arizona Educator Proficiency Assessment may be substituted for the 18 semester hours described in subsection (F)(2)(c).
    - f. Completion of a comparable valid mathematics specialist certificate or endorsement from another state may be substituted for the requirements described in subsection (F)(2)(c) and (d).
- G.** Reading Specialist Endorsement, grades K through 12. This subsection is valid until June 30, 2011.
  1. The reading specialist endorsement shall be required of an individual in the position of reading specialist, reading consultant, remedial reading teacher, special reading teacher, or in a similar position.
  2. The requirements are:
    - a. An Arizona elementary, secondary, or special education certificate; and
    - b. Fifteen semester hours of courses to include decoding, diagnosis and remediation of reading difficulties, and practicum in reading.
- H.** Reading Endorsement. This subsection becomes effective on July 1, 2011.
  1. A reading endorsement shall be required of an individual in the position of reading or literacy specialist, reading or literacy coach, and reading or literacy interventionist.
  2. Reading Endorsement for grades K through eight. The requirements are:
    - a. A valid Arizona elementary special education or early childhood certificate,
    - b. Three years of full-time teaching experience,
    - c. Three semester hours of a supervised field experience or practicum in reading completed for the grades K through eight, and
    - d. One of the following:
      - i. Twenty-one semester hours beyond requirements of initial provisional or standard teaching certificate to include the following:
        - (1) Three semester hours in the theoretical and research foundations of language and

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- literacy;
  - (2) Three semester hours in the essential elements of elementary reading and writing instruction (K through eight);
  - (3) Three semester hours in the elements of elementary content area reading and writing (K through eight);
  - (4) Six total semester hours in reading assessment systems;
  - (5) Three semester hours in leadership; and
  - (6) Three semester hours of elective courses in an area of focus that will deepen knowledge in the teaching of reading to elementary students, such as children's literature, or teaching reading to English Language Learners.
  - ii. Proof of a comparable valid reading specialist certificate or endorsement from another state may be substituted for the requirements described in subsections (H)(2)(c) and (d)(i).
  - e. A passing score on the reading endorsement subject knowledge portion of the Arizona Educator Proficiency Assessment for grades K through eight may be substituted for 21 semester hours of reading endorsement coursework as described in subsection (H)(2)(d)(i).
3. Reading Endorsement for grades six through 12. The requirements are:
- a. A valid Arizona elementary, secondary, or special education certificate;
  - b. Three years of full-time teaching experience;
  - c. Three semester hours of supervised field experience or practicum in reading completed for the grades six through 12; and
  - d. One of the following:
    - i. Twenty-one semester hours beyond requirements of initial provisional or standard teaching certificate to include the following:
      - (1) Three semester hours in the theoretical and research foundations of language and literacy;
      - (2) Three semester hours in the essential elements of reading and writing instruction for adolescents (grades six through 12);
      - (3) Three semester hours in the elements of content area reading and writing for adolescents (grades six through 12);
      - (4) Six total semester hours in reading assessment systems;
      - (5) Three semester hours in leadership; and
      - (6) Three semester hours of elective courses in an area of focus that will deepen knowledge in the teaching of reading such as adolescent literature, or teaching reading to English Language Learners.
    - ii. Proof of a comparable valid reading specialist certificate or endorsement from another state may be substituted for the requirements described in subsections (H)(3)(c) and (d)(i).
  - e. A passing score on the reading endorsement subject knowledge portion of the Arizona Educator Proficiency Assessment for grades six through 12 may be substituted for 21 semester hours of reading endorsement coursework as described in subsection (H)(3)(d)(i).
4. Reading Endorsement, grades K through 12. The requirements are:
- a. A valid Arizona elementary, secondary, special education certificate or early childhood certificate;
  - b. Three years of full-time teaching experience;
  - c. Three semester hours of a supervised field experience or practicum in reading completed for the grades K through five;
  - d. Three semester hours of a supervised field experience or practicum in reading completed for the grades six through 12; and
  - e. One of the following:
    - i. Twenty-four semester hours beyond requirements of initial provisional or standard teaching certificate to include the following:
      - (1) Three semester hours in the theoretical and research foundations of language and literacy,
      - (2) Three semester hours in the essential elements of elementary reading and writing instruction (grades K through eight),
      - (3) Three semester hours in the essential elements of reading and writing instruction for adolescents (grades six through 12),
      - (4) Three semester hours in the elements of elementary content area reading and writing (grades K through eight),
      - (5) Three semester hours in the elements of content area reading and writing for adolescents (grades six through 12),
      - (6) Six total semester hours in reading assessment systems, and
      - (7) Three semester hours in leadership,
    - ii. Proof of a comparable valid reading specialist certificate or endorsement from another state may be substituted for the requirements described in subsections (H)(4)(c), (d) and (e)(i).
  - f. A passing score on the reading endorsement subject knowledge portion of the Arizona Educator Proficiency Assessment for grades K through eight and a passing score on the reading endorsement professional knowledge portion of the Arizona Educator Proficiency Assessment for grades six through 12 may be substituted for 24 semester hours of reading endorsement coursework as described in subsection (H)(4)(e)(i).
- I. Elementary Foreign Language Endorsement, grades K through eight**
- 1. The elementary foreign language endorsement is optional.
  - 2. The requirements are:
    - a. An Arizona elementary, secondary or special education certificate.
    - b. Proficiency in speaking, reading, and writing a language other than English, verified by the appropriate language department of an accredited institution. American Indian language proficiency shall be verified by an official designated by the appropriate tribe.
    - c. Three semester hours of courses in the methods of teaching a foreign language at the elementary level.
- J. Bilingual Endorsements, PreK through 12**
- 1. A provisional bilingual endorsement or a bilingual endorsement is required of an individual who is a bilingual classroom teacher, bilingual resource teacher, bilin-

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- gual specialist, or otherwise responsible for providing bilingual instruction.
2. The provisional bilingual endorsement is valid for three years and is not renewable. The requirements are:
    - a. An Arizona elementary, secondary, supervisor, principal, superintendent, special education, early childhood, arts education or CTE certificate; and
    - b. Proficiency in a spoken language other than English, verified by one of the following:
      - i. A passing score on the Arizona Classroom Spanish Proficiency exam;
      - ii. A passing score on a foreign language subject knowledge portion of the Arizona Teacher Proficiency Assessment or a comparable foreign language subject knowledge exam from another state;
      - iii. If an exam in the language is not offered through the Arizona Teacher Proficiency Assessment or the American Council on the Teaching of Foreign Languages, proficiency may be verified by the language department of an accredited institution. A minimum passing score of "Advanced Low" is required on the American Council on the Teaching of Foreign Languages for Speaking and Writing Exams in the foreign language;
      - iv. Proficiency in American Indian languages shall be verified by an official designated by the appropriate tribe; or
    - c. Proficiency in sign language is verified through 24 hours of coursework from an accredited institution.
  3. The holder of the bilingual endorsement is also authorized to teach English as a Second Language.
  4. The requirements are:
    - a. An Arizona elementary, secondary, supervisor, principal, superintendent, special education, early childhood, arts education or CTE certificate;
    - b. Completion of a bilingual education program from an accredited institution or the following courses:
      - i. Three semester hours of foundations of instruction for non-English-language-background students;
      - ii. Three semester hours of bilingual methods;
      - iii. Three semester hours of English as a Second Language for bilingual settings;
      - iv. Three semester hours of courses in bilingual materials and curriculum, assessment of limited-English-proficient students, teaching reading and writing in the native language, or English as a Second Language for bilingual settings;
      - v. Three semester hours of linguistics to include psycholinguistics, sociolinguistics, first language acquisition, and second language acquisition for language minority students, or American Indian language linguistics;
      - vi. Three semester hours of courses dealing with school, community, and family culture and parental involvement in programs of instruction for non-English-language-background students; and
      - vii. Three semester hours of courses in methods of teaching and evaluating handicapped children from non-English-language backgrounds. These hours are only required for bilingual endorsements on special education certificates.
    - c. A valid bilingual certificate or endorsement from another state may be substituted for the courses described in subsection (J)(4)(b);
    - d. Practicum in a bilingual program or two years of verified bilingual teaching experience; and
    - e. Proficiency in a spoken language other than English, verified by one of the following:
      - i. A passing score on the Arizona Classroom Spanish Proficiency exam;
      - ii. A passing score on a foreign language subject knowledge portion of the Arizona Teacher Proficiency Assessment or a comparable foreign language subject knowledge exam from another state;
      - iii. If an exam in the language is not offered through the Arizona Teacher Proficiency Assessment or the American Council on the Teaching of Foreign Languages, proficiency may be verified by the language department of an accredited institution. A minimum passing score of "Advanced Low" is required on the American Council on the Teaching of Foreign Languages for Speaking and Writing Exams in the foreign language;
      - iv. Proficiency in American Indian languages shall be verified by an official designated by the appropriate tribe; or
    - f. Proficiency in sign language is verified through 24 hours of coursework from an accredited institution.
- K. English as a Second Language (ESL) Endorsements, grades Pre-K through 12**
1. An ESL or bilingual endorsement is required of an individual who is an ESL classroom teacher, ESL specialist, ESL resource teacher, or otherwise responsible for providing ESL instruction.
  2. The provisional ESL endorsement is valid for three years and is not renewable. The requirements are:
    - a. An Arizona elementary, secondary, supervisor, principal, superintendent, special education, early childhood, arts education or CTE certificate; and
    - b. Six semester hours of courses specified in subsection (K)(3)(b), including at least one course in methods of teaching ESL students.
  3. The requirements for the ESL endorsement are:
    - a. An Arizona elementary, secondary, supervisor, principal, superintendent, special education, early childhood, arts education or CTE certificate;
    - b. Completion of an ESL education program from an accredited institution or the following courses:
      - i. Three semester hours of courses in foundations of instruction for non-English-language-background students. Three semester hours of courses in the nature and grammar of the English language, taken before January 1, 1999, may be substituted for this requirement;
      - ii. Three semester hours of ESL methods;
      - iii. Three semester hours of teaching of reading and writing to limited-English-proficient students;
      - iv. Three semester hours of assessment of limited-English-proficient students;
      - v. Three semester hours of linguistics; and
      - vi. Three semester hours of courses dealing with school, community, and family culture and parental involvement in programs of instruction

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- for non-English-language-background students.
- vii. A passing score on a foreign language subject knowledge portion of the Arizona Teacher Proficiency Assessment or a comparable foreign language subject knowledge exam from another state; or
- c. Three semester hours of a practicum or two years of verified ESL or bilingual teaching experience, verified by the district superintendent;
- d. Second language learning experience, which may include sign language. Second language learning experience may be documented by any of the following:
  - i. Six semester hours of courses in a single second language, or the equivalent, verified by the department of language, education, or English at an accredited institution;
  - ii. Completion of intensive language training by the Peace Corps, the Foreign Service Institute, or the Defense Language Institute;
  - iii. Placement by the language department of an accredited institution in a third-semester level;
  - iv. Placement at level 1-intermediate/low or more advanced score on the Oral Proficiency Interview, verified by the American Council for the Teaching of Foreign Languages;
  - v. Passing score on the Arizona Classroom Spanish Proficiency Examination approved by the Board; or
  - vi. Proficiency in an American Indian language, verified by an official designated by the appropriate tribe.
  - vii. A passing score on a foreign language subject knowledge portion of the Arizona Teacher Proficiency Assessment or a comparable foreign language subject knowledge exam from another state; or
- e. A valid ESL certificate or endorsement from another state may be substituted for the requirements described in subsection (K)(3)(b), (c) and (d).
- L. Structured English Immersion (SEI) Endorsement, Pre-K through 12. A Provisional or full Structured English Immersion (SEI) endorsement, or an English as a Second Language or Bilingual endorsement, shall be required of a teacher who is instructing students in a sheltered English immersion or structured English immersion model.
  - 1. The provisional SEI endorsement is valid for three years and is not renewable. The requirements are:
    - a. An Arizona elementary, secondary, special education, CTE, early childhood, Pre-K through 12 teaching, supervisor, principal or superintendent certificate; and
    - b. One semester hour or 15 clock hours of professional development in Structured English Immersion methods of teaching English Language Learner (ELL) students, including but not limited to instruction in SEI strategies, teaching with the ELL Proficiency Standards adopted by the Board and monitoring ELL student academic progress using a variety of assessment tools through a training program that meets the requirements of A.R.S. § 15-756.09(B).
  - 2. The requirements for the SEI endorsement are: an Arizona elementary, secondary, special education, CTE, early childhood, Pre-K through 12 teaching, supervisor, principal, or superintendent certificate; and one of the following:
    - a. Three semester hours of courses related to the teaching of the English Language Learner Proficiency Standards adopted by the Board, including but not limited to instruction in SEI strategies, teaching with the ELL Proficiency Standards adopted by the Board and monitoring ELL student academic progress using a variety of assessment tools; or
    - b. Completion of 45 clock hours of professional development in the teaching of the English Language Learner Proficiency Standards adopted by the Board, including but not limited to instruction in SEI strategies, teaching with the ELL Proficiency Standards adopted by the Board and monitoring ELL student academic progress using a variety of assessment tools through a training program that meets the requirements of A.R.S. § 15-756.09(B).
    - c. A passing score on the Structured English Immersion portion of the Arizona Teacher Proficiency Assessment.
  - 3. Nothing in this Section prevents a school district or charter school from requiring certified staff to obtain an SEI, ESL or bilingual endorsement as a condition of employment.
- M. Gifted Endorsements, grades Pre-K through 12
  - 1. The gifted endorsements authorize the holder to teach gifted students within the grade range and subject area of the prerequisite certificate. A gifted endorsement is required for all district teachers who have primary responsibility for teaching gifted pupils.
  - 2. The provisional gifted endorsement is valid for three years and is not renewable. The requirements are:
    - a. A valid Arizona International or Standard Professional teaching certificate.
    - b. One of the following:
      - i. Six semester hours of courses in gifted education; or
      - ii. Verification from a public school superintendent or personnel director that the applicant completed a minimum of 90 clock hours of in-service training in gifted education, or the equivalent through competency-based credentials, that is aligned to the Teacher Preparation Standards in Gifted and Talented Education adopted by the National Association for Gifted Children and the Council for Exceptional Children.
  - 3. Requirements for the gifted endorsement are:
    - a. A valid Arizona International or Standard Professional teaching certificate;
    - b. One of the following:
      - i. Verification from a public school superintendent or personnel director that the applicant completed a minimum of 180 clock hours of in-service training in gifted education, or the equivalent through competency-based credentials, that is aligned to the Teacher Preparation Standards in Gifted and Talented Education adopted by the National Association for Gifted Children and the Council for Exceptional Children; or
      - ii. Completion of 12 semester hours of courses in gifted education. No more than six semester hours of courses in gifted education may be obtained through completion of in-service

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training that is aligned to the Teacher Preparation Standards in Gifted and Talented Education adopted by the National Association for Gifted Children and the Council for Exceptional Children. Fifteen clock hours of in-service is equivalent to one semester hour. In-service hours shall be verified by the district superintendent or personnel director.

**N. Early Childhood Education Endorsements, birth through age eight**

1. When combined with an Arizona elementary education teaching certificate or an Arizona special education teaching certificate, the early childhood endorsement may be used in lieu of an early childhood education certificate as described in R7-2-608. When combined with an Arizona cross-categorical, specialized special education, or severe and profound teaching certificate as described in R7-2-611, the early childhood endorsement may be used in lieu of an Early Childhood Special Education certificate.
2. The provisional early childhood endorsement is valid for three years and is not renewable. The requirements are:
  - a. A valid Arizona elementary teaching certificate as provided in R7-2-609 or a valid Arizona special education teaching certificate as provided in R7-2-611, and
  - b. A passing score on the early childhood subject knowledge portion of the Arizona Teacher Proficiency Assessment.
3. The requirements for the early childhood endorsement are:
  - a. A valid Arizona elementary education teaching certificate as provided in R7-2-609 or a valid Arizona special education teaching certificate as provided in R7-2-611, and
  - b. Early childhood education coursework and practicum experience which includes both of the following:
    - i. Twenty-one semester hours of early childhood education courses to include all of the following areas of study:
      - (1) Foundations of early childhood education;
      - (2) Child guidance and classroom management;
      - (3) Characteristics and quality practices for typical and atypical behaviors of young children;
      - (4) Child growth and development, including health, safety and nutrition;
      - (5) Child, family, cultural and community relationships;
      - (6) Developmentally appropriate instructional methodologies for teaching language, math, science, social studies and the arts;
      - (7) Early language and literacy development;
      - (8) Assessing, monitoring and reporting progress of young children; and
    - ii. A minimum of eight semester hours of practicum including:
      - (1) A minimum of four semester hours in a supervised field experience, practicum, internship or student teaching setting serving children birth through preschool. One year of full-time verified teaching experience with children in birth through pre-

school may substitute for this student teaching experience. This verification may come from a school-based education program or center-based program licensed by the Department of Health Services or regulated by tribal or military authorities; and

- (2) A minimum of four semester hours in a supervised student teaching setting serving children in kindergarten through grade three. One year of full-time verified teaching experience with children in kindergarten through grade three in an accredited school may substitute for this student teaching experience;
  - c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and
  - d. A passing score on the early childhood professional knowledge portion of the Arizona Educator Proficiency Assessment may be substituted for the 21 semester hours of early childhood education courses as described in subsection (N)(3)(b)(i); and
  - e. A passing score on the early childhood subject knowledge portion of the Arizona Educator Proficiency Assessment.
4. Teachers with a valid Arizona elementary education certificate or Arizona special education certificate meet the requirements of this Section with evidence of the following:
- a. A minimum of three years infant/toddler, preschool or kindergarten through grade three classroom teaching experience; and
  - b. A passing score on the early childhood subject knowledge portion of the Arizona Educator Proficiency Assessment.
- O. Library-Media Specialist Endorsement, grades Pre-K through 12**
1. The library-media specialist endorsement is optional.
  2. Requirements are:
    - a. An Arizona elementary, secondary, early childhood or special education certificate;
    - b. A passing score on the Library Media Specialist portion of the Arizona Teacher Proficiency Assessment. A master's degree in Library Science may be substituted for a passing score on the assessment; and
    - c. One year of teaching experience.
- P. Middle Grade Endorsement, grades five through nine**
1. The middle grade endorsement is optional. The middle grade endorsement may expand the grades a teacher is authorized to teach on an elementary or secondary certificate.
  2. The requirements are:
    - a. An Arizona elementary or secondary certificate, and
    - b. Six semester hours of courses in middle grade education to include:
      - i. One course in early adolescent psychology;
      - ii. One course in middle grade curriculum; and
      - iii. A practicum or one year of verified teaching experience, in grades five through nine.
- Q. Drivers Education Endorsement**
1. The drivers education endorsement is optional.
  2. The requirements are:
    - a. An Arizona teaching certificate,
    - b. A valid Arizona driver's license,
    - c. One course in each of the following:
      - i. Safety education,
      - ii. Driver and highway safety education, and

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- iii. Driver education laboratory experience, and
    - d. A driving record with less than seven violation points and no revocation or suspension of driver's license within the two years preceding application.
  - 3. For the purposes of this Section, a course is defined as a three hour semester course offered by an accredited institution of higher learning or 45 clock hours of educational classes approved by the Department. Each semester hour of courses shall be equivalent to 15 clock hours of training. If semester hours are used, the required documentation for the semester hours shall be an official transcript.
- R. Cooperative Education Endorsement, grades K through 12
  - 1. The cooperative education endorsement is required for individuals who coordinate or teach CTE.
  - 2. The requirements are:
    - a. A provisional or standard CTE certificate in the areas of agriculture, business, family and consumer sciences, health occupations, marketing, or industrial technology; and
    - b. One course in CTE.
- S. Computer Science, PreK through eight Endorsement
  - 1. The computer science, PreK through eight endorsement authorizes the holder to teach computer science in prekindergarten through grade eight.
  - 2. The requirements are:
    - a. An Arizona Standard Professional Early Childhood, Elementary, Middle Grades, Secondary, Special Education, or PreK through 12 Teaching certificate;
    - b. Three semester hours in foundations for teaching computer science which addresses the following topics:
      - i. Introduction to computer science;
      - ii. Inclusive recruitment, retention, and pedagogical strategies in computing education;
      - iii. Computational thinking;
      - iv. Instructional planning based on the Arizona state standards for computer science, or comparable computer science standards.
    - c. Six semester hours in computer science to include the following:
      - i. Three semester hours in teaching and learning programming for educators; and
      - ii. Three semester hours in a computer science elective which may include, but is not limited to, physical computing or mobile computing.
  - 3. Completion of a training program through an Arizona public local education agency or an accredited institution may substitute for the semester hours required in subsections (S)(2)(b) and (c). Fifteen clock hours of training, or the equivalent competency-based credential, is equivalent to one semester hour of college coursework. Training programs shall be verified by a superintendent or personnel director of the Arizona local education agency or the appropriate administrator of an accredited institution.
- T. Computer Science, grades six through 12 Endorsement
  - 1. The computer science, grades six through 12 endorsement authorizes the holder to teach computer science in grades six through 12.
  - 2. The requirements are:
    - a. A valid Arizona Standard Professional Elementary, Middle Grades, Secondary, Hearing Impaired, Visually Impaired, Mild/Moderate Disabilities, Moderate/Severe Disabilities, or PreK through 12 Teaching certificate;
  - b. Three semester hours in foundations for teaching computer science which addresses the following topics:
    - i. Introduction to computer science;
    - ii. Inclusive recruitment, retention, and pedagogical strategies in computing education;
    - iii. Computational thinking;
    - iv. Instructional planning based on the Arizona state standards for computer science or comparable computer science standards.
  - c. Nine semester hours of courses in computer science to include the following:
    - i. Three semester hours in teaching and learning programming for educators; and
    - ii. Six semester hours in computer science electives which may include, but is not limited to, computer programming, cybersecurity, algorithms and data structures, operating systems, artificial intelligence, machine learning, database development and management, computer networks, and data mining and analytics.
- 3. Completion of a training program through an Arizona public local education agency or an accredited institution may substitute for the semester hours required in subsections (T)(2)(b) and (c). Fifteen clock hours of training, or the equivalent competency-based credential, is equivalent to one semester hour of college coursework. Training programs shall be verified by a superintendent or personnel director of the Arizona local education agency or the appropriate administrator of an accredited institution.
- U. Literacy, K through five Endorsement
  - 1. For the purposes of this Section, the following definitions apply:
    - a. "Literacy instruction" means instruction in English language arts provided by a teacher.
    - b. "Science of reading instruction" means instruction which includes a focus on the elements of structured literacy, to include oral language, phonological awareness, phonics, fluency, vocabulary, comprehension, and foundational writing skills, including spelling and handwriting.
    - c. "Teaching certificate" means an Alternative Teaching certificate, International Teaching certificate, Classroom-Based Standard Teaching certificate, or Standard Professional teaching certificate.
  - 2. An individual who receives a teaching certificate in early childhood education, elementary education, middle grades education, or special education issued on or before August 1, 2025, and who provides literacy instruction in kindergarten programs or in any of grades one through five must obtain a Literacy, K through five endorsement, a Reading Specialist endorsement, grades K through 12, a Reading endorsement for grades K through 12, or a Reading endorsement for grades K through eight by August 1, 2028.
  - 3. An individual who receives a teaching certificate in early childhood education, elementary education, middle grades education, or special education issued after August 1, 2025, and who provides literacy instruction in kindergarten or in any of grades one through five must obtain a Literacy, K through five endorsement, a Reading Specialist endorsement, grades K through 12, a Reading endorsement for grades K through 12, or a Reading endorsement for grades K through eight within three years after the teaching certificate is issued.
  - 4. Literacy, K through Five Endorsement



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- a. The Literacy, K through five Endorsement authorizes the holder to provide literacy instruction within the grade range and subject area of the teaching certificate it endorses. The requirements are:
    - i. A valid teaching certificate in early childhood education, elementary education, middle grades education, or special education;
    - ii. Three semester hours in the science of reading instruction, including systematic phonics instruction;
    - iii. Three semester hours in reading instruction, including assessments, instructional practices, and interventions to improve student reading proficiency for struggling readers, including students with the characteristics of dyslexia;
    - iv. A passing score on a literacy instruction assessment approved by the Board for the Literacy, K through five endorsement.
  - b. Completion of Department-approved training may substitute for the semester hours required in subsections (U)(4)(a)(ii) and (iii). Fifteen clock hours of training, or the equivalent competency-based credential, is equivalent to one semester hour.
5. Applicants may meet the requirements described in subsections (U)(4)(a)(ii), (iii), and (iv) with verification from an Arizona public school superintendent, principal or personnel director that the applicant meets the following requirements: The applicant is a teacher who provides literacy instruction in kindergarten through grade five and has demonstrated through classroom observations and student achievement data across subgroups using evidence-based measures for at least three consecutive years, based on criteria established by the Board, that the teacher possesses the instructional knowledge and skills to:
- a. Effectively teach foundational reading skills, phonological awareness, phonics, fluency, vocabulary, and comprehension; and
  - b. Implement reading instruction using high-quality instructional materials; and
  - c. Provide effective instruction and interventions for students with reading deficiencies, including students with characteristics of dyslexia.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Amended by exempt rulemaking at 15 A.A.R. 1838, effective August 29, 2006 (Supp. 09-1). Amended by exempt rulemaking at 15 A.A.R. 1306, effective September 26, 2006 (Supp. 09-1). Former R7-2-615 recodified to R7-2-616; new R7-2-615 recodified from R7-2-614 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-615 recodified to R7-2-616; new R7-2-615 recodified from R7-2-614 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 52, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 119, effective September 21, 2009 (Supp. 10-2). Amended by exempt rulemaking at 16 A.A.R. 129, effective September 21, 2009 (Supp. 10-2). Amended by exempt rulemaking at 16 A.A.R. 734, effective July 1, 2011 (Supp. 10-3). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by exempt rulemaking at 16 A.A.R. 1496, effective July 1, 2011 (Supp. 11-1). Amended by final exempt rulemaking

at 22 A.A.R. 227, effective June 23, 2014; filed in the Office January 20, 2016 (Supp. 16-2). Amended by final exempt rulemaking at 22 A.A.R. 1912, effective October 1, 2011; filed in the Office July 1, 2016 (Supp. 16-3). Amended by final exempt rulemaking at 22 A.A.R. 219, effective June 5, 2015; filed in the Office January 20, 2016 (Supp. 16-4). Amended by final exempt rulemaking at 22 A.A.R. 233, effective September 28, 2015 and filed in the Office January 20, 2016 (Supp. 17-1). Amended by final exempt rulemaking at 22 A.A.R. 670, effective January 1, 2016, filed in the Office March 2, 2016; amended by final exempt rulemaking at 22 A.A.R. 2241, effective August 6, 2016, filed in the Office August 5, 2016 (Supp. 17-2). Amended by final exempt rulemaking at 25 A.A.R. 1552, effective May 20, 2019 (Supp. 19-2). The hyphen between “6-12,” “PreK-8,” and “PreK-12” have been corrected to the word “through,” the numeral “6” has been changed to “six,” and the numeral “8” has been changed to “eight” for consistency in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021; amended by final exempt rulemaking at 28 A.A.R. 180, (January 14, 2022) effective January 25, 2022 (Supp. 21-4).

**R7-2-615.01 Special Education Endorsements**

- A. Except as noted, special education endorsements are subject to the general certification provisions in R7-2-607.
- B. Mild/Moderate Disabilities Endorsement:
  1. The endorsement authorizes the holder to teach students with mild/moderate disabilities in preschool through grade 12.
  2. A provisional mild/moderate disabilities endorsement is valid for three years and is not renewable. The requirements are:
    - a. A valid Arizona Standard Professional Early Childhood, Elementary, Middle Grades, Secondary, Visually Impaired, Hearing Impaired, Early Childhood Special Education, or Moderate/Severe Disabilities certificate;
    - b. Three years of full-time teaching experience in preschool through grade 12;
    - c. Six semester hours of special education courses to include both of the following:
      - i. Behavior management for students with disabilities; and
      - ii. Special education assessment and individualized education program planning.
    - d. Completion of 15 clock hours of practicum in mild/moderate disabilities special education that may be included in the courses listed in (B)(2)(c).
  3. The requirements for the mild/moderate disabilities endorsement are:
    - a. A valid Arizona Standard Professional Early Childhood, Elementary, Middle Grades, Secondary, Visually Impaired, Hearing Impaired, Early Childhood Special Education, or Moderate/Severe Disabilities certificate;
    - b. Three years of full-time teaching experience in preschool through grade 12;
    - c. Fifteen semester hours of special education courses to include all of the following:
      - i. Methods for teaching students with disabilities;
      - ii. Behavior management for students with disabilities;
      - iii. Special education law;

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- iv. Special education assessment and individualized education program planning;
  - v. Language development and disorders.
- d. Completion of 45 clock hours of practicum in mild/moderate disabilities special education that may be included in the courses listed in (B)(3)(c).
- C. Moderate/Severe Disabilities Endorsement**
  - 1. The endorsement authorizes the holder to teach students with moderate/severe disabilities in preschool through grade 12.
  - 2. A provisional moderate/severe disabilities endorsement is valid for three years and is not renewable. The requirements are:
    - a. A valid Arizona Standard Professional Early Childhood, Elementary, Middle Grades, Secondary, Visually Impaired, Hearing Impaired, Early Childhood Special Education, or Mild/Moderate Disabilities certificate;
    - b. Three years of full-time teaching experience in preschool through grade 12; and
    - c. Six semester hours of special education courses to include both of the following:
      - i. Behavior management for students with disabilities; and
      - ii. Special education assessment and individualized education program planning.
    - d. Completion of 15 clock hours of practicum in moderate/severe disabilities special education that may be included in the courses listed in (C)(2)(c).
  - 3. The requirements are for the moderate/severe disabilities endorsement are:
    - a. A valid Arizona Standard Professional Early Childhood, Elementary, Middle Grades, Secondary, Visually Impaired, Hearing Impaired, Early Childhood Special Education, or Mild/Moderate Disabilities certificate;
    - b. Three years of full-time teaching experience in preschool through grade 12;
    - c. Fifteen semester hours of special education courses to include all of the following:
      - i. Behavior management for students with disabilities;
      - ii. Special education law;
      - iii. Special education assessment and individualized education program planning;
      - iv. Methods for teaching students with severe disabilities;
      - v. Adaptive communication, including language development and disorders.
    - d. Completion of 45 clock hours of practicum in moderate/severe disabilities special education that may be included in the courses listed in (C)(3)(c).
- D. Deaf/Hard of Hearing Endorsement**
  - 1. The endorsement authorizes the holder to teach students who are deaf or hard of hearing from birth through grade 12.
  - 2. The requirements are:
    - a. A valid Standard Professional Early Childhood, Elementary, Middle Grades, Secondary, Mild/Moderate Disabilities, Moderate/Severe Disabilities, Early Childhood Special Education, Specialized Special Education, Cross-Categorical Special Education, or Visually Impaired teaching certificate.
    - b. Three years of full-time teaching experience in preschool through grade 12.
- c. Six semester hours of special education courses to include all of the following:
    - i. Special education law and individualized education program planning,
    - ii. Behavior management for students with disabilities,
    - iii. The use of instructional and assistive technologies in the classroom.
  - d. Fifteen semester hours of courses in deaf/hard of hearing education that adhere to a guidance document approved by the Board and include all of the following:
    - i. Methods for facilitating language acquisition and literacy development in children who are deaf or hard of hearing;
    - ii. Auditory skill development for students who are deaf or hard of hearing;
    - iii. Assessment of students who are deaf or hard of hearing;
    - iv. Principles of audiology;
    - v. Social and cultural foundations and family involvement for students who are deaf or hard of hearing;
    - vi. Early intervention and parental involvement to enhance the early language skills of students who are deaf or hard of hearing;
    - vii. Methods for teaching students who are deaf or hard of hearing with multiple disabilities, including deaf-blindness.
  - e. Completion of at least 90 clock hours of supervised practicum in teaching students who are deaf or hard of hearing, which may be included in the courses listed under subsections (2)(c) or (d).
  - f. American Sign Language learning experience documented by one of the following:
    - i. A passing score on an American Sign Language proficiency assessment approved by the Board. An applicant who meets the requirement in this subsection under this option shall qualify for a deaf/hard of hearing endorsement with an American Sign Language proficiency designation; or
    - ii. Verification of proficiency in American Sign Language from an accredited institution; or
    - iii. Completion of six semester hours of courses in American Sign Language.
- E. Visually Impaired Endorsement**
  - 1. The endorsement authorizes the holder to teach students who are blind or visually impaired in birth through grade 12.
  - 2. The requirements are:
    - a. A valid Standard Professional Early Childhood, Elementary, Middle Grades, Secondary, Mild/Moderate Disabilities, Moderate/Severe Disabilities, Early Childhood Special Education, Specialized Special Education, Cross-Categorical Special Education, or Hearing Impaired teaching certificate.
    - b. Three years of full-time teaching experience in preschool through grade 12.
    - c. Six semester hours of special education courses to include all of the following:
      - i. Special education law and individualized education program planning,
      - ii. Behavior management for students with disabilities,

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- iii. The use of instructional and assistive technologies in the classroom.
- d. Fifteen semester hours of courses in visually impaired special education that adhere to a guidance document approved by the Board and include all of the following:
  - i. Instructional approaches for teaching students who have vision impairments;
  - ii. Methods for facilitating literacy development in children who are blind or low vision;
  - iii. Assistive technologies for students with vision impairments;
  - iv. Assessment of students with vision impairment;
  - v. Early intervention and parental involvement to enhance early skills of students with vision impairment;
  - vi. Anatomy and physiology of the eye;
  - vii. Methods for teaching orientation and mobility to students who have visual impairments;
  - viii. Methods for teaching students who have visual impairments with multiple disabilities, including deaf-blindness.
- e. Completion of a minimum of 90 clock hours of supervised practicum in teaching students who have visual impairments, which may be included in the courses listed under subsections (2)(c) or (d).
- f. Proficiency in braille verified by one of the following:
  - i. Successful completion of a nationally validated braille test approved by the Board; or
  - ii. Successful completion of a braille test developed in the program in visual impairment at the University of Arizona.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 595, effective February 24, 2020 (Supp. 20-1).  
Amended by final exempt rulemaking at 27 A.A.R. 743, effective April 26, 2021 (Supp. 21-2).

**R7-2-616. Standard Professional Administrative Certificates**

- A. All certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.
- B. Standard Professional Supervisor Certificate – grades PreK through 12
  - 1. Except for individuals who hold a valid Arizona principal or superintendent certificate, the supervisor certificate is required for all personnel whose primary responsibility is administering instructional programs, supervising certified personnel, or similar administrative duties.
  - 2. The requirements are:
    - a. A valid Arizona early childhood, elementary, secondary, special education, CTE certificate or other professional certificate issued by the Department;
    - b. A master's or more advanced degree;
    - c. Three years of verified full-time teaching experience or related education services experience in a PreK through 12 setting;
    - d. Completion of a program in educational administration which shall consist of a minimum of 18 graduate semester hours of educational administration courses which teach the knowledge and skills described in R7-2-603 to include three credit hours in school law and three credit hours in school finance;

- e. A practicum in educational administration or two years of verified educational administrative experience in grades PreK through 12;
- f. A passing score on the Arizona Administrator Proficiency Assessment;
- g. An SEI endorsement or an ESL endorsement or a Bilingual Endorsement; and
- h. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

**C. Standard Professional Principal Certificate – grades PreK through 12**

- 1. The principal certificate is required for all personnel who hold the title of principal, assistant principal, or perform the duties of principal or assistant principal as delineated in A.R.S. Title 15.
- 2. The requirements are:
  - a. A master's or more advanced degree,
  - b. Three years of verified teaching experience in grades PreK through 12,
  - c. Completion of a program in educational administration for principals including at least 30 graduate semester hours of educational administration courses teaching the knowledge and skills described in R7-2-603 to include three credit hours in school law and three credit hours in school finance,
  - d. A practicum as a principal or two years of verified experience as a principal or assistant principal under the supervision of a certified principal in grades PreK through 12,
  - e. A passing score on either the Principal or Superintendent portion of the Arizona Administrator Proficiency Assessment,
  - f. An SEI endorsement or an ESL endorsement or a Bilingual Endorsement, and
  - g. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

**D. Standard Professional Superintendent Certificate – grades PreK through 12**

- 1. Individuals who hold the title of superintendent, assistant superintendent or associate superintendent and who perform duties directly relevant to curriculum, instruction, certified employee evaluations, and instructional supervision may obtain a superintendent certificate.
- 2. The requirements are:
  - a. A master's or more advanced degree including at least 60 graduate semester hours;
  - b. Completion of a program in educational administration for superintendents, including at least 36 graduate semester hours of educational administrative courses which teach the standards described in R7-2-603 to include three credit hours in school law and three credit hours in school finance;
  - c. Three years of verified full-time teaching experience or related education services experience in a PreK through 12 setting;
  - d. A practicum as a superintendent or two years verified experience as a superintendent, assistant superintendent, or associate superintendent in grades PreK through 12;
  - e. A passing score on the Superintendent portion of the Arizona Administrator Proficiency Assessment; and
  - f. An SEI endorsement or an ESL endorsement or a Bilingual endorsement; and
  - g. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

**E. Interim Supervisor Certificate – grades PreK through 12**

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1. Except as noted, the administrative interim certificate is subject to the general certification provisions in R7-2-607.
  2. The certificate is valid for one year from the date of initial issuance and may be extended yearly for no more than two consecutive years at no cost to the applicant if the provisions in subsection (F)(6) are met.
  3. The administrative interim certificate entitles the holder to perform the duties described in subsection (B)(1). The candidate shall be enrolled in a Board approved alternative path to certification program, or a Board authorized administrative preparation program.
  4. An individual is not eligible to hold the administrative interim certificate more than once in a five year period.
  5. The requirements for initial issuance of the administrative interim certificate are:
    - a. A valid Arizona early childhood, elementary, secondary, special education, CTE certificate, PreK through 12 Arts, or other professional certificate issued by the Department;
    - b. A bachelor's degree or higher in education from an accredited institution;
    - c. Three years of verified full-time teaching experience or related education services experience in a PreK through 12 setting;
    - d. Verification of enrollment in a Board approved alternative path to administrator certification program, or a Board approved administrator preparation program;
    - e. Verification the holder of the interim certificate shall be under the direct supervision of an Arizona certified district administrator or the appropriate county school superintendent; and
    - f. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  6. The requirements for the extension of the administrative interim certificate are:
    - a. Qualification for the initial issuance of the administrative interim certificate outlined in subsection (F)(5),
    - b. Official transcripts documenting the completion of required coursework,
    - c. Verification the holder of the interim certificate shall be under the direct supervision of an Arizona certified district administrator, and
    - d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  7. The holder of the administrative interim certificate may apply for an Arizona Standard Professional Supervisor Certificate upon completion of the following:
    - a. Successful completion of a Board approved alternative path to administrator certification program or a Board approved administrator preparation program. This shall include satisfactory completion of a field experience or capstone experience of no less than one full academic year. The field experience or capstone experience shall include performance evaluations in a manner that is consistent with policies for the applicable alternative professional preparation program;
    - b. A passing score on the Arizona Administrator Proficiency Assessment;
    - c. The submission of an application for the Standard Professional Supervisor certificate to the Department; and
    - d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- F. Interim Principal Certificate – grades PreK through 12**
1. Except as noted, the administrative interim certificate is subject to the general certification provisions in R7-2-607.
  2. The certificate is valid for one year from the date of initial issuance and may be extended yearly for no more than two consecutive years at no cost to the applicant if the provisions in subsection (G)(6) are met.
  3. The administrative interim certificate entitles the holder to perform the duties described in subsection (C)(1). The candidate shall be enrolled in a Board approved alternative path to certification program, or a Board authorized administrative preparation program.
  4. An individual is not eligible to hold the administrative interim certificate more than once in a five year period.
  5. The requirements for initial issuance of the administrative interim certificate are:
    - a. A bachelor's degree or higher in education from an accredited institution;
    - b. Three years of verified full-time teaching experience in grades PreK through 12;
    - c. Verification of enrollment in a Board approved alternative path to administrator certification program, or a Board approved administrator preparation program;
    - d. Verification the holder of the interim certificate shall be under the direct supervision of an Arizona certified district principal or superintendent or the appropriate county school superintendent; and
    - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  6. The requirements for the extension of the administrative interim certificate are:
    - a. Qualification for the initial issuance of the administrative interim certificate outlined in subsection (G)(5),
    - b. Official transcripts documenting the completion of required coursework,
    - c. Verification the holder of the interim certificate shall be under the direct supervision of an Arizona certified district principal or superintendent, and
    - d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  7. The holder of the administrative interim certificate may apply for an Arizona Principal Certificate upon completion of the following:
    - a. Successful completion of a Board approved alternative path to administrator certification program or a Board approved administrator preparation program. This shall include satisfactory completion of a field experience or capstone experience of no less than one full academic year. The field experience or capstone experience shall include performance evaluations in a manner that is consistent with policies for the applicable alternative professional preparation program;
    - b. A passing score on either the Principal or Superintendent portion of the Arizona Administrator Proficiency Assessment;
    - c. The submission of an application for the Principal certificate to the Department; and
    - d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- G. Interim Superintendent Certificate – grades PreK through 12**

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1. Except as noted, the administrative interim certificate is subject to the general certification provisions in R7-2-607.
  2. The certificate is valid for one year from the date of initial issuance and may be extended yearly for no more than two consecutive years at no cost to the applicant if the provisions in subsection (H)(6) are met.
  3. The administrative interim certificate entitles the holder to perform the duties described in subsection (D)(1). The candidate shall be enrolled in a Board approved alternative path to certification program, or a Board authorized administrative preparation program.
  4. An individual is not eligible to hold the administrative interim certificate more than once in a five year period.
  5. The requirements for initial issuance of the administrative interim certificate are:
    - a. A master's degree or higher from an accredited institution;
    - b. Three years of verified full-time teaching experience or related education services experience in a PreK through 12 setting;
    - c. Verification of enrollment in a Board approved alternative path to administrator certification program, or a Board approved administrator preparation program;
    - d. Verification the holder of the interim certificate shall be under the direct supervision of an Arizona certified district superintendent or the appropriate county school superintendent; and
    - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  6. The requirements for the extension of the administrative interim certificate are:
    - a. Qualification for the initial issuance of the administrative interim certificate outlined in subsection (H)(5),
    - b. Official transcripts documenting the completion of required coursework,
    - c. Verification the holder of the interim certificate shall be under the direct supervision of an Arizona certified district superintendent or the appropriate county school superintendent, and
    - d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  7. The holder of the administrative interim certificate may apply for an Arizona Superintendent Certificate upon completion of the following:
    - a. Successful completion of a Board approved alternative path to administrator certification program or a Board approved administrator preparation program. This shall include satisfactory completion of a field experience or capstone experience of no less than one full academic year. The field experience or capstone experience shall include performance evaluations in a manner that is consistent with policies for the applicable alternative professional preparation program;
    - b. A passing score on the Superintendent portion of the Arizona Administrator Proficiency Assessment;
    - c. The submission of an application for the Superintendent certificate to the Department; and
    - d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- H. Interim Administrative Certificates – Public Health Emergency**
1. Notwithstanding this Section, an Interim Administrative Certificate entitling the holder to serve as a supervisor, principal, or superintendent may be issued to an applicant who meets the following requirements:
    - a. Completion of all requirements for the Standard Professional Supervisor, Standard Professional Principal, or Standard Professional Superintendent certificate, as described in subsection (B)(2), (C)(2), and (D)(2), with the exception of a passing score on the Arizona Administrator Proficiency Assessment.
    - b. Verification that the applicant was unable to take the Arizona Administrator Proficiency Assessment required for the Standard Professional Administrative certificate as the result of a public health emergency declared by the governor or a public health official.
  2. A certificate issued pursuant to this subsection shall be issued for one year and shall not be renewed or extended.
- Historical Note**
- Adopted effective December 4, 1998 (Supp. 98-4). Former R7-2-616 recodified to R7-2-617; new R7-2-616 recodified from R7-2-615 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-616 recodified to R7-2-617; new R7-2-616 recodified from R7-2-615 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 326, effective January 25, 2010 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by exempt rulemaking at 16 A.A.R. 2034, effective October 1, 2010 (Supp. 11-1). Amended by final exempt rulemaking at 22 A.A.R. 219, effective June 5, 2015; filed in the Office January 20, 2016 (Supp. 16-4). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 26 A.A.R. 1311, effective May 18, 2020 (Supp. 20-2).
- R7-2-617. Other Professional Certificates**
- A.** All certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.
  - B.** Standard School Counselor Certificate - grades PreK through 12.
    1. The school counselor certificate is optional but may be required by local governing boards.
    2. The requirements are:
      - a. A master's or more advanced degree,
      - b. Completion of a graduate program in guidance and counseling,
      - c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and
      - d. One of the following:
        - i. Completion of a supervised counseling practicum in school counseling;
        - ii. Two years of verified, full-time experience as a school counselor; or
        - iii. Three years of verified teaching experience.
    3. The certificate may be renewed consistent with the provisions of R7-2-619 that may include continuing education in the area of college and career readiness.
  - C.** Standard School Psychologist Certificate - grades PreK through 12
    1. A standard school psychologist certificate is required for all personnel whose primary responsibility is in the role of a school psychologist providing services that include but are not limited to the duties of student psychoeduca-

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tional assessment, therapeutic consultation and intervention, and involvement in the process of determination of student disabilities or disorders.

2. The requirements are:
  - a. A master's or more advanced degree;
  - b. Completion of a graduate program in school psychology consisting of at least 60 graduate semester hours, or completion of a doctoral program in psychology and completion of a re-training program in school psychology from an accredited institution or Board approved program with a letter of institutional endorsement from the head of the school psychology program;
  - c. A supervised internship of at least 1200 clock hours with a minimum of 600 of those hours in a school setting. Three years experience as a certified school psychologist within the last 10 years may be substituted for the internship requirement; and
  - d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
3. Any of the following may be substituted for the requirement described in subsection (C)(3)(b):
  - a. Five years experience within the last 10 years working full time in the capacity of a school psychologist in a school setting serving any portion of grades kindergarten through 12; or
  - b. A Nationally Certified School Psychologist Credential; or
  - c. A diploma in school psychology from the American Board of School Psychology.

**D. Standard Speech-Language Pathologist Certificate - grades PreK through 12**

1. The standard speech-language pathologist certificate is required for school-based speech-language pathologists.
2. The certificate may be renewed consistent with the provisions of R7-2-619 with relevant professional development in the field of speech pathology, or professional development in the areas of articulation, voice, fluency, language, low incidence disabilities, curriculum and instruction, professional issues and ethics, or service delivery models.
3. The requirements are:
  - a. A master's or more advanced degree, from an accredited institution, in speech pathology or communication disorders;
  - b. A minimum of 250 clinical clock hours supervised by a university or a speech-language pathologist with a certificate of clinical competence;
  - c. A certificate of clinical competence, or a passing score on the national exam, or a passing score on the speech and language impaired special education portion of the Arizona Teacher Proficiency Assessment; and
  - d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

**E. Standard Speech-Language Technician - grades PreK through 12**

1. The standard speech-language technician certificate is required for school-based speech-language professionals.
2. No new applications for a speech-language technician certificate will be accepted after June 30, 2014.
3. The certificate may be renewed consistent with the provisions of R7-2-619 with professional development in the areas of articulation, voice, fluency, language disorders, low incidence disabilities, professional issues and ethics, or service delivery models.

4. The requirements are:

- a. A bachelor's degree from an accredited program in Speech-Language Pathology, Speech Hearing Sciences, or Communication Disorders;
- b. A minimum of 50 hours of university supervised observation;
- c. A minimum of 150 university clinical clock hours, or 150 clock hours supervised by a master's level licensed speech-language pathologist, or two years' experience as a school speech-language therapist or technician;
- d. A passing score on the speech and language impaired special education portion of the Arizona Teacher Proficiency Assessment; and
- e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

**F. Standard School Social Worker Certificate - grades PreK through 12**

1. The standard School Social Worker certificate is optional but may be required by local governing boards.
2. The requirements are:
  - a. Master's or more advanced degree in Social Work from an accredited institution or completion of a Board approved school social worker program;
  - b. A valid fingerprint clearance issued by the Arizona Department of Public Safety; and
  - c. One of the following:
    - i. Completion of at least six semester hours of practicum in Social Work in a school setting completed through an accredited institution; or
    - ii. One year of full time experience as a Social Worker in a setting which primarily serves children in preschool through grade 12.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4).  
 Amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 5139, effective November 19, 2002 for a period of 180 days (Supp. 02-4). Emergency rulemaking renewed under A.R.S. § 41-1026(D) at 9 A.A.R. 1547, effective April 29, 2003 for a period of 180 days (Supp. 03-2). Emergency rulemaking repealed under A.R.S. § 41-1026(E) and permanent R7-2-617 amended by final rulemaking at 9 A.A.R. 3950, effective October 21, 2003 (Supp. 03-3). Amended by exempt rulemaking at 15 A.A.R. 1264, effective May 22, 2006 (Supp. 09-1). Former R7-2-617 recodified to R7-2-618; new R7-2-617 recodified from R7-2-616 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-617 recodified to R7-2-618; new R7-2-617 recodified from R7-2-616 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). R7-2-617 "Prekindergarten" corrected to "PreK" at request of the Board, Office File No. M09-444, filed November 24, 2009 (Supp. 10-1). Office corrected labeling error in subsection (C) under A.R.S. § 41-1011 and A.A.C. R1-1-108 (Supp. 10-4). Amended by final exempt rulemaking at 21 A.A.R. 2077, effective October 28, 2013 (Supp. 15-3). Amended by final exempt rulemaking at 23 A.A.R. 231, effective December 19, 2016 (Supp. 17-1). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 24 A.A.R. 2947, effective September 24, 2018 (Supp. 18-3). The hyphen between "PreK-12" has

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been changed to the word “through” for consistency in Chapter style and format (Supp. 21-2).

**R7-2-618. Fees**

- A. The Superintendent of Public Instruction or the Superintendent’s designee shall collect proper fees for certification services and shall transmit the fees to the state Treasurer. The following fees are established for certification services:
1. Evaluation of qualification for a certificate: \$30.
  2. Evaluation of qualification for an endorsement: \$30.
  3. Issuance of a certificate, endorsement, or letter of non-qualification: \$30.
  4. Renewal of a certificate: \$20.
  5. Name change, duplicate copy, or changes of coding to existing files or certificates: \$20.
- B. Fees shall be paid by money order, cashier’s check, certified check, business check, or personal check and shall be made payable to the order of the Arizona Department of Education. If a check offered in payment for services is not cleared by the financial institution, the applicant shall be notified to pay the fees by money order or certified check. If a certificate has been issued or renewed and payment is not received within two weeks of notification to the applicant, the Board shall file a statement of complaint pursuant to R7-2-1302. If a certificate or renewal has not been issued, no certificate or renewal shall be issued until the fees are paid by cashier’s check or money order.
- C. Fees paid pursuant to this Section are not refundable.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2002, effective May 27, 1999 (Supp. 99-2). Former R7-2-618 recodified to R7-2-619; new R7-2-618 recodified from R7-2-617 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-618 recodified to R7-2-619; new R7-2-618 recodified from R7-2-617 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4).

**R7-2-619. Renewal Requirements**

- A. A certificate may be renewed within six months of its expiration date except that an individual holding multiple valid certificates may renew all certificates at one time in order to align the expiration dates of each certificate. Certificates being aligned shall be renewed at the same time as the certificate that will expire first. Individuals seeking to align certificates shall meet the renewal requirements for each certificate being aligned. Certificates that are renewed or aligned pursuant to this Section shall be valid for 12 years.
- B. A certificate may be renewed within one year after it expires. Individuals whose certificates have been expired for more than one year shall reapply for certification under the requirements in effect at the time of reapplication. Nothing in this Section shall imply that an individual may be employed in a position that requires certification after the expiration of the relevant certificate.
- C. Renewal of certificates requires the completion of continuing education credits after the most recent issuance or renewal of the certificate, except that continuing education credits completed during the valid term of the certificate that expires first meets the requirement of certificates being aligned. Fifteen hours of continuing education credits are required each year of the certificate term to renew a certificate, which may be accumulated in various increments per year prior to renewal. One hour of continuing education credit shall be equivalent to one clock hour of a professional development activity. Continuing education credits must relate to Arizona academic or profes-

sional educator standards or apply toward the attainment of an additional Arizona certificate, endorsement, or approved area, and may include training regarding suicide awareness and prevention; child abuse, human trafficking of children and the sexual abuse of children, including warning signs that a child may be a victim of child abuse, human trafficking, or sexual abuses; screening, intervention, accommodation, use of technology and advocacy for students with reading impairments, including dyslexia; or other training programs explicitly permitted by state law. Professional development that may be counted toward the required hours of continuing education credit shall consist of any of the following activities:

1. Courses related to education or a subject area taught in Arizona schools, taken from an accredited institution. Each semester hour of courses shall be equivalent to 15 clock hours of professional development. The required documentation shall be an official transcript.
  2. Professional activities such as conferences and workshops related to the profession of teaching or the field of public education. A maximum of 30 clock hours per year may be earned by attendance at professional conferences and workshops. The required documentation shall be a conference agenda and a statement or certificate from the sponsoring organization noting the clock hours earned.
  3. District-sponsored or school-sponsored in-services or activities which are specifically designed for professional development. The required documentation shall be written verification from the sponsoring district or school stating the dates of participation and the number of clock hours earned.
  4. Internships in business settings. The internship shall be based on an agreement between a business and a district or school with the stated objective of aligning teaching curriculum with workplace skills. A maximum of 80 clock hours may be earned through business internships. The required documentation shall be written verification by the sponsoring business and district or school stating the dates of participation and number of clock hours earned.
  5. Educational research. The research shall be sponsored by a research facility or an accredited institution or funded by a grant. The required documentation shall be the published report of the research or verification by the sponsoring agency; and a statement of the dates of participation and the number of clock hours earned.
  6. Serving in a leadership role of a professional organization that provides training, activities, or projects related to the profession of teaching or the field of public education. A maximum of 30 clock hours per year may be earned by serving in a leadership role of a professional organization. The required documentation shall be written verification by the governing body of the professional organization of the dates of service and clock hours earned.
  7. Serving on a visitation team for a school accreditation agency. A maximum of 60 clock hours per year may be earned by serving on a visitation team. The required documentation shall be written verification from the accreditation agency of the dates of service and clock hours earned.
- D. An individual holding a Standard teaching certificate, a standard administrative certificate, or other professional certificate may renew the certificate for 12 years upon completion of 15 hours of continuing education credits each year of the certificate term which may be accumulated in various increments per year prior to renewal or with one of the following:

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1. A valid professional license as a counselor, social worker, psychologist, or speech pathologist issued by the appropriate state agency in this state or in another state;
  2. A valid certificate issued by the National Board of Professional Teaching Standards;
  3. A valid Certificate of Clinical Competence in Speech-Language Pathology issued by the American Speech-Language Hearing Association; or
  4. A Nationally Certified School Psychologist credential issued by the National Association of School Psychologists.
- E.** An individual who is employed by a school or school district at the time of renewal shall submit the required documentation of professional development to the district superintendent, director of personnel, or other designated administrator for verification. A certified individual who is not employed by a school or school district at the time of renewal shall submit the required documentation of professional development to a county school superintendent, the dean of a college of education, or the Department for verification. The school or district official, county school superintendent, or the dean of a college of education shall verify on forms provided by the Department the number of hours of professional development completed by the individual during the valid period of the certificate being renewed.
- F.** The Department shall issue a Standard teaching certificate of the same type.
- G.** Notwithstanding any other provision in this Section, an individual with a valid fingerprint clearance card who has had a certificate or certificates expire for at least two years but not more than 10 years may renew the expired certificate or certificates and any endorsements or approved areas if the individual had 10 or more years of verified full-time experience in this state in the area the individual is seeking renewed certification and is in good standing. Standard certificates issued to that individual pursuant to this subsection shall be identical to the expired certificate or certificates.
- Historical Note**
- New Section made by exempt rulemaking at 8 A.A.R. 2396, effective May 10, 2002 (Supp. 02-2). Amended by exempt rulemaking at 15 A.A.R. 1225, effective December 5, 2006 (Supp. 09-1). Former R7-2-619 recodified to R7-2-620; new R7-2-619 recodified from R7-2-618 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-619 recodified to R7-2-620; new R7-2-619 recodified from R7-2-618 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 242, effective December 7, 2009 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 22 A.A.R. 648, effective January 25, 2016 (Supp. 16-1). Amended by final exempt rulemaking at 22 A.A.R. 2246, effective August 6, 2016 (Supp. 16-3). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 26 A.A.R. 214, effective January 27, 2020 (Supp. 20-1). Amended by final exempt rulemaking at 27 A.A.R. 2694 (November 19, 2021), effective October 25, 2021 (Supp. 21-4).
- R7-2-620. Certification Time-frames**
- A.** For certification by the State Board of Education (Board), Certification Division (Division), the time-frames required by A.R.S. § 41-1072 et seq are:
1. Overall time-frame: 165 days.
  2. Administrative review time-frame: 45 days.
  3. Substantive review time-frame: 120 days.
- B.** Administrative completeness review time-frame. The Division shall issue a written notice of administrative completeness or deficiency to an applicant for certification within 45 days of receipt of the application.
1. If the Division determines that an application for certification is not administratively complete, the Division shall include a comprehensive list of the specific deficiencies in the written notice.
  2. If the Division issues a written notice of deficiency, the administrative completeness review time-frame and the overall time-frame are suspended from the date the notice is issued until the date that the Division receives the missing information from the applicant.
  3. If the Division does not issue a notice of administrative completeness or deficiency within 45 days of receipt of the application, the application is deemed administratively complete.
- C.** Substantive review time-frame. Within 120 days after the administrative completeness review time-frame is complete, the Division shall determine whether an applicant for certification meets all substantive criteria required by statute or rule.
1. During the substantive review time-frame, the Division may make one comprehensive written request for additional information. If the Division issues a comprehensive written request for additional information, the substantive review time-frame and the overall time-frame are suspended from the date the request is issued until the date that the Division receives the additional information from the applicant.
  2. The Division and the applicant may mutually agree in writing to allow the Division to submit supplemental requests for additional information. If the Division issues a supplemental request by mutual written agreement for additional information, the substantive review time-frame and the overall time-frame are suspended from the date the request is issued until the date that the Division receives the additional information from the applicant.
- D.** Overall time-frame. The Division shall issue a written notice that the Board has granted or denied a certificate no later than 165 days after receipt of an application for certification, or no later than the time-frame extension allowed under subsection (E).
1. Written notice denying an applicant certification shall include justification for the denial with references to the statutes or rules on which the denial is based and an explanation of the applicant's right to appeal the denial.
  2. The explanation of an applicant's right to appeal the denial shall include the number of days the applicant has to file an appeal challenging the denial and the name and telephone number of the Executive Director of the Board as the contact person who can answer questions regarding the appeals process.
- E.** By mutual written agreement, the Division and an applicant for certification may extend the substantive review time-frame and the overall time-frame. An extension of the substantive review time-frame and the overall time-frame may not exceed 33 days.
- F.** If the Division does not issue to an applicant written notice granting or denying a certificate within the overall time-frame or any extension mutually agreed upon in writing, the Division shall refund to the applicant all fees charged, excuse payment of any fees that have not yet been paid, and pay all penalties required by A.R.S. § 41-1077.



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- G.** The Division shall issue all written notices under this Section to the last known address of the applicant by regular, 1st-class mail. The written notices are deemed “issued” on the postmark date.
- H.** By August 1 of each year, the Division shall report to the Executive Director of the Board the Division’s compliance with the overall time-frames for the prior fiscal year. The Division shall include the number of certificates issued or denied within the time-frames specified in this Section and the dollar amount of all fees returned or excused. The Division shall also include the amount of all penalties paid to the state general fund due to the Division’s failure to comply with the time-frames.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2399, effective July 23, 2004 (Supp. 04-2). Former R7-2-620 recodified to R7-2-621; new R7-2-620 recodified from R7-2-619 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-620 recodified to R7-2-621; new R7-2-620 recodified from R7-2-619 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1).

**R7-2-621. Reciprocity**

- A.** The Board shall issue a comparable standard Arizona certificate or endorsement as applicable, if one is established pursuant to this Article, to an applicant who holds a valid certificate or endorsement from another state and is in good standing with that other state. These applicants are exempt from all provisions of the Arizona Teacher proficiency examinations.
- B.** Standard certificates shall be valid for 12 years and are renewable.
- C.** The applicant shall possess a valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- D.** The applicant shall have completed the required class or passed a satisfactory examination on the provisions and principles of the Constitutions of the United States and Arizona.
- E.** Notwithstanding any other provision, the deficiencies allowed pursuant to Arizona Revised Statutes in Arizona Constitution and United States Constitution shall be satisfied prior to the issuance of the same type of certificate prescribed in this Article, but are subject to suspension as follows:
1. An applicant’s standard Arizona teaching certificate shall be suspended three years from the date of issuance if the applicant has not completed the required class or passed a satisfactory examination on the provisions and principles of the Constitutions of the United States and Arizona.
  2. An applicant’s standard Arizona teaching certificate shall be suspended one year from the date of issuance if the applicant has not completed the required class or passed a satisfactory examination on the provisions and principles of the Constitutions of the United States and Arizona if the applicant applies for a certificate authorizing the person to teach an academic course that focuses predominantly on history, government, social studies, citizenship, law or civics.
  3. The suspension for a deficiency in the Constitutions of the United States and Arizona is not considered a disciplinary action and the applicant shall be allowed to correct that deficiency within the remaining time of the standard certification.

**Historical Note**

New Section recodified from R7-2-620 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-621 recodified to R7-2-622; new R7-2-621 recodified from R7-2-620 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at

16 A.A.R. 135, effective September 21, 2009 (Supp. 10-1). Amended by final exempt rulemaking at 22 A.A.R. 227, effective June 23, 2014; filed in the Office January 20, 2016 (Supp. 16-2). Amended by final exempt rulemaking at 22 A.A.R. 219, effective June 5, 2015; filed in the Office January 20, 2016 (Supp. 16-4). Amended by final exempt rulemaking at 22 A.A.R. 2248, effective August 6, 2016 (Supp. 17-1). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

**R7-2-622. Qualification Requirements of Professional, Non-Teaching School Personnel****A. Definitions:**

1. “Educational Interpreter.” For the purposes of this Section, “educational interpreter” means a person trained to translate in sign language for students identified to require such services through an Individualized Education Program (IEP) or a 504 accommodation plan in order to access academic instruction. This does not in any way restrict the provisions of R7-2-401(B)(14) which defines “interpreter” and provides that each student’s IEP team determines the level of interpreter skill necessary for the provision of FAPE, nor does it restrict a school district’s ability to develop a job description for someone in a position of “educational interpreter” that requires additional job responsibilities.
2. “Accommodation plan developed to comply with Section 504 of the Rehabilitation Act of 1973, 29 USC 794, et seq. (“504 accommodation plan”).” For the purposes of this Section, “504 accommodation plan” means a plan developed for the purpose of specifying accommodations and/or services that will be implemented by classroom teachers and other school personnel so that students will benefit from their educational program.

**B. Educational Interpreters for the Hearing Impaired.**

1. Persons employed by or contracting with schools and school districts to provide educational interpreting services for hearing impaired students must meet the following qualifications from and after January 1, 2005:
  - a. Have a high school diploma or GED;
  - b. Hold a valid fingerprint clearance card, and
  - c. Show proficiency in interpreting skills through one of the following:
    - i. A minimum passing score of 3.5 or higher on the Educational Interpreter Performance Assessment (EIPA), or
    - ii. Hold a valid Certificate of Interpretation (CI) and/or Certificate of Transliteration (CT) from the Registry of Interpreters for the Deaf (RID), or
    - iii. Hold a valid certificate from the National Association of the Deaf (NAD) at level 3 or higher.
2. If a public education agency (PEA) is unable to find an individual meeting the above qualifications, the PEA may hire an individual with lesser qualifications, but the PEA is required to provide a professional development plan for the individual they employ to provide educational interpreting services. This professional development plan must include the following:
  - a. Proof of at least 24 hours of training in interpreting each year that a valid certification is not held or EIPA passing score is not attained, and
  - b. Documentation of a plan for the individual to meet the required qualifications within three years of employment. If the qualifications are not attained within three years, but progress toward attainment is

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demonstrated, the plan shall be modified to include an intensive program for up to one year to meet the provisions of subsection (B)(1).

3. An individual employed under the provisions of subsection (B)(2) must also have the following:
  - a. A valid fingerprint clearance card, and
  - b. A high school diploma or GED.
- C. Compliance with these rules will be reviewed at the same time as a PEA is monitored for compliance with the requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400, et seq.

**Historical Note**

New Section recodified from R7-2-621 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1).

**R7-2-623. Certification Requirements in a Public Health Emergency**

- A. As the result of a public health emergency declared by the governor, the Department may temporarily modify certification requirements established in this Article, subject to review and approval by the Board.
- B. A modification made pursuant to this Section shall:
  1. Not be more restrictive than requirements in effect at the time the public health emergency is declared.
  2. Comply with statutory requirements.
  3. Be limited to requirements that cannot be feasibly completed as the result of the public health emergency.
  4. Be in effect for no more than one year after Board approval.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 1311, effective May 18, 2020 (Supp. 20-2).

**ARTICLE 7. ADJUDICATIONS****R7-2-701. Definitions**

In this Article, unless the context otherwise specifies:

1. "Board" means the State Board of Education.
2. "Chairman" means the chairperson of the Professional Practices Advisory Committee, established pursuant to R7-2-205.
3. "Contested case" means any proceeding in which the legal rights, duties or privileges of a party are required by law to be determined by the State Board of Education after an opportunity for hearing.
4. "Department" means the Department of Education.
5. "Document" includes papers such as complaints, petitions, motions, responses and notices.
6. "Hearing body" means the Board or the Professional Practices Advisory Committee.
7. "Party" means each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.
8. "PPAC" means the Professional Practices Advisory Committee, established pursuant to R7-2-205.
9. "Presiding officer" means a hearing officer, with either a minimum of three years of verified experience in the practice of law or a minimum of one year of verified experience in conducting hearings, who shall oversee hearings pursuant to this Article.
10. "Pupil" means any student enrolled in an Arizona public or private school defined in A.R.S. § 15-101. "Pupil" also means any student who was enrolled in an Arizona public or private school at the time of the events which are the subject of a proceeding.

11. "Victim" means any person who has been previously identified pursuant to state law as a victim in a criminal proceeding which is the basis for a contested case.

**Historical Note**

Adopted effective May 25, 1978 (Supp. 78-3). Former Section R7-2-701 repealed, new Section R7-2-701 adopted effective December 4, 1978 (Supp. 78-6). Amended effective June 27, 1979 (Supp. 79-3). Amended subsection (A) effective October 7, 1980 (Supp. 80-5). Amended by adding subsection (A)(6) effective April 6, 1984 (Supp. 84-2). Amended effective October 19, 1984 (Supp. 84-5). Section R7-2-701 repealed as an emergency, new Section R7-2-701 adopted as an emergency effective January 2, 1985 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-1). Emergency expired. Repealed effective December 17, 1987 (Supp. 87-4). New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Amended by final exempt rulemaking at 21 A.A.R. 1775, effective May 20, 2013 (Supp. 15-3). Amended by final exempt rulemaking at 23 A.A.R. 725, effective January 23, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-702. Filing; Computation of Time; Extension of Time**

- A. All documents concerning a contested case shall be filed within the time limit, if any, for such filing.
- B. All documents filed in any contested case shall be typewritten or legibly written on paper 8 1/2 by 11 inches in size, shall contain the name and address of the party or other correspondent, shall be properly captioned and designate the title and case number, shall state the name and address of each party served with a copy and how service was made, and shall be signed by the party or, if represented, by the party's attorney. The signature constitutes a certification that the signer has read the document, has a good faith basis for submission of the document, and that it is not filed for the purpose or delay or harassment.
- C. In computing any period of time prescribed or allowed by this Article, or any notice or order concerning a contested case, the day of the act, event, or default from which the designated period of time begins to run shall not be included. When the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays and legal holidays shall not be included in the computation. When that period to time is 11 days or more, intermediate Saturdays, Sundays and legal holidays shall be included in the computation. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or a legal holiday.
- D. Whenever a party has the right or is required to do some act within a prescribed period after the service of a notice or other document upon the party by another party, and the notice or other document is served by mail, five days shall be added to the prescribed period.
- E. For good cause shown, the presiding officer may grant continuances and extensions of time for filing notices or other documents.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). The Section heading has been updated to title case to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2353

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(October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-703. Contested Cases; Notice; Hearing Records**

- A. In a contested case, the parties shall be afforded an opportunity for hearing after reasonable notice. The notice shall be given at least 20 days prior to the date set for the hearing.
- B. The notice shall include:
  - 1. A statement of the time, place and nature of the hearing.
  - 2. A statement of the legal authority and jurisdiction under which the hearing is to be held.
  - 3. A reference to the particular sections of the statutes and rules involved.
  - 4. A short and plain statement of the matters asserted. If a party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.
- C. Opportunity shall be afforded all parties to respond and present evidence and argument on the issues involved.
- D. The Board may dispose of any contested case by decision or approved stipulation, agreed settlement, consent agreement or by default.
- E. A hearing before a hearing body in a contested case or any part thereof shall be recorded manually or by a recording device and shall be transcribed on request of any party, unless otherwise provided by law. The cost of such transcript shall be paid by the party making the request, unless otherwise provided by law or unless assessment of the cost is waived by the Board.
- F. The Board or the presiding officer may reschedule the hearing, maintaining due regard for the interests of justice and the orderly and prompt conduct of the proceedings.
- G. The record in a contested case shall include:
  - 1. All pleadings, motions and interlocutory rulings.
  - 2. Evidence received or considered, including confidential evidence received in executive session.
  - 3. A statement of matters officially noticed.
  - 4. Objections and offers of proof and rulings thereon.
  - 5. Proposed findings of fact, conclusions of law and recommendations of the hearing body.
  - 6. All staff memoranda, other than privileged communications, or data submitted to the hearing body in connection with its consideration of the case.
  - 7. A victim impact statement, if submitted by the victim.
- H. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Amended by final exempt rulemaking at 21 A.A.R. 1775, effective May 20, 2013 (Supp. 15-3). The Section heading has been updated to title case to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-704. Service; Proof of Service**

- A. The Board shall serve notices of hearing, findings of fact, conclusions of law, and recommendations of the hearing body, and decisions and final orders of the Board, either by personal service or by certified mail. All other documents required to be served by the Board may be served by regular or certified mail or may be personally served.
- B. After service of a notice of hearing in a contested case, a copy of every document filed by a party, or individual seeking to intervene, shall be served on all parties to the contested case,

or their lawyers if represented, at the same time the document is filed. Filing with the Board and service shall be completed by personal delivery, first-class mail or email.

- C. The following evidences completed service:
  - 1. If personally served, an affidavit of personal service, sworn to by the individual serving the document and stating the name of the individual upon whom it was served, where service was made, and the date of such service; or
  - 2. If served by certified mail, proof of delivery; or
  - 3. If served by email or regular mail, either a statement subscribed on the document filed, or an affidavit indicating the date mailed and listing those to whom it was mailed.
- D. When a party is represented by an attorney, service shall be made on the attorney. If a notice of hearing shows service on the Attorney General, all documents served thereafter shall be served on the Assistant Attorney General named on the notice of hearing or who later appears on behalf of the Attorney General, or if no Assistant Attorney General is named, then on the Attorney General, Education and Health Section, Education Unit.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-705. Hearings and Evidence**

- A. Parties may participate in the hearing in person or through an attorney.
- B. The parties may submit proposed findings of fact and conclusions of law prior to the hearing. The presiding officer or hearing body may require that the parties submit proposed findings of fact and conclusions of law prior to the hearing or at the close of evidence.
- C. A hearing in a contested case shall be conducted in an informal manner and without adherence to the rules of evidence required in judicial proceedings. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. A party to such proceedings may be represented by counsel and shall have the right to submit evidence in open hearing and conduct cross examination. Hearings may be held in any location or manner determined by the Board.
- D. Copies of documentary evidence may be received in the discretion of the presiding officer. Upon request, the parties shall be given an opportunity to compare the copy with the original.
- E. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the specialized knowledge of the hearing body. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material noticed including any staff memoranda or data and they shall be afforded an opportunity to contest the material so noticed. The hearing body's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.
- F. If a party fails to appear at a hearing, the hearing body may proceed with the presentation of the evidence of the appearing party.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Amended by final exempt rulemaking at 23 A.A.R. 725, effective January 23, 2017 (Supp. 17-1). Amended by final exempt

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rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-706. Request for Hearing**

When a request for a hearing is filed with the Board, the request shall be in writing and shall state the specific grounds which are the basis of the hearing request and the statute, rule or other legal basis entitling the person to a hearing.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

**R7-2-707. Denial of Request for Hearing**

If the Board denies the request for a hearing, the denial shall be in writing and shall state the reasons therefor. A denial of a request for hearing is final and not subject to further administrative review.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). The Section heading has been updated to title case to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-708. Repealed****Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Section repealed by final rulemaking at 11 A.A.R. 696, effective March 29, 2005 (Supp. 05-1).

**R7-2-709. Rehearing and Review of Decisions**

- A. After a hearing is held, a party in a contested case who is aggrieved by a decision rendered by the Board may file with the Board, not later than 30 days after such decision has been made, a written motion for rehearing specifying the particular grounds therefor. A response may be filed within 15 days after service of such motion by any other party. The Board may require the filing of written briefs on the issues raised in the motion or response and may provide for oral argument.
- B. A rehearing of a decision by the Board may be granted for any of the following causes materially affecting the moving party's rights:
  1. Irregularity in the administrative proceedings of the hearing body, or abuse of discretion, whereby the moving party was deprived of a fair hearing.
  2. Misconduct of the hearing body or the prevailing party.
  3. Accident or surprise which could not have been prevented by ordinary prudence.
  4. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the hearing.
  5. Excessive or insufficient penalties.
  6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing.
  7. That the decision is not justified by the evidence or is contrary to the law.
- C. The Board may affirm or modify the decision or grant a rehearing before a hearing body to all or any of the parties, on all or part of the issues, for any of the reasons set forth in subsection (B). An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.
- D. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing for a reason not stated in the motion. The order granting such a rehearing shall specify the grounds therefor.

- E. Not later than 20 days after a decision is rendered, the Board may, on its own initiative, order a rehearing of its decision for any reasons for which it might have granted a rehearing on motion of a party. The order granting such a rehearing shall specify the grounds therefor.
- F. When a motion for rehearing is based upon affidavits they shall be served with the motion. An opposing party may, within ten days after service of such motion, serve opposing affidavits and this period may be extended for an additional period not exceeding 20 days, by the Board for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
- G. After a hearing has been held and a final administrative decision has been entered, a party is not required to file a motion for rehearing or review of the decision in order to exhaust the party's administrative remedies.
- H. Any party in a contested case who is aggrieved by a decision rendered by the Board may file with the Board, not later than 20 days after such decision has been made, a written request for review of the decision. If a review of the decision is granted, the Board may affirm or modify the previous decision.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). The Section heading has been updated to title case to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2353, (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-710. Repealed****Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Repealed by final exempt rulemaking at 27 A.A.R. 2353, (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-711. Consolidation and Severance**

- A. When proceedings involving a common question of law or fact or common parties are pending before the hearing body, the presiding officer may, upon the presiding officer's own volition or upon request of any party, order a consolidated hearing on any or all the matters at issue.
- B. In furtherance of convenience, to avoid prejudice, or when separate hearings will be conducive to expedition and economy, the presiding officer may, upon the presiding officer's own volition or upon request of any party, order any proceeding severed with respect to some or all issues or parties.
- C. The presiding officer shall send a written ruling granting or denying consolidation or severance to all parties, identifying the cases, and the reasons for the decision.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). The Section heading has been updated to title case to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2353, (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-712. Subpoenas**

- A. The Board may issue subpoenas for the attendance of witnesses and for the production of books, records, documents and other evidence on its own volition or at the request of a

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party. The subpoena shall be signed by a Board employee designated by the Board.

- B.** A request for a hearing subpoena shall be in writing and served on each party at least seven days prior to the date set for hearing and shall state:
  1. The name of the contested case, the case number, and the time and place where the witness is expected to appear and testify;
  2. The name and address of the witness subpoenaed;
  3. The documents, if any, sought to be provided; and
  4. A brief statement of the relevance of testimony or documents.
- C.** On application of a party or the agency and for use as evidence, the presiding officer may permit a deposition to be taken, in the manner and upon the terms designated by the presiding officer, of a witness who cannot be subpoenaed or is unable to attend the hearing.
- D.** The individual to whom a subpoena is directed shall comply with its provisions unless, prior to the date set for appearance, the presiding officer grants a written request to quash or modify the subpoena. The request shall be submitted to the Board and state the reasons why it should be granted. The presiding officer shall grant or deny such request by order.
- E.** The party requesting the subpoena shall prepare it and cause it to be served upon the individual to whom it is directed and on all parties in the same manner as provided for service of subpoenas in civil matters before the superior court. The return of service shall be filed with the Board.
- F.** A party, or the person served with a subpoena who objects to the subpoena, or any portion of it, may file an objection with the presiding officer. The objection shall be filed within five days after service of the subpoena, or at the outset of the hearing, if the subpoena is served fewer than five days before the hearing.
- G.** If a subpoena issued for the Board is disobeyed, the Board may petition the superior court to enforce the subpoena pursuant to A.R.S. § 15-203.
- H.** If a subpoena issued for a party other than the Board is disobeyed, the party may petition the superior court in the manner provided by law for the enforcement of subpoenas in a civil action.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-713. Conduct of Hearing**

- A.** The presiding officer may conduct all or part of the hearing by telephone, or other electronic means, as long as each party has an opportunity to participate in the entire proceeding as it takes place.
- B.** Except for those hearings which may involve presentation of evidence protected by A.R.S. § 15-350, or which are otherwise closed pursuant to an express provision of law, all hearings are open to public observation.
- C.** Conduct at any hearing that is disruptive or shows contempt for the proceedings shall be grounds for exclusion from further participation or observation.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). The Section heading has been updated to title case to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2353,

(October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-714. Testimony of Pupils**

- A.** All individuals present at a hearing regarding an action against a certificate shall:
  1. Keep confidential the name and identifying information of any pupil involved in the hearing, unless disclosure is with the consent of the pupil's parent or guardian or the pupil if the pupil is at least 18 years of age at the time of the hearing, or by order of the superior court. This action does not prevent disclosure of the pupil's name to any party to the hearing.
  2. Keep confidential the testimony of any pupil, all of which shall be taken in executive session, except that the Board office shall be furnished a confidential copy of the pupil's testimony as part of the complete transcript of the hearing. The individuals present during the executive session shall be determined by the presiding officer in consultation with the Attorney General's office except that the respondent and counsel shall always be permitted to be present. The transcripts of testimony taken during executive session shall be maintained by the Board.
- B.** The Board of Education or its designee shall:
  1. Make available a consent form which requires the signature of the pupil's parent or guardian or the pupil if the pupil is at least 18 years of age at the time of the hearing, prior to disclosure of the pupil's name;
  2. Assign a fictitious name to all witnesses identified as pupils on the witness lists provided by the complainant and respondent if not in receipt of written parental or guardian consent for disclosure;
  3. Notify hearing participants, prior to and during the hearing, of any fictitious names to be used.
- C.** The presiding officer shall instruct all individuals present at the hearing of the confidentiality requirements of A.R.S. § 15-551 and this Section.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). The Section heading has been updated to title case to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-715. Evidence**

- A.** All witnesses shall testify under oath or affirmation. At the request of a party, or at the discretion of the presiding officer, the presiding officer may exclude witnesses who are not parties from the hearing room so that they cannot hear the testimony of other witnesses.
- B.** The presiding officer shall have the power to administer oaths and affirmations.
- C.** All parties shall have the right to present such oral or documentary evidence and to conduct such cross-examination as may be required for a full and fair disclosure of the facts.
- D.** The presiding officer shall make rulings necessary to prevent argumentative, repetitive, or irrelevant questioning, to exclude evidence the presiding officer determines to be irrelevant, immaterial, or unduly repetitious, and to expedite the examination to the extent consistent with the disclosure of all relevant testimony and information.
- E.** Unless otherwise ordered by the hearing body, documentary evidence shall be limited in size when folded to 8 1/2 by 11 inches. The submitting party shall identify documentary exhibits by number or letter and party and furnish a copy of

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each exhibit to each party present. One additional copy shall be furnished to the hearing body unless the hearing body otherwise directs. When evidence offered by any party appears in a larger work, containing other information, the party shall plainly designate the portion offered. If the evidence offered is so voluminous as would unnecessarily encumber the record, the book, paper, or document shall not be received in evidence but may be marked for identification and, if properly authenticated, the designated portion may be read into or photocopied for the record. All documentary evidence offered shall be subject to appropriate and timely objection.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Amended by final exempt rulemaking at 27 A.A.R. 2353, (October 22, 2021) effective September 27, 2021 (Supp. 21-4).

**R7-2-716. Stipulations**

Parties to any contested case may stipulate, in writing, agreement upon any matter involved in the proceeding. If approved by the presiding officer, agreement on matters of procedure shall be binding upon the parties to the stipulation. No substantive matter agreed to by the parties shall be binding upon the Board unless incorporated into the decision of the Board.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021) effective September 27, 2021 (Supp. 21-4).

**R7-2-717. Recommended Decisions**

- A. A recommended decision, findings of fact and conclusions of law shall be prepared for the Board by the PPAC.
- B. A recommended decision, findings of fact and conclusions of law shall be delivered to the Board within 90 days after the close of the hearing or the date ordered for submission of proposed findings or legal memoranda, whichever comes last, unless the Board extends the period for good cause.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Amended by final exempt rulemaking at 27 A.A.R. 2353, (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-718. Decisions and Orders**

- A. Any final decision or order adverse to a party in a contested case shall be in writing or stated in the record. Any final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. Parties shall be notified either personally or by mail to their last known address of any decision or order.
- B. When the Board is the hearing body, the decision shall be rendered within 120 days following the final day of the hearing or the date ordered for submission of proposed findings of fact and conclusions of law or legal memoranda, whichever comes last.
- C. Within 30 days after receipt of any recommended decision from the PPAC, the Board shall render a decision to affirm, reverse, adopt, modify, supplement, amend or reject the findings of fact, conclusions of law and recommendations in whole or in part, may remand the matter to the hearing body with instructions, or may convene itself as the hearing body.

- D. If no request for rehearing or review has been timely filed by a party, a decision in a contested case is effective and final ten days from the date served on that party.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021) effective September 27, 2021 (Supp. 21-4).

**ARTICLE 8. COMPLIANCE****R7-2-801. Compliance**

- A. Procedures governing noncompliance with laws and rules by school districts.
  1. Scope. Except as may be otherwise directed by federal or state statute or by rules adopted by the State Board of Education, this Section shall govern the procedure for determining noncompliance by school districts with laws and rules concerning school districts, the enforcement of which is the statutory responsibility of the State Board of Education or the Department of Education.
  2. Preliminary notice of noncompliance and response:
    - a. The Department of Education, upon its own initiative or at the direction of the State Board of Education, shall inform school districts by written notice that the district is in possible noncompliance with laws or rules, the enforcement of which is the statutory responsibility of the Board or the Department.
    - b. A preliminary notice of possible noncompliance shall detail in writing the nature of the possible noncompliance and shall identify:
      - i. The law or rule which the school district may be violating; and
      - ii. The manner in which the school district may be in noncompliance with the identified law or rule.
    - c. A school district may submit a written response to the Department of Education within 20 days of receipt of a preliminary notice of noncompliance.
    - d. Nothing contained in this Section is intended to preclude a reasonable attempt between Department of Education personnel and school district personnel to resolve administratively possible noncompliance prior to sending a written preliminary notice of noncompliance.
  3. Scheduling a formal hearing
    - a. Recommendation by the Department of Education
      - i. After giving a school district preliminary notice as provided in this Section, the Department of Education shall submit a written recommendation to the State Board of Education. This recommendation shall be submitted within 10 days after receipt of a written response from the school district or if no response is received within 30 days of the issuance of the preliminary notice. The Department shall recommend one of the following courses of action to be taken by the Board.
        - (1) A formal hearing should be scheduled before noncompliance is probable and achieving voluntary compliance within a reasonable period of time under the circumstances is unlikely; or
        - (2) A formal hearing should not be scheduled at this time because, although noncompliance is probable, achieving voluntary compliance within a reasonable period of

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- time is likely; or
- (3) A formal hearing should not be scheduled because the school district is in compliance with the law or rule in question.
  - ii. Any written response of the school district to the preliminary notice of noncompliance shall accompany the written recommendation of the Department of Education.
  - b. Within 30 days of receipt of the recommendation of the Department of Education, the State Board of Education shall either:
    - i. Schedule formal hearing;
    - ii. Postpone the decision to schedule a hearing for a stated time period not to exceed six months, or
    - iii. Dismiss the matter.
  - c. When the State Board of Education determines that a formal hearing is necessary, it shall be scheduled within 30 days after such determination, unless an extension of time is granted by the Board.
  - d. When a formal hearing is scheduled, the Board or its designee shall give notice of the hearing as provided in A.R.S. § 41-1009(A) and (B).
  - e. When the Board decides to postpone scheduling a formal hearing, the Board shall specify the extent of the postponement and the Department of Education shall report periodically, at least every 30 days, unless otherwise directed, with respect to progress by the school district toward compliance with the law or rule in question. At the end of the postponement period, the Board shall again make a determination whether to schedule a hearing, further postpone the determination, or dismiss the matter.
  - f. The Board may order further investigation by the Department of Education at any time, and admit into evidence any such report at any subsequent formal hearing.
4. Hearings held pursuant to this Section shall be conducted as provided in A.R.S. § 41-1010.
  5. The Board's decision
    - a. A decision by the State Board of Education shall be determined by a majority of the members of the Board and shall be based upon substantial evidence.
    - b. A decision shall be rendered within 30 days after the hearing.
    - c. Within 30 days after a decision is reached, copies of the written decision shall be delivered to the parties personally or by certified mail.
    - d. The parties shall have the opportunity to provide proposed findings of fact and conclusions of law to the Board no later than five days after the decision of the Board is received.
  6. Rehearing procedure
    - a. Any party aggrieved by a decision rendered by the Board may file with the Board, not later than 15 days after service of the decision, a written motion for rehearing or review of the decision, specifying the particular grounds therefor.
    - b. A motion to alter or amend a decision or order shall be filed not later than 15 days after service of the decision.
    - c. A motion for rehearing under this Section may be amended at any time before it is ruled upon by the Board.
    - d. A response may be filed within 10 days after service of such motion by any other party or by the Attorney General.
    - e. The Board may require the filing of written memoranda upon the issues raised in the motion and may provide for oral argument.
    - f. The Board may consolidate the hearing to consider the motion for rehearing with the requested rehearing.
    - g. A rehearing or review of the decision may be granted for any of the following causes materially affecting the moving party's rights:
      - i. Irregularity in the administrative proceedings of the agency or its hearing officer or the prevailing party, or any order, or abuse of discretion, whereby the moving party was deprived of a fair hearing;
      - ii. Misconduct of the Board of the prevailing party.
      - iii. Accident or surprise which could not have been prevented by ordinary prudence;
      - iv. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the original hearing;
      - v. Excessive or insufficient penalty;
      - vi. Error in the admission or rejection of evidence or other errors of law occurring in the administrative hearing;
      - vii. The decision is not justified by the evidence or is contrary to law.
    - h. The Board may affirm or modify the decision or grant a rehearing to all or any of the parties and on all or part of the issues for any of the reasons set forth in subsection (A)(6). An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.
    - i. Not later than 15 days after a decision is rendered, the Board may on its own initiative order a rehearing or a review of its decision for any reason for which it might have granted a rehearing on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing for a reason not stated in the motion. In either case, the order granting such a rehearing shall specify the grounds on which the order is based.
    - j. When a motion for rehearing is based upon affidavits, they shall be served with the motion. An opposing party may, within 10 days after such service, serve opposing affidavits, which period may be extended for an additional period not exceeding 20 days, by the Board for good cause shown, or by the parties by written stipulation. The Board may permit a reply affidavit by the moving party.
- B. Waiver from administrative rules. Upon request of a school district acting either on its own behalf or on behalf of a school within the district's jurisdiction, the State Board of Education may grant a waiver exempting such district or school from specific administrative rules.
    1. Requests
      - a. Requests for exemption from any State Board of Education rule shall include:

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- i. Evidence that the school or school district is currently in compliance with all state laws and State Board of Education rules;
- ii. A statement identifying goals that will be accomplished and how the waiver will assist in enhancing school improvement;
- iii. A three-year plan for school improvement;
- iv. Identification of the specific rules for which the waiver is requested;
- v. Evidence of a public hearing held by the school or school district which provided for parental and public involvement and input into the proposed three-year plan.
- b. Requests for waiver may be granted by the State Board of Education for a period not to exceed three years. The State Board of Education may at any time rescind approved waivers at its discretion.
- c. Requests for waiver may be submitted by a local governing board and shall be made through the State Superintendent of Public Instruction for consideration by the State Board of Education.
- d. Local governing boards shall adopt policies and procedures which will allow their schools to request waivers from the State Board of Education and shall submit those policies and procedures to the Superintendent of Public Instruction prior to October 1, 1993. Those policies shall be consistent with the criteria specified in subsections (B)(1)(a) and (B)(3). Additionally, those policies shall provide that:
  - i. Requests for such waivers by schools be forwarded within 30 days of receipt by the governing board to the Superintendent of Public Instruction. Requests may include additional information as the governing board deems appropriate.
  - ii. Schools not be required to meet criteria other than those specified in subsection (B)(1)(a).
2. Reporting
  - a. Schools or school districts with State Board-approved waivers shall document progress obtained as a result of the waiver and report on or before June 30 of each year to the State Superintendent of Public Instruction.
  - b. A school district having a school with an approved waiver may report the effects that such waiver has had on the operation of the school district. Reports shall be submitted on or before June 30 of each year to the State Superintendent of Public Instruction.
  - c. The State Superintendent of Public Instruction shall report to the State Board of Education, on or before September 30 of each year, the status of those schools and school districts with approved waivers and, as a minimum, include the following:
    - i. The status of meeting the goals as stated in the three-year plan;
    - ii. Recommendations regarding approved continuance of the waiver, conditions for continuance of the waiver, revision of the three-year plan or rescission of the waiver.
3. Renewal. Upon request from a school district, on behalf of itself or a school within its jurisdiction, waivers may be approved by the State Board of Education for additional three-year periods. Requests shall be made through the State Superintendent of Public Instruction and requests from schools shall be forwarded by the local

governing board to the State Superintendent of Public Instruction within 30 days from receipt.

**Historical Note**

Adopted effective February 27, 1980 (Supp. 80-1).  
Amended effective April 9, 1993 (Supp. 93-2). The word "rule" has been updated to "Section" to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-802. School and School District Compliance with the Uniform System of Financial Records and the Uniform System of Financial Records for Charter Schools**

- A. Upon receipt of a report from the Auditor General that a school or school district has failed to comply with the Uniform System of Financial Records ("USFR") or the Uniform System of Financial Records for Charter Schools ("USFRCS") within 90 days after having received a notice of noncompliance from the Auditor General, the State Board of Education ("Board") shall review the Auditor General's report to determine whether the school or school district is in noncompliance.
- B. When the Board determines that a school or school district is in noncompliance with the USFR or USFRCS, it shall give written notice to the school or district of its determination. The written notice shall advise the school or district of the following:
  1. The Superintendent of Public Instruction shall withhold distribution of state funds to the school or district until such time as the Auditor General reports compliance with the USFR or USFRCS unless a hearing is requested by the school or district.
  2. The school or district has 10 days from the receipt of the written notice of noncompliance by the Board to submit a written request for a hearing.
  3. If the school or district makes a timely request for a hearing, the hearing will be held pursuant to the hearing procedures specified in R7-2-701 et seq.
- C. The Board's decision
  1. The Board shall determine whether the school or school district was in compliance with the USFR or USFRCS within 90 days after having been informed of noncompliance by the Auditor General, and whether the district is in compliance with the USFR or USFRCS at the time of the hearing.
  2. A decision by the Board shall be determined by a majority of the members of the Board and shall be based upon substantial evidence.

**Historical Note**

Adopted effective February 27, 1980 (Supp. 80-1).  
Amended subsections (A) and (E)(1) and (5) effective December 17, 1981 (Supp. 81-6). Amended effective December 31, 1998 (Supp. 98-4).

**R7-2-803. Implementation of the Uniform System of Financial Records**

All school districts shall implement the current version of the Uniform System of Financial Records, as prescribed by the Auditor General, in conjunction with the Department of Education. The Uniform System of Financial Records shall include standards to ensure that enrollment is determined by all school districts on a uniform basis.

**Historical Note**

Adopted effective November 10, 1980 (Supp. 80-6).  
Amended effective February 20, 1997 (Supp. 97-1).

**R7-2-804. Compliance with Federal Statutes or Regulations**



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- A. This Section prescribes procedures to be used in filing and processing written complaints alleging the failure of a public agency or school district to comply with federal statutes or regulations applicable to federal education programs conducted and subject to Title 34, Code of Federal Regulations, § 76.780.
- B. The Arizona Department of Education (Department) shall accept and investigate complaints provided that the complaint:
  1. Is written and signed by the complaining party or his or her designated representative;
  2. Sets forth the facts forming the basis of the complaint; the facts set forth in the complaint, if true, could constitute noncompliance by a public agency or school district;
- C. Upon receipt of a complaint setting forth the criteria contained in (B), the Department shall immediately begin an impartial review which may include onsite investigations. If in the course of the review it is determined that the nature of the complaint is not a matter of noncompliance, the complainant will be so informed and advised of appropriate means of resolving the complaint.
- D. A written decision with specific findings shall be issued by the Department within 60 calendar days of receipt of the written complaint. If corrective action is required, such action shall be designated in the decision and shall include the time line for correction and possible consequences for continued noncompliance. A copy of the written decision shall be sent to the complaining party and the agency involved on or before the expiration of the 60-day period. An extension of this timeline will be permitted only if exceptional circumstances exist with respect to a particular complaint.
- E. If there appears to be a failure or refusal to comply with the applicable law or regulations, and if the noncompliance or refusal to comply cannot be corrected or avoided by informal means, compliance shall be effected by the Superintendent and the State Board of Education by any means authorized by law or by rule and regulation. The Superintendent shall retain jurisdiction over the issue of noncompliance with the law or regulations and shall retain jurisdiction over the implementation of any corrective action required. However, nothing herein shall preclude the availability of an informal resolution between the complainant and the agency or school district involved, nor shall this Section preclude the availability of any administrative hearing remedies to resolve such disputes or judicial review of such administrative remedies.
- F. If, pursuant to an investigation by the Department, the Superintendent finds a failure to comply with applicable law or regulations, he or she shall so inform the agency or school district and compliance shall be obtained by informal means whenever possible. If corrective action is required, such action shall be designated in this decision and shall include the time lines for correction and the possible consequences for continued noncompliance.
- G. A summary of each complaint received and investigated by the Department and the decision of the Superintendent shall be submitted annually to the State Board of Education for informational purposes only. Any personally identifiable information shall be deleted from the report to the State Board of Education.
- H. The complainant may request the U.S. Department of Education to review the final decision of the Superintendent. The Department shall inform a complainant of the procedures for requesting a review by the U.S. Department of Education.

**Historical Note**

Adopted effective February 11, 1983 (Supp. 83-1).  
 Amended subsection (B) effective March 13, 1986 (Supp. 86-2). The Section heading has been updated to title case,

the word “rule” has been updated to “Section.” Both changes reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-805. Education Division General Administrative Regulations**

- A. This Section prescribes procedures to be used for appealing a decision by the Arizona Department of Education (Department) relating to federal programs administered by the Department and subject to the Education Division General Administrative Regulations (EDGAR) Title 34, Code of Federal Regulations § 75 and 76.
- B. A school district or public agency may request a hearing if it alleges that the Department violated a federal statute or regulation by:
  1. Terminating further assistance for an approved project;
  2. Ordering, in accordance with a final state audit resolution determination, the repayment of misspent or misapplied federal funds;
  3. Disapproving or failing to approve the application or project in whole or in part; or
  4. Failing to provide funds in amounts in accordance with the requirements of statutes and regulations.
  5. Not approving the school district or public agency’s proposal for funding.
- C. When a school district or public agency requests a hearing, the Superintendent of Public Instruction (Superintendent) shall select a hearings appeals panel from Department staff other than those within the same division as the federal program area under which the appeal rose.
- D. Hearing procedures
  1. An applicant must request a hearing by notifying the Superintendent by certified mail of its decision to appeal a decision as set forth in subsection (B). If the applicant is or represents a school district, authorization to seek a hearing must come from the Governing Board of that school district.
  2. The request for hearing must set forth the nature of the complaint and the facts on which the complaint is based.
  3. The applicant shall request a hearing within 30 days of the date notice of the Department action was sent. For purposes of this Section, the date of notice by the Department is the date of sending notice of the Department action.
  4. A hearing shall be scheduled before the appeal panel within 30 days from the receipt of the request.
  5. The appeals panel chairperson shall give at least 10 days’ notice of the hearing date to the complainant.
  6. The parties may submit written materials no later than five days prior to the hearing, such materials to consist of six copies.
  7. At the hearing the parties may present evidence in writing and through witnesses and may be represented by counsel.
  8. The length and order of the presentation may be determined by the appeals panel chairperson.
  9. If the complainant or authorized representative fails to appear at the designated time, place and date of the hearing, the appeal shall be considered closed and the process terminated.
- E. Decision. No later than five days after the hearing, the appeals panel shall forward to the Superintendent its recommendation relating to the school district or agency’s request for review. Within 10 days after the hearing, the Superintendent shall issue his or her written ruling, including findings of fact and reasons for the ruling. If the Superintendent determines that the Department’s action was contrary to the statutes and regula-

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lations that govern the applicable program, the Superintendent shall rescind the action.

- F. Appeal. If the Superintendent does not rescind the Department action, the applicant may appeal to the U.S. Department of Education. The applicant shall file a notice of appeal with the U.S. Department of Education within 20 days after the applicant has been notified by the Superintendent of his or her decision by certified mail.
- G. State Board of Education submission. The Superintendent shall annually submit to the State Board of Education as an informational item summaries of all decisions including the findings of fact of hearing procedures conducted pursuant to this Section for State Board of Education review.

**Historical Note**

Adopted effective June 24, 1983 (Supp. 83-3). The Section heading has been updated to title case, the word "rule" has been updated to "Section," the phrase, "of this rule" has been removed to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-806. Repealed****Historical Note**

Adopted effective February 6, 1984 (Supp. 84-1). Section repealed by final rulemaking at 7 A.A.R. 182, effective December 15, 2000 (Supp. 00-4).

**R7-2-807. Repealed****Historical Note**

Adopted as an emergency effective August 2, 1984 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Permanent rule adopted effective November 27, 1984 (Supp. 84-6). Amended effective May 3, 1993 (Supp. 93-2). Repealed effective February 20, 1997 (Supp. 97-1).

**R7-2-808. Pupil Participation in Extracurricular Activities**

The following standards are effective for students in grade six, if part of a middle school, and grades seven through 12.

1. Definition. Extracurricular activities are:
  - a. All interscholastic activities which are of a competitive nature and involve more than one school where a championship, winner, or rating is determined; and all those endeavors of a continuous and ongoing nature for which no credit is earned in meeting graduation or promotional requirements and are organized, planned, and sponsored by the district consistent with district policy.
  - b. Activities which are an integral part of a credit class shall be excepted from the rule.
2. Eligibility requirements and ineligibility.
  - a. Eligibility. To be eligible to participate in extracurricular activities, a student shall be required to:
    - i. Earn a passing grade in each course in which the student is enrolled; and
    - ii. Maintain satisfactory progress toward promotion or graduation.
  - b. Ineligibility. When it is determined that a student has failed to meet the requirements specified for eligibility, the student shall be declared ineligible to participate in extracurricular activities and shall remain ineligible until the requirements of eligibility are met.
    - i. The governing board shall establish the criteria for a passing grade and satisfactory progress toward promotion or graduation, taking into account the needs of children placed in special

education programs pursuant to R7-2-401 et seq. Passing grades shall be determined on a cumulative basis, from the beginning of instruction to the recording of a final grade for the course.

- ii. Every nine weeks or less, as determined by the governing board, district personnel shall review the progress of students to determine their eligibility status. If a student is declared ineligible, the student shall remain ineligible until a subsequent check is performed and it is determined that the student meets the eligibility requirements specified in subsection (2)(a).
3. Each governing board shall adopt a policy and implement a program pursuant to that policy to provide:
  - a. Oral or written preliminary notice to all district students and their parents or guardian of pending ineligibility;
  - b. Written notice to students and their parents or guardians when ineligibility has been determined;
  - c. Educational support services to students declared ineligible because of this Section, as well as those notified of pending ineligibility.

**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended subsection (B) and added a new subsection (D) effective February 17, 1988 (Supp. 88-1). Amended subsection (A) effective August 15, 1988 (Supp. 88-3). Amended effective April 28, 1989 (Supp. 89-2). Amended effective December 20, 1991 (Supp. 91-4). Section R7-2-808 repealed, new Section adopted effective July 10, 1992 (Supp. 92-3). Amended effective September 20, 1996 (Supp. 96-3). Amended effective December 22, 1997 (Supp. 97-4). Numerals were corrected and the word "rule" was replaced with "Section" to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-809. Emergency Administration of Auto-Injectable Epinephrine****A. Applicability.** This Section applies to:

1. Any school district or charter school that voluntarily chooses to stock auto-injectable epinephrine pursuant to A.R.S. § 15-157.
2. All school districts and charter schools when required to stock auto-injectable epinephrine pursuant to A.R.S. § 15-157.

**B. Definitions.** The following definitions are applicable to this Section:

1. "Anaphylactic shock" is a severe systemic allergic reaction, resulting from exposure to an allergen, which may result in death.
2. "Auto-injectable epinephrine" means a disposable drug delivery device that is easily transportable and contains a premeasured single dose of epinephrine used to treat anaphylactic shock.
3. "Standing order" means a prescription protocol or instructions issued by the chief medical officer of the department of health services, the chief medical officer of a county health department, a doctor of medicine licensed pursuant to A.R.S. Title 32, Chapter 13, a doctor of naturopathic medicine licensed pursuant to A.R.S. Title 32, Chapter 14, a doctor of osteopathic medicine licensed pursuant to A.R.S. Title 32, Chapter 17, a nurse practitioner licensed pursuant to A.R.S. Title 32, Chapter 15 or

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- a physician assistant licensed pursuant to A.R.S. Title 32, Chapter 25 for non-individual specific epinephrine.
- C. Annual training in the administration of auto-injectable epinephrine.
- Each school district and charter school shall designate at least two school personnel for each school site who shall be required to receive annual training in the proper administration of auto-injectable epinephrine in cases of anaphylactic shock pursuant to standing order. One or more of the trained personnel may be a school nurse or athletic trainer if they are employed by the school.
  - Training in the administration of auto-injectable epinephrine shall be conducted in accordance with minimum standards and curriculum developed by the Arizona Department of Health Services in consultation with the Arizona Department of Education.
  - At a minimum, training shall include procedures to follow when responding to anaphylactic shock, including direction regarding summoning appropriate emergency care, and documenting, tracking and reporting of the event.
  - Training shall also include standards and procedures for acquiring a supply of at least two juvenile doses and two adult doses of auto-injectable epinephrine, restocking auto-injectable epinephrine upon use or expiration, and storing all auto-injectable epinephrine at room temperature and in secure, easily accessible locations on school sites.
  - Training shall be conducted via courses provided in collaboration with a public health organization or by a regulated health care professional, whose competencies include the administration of auto-injectable epinephrine, including but not limited to a licensed school nurse, certified emergency medical technician or licensed athletic trainer.
  - School districts and charter schools shall maintain and make available upon request a list of those school personnel authorized and trained to administer auto-injectable epinephrine pursuant to a standing order.
- D. Annual training on the recognition of anaphylactic shock symptoms and procedures to follow when anaphylactic shock occurs.
- Each school district and charter school shall require all school site personnel to receive an annual training on the recognition of anaphylactic shock symptoms and procedures to follow when anaphylactic shock occurs.
  - Training shall be conducted in accordance with minimum training standards developed by the Arizona Department of Health Services in consultation with the Arizona Department of Education and shall follow the most current guidelines issued by the American Academy of Pediatrics.
  - Training shall be conducted in collaboration with a public health organization by a regulated health care professional whose competencies include the recognition of anaphylactic shock symptoms and procedures to follow when anaphylactic shock occurs, including but not limited to a licensed school nurse, certified emergency medical technician or licensed athletic trainer.
- E. Procedures for annually requesting a standing order for auto-injectable epinephrine.
- Each school district or charter school shall obtain a standing order from its designated district or charter school physician licensed pursuant to A.R.S. Title 32, Chapter 13, 14, 17, 15, or 25 and if no such physician is available to provide a standing order, from the chief medical officer of the Department of Health Services or the chief medical officer of a county health department.
- Standing orders shall be renewed annually and upon the change of any designated school district or charter school physician.
  - Standing orders shall identify the appropriate dosage of auto-injectable epinephrine to administer based upon weight and the frequency at which auto-injectable epinephrine may be administered if symptoms persist or return.
- F. Procedures for the administration of auto-injectable epinephrine in emergency situations.
- All school districts and charters schools shall adopt procedures for the emergency administration of auto-injectable epinephrine by designated trained personnel.
  - Procedures shall address, at a minimum, the following requirements:
    - Determining if symptoms indicate possible anaphylactic shock.
    - Selecting the appropriate dosage of auto-injectable epinephrine to administer pursuant to a standing order.
    - Injecting epinephrine via auto-injector pursuant to a standing order, noting the time and dose given.
    - Calling 911 to advise that anaphylactic shock is suspected and epinephrine was administered.
    - Keeping the person stable until emergency responders arrive.
    - Advising school medical personnel and administration of the incident.
    - Repeating dose pursuant to a standing order when symptoms persist and emergency responders have not arrived.
    - Providing emergency responders with used epinephrine auto-injector labeled with name, date and time administered.
    - Assuring that parents/guardians have been notified and advised to promptly alert student's primary care physician of the incident.
    - Completing written documentation of the incident, detailing who administered the injection, the rationale for administering the injection, the approximate time of the injection or injections, and notifications made to school administration, emergency responders, the student's parents or guardians, and the doctor or chief medical officer who issued the standing order.
    - Ordering replacement dose or doses of auto-injectable epinephrine.
    - Reviewing any incident involving emergency administration of epinephrine to determine the adequacy of response.
- G. All school districts and charter schools shall report to the Arizona Department of Health Services all incidents of use of auto-injectable epinephrine pursuant to this Section in the format prescribed by the Arizona Department of Health Services.

**Historical Note**

Adopted effective July 30, 1992 (Supp. 92-3). Amended effective April 9, 1993 (Supp. 93-2). Repealed effective February 20, 1997 (Supp. 97-1). Amended by final exempt rulemaking at 21 A.A.R. 1784, effective February 24, 2014 (Supp. 15-3). Amended by final exempt rulemaking at 24 A.A.R. 3279, effective October 22, 2018 (Supp. 18-4). The word "rule" has been updated to "Section" to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemak-

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ing at 27 A.A.R. 1531, effective August 27, 2021 (Supp. 21-3).

**R7-2-810. Emergency Administration of Inhalers**

- A.** Applicability. This Section applies to:
1. Any school district or charter school that voluntarily chooses to stock inhalers pursuant to A.R.S. § 15-158.
  2. All school districts when required to stock inhalers pursuant to A.R.S. § 15-158.
- B.** Definitions. The following definitions are applicable to this Section:
1. "Authorized Entity" refers to any school district or charter school.
  2. "Bronchodilator" means Albuterol or another short-acting bronchodilator that is approved by the United States Food and Drug Administration for the treatment of respiratory distress.
  3. "Inhaler" means a device that delivers a bronchodilator to alleviate symptoms of respiratory distress that is manufactured in the form of a metered-dose inhaler or dry-powder inhaler that includes a spacer or holding chamber that attaches to the inhaler to improve the delivery of the bronchodilator.
  4. "Personnel" means employees at a school district or charter school or nurses who are under contract with the school district or charter school.
  5. "Respiratory distress" includes the perceived or actual presence of coughing, wheezing or shortness of breath.
  6. "Standing order" means a prescription protocol or instructions issued by the chief medical officer of a county health department, physicians licensed pursuant to A.R.S. Title 32, Chapter 13, 14, or 17, or nurse practitioners licensed pursuant to A.R.S. Title 32, Chapter 15.
- C.** Annual training on recognition of symptoms of respiratory distress and administration of inhalers:
1. Each school district and charter school that elects to administer inhalers shall designate at least two personnel at each school site who shall be required to be trained in the recognition of respiratory distress symptoms, the procedures to follow when respiratory distress occurs, and the administration of inhalers, as directed on the prescription protocol. While each school is required to have two trained personnel in order to implement the stock inhaler policies, schools may train as many personnel as they feel necessary.
  2. Training in the administration of inhalers shall be conducted by a nationally recognized organization or professionally certified medical professionals that are experienced in training laypersons in emergency health treatment.
  3. Training may be conducted online or in person and at a minimum shall include:
    - a. How to recognize signs and symptoms of respiratory distress in accordance with good clinical practice.
    - b. Standards and procedures for the storage of inhalers.
    - c. Standards and procedures for the administration of an inhaler, as directed on the prescription protocol.
    - d. If necessary, emergency follow-up procedures after the administration of an inhaler.
  4. The organization that conducts the training shall issue a certificate to each person who successfully completes the training. The personnel shall submit this certificate to the school.
  5. Annual training is required for all designated personnel of the school.
  6. School districts and charter schools shall maintain and make available on request a list of school personnel who are authorized to administer inhalers pursuant to a standing order.
- D.** Procedures for annually requesting a standing order and the prescription for the inhaler and holding chamber
1. Each participating school district or charter school shall obtain a standing order and prescription for inhalers and spacers or holding chambers pursuant to A.R.S. § 15-158 from the chief medical officer of a county health department, a physician licensed pursuant to A.R.S. Title 32, Chapter 13, 14, or 17, or a nurse practitioner pursuant to A.R.S. Title 32, Chapter 15.
  2. Standing orders and prescriptions shall be requested and renewed annually.
- E.** Procedures for the administration of inhalers in emergency situations:
1. School districts and charter schools that elect to administer inhalers shall:
    - a. Prescribe and enforce policies and procedures for the emergency administration of inhalers by designated and trained medical and non-medical personnel.
    - b. Designate at least two personnel at each school to be trained to recognize respiratory distress and administer inhalers.
    - c. Require designated personnel to participate in annual training and provide a certificate of successful completion to the school.
    - d. Designate personnel who have completed the required training to be responsible for the storage, maintenance, control and general oversight of the inhalers and spacers or holding chambers acquired by the school.
    - e. Acquire and stock a supply of inhalers and spacers or holding chambers pursuant to a standing order prescription.
    - f. Store medication in a secure, temperature appropriate location, unlocked and readily accessible to designated personnel.
  2. Pursuant to a standing order, school district or charter school personnel who are trained in the administration of inhalers may administer or assist in the administration of an inhaler to a pupil or adult whom the personnel believes in good faith to be exhibiting symptoms of respiratory distress while at school or a school-sponsored activity.
  3. Procedures adopted by school districts and charter schools shall address at a minimum, the following requirements:
    - a. Determine if symptoms indicate possible respiratory distress or emergency and determine if the use of an inhaler will properly address the respiratory distress or emergency.
    - b. Administer the correct dose of inhaler medication, as directed by the prescription protocol, regardless of whether the individual who is believed to be experiencing respiratory distress has a prescription for an inhaler and spacer or holding chamber or has been previously diagnosed with a condition requiring an inhaler.
    - c. Restrict physical activity, encourage slow breaths and allow the individual to rest.
    - d. Assure that trained personnel stay with the subject who has been administered inhaler medication until it is determined whether the medication alleviates symptoms.

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- e. If applicable, instruct office staff to notify the school nurse if the inhaler is administered by a trained but non-licensed person.
  - f. Instruct school staff to notify the parent or guardian.
  - g. Call 911 if severe respiratory distress continues. Advise that inhaler medication was administered and stay with the person until emergency medical responders arrive.
  - h. If the individual shows improvement, keep the individual under supervision until breathing returns to normal, with no more chest tightness or shortness of breath, and the individual can walk and talk easily.
  - i. Allow a student to return to class if breathing has returned to normal and all symptoms have resolved.
  - j. Notify a parent or guardian once the inhaler has been administered and the student has returned to class.
  - k. Document the incident detailing who administered the inhaler, the approximate time of the incident, notifications made to the school administration, emergency responders, and parents/guardians.
  - l. Retain the incident data on file at the school pursuant to the general records retention schedule regarding health records for school districts and charter schools established by the Arizona State Library, Archives and Public Records.
  - m. Order replacement inhalers, spacers and holding chambers as needed.
4. A school district or charter school may accept monetary donations for or apply for grants for the purchase of inhalers and spacers or holding chamber or may accept donations of inhalers and spacers or holding chambers directly from the product manufacturers.
- F. Immunity from civil liability is prescribed in A.R.S. § 15-158.
- a. Teacher conferences,
  - b. Parent conferences,
  - c. Professional association activities,
  - d. Professional days,
  - e. District directed reports,
  - f. Participation in activities related to education scheduled by county, state, or federal agencies.
- Professional association activities must be, in the opinion of the local governing board, for a public purpose and must not be for the sole benefit of the professional association.
3. Other district related:
- a. Special assignments,
  - b. School board approved leave,
  - c. Home visitation,
  - d. Home instruction,
  - e. Off-site instruction,
  - f. Research,
  - g. In-service training.
- In-service training activities are those approved by the local governing board and intended to promote the educational advancement of the youth of the district. These activities may be conducted either during the regular school day or at other times.
- C. A local governing board may exercise its option to contract with certified personnel on a less than full-time basis in order to meet local district needs.
- D. In those instances where a district may contract with certified personnel, and the responsibilities specified within the contract include activities not related to instruction, then the district must define in terms of "full-time equivalencies" that portion which is instruction-related.

**Historical Note**

New Section made by final exempt rulemaking at 24 A.A.R. 146, effective August 9, 2018; filed in the Office on January 2, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 24 A.A.R. 3279, effective October 22, 2018 (Supp. 18-4). The word "rule" has been updated to "Section" to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 1531, effective August 27, 2021 (Supp. 21-3).

**ARTICLE 9. SCHOOL DISTRICT BUDGET AND ACCOUNTING****R7-2-901. Teacher Experience Index Provisions**

- A. General purpose. These guidelines are provided for local governing boards to assist in development of policies identifying activities which contribute to the instructional programs at the local school level. The policies will define what constitutes a full-time vs. a part-time teacher position for the purpose of developing a school district's Teacher Experience Index.
- B. Local governing boards may include the following activities in their policies as those which contribute toward an instructional program. This listing is not intended to be exclusive, and districts may utilize additional activities:
- 1. Classroom related:
    - a. Classroom instruction,
    - b. Preparation time,
    - c. Supervision,
    - d. Evaluation,
    - e. Curriculum development,
    - f. Housekeeping chores, i.e., daily reports, blackboard preparation, etc.
  - 2. School related:

**Historical Note**

Adopted as an emergency effective May 21, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-3). Former emergency adoption now adopted without change effective October 7, 1980 (Supp. 80-5).

**R7-2-902. Independent Accounting Responsibilities**

The governing board of a school district applying to operate with full independence from the county school superintendent as provided in Laws 1987, Chapter 132, shall submit a plan for accounting responsibility to the State Board of Education no later than January 1, 1988, which documents the following:

- 1. Administrative and internal accounting controls designed to achieve compliance with the Uniform System of Financial Records and the following objectives:
  - a. Procedures for approving, preparing and signing vouchers and warrants;
  - b. Procedures to ensure verification of administrators' and teachers' certification records with the Department of Education for all classroom and administrative personnel required to hold a certificate by the State Board pursuant to A.R.S. § 15-203, before issuing warrants for their services;
  - c. Procedures to account for all revenues, including allocation of certain revenues to funds as provided in Section III-C of the February 1986 Uniform Accounting Manual for Arizona County School Superintendents, incorporated herein by reference and on file with the Office of the Secretary of State;
  - d. Procedures for reconciling the accounting records monthly to the county treasurer as provided in Section III-G of the February 1986 Uniform Accounting Manual for Arizona County School Superintendents,

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incorporated herein by reference and on file with the Office of the Secretary of State.

2. No amendments or additions to Sections III-C and G of the February 1986 Uniform Accounting Manual for Arizona County School Superintendents made after the effective date of this Section are included in these procedures. Copies of Sections III-C and G are available at the State Board office and from the Arizona Auditor General.
3. A compilation of resources required to implement accounting responsibility, including personnel, training and equipment, and a comprehensive analysis of the budgetary implications of accounting responsibility for the school district and the county treasurer.

**Historical Note**

Adopted effective February 4, 1988 (Supp. 88-1). The word "rule" has been updated to "Section" to reflect current standards in Chapter style and format (Supp. 21-2).

**ARTICLE 10. SCHOOL DISTRICT PROCUREMENT****PART I. IN GENERAL****R7-2-1001. Definitions**

In Articles 10 and 11, unless the context otherwise requires:

1. "Acceptance period" means the period of time specified in the solicitation that a bid or proposal is irrevocable, except as specified in R7-2-1030.
2. "Actual energy production" means the actual amount of energy that flows from the energy production measure on an annual basis as measured by a meter in kilowatt hours alternating current.
3. "Advantageous to the school district" means in the best interest of the school district, but does not necessarily mean lowest bid/cost.
4. "Affiliate" means any person whose governing instruments require it to be bound by the decision of another person or whose governing board includes enough voting representatives of the other person to cause or prevent action, whether or not the power is exercised. It also may include persons doing business under a variety of names, or where there is a parent-subsidary relationship between persons.
5. "Alternative project delivery methods for construction" means construction-manager-at-risk, design-build, and job-order-contracting construction services.
6. "Architect services," "engineer services," "land surveying services," "geologist services" and "landscape architect services" mean those professional services within the scope of the practice of those services as provided in A.R.S. Title 32, Chapter 1, Article 1.
7. "Award" means a determination by the school district that it is entering into a contract with one or more bidders or offerors.
8. "Bid" means a response to an invitation for bids and includes an offer to contract with the school district.
9. "Bidder" means a person submitting a bid in response to an invitation for bids.
10. "Brand name or equal specification" means a written description that uses one or more manufacturers' names or catalog numbers to describe the standard of quality, performance, and other characteristics needed to meet the school district's requirements, and that provides for the submission of equivalent products.
11. "Brand name specification" means a written description limited to one or more items by manufacturers' names or catalog numbers.
12. "Business" means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture or any other private legal entity.
13. "Change order" means a written order that is approved by the governing board and that directs the contractor to make changes that the changes clause of the contract authorizes the governing board to order.
14. "Clergy" means a minister of a religion.
15. "Coefficient" means the contractor's price adjustment to the unit price in a job order contract. Several coefficients may apply to the unit price book.
16. Construction:
  - a. Means the process of building, altering, repairing, improving or demolishing any school district structure or building, or other public improvements of any kind to any public real property.
  - b. Construction does not include:
    - i. The routine operation, routine repair or routine maintenance of existing facilities, structures, buildings or real property.
    - ii. The investigation, characterization, restoration or remediation due to an environmental issue of existing facilities, structures, buildings or real property.
17. "Construction-manager-at-risk" means a project delivery method in which:
  - a. There is a separate contract for design services and a separate contract for construction services, except that instead of a single contract for construction services, the school district may elect separate contracts for preconstruction services during the design phase, for construction during the construction phase and for any other construction services.
  - b. The contract for construction services may be entered into at the same time as the contract for design services or at a later time.
  - c. Design and construction of the project may be either:
    - i. Sequential with the entire design complete before construction commences.
    - ii. Concurrent with the design produced in two or more phases and construction of some phases commencing before the entire design is complete.
  - d. Finance services, maintenance services, operations services, preconstruction services and other related services may be included.
18. "Construction services" means either of the following for construction-manager-at-risk, design-build and job-order-contracting project delivery methods:
  - a. Construction, excluding services, through the construction-manager-at-risk or job-order-contracting project delivery methods.
  - b. A combination of construction and, as elected by the school district, one or more related services, such as finance services, maintenance services, operations services, design services and preconstruction services, as those services are authorized in the definitions of construction-manager-at-risk, design-build or job-order-contracting in this Section.
19. "Contract" means all types of agreements, including purchase orders, regardless of what they may be called, for the procurement of materials, services, construction or construction services, or the disposal of materials.

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20. "Contract modification" means any written alteration in the terms and conditions of any contract accomplished by mutual action of the parties to the contract.
21. "Contractor" means any person who has a contract with a school district.
22. "Cooperative purchasing" means procurement conducted by, or on behalf of, more than one public procurement unit.
23. "Cost" means the aggregate cost of all materials and services, including labor performed by school district employees.
24. "Cost data" means information concerning the actual or estimated cost of labor, material, overhead and other cost elements that have been actually incurred or that are expected to be incurred by the offeror or contractor in performing the contract.
25. "Cost-plus-a-percentage-of-cost contract" means a contract that, prior to completion of the work, the parties agree that the fee will be a predetermined percentage of the cost of the work.
26. "Data" means documented information, regardless of form or characteristic.
27. "Days" means calendar days and shall be computed pursuant to A.R.S. § 1-243.
28. "Defective data" means data that is inaccurate, incomplete or outdated.
29. "Dentist" means a person licensed pursuant to A.R.S. Title 32, Chapter 11.
30. "Descriptive literature" means information available in the ordinary course of business that shows the characteristics, construction or operation of an item offered in a bid or proposal.
31. "Design-bid-build" means a project delivery method in which:
  - a. There is a sequential award of two separate contracts.
  - b. The first contract is for design services.
  - c. The second contract is for construction.
  - d. Design and construction of the project are in sequential phases.
  - e. Finance services, maintenance services and operations services are not included.
32. "Design-build" means a project delivery method in which:
  - a. There is a single contract for design services and construction services, except that instead of a single contract for design services and construction services, the school district may elect separate contracts for preconstruction services and design services during the design phase, for construction and design services during the construction phase and for any other construction services.
  - b. Design and construction of the project may be either:
    - i. Sequential with the entire design complete before construction commences.
    - ii. Concurrent with the design produced in two or more phases and construction of some phases commencing before the entire design is complete.
  - c. Finance services, maintenance services, operations services, preconstruction services and other related services may be included.
33. "Design professional" means an individual or firm that is registered by the state board of technical registration pursuant to A.R.S. Title 32, Chapter 1 to practice architecture, engineering, geology, landscape architecture or land surveying or any combination of those professions and any person employed by the registered individual or firm.
34. "Design professional service contract" means a written agreement relating to the planning, design, construction administration, study, evaluation, consulting, inspection, surveying, mapping, material sampling, testing or other professional, scientific or technical services furnished in connection with any actual or proposed study, planning, survey, environmental remediation, construction, improvement, alteration, repair, maintenance, relocation, moving, demolition or excavation of a structure, street or roadway, appurtenance, facility or development or other improvement to land.
35. "Design professional services" means architect services, engineer services, land surveying services, geologist services or landscape architect services or any combination of those services performed by or under the supervision of a design professional or an employee or subconsultant of the design professional.
36. "Design requirements" means at a minimum:
  - a. The school district's written description of the project or service to be procured, including:
    - i. The required features, functions, characteristics, qualities and properties.
    - ii. The anticipated schedule, including start, duration and completion.
    - iii. The estimated budgets applicable to the specific procurement for design and construction and, if applicable, for operation and maintenance.
  - b. May include:
    - i. Drawings and other documents illustrating the scale and relationship of the features, functions and characteristics of the project, which shall all be prepared by a design professional who is registered pursuant to A.R.S. § 32-121.
    - ii. Additional design information or documents that the school district elects to include.
37. "Design services" means architect services, engineer services or landscape architect services.
38. "Designee" means the governing board member or school district employee who has been delegated procurement authority by the governing board as specified by board action.
39. "Detailed record" means minutes, that shall include the date, time, place, persons in attendance and a summary of what was said by whom and the decisions made. The minutes may be made either in writing or by a recording.
40. "Discussions" means an exchange or series of exchanges between the school district and a person who has submitted an unpriced technical offer or a proposal, resulting in an opportunity for the person to revise the unpriced technical offer or proposal prior to final evaluation by the school district.
41. "District representative" means a district employee or the governing board acting within the limits of the district representative's authority. There may be more than one appointed for different purposes and different procurements.
42. "Earth-moving, material-handling, road maintenance and construction equipment" means a track-type tractor, motor grader, excavator, landfill compactor, wheel tractor scraper, off-highway truck, wheel loader or track loader, having a published manufacturer's minimum unit list

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- price of \$50,000 or more and a minimum expected life cycle of three years.
43. "Effective utility rate" means the average price per kilowatt hour that a school district paid to its utility provider for electricity service to the facility that is the subject of the guaranteed energy production contract over the previous twelve months.
  44. "Eligible procurement unit" means a public procurement unit, a nonprofit corporation, or an external procurement activity.
  45. "Employee" means an individual drawing a salary from a school district and any noncompensated individual performing personal services for any school district.
  46. "Energy baseline" means a calculation of the amount of energy used in an existing facility before the installation or implementation of the energy cost savings measures.
  47. "Energy cost savings" means one or both of the following:
    - a. An estimated reduction in net fuel costs, energy costs, water costs, stormwater fees or other utility costs, or related net operating costs, including costs for anticipated equipment replacement and repair, from or as compared to an established baseline of those costs.
    - b. An estimated revenue increase associated with additional facility use or the use of improved meters or other measuring devices due to improvements included in the guaranteed energy cost savings contract.
  48. "Energy cost savings measure" means a training program or facility alteration designed to reduce energy consumption, which may include one or more of the measures authorized in A.R.S. § 15-213.01, and any related meters or other measuring devices.
  49. "Energy production measure" means renewable and alternative energy projects or renewable energy power service agreements.
  50. "Established catalog price" means the price included in a catalog, price list, schedule or other form that:
    - a. Is regularly maintained by a manufacturer, distributor or contractor.
    - b. Is either published or otherwise available for inspection by customers.
    - c. States prices at which sales are currently or were last made to a significant number of any category of buyers or buyers constituting the general buying public for the materials or services involved.
  51. "Excess materials" means any materials which have a remaining useful life but which are no longer required by the using school district in possession of the materials.
  52. "External procurement activity" means any buying organization not located in this state that would qualify as a public procurement unit.
  53. "Fair market value" means the price at which sales have been consummated for materials of like type, quality, and quantity in a particular market at the time of acquisition.
  54. "Filed" means delivery to the district representative, school district or its hearing officer, whichever is applicable. A time/date stamp affixed to a document by the school district shall be determinative of the time or delivery for purposes of filing.
  55. "Finance services" means financing for a construction services project.
  56. "General Services Administration contract" means contracts awarded by the United States government General Services Administration.
  57. "Gift or benefit" means a payment, distribution, expenditure, advance, deposit or donation of monies, any intangible personal property or any kind of tangible personal or real property that is not of nominal value such as a greeting card, t-shirt, mug or pen. Gift or benefit does not include either:
    - a. Food or beverage.
    - b. Expenses or sponsorships relating to a special event or function to which individuals involved in procurement and purchasing are invited.
  58. "Governing board" has the meaning defined in A.R.S. § 15-101.
  59. "Governing instruments" means legal documents that establish the existence of an organization and define its powers, including articles of incorporation or association, constitution, charter, by-laws, or similar documents.
  60. "Guaranteed energy cost savings contract" means a contract for implementing one or more energy cost savings measures.
  61. "Guaranteed energy price" means the agreed on price to be charged to the school district for each kilowatt hour alternating current of actual energy production as such may change on an annual basis as set forth in the guaranteed energy production contract.
  62. "Guaranteed energy production" means the amount of energy, measured in kilowatt hours alternating current, that the qualified provider guarantees for each year of the guaranteed energy production contract.
  63. "Guaranteed energy production contract" means a contract for implementing one or more energy production measures between one or more qualified providers and a school district.
  64. "Guaranteed energy production shortfall" means the amount, if any, that the actual energy production is less than the guaranteed energy production in any given year.
  65. "Incremental award" means an award of portions of a definite quantity requirement to more than one contractor. Each portion is for a definite quantity and the sum of the portions is the total definite quantity required.
  66. "Interested party" means an actual or prospective bidder or offeror whose economic interest may be affected substantially and directly by the issuance of a solicitation, the award of a contract or by the failure to award a contract. Whether an actual or prospective bidder or offeror has an economic interest will depend upon the circumstances of each case.
  67. "Internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks, including the graphical subnetwork called the world wide web.
  68. "Invitation for bids" means all documents, whether attached or incorporated by reference, which are used for soliciting bids in accordance with the procedures prescribed in R7-2-1024.
  69. "In writing" has the same meaning as "written" or "writing" in A.R.S. § 47-1201, which includes printing, type-writing, electronic transmission, facsimile, or any other intentional reduction to tangible form.
  70. "Job-order-contracting" means a project delivery method in which:
    - a. The contract is a requirements contract for indefinite quantities of construction.
    - b. The construction to be performed is specified in job orders issued during the contract.



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- c. Finance services, maintenance services, operations services, preconstruction services, design services and other related services may be included.
71. "Legal counsel" means a person licensed as an attorney by the Arizona Supreme Court.
  72. "Life cycle" means the useful life of the earth-moving, material-handling, road maintenance and construction equipment to the original using school district.
  73. "Local public procurement unit" means any political subdivision, any agency, board, department or other instrumentality of such political subdivision, and any nonprofit corporation created solely for the purpose of administering a cooperative purchase under Articles 10 and 11.
  74. "Maintenance services" means routine maintenance, repair and replacement of existing facilities, structures, buildings or real property.
  75. "Materials" means all property, including equipment, supplies, printing, insurance and leases of property, but does not include land, a permanent interest in land or real property or leasing space.
  76. "May" denotes the permissive.
  77. "Minor" means mistakes, excluding judgmental errors, that have negligible effect on price, quantity, quality, delivery or other contractual terms and the waiver or correction of such mistake does not prejudice other bidders or offerors.
  78. "Multiple award" means award of multiple contracts for identical or similar materials or services to more than one bidder or offeror.
  79. "Multistep sealed bidding" means a 2-phase process consisting of a technical first phase composed of one or more steps in which bidders submit unpriced technical offers to be evaluated by the school district and a second phase in which those bidders whose technical offers are determined to be acceptable during the first phase have their price bids considered.
  80. "Negotiation" means an exchange or series of exchanges between the school district and a person with a goal of establishing the terms, conditions and prices in a contract between the school district and the person, where such negotiation is authorized in Articles 10 and 11.
  81. "Nonexpendable materials" means all tangible materials which have an original acquisition cost over an amount set by regulation and a probable useful life of more than one year.
  82. "Nonprofit corporation" means any nonprofit corporation as designated by the Internal Revenue Service under section 501(c)(3) through 501(c)(6) or under section 115, if created by two or more local public procurement units, and includes certified nonprofit agencies that serve individuals with disabilities as defined in A.R.S. § 41-2636.
  83. "Offeror" means a person submitting a proposal in response to a request for proposals.
  84. "Operations services" means routine operation of existing facilities, structures, buildings or real property.
  85. "Outright purchase" means the initial cost to the school district for the earth-moving, material-handling, road maintenance and construction equipment, including all vendor charges and financing costs.
  86. "Owner" means the school district.
  87. "Paper" means newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, duplicator paper and related types of cellulosic material containing not more than ten percent by weight or volume of noncellulosic material such as laminates, binders, coatings or saturants.
  88. "Paper product" means paper items or commodities, including paper napkins, towels, corrugated paper and related types of cellulosic products containing not more than ten percent by weight or volume of noncellulosic material such as laminates, binders, coatings or saturants.
  89. "Person" means any corporation, business, individual, union, committee, club, other organization or group of individuals.
  90. "Physician" means a person licensed pursuant to A.R.S. Title 32, Chapters 7, 8, 13, 14, 15.1, 16, or 17.
  91. "Post-consumer material" means a discard generated by a business or residence that has fulfilled its useful life. Post-consumer material does not include discards from industrial or manufacturing processes.
  92. "Posted prices" means the sale price determined by the school district to be fair market value.
  93. "Preconstruction services" means services and other activities during the design phase.
  94. "Pricing data" means information concerning prices, including profit, for materials, services or construction substantially similar to those being procured under a contract or subcontract. In this definition, "prices" refers to offered selling prices, historical selling prices or current selling prices of the items being purchased.
  95. "Prime contractor" means a general contractor, who contracts with a property owner and, in turn, employs a subcontractor, or subcontractors, to perform some or all of the work.
  96. "Procurement" means buying, purchasing, renting, leasing or otherwise acquiring any materials, services, construction or construction services. Procurement also includes all functions that pertain to the obtaining of any material, service, construction, or construction services, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.
  97. "Procurement file" means the official procurement records of the school district containing the following:
    - a. List of notified vendors.
    - b. Procurement disclosure statements.
    - c. Final solicitation.
    - d. Solicitation amendments.
    - e. Bids and offers.
    - f. Offer revisions and best and final offers.
    - g. Discussions.
    - h. Clarifications.
    - i. Final evaluation reports.
    - j. Additional information, as necessary.
  98. "Proposal" means a response to a request for proposals and includes an offer to contract with the school district.
  99. "Proprietary specification" means a specification that describes a material made and marketed by a person having the exclusive right to manufacture and sell such material and excludes other material with similar quality, performance or functional characteristics from being responsive to the solicitation.
  100. "Public procurement unit" means either a local public procurement unit, the Arizona Department of Administration, any other state or an agency of the United States.
  101. "Public service corporation" means all corporations other than municipal engaged in furnishing gas, electricity, or water and subject to regulation as a utility by the Arizona Corporation Commission.
  102. "Purchase description" means the words used in a solicitation to describe the materials, services or construction

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- for purchase and includes specifications attached to, or made a part of, the solicitation.
103. "Purchase requisition" means that document, or electronic transmission, whereby a school district requests that a contract be entered into for a specific need, and may include, but is not limited to, the description of the requested item, delivery schedule, transportation data, criteria for evaluation, suggested source of supply and information supplied for the making of any written determination required by Articles 10 and 11.
  104. "Qualified products list" means an approved list of materials or construction items described by model or catalog numbers that, prior to competitive solicitation, the governing board has determined will meet the applicable specification requirement.
  105. "Qualified select bidders list" means a selection process for establishing a list of best-qualified prime contractors or construction material suppliers for a specific, single project. The selection process is based upon listed evaluation criteria and conducted through a request for qualifications. Once the selection process is complete, the qualified bidders are invited to submit a sealed competitive bid based upon architectural/engineering plans and specifications or material specifications.
  106. "Reasonably susceptible of being awarded a contract" means those proposals that the school district determines are subject to award after the initial review of all original proposals.
  107. "Recycled paper" means paper products which have been manufactured from materials otherwise destined for the waste stream and which contain at least forty percent recovered wastepaper with ten percent of that being post-consumer material.
  108. "Regional award" means an award of portions of the total requirement by geographic region.
  109. "Request for information" means all documents issued to vendors for the sole purpose of seeking information about the availability in the commercial marketplace of materials or services.
  110. "Request for proposals" means all documents, whether attached or incorporated by reference, which are used for soliciting proposals in accordance with procedures prescribed in R7-2-1042.
  111. "Request for qualifications" means all documents, whether attached or incorporated by reference, which are used for soliciting statements of qualifications in accordance with procedures prescribed in R7-2-1101, R7-2-1106, R7-2-1108 or R7-2-1117.
  112. "Residual value" means the guaranteed minimum market value of the earth-moving, material-handling, road maintenance and construction equipment at the end of the life cycle of the equipment being procured, as determined by a guaranteed minimum value offered by the vendor or other parties in its bid.
  113. "Responsible bidder or offeror" means a person who at the time of contract award has the capability to perform the contract requirements and the integrity and reliability which will assure good faith performance.
  114. "Responsive bidder or offeror" means a person who submits a bid or proposal which conforms in all material respects to the invitation for bids or request for proposals.
  115. "Reverse auction" means a procurement method in which bidders are invited to bid on supplying specified materials over the Internet in a real-time competitive bidding event.
  116. "School district" has the meaning defined in A.R.S. § 15-101, whose authority is exercised by the governing board or its designee.
  117. "Services" means the furnishing of labor, time or effort by a contractor or subcontractor that does not involve the delivery of a specific end product other than required reports and performance. Services does not include employment agreements or collective bargaining agreements.
  118. "Shall" denotes the imperative.
  119. "Solicitation" means an invitation for bids, an invitation to submit technical offers, a request for proposals, a request for qualification, or any other invitation or request by which the school district invites a person to participate in a procurement.
  120. "Specification" means any description of the physical or functional characteristics, or of the nature of a material, service or construction item. Specification may include a description of any requirement for inspecting, testing or preparing a material, service or construction item for delivery.
  121. "Specified professional services" means services of an architect, engineer, land surveyor, assayer, geologist and landscape architect and any combination of those services.
  122. "Standard commercial material" means material that, in the normal course of business, is customarily maintained in stock or readily available by a manufacturer, distributor or dealer for the marketing of such material.
  123. "Statement of qualifications" means a response to a request for qualifications issued pursuant to R7-2-1101, R7-2-1106, R7-2-1108 or R7-2-1117, or unsolicited qualifications submitted pursuant to R7-2-1062 or R7-2-1122, and does not include an offer to contract with the school district.
  124. "Subcontractor" means a person who contracts to perform work or render service to a contractor or to another subcontractor as a part of a contract with a school district.
  125. "Subconsultant" means any person, firm, partnership, corporation, association or other organization or a combination of any of them, that has a direct contract with a design professional or another subconsultant to perform a portion of the work under a design professional service contract.
  126. "Surplus materials" means any materials that no longer have any use to the school district or materials acquired from the United States government. This includes obsolete materials, scrap materials and nonexpendable materials that have completed their useful life.
  127. "Suspension" means an action taken by the governing board under R7-2-1168 temporarily disqualifying a person from participating in school district procurements.
  128. "Technical offer" means unpriced written information from a prospective contractor stating the manner in which the prospective contractor intends to perform certain work, its qualifications and its terms and conditions.
  129. "Total life cycle cost" means total school district costs and financing costs throughout the life cycle of the earth-moving, material-handling, road maintenance and construction equipment being purchased less residual value.
  130. "Total school district costs" means costs to the school district for the earth-moving, material-handling, road maintenance and construction equipment, including repair costs, present value of monies, vendor charges, and all other identifiable school district costs that may be incurred.

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131. "Unit price" means the price published in the unit price book for a specific construction or construction related task. Each unit price is comprised of labor, equipment, or material costs to accomplish a specific task, and shall be defined in the contract.
132. "Unit price book" means a comprehensive listing of specific construction related tasks together with a specific unit of measurement and a unit price.
133. "Vendor charges" means the costs of all vendor support, materials, transportation, and all other identifiable costs associated with the vendor's proposal or bid.
134. "Vendor support" means services provided by the vendor for items such as consulting, education and training.
135. "Wastepaper" means recyclable paper and paperboard, including high-grade office paper, computer paper, fine paper, bond paper, offset paper, xerographic paper, duplicator paper and corrugated paper.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
 Amended effective March 21, 1991 (Supp. 91-1).  
 Amended effective October 22, 1992 (Supp. 92-4).  
 Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).  
 Amended by final exempt rulemaking at 27 A.A.R. 2342, (October 22, 2021) effective September 27, 2021 (Supp. 21-4).

**R7-2-1002. Applicability**

- A. Articles 10 and 11 apply to every expenditure of public monies, including federal assistance monies and grants, by a school district as specified in A.R.S. § 15-213(A) for the procurement of all construction, materials and services when the total procurement cost exceeds the aggregate dollar amount specified in A.R.S. § 41-2535(A). If procurement involves the expenditure of federal assistance or contract monies, the school district shall comply with federal law and authorized regulations which are mandatorily applicable and which are not presently reflected in Articles 10 and 11.
- B. Articles 10 and 11 apply to the disposal of school district materials regardless of value.
- C. Articles 10 and 11 do not apply to:
  1. Agreements for providing career and technological education and vocational education pursuant to A.R.S. § 15-789;
  2. Contracts between a school district and other governments, including intergovernmental agreements and contracts pursuant to A.R.S. § 11-952, except as provided by R7-2-1191 through R7-2-1196. This exemption also includes the purchase of a fee or license from a local, state or federal public entity required by law to collect said fees;
  3. Purchases for amounts not exceeding the aggregate dollar amount specified in A.R.S. § 41-2535(A). Such procurements shall comply with the guidelines prescribed by the Auditor General in the Uniform System of Financial Records pursuant to A.R.S. § 15-271;
  4. Contracts for professional witnesses if the purpose of such contracts is to provide for professional services or testimony relating to an existing or probable judicial or administrative proceeding in which the school district is or may become a party;
  5. Agreements negotiated by legal counsel representing the school district in settlement of litigation or threatened litigation;

6. Expenditures from student activity monies as defined in A.R.S. § 15-1121, if no district funds are involved;
  7. Expenditures for governing board adopted textbooks as defined in A.R.S. § 15-721 and A.R.S. § 15-722, if purchased from the publisher;
  8. The placement of a pupil in a private school that provides special education services if such placement is prescribed in the pupil's individualized education program and the private school has been approved by the Department of Education Division of Special Education pursuant to A.R.S. § 15-765;
  9. Purchases of any products, materials and services directly from certified nonprofit agencies that serve individuals with disabilities as defined in A.R.S. § 41-2636, and Arizona Correctional Industries if the delivery and quality of the products, materials or services meet the school district's reasonable requirements;
  10. The decision to participate in programs pursuant to A.R.S. § 15-382. A program authorized by A.R.S. § 15-382 is not required to engage in competitive bidding for the services necessary to administer the program or for the purchase of insurance or reinsurance;
  11. The purchase of water, gas or electric utilities from a public service corporation. This exemption expressly does not apply to guaranteed energy cost savings contracts and guaranteed energy production contracts subject to A.R.S. § 15-213.01 and A.R.S. § 15-213.03;
  12. Purchases of professional certifications, professional memberships, conference registrations, conference hotels and airfare that meets Arizona Department of Administration General Travel Principles and Policies;
  13. Purchases, sales or leases of real estate. This exemption expressly does not apply to the services of a real estate broker as defined in A.R.S. § 32-2101;
  14. Purchases of surplus property from the state or United States Federal Government in accordance with R7-2-1132;
  15. Purchases in compliance with the terms and conditions of any grant, gift, bequest or cooperative agreement; and
  16. The cost of special elections, including the preparation of ballots in accordance with A.R.S. § 15-406.
- D. Unless displaced by the particular provisions of Articles 10 and 11, the principles of law and equity, including the Uniform Commercial Code of this state, the common law of contracts as applied in this state and law relative to agency, fraud, misrepresentation, duress, coercion, and mistake supplement the provisions of Articles 10 and 11.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
 Amended effective March 21, 1991 (Supp. 91-1).  
 Amended effective March 6, 1997 (Supp. 97-1).  
 Amended effective December 4, 1998 (Supp. 98-4).  
 Amended by final exempt rulemaking at 21 A.A.R. 1491, effective October 28, 2013 (Supp. 15-3). Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1003. General Provisions**

- A. The school district shall not award a contract or incur an obligation on behalf of the school district unless it is reasonable to believe sufficient funds will be available for the procurement. If sufficient funds are not available when a solicitation is issued, the solicitation shall include a statement that funds are

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not currently available and that any contract awarded will be conditioned upon the availability of funds.

- B. Projects and purchases shall not be divided or sequenced into separate projects or purchases in order to avoid the limits prescribed in Articles 10 and 11.
- C. Any bid or proposal that is conditioned upon award to the bidder or offeror of both the particular contract being solicited and another school district contract shall be deemed nonresponsive or unacceptable.
- D. Except by mutual consent of the parties to the contract, rules in Articles 10 and 11 shall not change any commitment, right or obligation of a school district or of a contractor under a contract in existence on the effective date of the Section.
- E. If a contractor requests to change the name in which it holds a school district contract, the school district may, upon receipt of a document indicating the name change, enter into a contract modification with the contractor to effect the name change. The contract modification shall provide that no other terms and conditions of the contract are changed.
- F. The school district may allow electronic media transactions, including an electronic record or electronic signature, if consistent with state law and advantageous to the school district.
- G. Rights and duties arising from a school district contract may only be transferred, waived or assigned upon the express written consent of both parties.
- H. School district employees and public officers shall not purchase construction, materials or services for their own personal or business use from contracts entered into by the school district.
- I. A person who supervises or participates in contracts, purchases, payments, claims or other financial transactions, or who supervises or participates in the planning, recommending, selecting or contracting for materials, services, goods, construction, or construction services of a school district or school purchasing cooperative is subject to the penalties prescribed in A.R.S. § 15-213(N) if the person solicits, accepts or agrees to accept any personal gift or benefit from a person or vendor that has secured or has taken steps to secure a contract, purchase, payment, claim or financial transaction with a school district or school purchasing cooperative.
- J. Any person or vendor that has secured or has taken steps to secure a contract, purchase, payment, claim or financial transaction with a school district or school purchasing cooperative that offers, confers or agrees to confer any personal gift or benefit on a person who supervises or participates in contracts, purchases, payments, claims or other financial transactions, or on a person who supervises or participates in planning, recommending, selecting or contracting for materials, services, goods, construction or construction services of a school district or school purchasing cooperative is subject to the penalties prescribed in A.R.S. § 15-213(O).
- K. A person who serves on an evaluation committee for a procurement is subject to A.R.S. § 41-2616(C).
- L. A person who contracts for or purchases materials, services, goods, construction or construction services shall be subject to the penalties prescribed in A.R.S. § 15-213 and A.R.S. § 41-2616 for violations of and attempts to avoid Articles 10 and 11.
- M. Pursuant to A.R.S. § 15-213 and A.R.S. Title 41, Chapter 23, the Attorney General shall enforce the provisions of Articles 10 and 11 and may take action prescribed therein.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended effective March 21, 1991 (Supp. 91-1).

Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year cor-

rected in Supp. 18-2. Amended by final exempt rulemaking at 24 A.A.R. 3283, effective October 22, 2018 (Supp. 18-4). Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1). The word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-1004. Written Determinations**

- A. Written determinations required by Articles 10 and 11, including for any specified professional services, construction, construction services or materials to an entity selected from a qualified select bidders list or through a school purchasing cooperative, shall specify the reasons for the determination, including how the determination was made.
- B. The school district is authorized to prescribe methods and operational procedures to be used in preparing written determinations.
- C. The school district shall place the written determination into the school district's procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 24 A.A.R. 3283, effective October 22, 2018 (Supp. 18-4).

**R7-2-1005. Change orders and contract modifications**

Any change order or contract modification that exceeds \$100,000 or five percent, whichever is greater, may be executed only if the governing board determines in writing that the change order or contract modification is advantageous to the school district and the price is determined to be fair and reasonable.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1006. Confidential Information**

- A. If a person believes that a bid, proposal, response to a request for information, technical offer, statement of qualifications, specification, or protest contains confidential trade secrets or other proprietary data not to be disclosed as otherwise required by A.R.S. § 39-121, a statement advising the school district of this fact shall accompany the submission and the information shall be so identified wherever it appears. Contract terms and conditions, pricing, and information generally available to the public are not considered confidential information under this Section.
- B. Until a determination is made under subsection (C), the school district shall not disclose information designated as confidential under subsection (A) except to school district personnel having a legitimate interest in, or persons assisting the school district in evaluation of, the bid, proposal, response to a request for information, technical offer, statement of qualifications, specification, or protest.
- C. Upon receipt of a submission designating information as confidential, the school district shall make one of the following written determinations:
  1. The designated information is confidential and the school district shall not disclose the information except to school district personnel having a legitimate interest in, or persons assisting the school district in evaluation of, the bid, proposal, response to a request for information, technical offer, statement of qualifications, specification, or protest.

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2. The designated information is not confidential.
- D. The school district may request additional information, if necessary to make the determination required by subsection (C).
- E. If the school district determines that information submitted is not confidential, the person who made the submission shall be notified in writing. The notice shall specify that a request for review of the district representative's determination may be filed within 10 days of the date of the district representative's determination.
- F. A request for review of the district representative's determination shall be filed in writing with the district representative. The request for review shall state the precise legal or factual errors in the district representative's decision. If a request for review is received:
  1. The district representative shall consider the alleged legal or factual errors in the request for review of the district representative's determination and issue a final written determination to the person filing the request.
  2. Until the final determination is made under subsection (C)(2), the school district shall not disclose information designated as confidential under subsection (A) except to school district personnel having a legitimate interest in, or persons assisting the school district in evaluation of, the bid, proposal, response to a request for information, technical offer, statement of qualifications, specification, or protest.
- G. The school district may release information determined to not be confidential under subsection (C)(2) if:
  1. A request for review is not received by the district representative within the time period specified in the notice; or
  2. The district representative issues a final written determination under subsection (F)(1) that the designated information is not confidential.
5. The duration of the delegation; and
6. The conditions and procedures for revocation and modification of the delegation.
- C. No person delegated such authority may participate in any aspect of a specific procurement if the person would receive any benefit directly or indirectly from a contract for such procurement. Violation of this prohibition may result in termination or other disciplinary action.
- D. Delegation of procurement authority does not abrogate the responsibility of the governing board to ensure compliance with Articles 10 and 11 notwithstanding the fact that school district personnel were authorized to make procurement decisions.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1008. Procurement Consultants and Procurement Advisory Groups**

- A. The school district may contract with a procurement consultant to assist in drafting specifications, in the development of solicitations, or in the management of the procurement process. A procurement consultant may provide guidance or advice to a procurement evaluation committee, but shall not serve as a voting member of such committee. For the purposes of this Section, a school district employee or a contracted business manager or purchasing director for the school district is not a procurement consultant.
  - B. The school district may appoint procurement advisory groups or evaluation committees to assist with respect to specifications, solicitation evaluations or procurement in specific areas. Members of such procurement advisory groups or evaluation committees are not procurement consultants as set forth in this Section. Non-school district employees serving on such procurement advisory groups or evaluation committees are not eligible to receive compensation but are eligible for reimbursement of expenses consistent with the school district's travel policy adopted pursuant to A.R.S. § 15-342(5).
  - C. A procurement consultant, a member of a procurement advisory group, or a member of an evaluation committee who participates in any aspect of a specific procurement shall be prohibited from receiving any benefit directly or indirectly from a contract for such procurement, and shall sign a procurement disclosure statement that the person has no interest in the procurement other than that of a disclosed remote interest, as defined in A.R.S. § 38-502, will have no contact with any representative of a competing vendor related to the particular procurement except those contacts specifically authorized by these rules, and has not accepted any personal gift or benefit from a person or vendor that has secured or has taken steps to secure a contract, purchase, payment, claim or financial transaction with the school district or school purchasing cooperative. The procurement disclosure statements shall be retained in the procurement file.
  - D. Specifications prepared by a procurement consultant or a procurement advisory group shall comply with R7-2-1010 through R7-2-1016.
  - E. The school district shall not delegate to a procurement consultant, a procurement advisory group, or an evaluation committee the authority for the award or administration of any particular contract, or over any dispute, claim or litigation pertaining thereto, and a procurement consultant or a procurement advisory group shall not be authorized to obligate the school district in any manner.
- R7-2-1007. Delegation of Procurement Authority**
- A. The governing board may, in a public meeting held in conformity with A.R.S. Title 38, Chapter 3, Article 3.1, delegate procurement authority to a designee. Any delegation shall be accomplished by adopting a governing board policy for this purpose.
    1. Delegated procurement authority may include, but is not limited to the following:
      - a. Authority to make determinations required by Articles 10 and 11;
      - b. Authority to award contracts;
      - c. Authority to make sole source and emergency procurements; and
      - d. Authority to approve change orders and contract modifications.
    2. Delegated activities and functions shall be adequately separated among individuals so that one individual does not have complete authority over an entire procurement.
  - B. Any delegation shall specify:
    1. The title of the school district employee or employees to whom authority is delegated;
    2. The activity or function authorized;
    3. Any limits or restrictions on the exercise of the delegated authority, including the maximum cost of any procurement;
    4. Whether the authority may be further delegated;

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**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1009. Repealed****Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**PART II. SPECIFICATIONS****R7-2-1010. Preparation of Specifications**

- A. Specifications shall be prepared only by the school district or by contract pursuant to R7-2-1014 and R7-2-1015. Regardless of who prepares the specifications, the governing board retains the authority to disapprove all specifications.
- B. In an emergency under R7-2-1055, any necessary specifications may be utilized by the person designated in R7-2-1055 (C) without regard to the provisions of this Section.
- C. Content of specifications.
  1. A specification may provide alternate descriptions of materials, services, or construction items where two or more design, functional, or performance criteria will satisfactorily meet the school district's requirements.
  2. To the extent practicable, a specification shall not include any solicitation term or condition or any contract term or condition.
  3. If a specification for a common or general use item has been developed in accordance with R7-2-1011(A) or a qualified products list has been developed in accordance with R7-2-1011(D) for a particular material, service, or construction item, it shall be used unless the school district makes a written determination that its use is not advantageous to the school district and that another specification shall be used.
  4. To the extent practicable, specifications shall emphasize functional or performance criteria. To facilitate the use of such criteria, the school district shall use reasonable efforts to include the principle functional or performance requirements as a part of their purchase requisitions.
  5. All procurement solicitations for volatile organic compound containing commodities shall include a request for substitute commodities with lower or no volatile organic content. Substitute products shall not have increased toxicity compared to the original commodity.

**Historical Note**

Adopted effective October 22, 1992 (Supp. 92-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1011. Types of Specifications**

- A. Specification for common or general use items. To the extent practicable, a specification for common or general use item shall be prepared and utilized when:
  1. A material, service or construction item is used repeatedly by the school district, and the characteristics of the material, service, or construction item, as commercially produced or provided, remain relatively stable while the frequency or volume of procurements is significant;

2. The school district's recurring needs require uniquely designed or specially produced items; or
3. The school district finds it to be advantageous to the school district.

- B. Brand name or equal specification. A brand name or equal specification may be used when the school district determines that use of a brand name or equal specification is advantageous to the school district.
- C. Brand name specification. A brand name specification may be prepared and utilized only if the school district makes a determination that only the identified brand name item will satisfy the school district's needs. If only one source can supply the requirement, the procurement shall be made pursuant to R7-2-1053.
- D. Qualified products list. A qualified products list may be prepared and utilized when:
  1. The school district determines that testing or examination of the materials or construction items prior to issuance of the solicitation is desirable or necessary in order to best satisfy the school district's requirements.
  2. The school district shall solicit as many potential suppliers as practicable to submit products for testing and examination to determine acceptability for inclusion on a qualified products list. Any potential supplier, even though not solicited, may offer its products for consideration in accordance with the schedule or procedure established for this purpose. The qualified products list shall not be modified after the solicitation is issued.
  3. Inclusion on a qualified products list shall be based on results of tests or examinations conducted in accordance with requirements established by the school district.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1012. Proprietary Specifications**

The school district shall not use specifications in any way proprietary to one supplier unless the specification includes a statement of the reasons why no other specification is practicable, a description of the essential characteristics of the specified product and a statement specifically permitting an acceptable alternative product to be supplied.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1013. Recycled Products Use**

- A. If the price of a recycled paper product that conforms to specifications is within five percent of a low bid product that is not recycled and the recycled product bidder is otherwise the lowest responsible and responsive bidder, the award shall be made to the bidder offering the recycled product. The governing board may adopt rules requiring a five percent preference for other products made from recycled materials.
- B. Specifications shall emphasize functional or performance criteria which, to the extent practicable, do not discriminate against the use of recycled materials.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1014. Maximum Practicable Competition**

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- A. Procurement of any materials, services, goods, construction or construction services pursuant to Article 10 or Article 11, shall seek to achieve maximum practicable competition.
- B. All specifications, including those prepared by architects, engineers, consultants and others for public contracts, shall seek to promote overall economy for the purposes intended and encourage competition in satisfying the school district's needs and shall not be unduly restrictive.
- C. Unless otherwise permitted by R7-2-1010 through R7-2-1016, all specifications shall describe the school district's requirements in a manner that does not unreasonably exclude a material, service, or construction item. Proprietary specifications shall be used only as provided in R7-2-1012.
- D. To the extent practicable, the school district shall use accepted commercial specifications and shall procure standard commercial materials.
- E. Contracts for the preparation of specifications by persons other than the school district shall require the specification writer to adhere to R7-2-1010 through R7-2-1016.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 24 A.A.R. 3283, effective October 22, 2018 (Supp. 18-4).

**R7-2-1015. Conflict of Interest**

- A. No person preparing specifications pursuant to R7-2-1014 shall receive any direct or indirect benefit from the utilization of such specifications.
- B. The governing board may contract for the preparation of specifications with persons, including, but not limited to, consultants, architects, engineers, designers, and other draftsmen of specifications.
- C. If a person prepares a specification pursuant to subsection (B) of this Section, such person shall comply with the requirements of R7-2-1010 through R7-2-1016.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1016. Confidentiality**

- A. Specifications and any written determination or other document generated or used in the development of a specification shall be available for public inspection pursuant to A.R.S. § 39-121, except to the extent that the withholding of such information is permitted or required by law.
- B. If the supplier believes that the specifications contain confidential trade secrets, test data, or similar information, a statement advising the school district of this fact shall accompany the specification in accordance with R7-2-1006.
- C. Qualified products lists test results shall be made available in a manner to protect the identity of the supplier.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1017. Reserved****PART III. REVERSE AUCTIONS****R7-2-1018. Reverse Auctions**

- A. Using reverse auctions
  - 1. If a governing board determines in writing that use of reverse auctions is more advantageous to the school dis-

trict than other procurement methods prescribed by Articles 10 and 11, the school district may use reverse auctions for the purchase of materials.

- 2. The written determination shall include, but is not limited to the following information:
  - a. An estimate of the number of prospective bidders;
  - b. An explanation of how reverse auctions will foster competition;
  - c. An explanation of why reverse auctions is more advantageous to the school district than other prescribed procurement methods; and
  - d. The scope and estimated total dollar value of the proposed procurement.
- B. Reverse auction procedures
  - 1. The school district shall develop and implement procedures prior to conducting procurement via reverse auctions. The procedures shall include:
    - a. The method or methods to ensure the integrity and security of the reverse auctions;
    - b. The method or methods for registering bidders for reverse auctions;
    - c. The method or methods for notifying vendors of reverse auction opportunities;
    - d. The method or methods for receiving reverse auction bids; and
    - e. The school district official or officials authorized to conduct reverse auctions.
  - 2. School districts may require bidders to register before the date and time for opening the reverse auction for submission of bids and, as part of that registration, require bidders to agree to any terms, conditions or other requirements of the invitation for bids.
  - 3. Notice of a reverse auction shall be issued at least 14 days before the date and time for opening the reverse auction for submission of bids, unless a shorter time is determined necessary by the school district. If a shorter time is necessary, the school district shall document the specific reasons in the procurement file. The reverse auction notice shall include:
    - a. The school district's requirements for registering prior to the opening date and time, if any;
    - b. The designated site on the Internet for bidder registration and bid submission;
    - c. A link to the designated site on the Internet;
    - d. The scheduled date and time for opening the reverse auction for bid submission; and
    - e. The scheduled date and time for closing the reverse auction for bid submission.
  - 4. The school district shall issue the notice of reverse auction as follows:
    - a. Mail or otherwise furnish the notice of reverse auctions to all prospective bidders registered with the school district for the specific material being solicited.
    - b. Notice of reverse auction shall be given by the school district pursuant to R7-2-1022.
    - c. In addition to the notice provided in subsections (B)(4)(a) and (b), the school district may give such additional notice as the school district deems appropriate, including posting on a designated site on the Internet.
  - 5. The school district shall prepare an invitation for bids that includes:
    - a. Notice that all information submitted by bidders will be made available for public inspection following the award of the contract, except for bid prices

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- which will be made available to other bidders and the public when submitted by the bidder;
- b. Information for submitting bids, including:
    - i. The date and time for opening the reverse auction for bid submission;
    - ii. The date and time for closing the reverse auction for bid submission;
    - iii. The provisions for extending the period for bid submission, if any;
    - iv. Instructions for submitting bids and other required information, including the designated site on the Internet for submitting bids;
    - v. Notice that bids shall be accepted electronically at the time and in the manner designated in the invitation for bids;
    - vi. Notice that bidders' prices shall be disclosed electronically to other bidders and the public on a real time basis;
    - vii. Notice that bidders may submit multiple prices and may reduce their bid prices until the reverse auction bidding is closed;
    - viii. Notice that the lowest price offered shall become the official bid price;
    - ix. Notice that the bidder is required to certify that submission of the bid did not involve collusion or other anticompetitive practices;
    - x. Notice that the bidder is required to declare whether the bidder has been debarred, suspended, or otherwise lawfully prohibited from participating in any public procurement activity, including, but not limited to, being disapproved as a subcontractor of any public procurement unit or other governmental body;
  - c. The purchase description, specifications, delivery or performance schedule, and inspection and acceptance requirements, as applicable. If a brand name or equal specification is used, instructions that use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics needed to meet the school district's requirements and is not intended to limit or restrict competition. The invitation for bids shall state that products substantially equivalent to the brands designated qualify for consideration;
  - d. The factors to be used in bid evaluations, including criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Only objectively measurable evaluation criteria shall be included in the invitation for bids. Examples of such criteria include, but are not limited to, transportation cost, energy cost, ownership cost and other identifiable costs. Evaluation factors need not be precise predictors, but to the extent possible the evaluation factors shall be reasonable estimates based upon information the school district has available concerning future use.
  - e. The contract terms and conditions, including:
    - i. Warranty and bonding or other security requirements, as applicable;
    - ii. The length of the contract and whether the contract will include an option for extension; and
    - iii. Any other contract terms and conditions;
  - f. The name of the district representative or district representatives;
  - g. The manner by which the bidder is required to acknowledge amendments;
  - h. The minimum required information in the bid;
  - i. The specific requirements for designating trade secrets and other proprietary data as confidential;
  - j. Any specific responsibility criteria;
  - k. A statement specifying where documents incorporated by reference may be obtained;
  - l. A statement that the school district may cancel the solicitation or reject a bid in whole or in part if deemed advantageous to the school district;
  - m. The date, time and location of bid opening;
  - n. A description of all information that will be recorded and available for public inspection at bid opening; and
  - o. Procurement of earth-moving, material-handling, road maintenance and construction equipment shall include as price evaluation criteria the total life cycle cost including residual value of the earth-moving, material-handling, road maintenance and construction equipment and, to the extent practicable, outright purchase.
6. Amendments to invitations for bids shall be made in accordance with R7-2-1026.
- C. The school district shall accept reverse auction bids as follows:
    1. At the date and time for opening the reverse auction for bid submission, the school district shall begin accepting on-line bids and shall continue accepting bids until the reverse auction is officially closed.
    2. Bids shall be accepted electronically in the manner designated in the invitation for bids.
    3. All reverse auction on-line bids shall be posted electronically and updated on a real-time basis. Bidders' prices shall be disclosed to other bidders and the public.
    4. The identity of competing bidders shall not be disclosed until the reverse auction bidding is closed.
    5. Bidders shall have the opportunity to submit multiple prices and to reduce their bid prices.
    6. The lowest price offered shall become the official bid price.
  - D. Bids made through a reverse auction are considered to be opened when a computer generated record of the information contained in all bids that were received by the designated site on the Internet not later than the scheduled or final closing date and time are reviewed publicly by the school district in the presence of one or more witnesses at the time and place designated in the invitation for bids. Bid opening shall not be later than 24 hours after the scheduled or final closing date and time.
  - E. The contract shall be awarded to the lowest responsible and responsive bidder whose bid conforms in all material respects to the requirements and evaluation criteria set forth in the invitation for bids. No criteria may be used in bid evaluation that are not set forth in the invitation for bids. The amount of any applicable transaction privilege or use tax of a political subdivision of this state is not a factor in determining the lowest bidder.
  - F. The school district shall not modify evaluation criteria after the closing date and time.
  - G. In the event that multiple bidders submit identical prices for the same materials, bids will be considered in the order received with the first being considered to be the lowest bid.
  - H. If only one bid is received in response to an invitation for bids, the school district shall proceed according to R7-2-1032.



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- I. The date and time for closing a reverse auction for bid submission may be fixed or remain open depending on the materials being bid.
- J. After the reverse auction bidding has closed, a bidder may withdraw a bid or correct a mistake in accordance with R7-2-1030. Withdrawal of bids shall also be permitted as provided in R7-2-1028.
- K. The school district shall notify all bidders of an award.
- L. A copy of the invitation for bids shall be made available for public inspection at the school district office.
- M. A record of the bid prices received and the name of each bidder shall be open to public inspection following bid opening.
- N. A record of the reverse auction shall be maintained by the school district that will include all prices offered by all bidders. This record will become part of the procurement file.
- O. Within 10 days after a contract is awarded, the school district shall make the procurement file, including all bids, available for public inspection.
  - 1. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection.
  - 2. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1019. Reserved****R7-2-1020. Reserved****PART IV. COMPETITIVE SEALED BIDDING****R7-2-1021. Method of Source Selection**

- A. Unless otherwise authorized by law, all school district contracts shall be awarded by competitive sealed bidding as provided in R7-2-1021 through R7-2-1032, except as provided in R7-2-1018, R7-2-1033 through R7-2-1068, R7-2-1100 through R7-2-1123, and R7-2-1196.
- B. A school district may conduct competitive sealed bidding electronically, provided that the electronic competitive sealed bidding process complies with the requirements of R7-2-1021 through R7-2-1032. A determination that conducting competitive sealed bidding electronically is advantageous to the school district shall be in writing and retained in the procurement file.
- C. When using electronic competitive sealed bidding, the school district shall determine whether electronic submission of bids is required or optional and state the electronic submission requirements in the public notice and the invitation for bids.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended effective October 22, 1992 (Supp. 92-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1022. Notice of Competitive Sealed Bidding**

- A. Adequate public notice of the invitation for bids shall be given as provided in R7-2-1024. Notice also may be given as provided in subsection (B). In the event there are four or fewer prospective bidders on the bidders list, then notice also shall

be given as provided in subsection (B). If the invitation for bids is for the procurement of services other than those described in R7-2-1061 through R7-2-1068 and R7-2-1100 through R7-2-1123, notice also shall be given as provided in subsection (B).

- B. If required by subsection A, the notice shall include publication in the official newspaper of the county, within which the school district is located, as prescribed in A.R.S. § 11-255. The publication, shall occur in a reasonable time before bid opening, which shall not be less than 14 days before bid opening. The time of publication may be altered if deemed necessary pursuant to R7-2-1024(A).
- C. In addition to the notice provided in subsections (A) and (B), the school district may give such additional notice as the school district deems appropriate, including posting on a designated site on the Internet.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1023. Prospective Bidders Lists**

- A. The school district shall compile and maintain a prospective bidders list. Inclusion of the name of a person shall not indicate whether the person is responsible concerning a particular procurement or otherwise capable of successfully performing a school district contract.
- B. Persons desiring to be included on the prospective bidders list shall notify the school district. Upon notification, the school district shall mail or otherwise provide the person with the school district procedures for inclusion on the bidders list. Within 30 days after receiving the required information, the school district shall add the person to the prospective bidders list unless the school district makes a determination that inclusion is not advantageous to the school district.
- C. Persons who fail to respond to invitations for bids for two consecutive procurements of similar items may be removed from the applicable bidders list after notifying the person in writing. This notice shall not be required if the two invitations for bids which were not responded to both contained the notice that bidders' names may be removed from the bidders list if they fail to respond to invitations for bids for two consecutive procurements of similar items. Persons may be reinstated upon request.
- D. Prospective bidders lists shall be available for public inspection, unless the school district makes a written determination that it is advantageous to the school district that they be kept confidential or private and should not be open for inspection pursuant to A.R.S. § 39-121.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1024. Invitation for Bids**

- A. Invitation for bids shall be issued at least 14 days before the due date and time in the invitation for bids unless a shorter time is deemed necessary for a particular procurement as determined by the school district. If a shorter time is necessary, the school district shall document the specific reasons in the procurement file.
- B. Content.
  - 1. The invitation for bids shall include the following:

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- a. Notice that all information and bids submitted by bidders will be made available for public inspection following the award of the contract;
  - b. Instructions and information to bidders concerning bid submission requirements, including the means for bid submission such as, hand delivery, U.S. mail, electronic mail, facsimile, or other acceptable means, the bid due date and time, the address of the office at which bids or other documents are to be received, the bid acceptance period, and any other special information or requirements;
  - c. Whether the school district will consider partial bids for award of a contract;
  - d. Notification of whether the school district may award multiple contracts and the school district's basis for determining whether to award multiple contracts. If multiple contracts may be awarded, the invitation for bids shall include the criteria the school district will use for selecting vendors for each contract under the multiple award, including, as applicable, whether contracts will be awarded by individual line items, groups of line items, or categories, whether contracts will be awarded incrementally, and whether contracts will be awarded by designated regions or locations;
  - e. The basis for determining the lowest bidder or bidders;
  - f. Procurement of earth-moving, material-handling, road maintenance and construction equipment shall include as price evaluation criteria the total life cycle cost including residual value of the earth-moving, material-handling, road maintenance and construction equipment and, to the extent practicable, the cost of outright purchase;
  - g. The purchase description, specifications, delivery or performance schedule, and inspection and acceptance requirements, as applicable. If a brand name or equal specification is used, instructions that use of a brand name is for the purpose of describing the standard of quality, performance, and other characteristics needed to meet the school district's requirements and is not intended to limit or restrict competition. The invitation for bids shall state that products substantially equivalent to the brands designated qualify for consideration;
  - h. The factors to be used in bid evaluations, including criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Only objectively measurable evaluation criteria shall be included in the invitation for bids. Examples of such criteria include, but are not limited to, transportation cost, energy cost, ownership cost and other identifiable costs. Evaluation factors need not be precise predictors, but to the extent possible the evaluation factors shall be reasonable estimates based upon information the school district has available concerning future use;
  - i. The contract terms and conditions, including:
    - i. Warranty and bonding or other security requirements, as applicable;
    - ii. The length of the contract and whether the contract will include an option for extension; and
    - iii. Any other contract terms and conditions;
  - j. The name of the district representative or district representatives;
  - k. The manner by which the bidder is required to acknowledge amendments;
  - l. The minimum information required in the bid;
  - m. The specific requirements for designating trade secrets and other proprietary data as confidential;
  - n. Any specific responsibility criteria;
  - o. A statement specifying where documents incorporated by reference may be obtained;
  - p. A statement that the school district may cancel the solicitation or reject a bid in whole or in part if deemed advantageous to the school district;
  - q. Notice that the bidder is required to certify that submission of the bid did not involve collusion or other anticompetitive practices and that the bidder has taken steps and exercised due diligence to ensure that no violation of A.R.S. § 15-213(O) has occurred;
  - r. Notice that the bidder is required to declare whether the bidder has been debarred, suspended, or otherwise lawfully prohibited from participating in any public procurement activity, including, but not limited to, being disapproved as a subcontractor of any public procurement unit or other governmental body;
  - s. Any bid security required;
  - t. A description of all information that will be recorded and available for public inspection at bid opening; and
  - u. The date, time and location of any pre-bid conference.
2. When using electronic competitive sealed bidding, the invitation for bids shall specify whether electronic submission of bids is required or optional, the electronic submission requirements, and the electronic signature requirements.
- C.** The school district shall mail or otherwise furnish invitation for bids or notices of the availability of invitation for bids to all prospective bidders registered with the school district for the specific material, service or construction being bid.
- D.** A copy of the invitation for bids shall be made available for public inspection at the school district office.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended effective October 22, 1992 (Supp. 92-4).

Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1025. Pre-bid Conferences**

- A.** The school district may conduct a pre-bid conference to explain the procurement requirements.
- B.** If a pre-bid conference is conducted, it shall be not less than seven days before the bid due date and time, unless the school district makes a written determination that the specific needs of the procurement justify a shorter time. Statements made during a pre-bid conference are not amendments to the solicitation.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1026. Amendments to Invitation for Bids**

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- A. An amendment to an invitation for bids shall be issued if necessary to:
1. Make changes in the invitation for bids;
  2. Correct defects or ambiguities;
  3. Furnish to other bidders information given to one bidder if the information will assist the other bidders in submitting bids or if the lack of the information will prejudice the other bidders;
  4. Provide additional information or instructions; or
  5. Set a later bid due date and time if the school district determines that an extension is advantageous to the school district.
- B. Amendments to an invitation for bids shall be so identified and the school district shall ensure that the amendments are distributed or made available to all persons to whom the original invitation for bids was distributed or made available. The school district shall make a copy of the amendments to an invitation for bids available for public inspection at the school district office. If the school district posted the invitation for bids or a notice of the availability of an invitation for bids on a designated site on the Internet, then the school district shall post any amendments to the invitation for bids on the same designated site on the Internet. The school district shall also do one or more of the following:
1. Distribute the amendment, by any method reasonably calculated to ensure delivery, to all prospective bidders to whom the invitation for bids was distributed;
  2. Make the amendment available and issue a notice of amendment which contains instructions for obtaining copies of the amendment. The notice of amendment shall be distributed, by any method reasonably calculated to ensure delivery, to all prospective bidders to whom the invitation for bids was distributed. Upon receipt of such notice of amendment, it is the responsibility of the prospective bidder to obtain the amendment.
- C. Amendments to invitation for bids shall be issued within a reasonable time before bid opening to allow prospective bidders to consider them in preparing their bids. If the school district determines that the bid due date and time does not permit sufficient time for bid preparation, the bid due date and time shall be extended in the amendment or, if necessary, by telephone, facsimile, email, or other communications methods, and confirmed in the amendment.
- D. A bidder shall acknowledge receipt of an amendment in the manner specified in the invitation for bids or the amendment on or before the bid due date and time.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1027. Pre-opening Modification or Withdrawal of Bids**

- A. A bidder may modify or withdraw a bid in writing at any time before bid opening if the modification or withdrawal is received before the bid due date and time at the location designated in the invitation for bids for receipt of bids.
- B. All documents concerning a modification or withdrawal of a bid shall be retained in the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1028. Late Bids, Late Withdrawals and Late Modifications****tions**

- A. A bid, modification or withdrawal is late if it is received at the location designated in the invitation for bids for receipt of bids after the bid due date and time.
- B. A late bid, late modification, or late withdrawal shall be rejected, unless the late bid, late modification, or late withdrawal would have been timely received but for the action or inaction of school district personnel and is received before contract award.
- C. Upon receiving a late bid, late modification, or late withdrawal, the school district shall record the time and date of receipt and promptly send written notice of late receipt to the bidder. The school district may discard the document 30 days after the date on the notice unless the bidder requests and provides funding for the document to be returned.
- D. All documents concerning acceptance of a late bid, late modification, or late withdrawal shall be retained in the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1029. Receipt, Opening and Recording of Bids**

- A. A school district shall maintain a record of bids and modifications received for each invitation for bids, shall record the time and date when each bid or modification is received, and shall store each unopened bid or modification in a secure place until the bid due date and time.
1. If required to confirm a vendor's inquiry regarding receipt of its bid prior to the due date and time, a school district may open a bid to identify the vendor. If this occurs, the school district shall record the reason for opening the bid, the date and time the bid was opened, and the solicitation number. The school district shall secure the bid and retain it for public opening.
  2. One or more witnesses shall be present for the opening of a bid under subsection (A)(1).
- B. Bids and modifications shall be opened publicly at the date, time and place designated in the invitation for bids in the presence of one or more witnesses. The name of each bidder, the amount of each bid, and other relevant information deemed appropriate by the school district shall be recorded. The person opening the bids and all witnesses shall sign the record.
1. The record created in subsection (B) shall be available for public inspection.
  2. The bids shall not be open for public inspection until after a contract is awarded.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1030. Mistakes in Bids**

- A. If an apparent mistake in a bid, relevant to the award determination, is discovered after opening and before award, a school district shall contact the bidder for written confirmation of the bid. If the bidder fails to act, the bidder is considered nonresponsive and the school district shall place a written determination that the bidder is nonresponsive in the procurement file. The school district shall designate a time-frame within which the bidder shall either:

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1. Confirm that no mistake was made and assert that the bid stands as submitted; or
  2. Acknowledge that a mistake was made and include all of the following in a written response:
    - a. An explanation of the mistake and any other relevant information;
    - b. A request for correction including the corrected bid or a request for withdrawal; and
    - c. The reasons why correction or withdrawal is consistent with fair competition and advantageous to the school district.
- B.** A bidder who discovers a mistake in its bid after bid opening and before award, may request correction or withdrawal in writing and shall include all of the following in the written request:
1. An explanation of the mistake and any other relevant information;
  2. A request for correction including the corrected bid or a request for withdrawal; and
  3. The reasons why correction or withdrawal is consistent with fair competition and advantageous to the school district.
- C.** After bid opening and before award, a bid mistake based on an error in judgment may not be corrected or withdrawn. Other bid mistakes may be corrected or withdrawn pursuant to subsections (D) through (F).
- D.** After bid opening and before award, the school district shall either waive minor informalities in a bid or allow the bidder to correct them if correction is advantageous to the school district.
- E.** After bid opening and before award, the bid may not be withdrawn and shall be corrected to the intended bid if a bid mistake and the intended bid are evident on the face of the bid.
- F.** After bid opening and before award, the school district may permit a bidder to withdraw a bid if:
1. A nonjudgmental mistake is evident on the face of the bid but the intended bid is not evident; or
  2. The bidder establishes by clear and convincing evidence that a nonjudgmental mistake was made.
- G.** If correction or withdrawal of a bid after bid opening is permitted or denied under subsections (D), (F) and (J), the school district shall prepare a written determination showing that the relief was permitted or denied under this Section.
- H.** Notwithstanding other provisions of this Section, after bid opening and before award, no corrections in bid prices or other provisions of bids prejudicial to the interest of the school district or fair competition shall be permitted.
- I.** If a mistake in the bid is discovered after the award, the bidder may request withdrawal or correction in writing and shall include all of the following in the written request:
1. An explanation of the mistake and any other relevant information;
  2. A request for correction including the corrected bid or a request for withdrawal; and
  3. The reasons why correction or withdrawal is consistent with fair competition and advantageous to the school district.
- J.** Based on the considerations of fair competition and the best interest of the school district, the school district may take one of the following actions regarding a bid mistake discovered after the award:
1. Allow correction of the mistake, if the corrected bid amount is less than the next lowest bid;
  2. Cancel all or part of the award; or
  3. Deny correction or withdrawal.
- K.** After cancellation of all or part of an award in accordance with subsection (J)(2), if the bid acceptance period has not expired, the school district may award all or part of the contract to the next lowest responsible and responsive bidder, based on the considerations of fair competition and the best interest of the school district.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
 Amended by final exempt rulemaking at 21 A.A.R. 1525,  
 effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1031. Bid Evaluation and Award**

- A.** As provided in subsection (C), the contract or contracts shall be awarded to the lowest responsible and responsive bidder or bidders whose bid or bids conform in all material respects to the requirements and evaluation criteria set forth in the invitation for bids. No criteria may be used in bid evaluation that are not set forth in the invitation for bids. The amount of any applicable transaction privilege or use tax of a political subdivision of this state is not a factor in determining the lowest bidder.
- B.** A product acceptability evaluation shall be conducted solely to determine whether a bidder's product is acceptable as set forth in the invitation for bids and not whether one bidder's product is superior to another bidder's product. Any bidder's offering that does not meet the acceptability requirements shall be rejected as nonresponsive.
- C.** The school district shall award the contract to the single lowest responsible and responsive bidder for all materials or services, except that the school district may make a multiple award if the invitation for bids included notification that multiple contracts may be awarded, the school district's basis for determining whether to award multiple contracts, and the criteria for selecting vendors for the multiple contracts.
- D.** Before making a multiple award, the school district shall determine in writing that a multiple award is necessary and is advantageous to the school district and shall establish procedures for the use of the multiple awarded contracts to ensure that purchases are made from the contracts determined by the school district to offer the lowest cost in satisfying the school district's requirements. A multiple award shall be limited to the least number of suppliers the school district determines in writing to be necessary to meet the school district's requirements, and may include the following types of awards:
1. Awards to the lowest responsible and responsive bidder for individual line items, groups of line items, or categories.
  2. Awards to the lowest responsible and responsive bidders for similar or identical line items, groups of line items, or categories only if the school district determines in writing that such awards are necessary to obtain the required quantity or delivery, and the awards are limited to the least number of bidders necessary to meet the school district's requirements.
  3. An incremental award only if the school district determines in writing that such an award is necessary to obtain the required quantity or delivery. The award shall be made to the lowest responsible and responsive bidder, then the next lowest responsible and responsive bidder or bidders until the total definite quantity required is awarded.
  4. A regional award to the lowest responsible and responsive bidder in designated regions or locations only if the school district determines in writing that such an award is necessary to obtain the required quantity or delivery over

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widely scattered locations or a particular requirement is of a local nature.

- E. The procurement file shall contain the basis on which the award or awards are made.
- F. The school district shall not modify evaluation criteria after the bid due date and time.
- G. A school district may appoint an evaluation committee to assist in the evaluation of bids. If bids are evaluated by an evaluation committee, the evaluation committee shall prepare an evaluation report for the school district. The school district may:
  - 1. Accept the findings of the evaluation committee;
  - 2. Request additional information from the evaluation committee; or
  - 3. Reject the findings of the evaluation committee, in which case the school district shall appoint a new evaluation committee to evaluate the existing bids or cancel the solicitation.
- H. The school district may contact a bidder to confirm the school district's understanding of the bid. Such contact shall be prior to award. The school district shall obtain written confirmation from the bidder and shall retain the confirmation in the procurement file.
- I. The contract or contracts shall be awarded during the bid acceptance period. If the bid acceptance period expires prior to award of the contract or contracts, the procurement shall be canceled, unless the bid acceptance period is extended in accordance with subsection (J).
- J. To extend the bid acceptance period, a school district shall notify all bidders in writing of an extension and request written concurrence from each bidder. To be eligible for a contract award, a bidder shall submit a written concurrence to the extension. The school district shall reject a bid as nonresponsive if written concurrence is not provided as requested.
- K. A contract may not be awarded to a bidder submitting a higher quality item than that designated in the invitation for bids unless the bidder is also the lowest bidder as determined under subsection (A). This Section does not permit negotiations with any bidder, except as provided in subsection (L).
- L. If all bids for a construction project exceed available monies as certified by the school district, and the lowest responsive bid from a responsible bidder does not exceed such monies by more than five percent, the school district may in situations in which time or economic considerations preclude resolicitation of work of a reduced scope, negotiate an adjustment of the bid price, including changes in the bid requirements, with the lowest responsible and responsive bidder, to bring the bid within the amount of available monies.
- M. If there are two or more low responsive bids from responsible bidders that are identical in price and that meet all the requirements and criteria set forth in the invitation for bids, award shall be made by drawing lots in the presence of one or more witnesses.
- N. A record showing the basis for determining the successful bidder shall be retained in the procurement file.
- O. The school district shall notify all bidders of an award.
- P. After a contract is awarded, the school district shall return any bid security provided by unsuccessful bidders.
- Q. Upon execution of the contract, if performance and payment bonds were not required, or upon receipt of the specified bonds, if performance and payment bonds were required, the school district shall return any bid security provided by the successful bidder.
- R. Within 10 days after a contract is awarded, the school district shall make the procurement file, including all bids, available for public inspection.

- 1. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection.
- 2. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended effective October 22, 1992 (Supp. 92-4).

Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1032. Only One Bid Received**

If only one responsive bid is received in response to an invitation for bids, an award may be made to the single bidder if the school district determines in writing that the bidder is responsible, that the price submitted is fair and reasonable, and that either other prospective bidders had reasonable opportunity to respond, or there is not adequate time for resolicitation. Otherwise the bid may be rejected in whole or in part as may be specified in the invitation for bids if it is advantageous to the school district. The reasons for cancellation or rejection shall be made part of the procurement file and:

- 1. New bids may be solicited;
- 2. The proposed procurement may be canceled; or
- 3. If the school district determines that the need for the material or service continues and the acceptance of the one bid is not advantageous to the school district, the procurement may then be conducted as follows:
  - a. The school district may follow the sole source procurement procedure if R7-2-1053 applies.
  - b. Notwithstanding any other provision of Articles 10 and 11, the school district may make emergency procurements pursuant to R7-2-1055 and R7-2-1056 if an emergency condition exists pursuant to R7-2-1055.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1033. Simplified School Construction Procurement Program**

- A. The simplified school construction procurement program is applicable to construction projects which do not exceed the maximum amount specified in A.R.S. § 15-213(A)(2).
- B. To participate in the simplified school construction procurement program:
  - 1. Each county school superintendent shall maintain a prospective bidders list of persons who desire to receive solicitations to bid on school district construction projects within that county. The prospective bidders list shall be maintained in accordance with R7-2-1023;
  - 2. The prospective bidders list maintained pursuant to subsection (B)(1) shall be available for public inspection;
  - 3. A performance bond and a payment bond, as required by A.R.S. § 34-222, shall be provided for contracts for construction by contractors;
  - 4. All bids for construction shall be opened at a public opening and the bids shall remain confidential until the public opening;

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5. All persons desiring to submit bids shall be treated equitably and the information related to each project shall be available to all eligible persons; and
6. Competition for construction projects under the simplified school construction procurement program shall be encouraged to the maximum extent possible. School districts shall submit information on each project to all persons listed on the prospective bidders list maintained by the county school superintendent pursuant to subsection (B)(1).

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1034. Reserved****PART V. MULTISTEP SEALED BIDDING****R7-2-1035. Multistep Sealed Bidding**

- A. The multistep sealed bidding method may be used if:
  1. Available specifications or purchase descriptions are not sufficiently complete to permit full competition without technical evaluations and discussions to ensure mutual understanding between each bidder and the school district;
  2. Definite criteria exist for evaluation of technical offers;
  3. More than one technically qualified source is expected to be available; and
  4. A fixed-price contract will be used.
- B. The multistep sealed bidding method may not be used for construction contracts.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1036. Phase 1 of Multistep Sealed Bidding**

- A. Multistep sealed bidding shall be initiated by the issuance of an invitation to submit technical offers. The invitation to submit technical offers shall be issued according to R7-2-1022 and R7-2-1024(A).
- B. The invitation to submit technical offers shall include the following information:
  1. Notice that the procurement shall be conducted in two phases;
  2. The best description of the material or services desired;
  3. A statement that unpriced technical offers only shall be considered in phase 1;
  4. The requirements for the technical offers, such as drawings and descriptive literature;
  5. The criteria for evaluating technical offers;
  6. The due date and time for receipt of technical offers and the location where technical offers shall be delivered or mailed;
  7. A statement that discussions may be held;
  8. A statement that only bids based on technical offers determined to be acceptable in phase 1 shall be considered for award;
  9. The name of the district representative or district representatives;
  10. Notice that all technical offers submitted will be made available for public inspection following the award of the contract; and
11. The date, time and location of any pre-technical offer conference.
- C. A school district may conduct a pre-technical offer conference open to all persons. If a pre-technical offer conference is conducted, it shall be not less than seven days before the technical offer due date and time, unless the school district makes a written determination that the specific needs of the procurement justify a shorter time. Statements made during the pre-technical offer conference shall not be considered modifications to the invitation to submit technical offers.
- D. The invitation to submit technical offers may be amended before or after the submission of the unpriced technical offers. Amendments to an invitation to submit technical offers shall be so identified and the school district shall ensure that the amendments are distributed or made available to all persons to whom the original invitation to submit technical offers was distributed or made available. The school district shall make a copy of the amendments to an invitation to submit technical offers available for public inspection at the school district office. If the school district posted the invitation to submit technical offers or a notice of the availability of an invitation to submit technical offers on a designated site on the Internet, then the school district shall post any amendments to the invitation to submit technical offers on the same designated site on the Internet. The school district shall also do one or more of the following:
  - a. Distribute the amendment, by any method reasonably calculated to ensure delivery, to all persons to whom the invitation to submit technical offers was distributed;
  - b. Make the amendment available and issue a notice of amendment which contains instructions for obtaining copies of the amendment. The notice of amendment shall be distributed, by any method reasonably calculated to ensure delivery, to all persons to whom the invitation to submit technical offers was distributed. Upon receipt of such notice of amendment, it is the responsibility of the person to obtain the amendment.
2. Amendments shall be issued within a reasonable time before technical offer opening to allow persons to consider them in preparing their technical offers. If the school district determines that the technical offer due date and time does not permit sufficient time for technical offer preparation, the technical offer due date and time shall be extended in the amendment or, if necessary, telephone, facsimile, email, or other communications methods, and confirmed in the amendment.
3. A person shall acknowledge receipt of an amendment in the manner specified in the invitation to submit technical offers or the amendment on or before the technical offer due date and time.
- E. Unpriced technical offers shall not be opened publicly, but shall be opened in the presence of two or more district officials designated by the school district. The contents of unpriced technical offers shall not be disclosed to unauthorized persons. Late technical offers shall not be considered except under the circumstances set forth in R7-2-1028(B).
- F. Unpriced technical offers shall be evaluated solely in accordance with the criteria set forth in the invitation to submit technical offers and shall be determined to be either acceptable for further consideration or unacceptable. A determination that an unpriced technical offer is unacceptable shall be in writing, state the basis for the determination and be retained in the procurement file. If the school district determines a person's unpriced technical offer is unacceptable, the school district

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shall notify that person of the determination and that the person shall not be afforded an opportunity to amend the technical offer.

- G. The school district may conduct discussions with any person who submits an acceptable or potentially acceptable technical offer. During discussions, the school district shall not disclose any information derived from one unpriced technical offer to any other person. After discussions, the school district shall establish a due date and time for receipt of final technical offers and shall notify, in writing, persons submitting acceptable or potentially acceptable technical offers of the due date and time. The school district shall keep a detailed record of all discussions.
- H. At any time during phase 1, technical offers may be withdrawn.
- I. A copy of the invitation to submit technical offers shall be made available for public inspection at the school district office.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1037. Phase 2 of Multistep Sealed Bidding**

- A. Upon completion of phase 1, the school district shall issue an invitation for bids and conduct phase 2 under R7-2-1024 through R7-2-1032 as a competitive sealed bidding procurement, except that the invitation for bids shall be issued only to persons whose technical offers were determined to be acceptable in phase 1.
- B. Unpriced technical offers of unsuccessful persons shall be open to public inspection after contract award, except to the extent set forth in R7-2-1006.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1038. Reserved****R7-2-1039. Reserved****R7-2-1040. Reserved****PART VI. COMPETITIVE SEALED PROPOSALS****R7-2-1041. Competitive Sealed Proposals**

- A. This Section does not apply to procurement of services of clergy, certified public accountants, physicians, dentists, and legal counsel, construction, construction services, or specified professional services. Services of clergy, certified public accountants, physicians, dentists and legal counsel shall be procured pursuant to R7-2-1061 through R7-2-1068. Construction and construction services shall be procured as provided in R7-2-1100. Specified professional services shall be procured pursuant to R7-2-1117 through R7-2-1123.
- B. As an alternative to competitive sealed bidding, competitive sealed proposals may be used in order to:
  - 1. Use a contract other than a fixed-price type;
  - 2. Conduct oral or written discussions with offerors concerning technical and price aspects of their proposals;
  - 3. Afford offerors an opportunity to revise their proposals;
  - 4. Compare the different price, quality, and contractual factors of the proposals submitted; or
  - 5. Award a contract in which price is not the determining factor.
- C. A school district may conduct competitive sealed proposals electronically, provided that the electronic competitive sealed proposals process complies with the requirements of R7-2-1041 through R7-2-1050. A determination that conducting competitive sealed proposals electronically is advantageous to the school district shall be in writing and retained in the procurement file.
- D. When using electronic competitive sealed proposals, the school district shall determine whether electronic submission of proposals is required or optional and state the electronic submission requirements in the public notice and the request for proposals.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended effective March 21, 1991 (Supp. 91-1).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1042. Request for Proposals**

- A. Competitive sealed proposals shall be solicited through a request for proposals. A request for proposals shall include the following:
  - 1. Instructions to offerors, including:
    - a. Instructions and information to offerors concerning proposal submission requirements, including the means for proposal submission such as, hand delivery, U.S. mail, electronic mail, facsimile, or other acceptable means, the proposal due date and time, the address of the office at which proposals or other documents are to be received, the proposal acceptance period, and any other special information or requirements;
    - b. The manner by which the offeror is required to acknowledge amendments;
    - c. Notification of whether the school district may award multiple contracts and the school district's basis for determining whether to award multiple contracts. If multiple contracts may be awarded, the request for proposals shall include the criteria the school district will use for selecting vendors for each contract under the multiple award, including as applicable, whether contracts will be awarded by individual line items, groups of line items, or categories, whether contracts will be awarded incrementally, and whether contracts will be awarded by designated regions or locations;
    - d. The minimum information required in the proposal;
    - e. The specific requirements for designating trade secrets and other proprietary data as confidential;
    - f. Any specific responsibility criteria;
    - g. Whether the offeror is required to submit samples, descriptive literature, and technical data with the proposal;
    - h. Evaluation factors and the relative importance of price and other evaluation factors. Specific numerical weighting is not required;
    - i. Procurement of earth-moving, material-handling, road maintenance and construction equipment shall include as evaluation factors the total life cycle cost including residual value of the earth-moving, material-handling, road maintenance and construction equipment and, to the extent practicable, the cost of outright purchase;
    - j. A statement specifying where documents incorporated by reference may be obtained;

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- k. A statement that the school district may cancel the solicitation or reject a proposal in whole or in part if deemed advantageous to the school district;
  - l. Notice that the offeror is required to certify that submission of the proposal did not involve collusion or other anticompetitive practices and that the offeror has taken steps and exercised due diligence to ensure that no violation of A.R.S. § 15-213(O) has occurred;
  - m. Notice that the offeror is required to declare whether the offeror has been debarred, suspended, or otherwise lawfully prohibited from participating in any public procurement activity, including, but not limited to, being disapproved as a subcontractor of any public procurement unit or other governmental body;
  - n. Any bid security required;
  - o. Any cost or pricing data required;
  - p. The type of contract to be used;
  - q. A statement that discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being awarded a contract;
  - r. The date, time and location of any pre-proposal conference;
  - s. The name of the district representative or district representatives;
  - t. A description of all information that will be recorded and available for public inspection at proposal opening;
  - u. Notice that all information and proposals submitted by offerors will be made available for public inspection following the award of the contract; and
  - v. Whether the school district will consider partial proposals for award of a contract.
2. Specifications, including:
    - a. The purchase description, delivery or performance schedule, and inspection and acceptance requirements, as applicable;
    - b. If a brand name or equal specification is used, instructions that the use of a brand name is for the purpose of describing the standard of quality, performance, and other characteristics needed to meet the school district's requirements and is not intended to limit or restrict competition. The solicitation shall state that products substantially equivalent to those brands designated shall qualify for consideration; and
    - c. Any other specification requirements specific to the solicitation.
  3. Contract terms and conditions, including:
    - a. Warranty and bonding or other security requirements, as applicable;
    - b. The length of the contract and whether the contract will include an option for extension; and
    - c. Any other contract terms and conditions.
  4. When using electronic competitive sealed proposals, the request for proposals shall specify whether electronic submission of proposals is required or optional, the electronic submission requirements, and the electronic signature requirements.
- B.** A request for proposals shall be issued at least 14 days before the due date and time for receipt of proposals unless a shorter time is determined necessary by the school district. If a shorter time is necessary, the school district shall document the specific reasons in the procurement file.
- C.** Notice of the request for proposals shall be given by the school district pursuant to R7-2-1022 and R7-2-1024(C).
- D.** Before submission of initial proposals, amendments to requests for proposals shall be made in accordance with R7-2-1026. After submission of proposals, amendments may be made in accordance with R7-2-1036(D).
- E.** A copy of the request for proposals shall be made available for public inspection at the school district office.
- Historical Note**  
 Adopted effective December 17, 1987 (Supp. 87-4).  
 Amended effective October 22, 1992 (Supp. 92-4).  
 Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).
- R7-2-1043. Pre-proposal Conferences**  
 Pre-proposal conferences may be convened in accordance with R7-2-1025.
- Historical Note**  
 Adopted effective December 17, 1987 (Supp. 87-4).
- R7-2-1044. Late Proposals, Modifications or Withdrawals**
- A.** An offeror may modify or withdraw a proposal in writing at any time before proposal opening if the modification or withdrawal is received before the proposal due date and time at the location designated in the request for proposals for receipt of proposals.
  - B.** Withdrawal of a proposal after proposal opening is permissible only in accordance with R7-2-1049.
  - C.** A proposal received after the due date and time for receipt of proposals is late and shall not be considered except under the circumstances set forth in R7-2-1028(B). A best and final offer received after the due date and time for receipt of best and final offers is late and shall not be considered except under the circumstances set forth in R7-2-1028(B).
  - D.** A modification of a proposal received after the due date and time for receipt of proposals is late and shall not be considered except under the circumstances set forth in R7-2-1028(B).
  - E.** A modification of a proposal resulting from an amendment issued after the due date and time for receipt of proposals or a modification of a proposal resulting from discussions shall be considered if received by the due date and time set forth in the amendment or by the due date and time for submission of best and final offers, whichever is applicable. If the modifications described in this subsection are received after the respective date and time described in this subsection, the modifications are late and shall not be considered except under the circumstances set forth in R7-2-1028(B).
  - F.** Upon receiving a late proposal, late modification, or late withdrawal, the school district shall record the time and date of receipt and promptly send written notice of late receipt to the offeror. The school district may discard the document 30 days after the date on the notice unless the offeror requests and provides funding for the document to be returned.
  - G.** All documents concerning acceptance of a late proposal, late modification, or late withdrawal shall be retained in the procurement file.
- Historical Note**  
 Adopted effective December 17, 1987 (Supp. 87-4).  
 Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).
- R7-2-1045. Receipt, Opening and Recording of Proposals**



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- A. A school district shall maintain a record of proposals and modifications received for each solicitation, shall record the time and date when each proposal or modification is received, and shall store each unopened proposal or modification in a secure place until the proposal due date and time.
  - 1. If required to confirm a vendor's inquiry regarding receipt of its proposal prior to the due date and time, a school district may open a proposal to identify the vendor. If this occurs, the school district shall record the reason for opening the proposal, the date and time the proposal was opened, and the solicitation number. The school district shall secure the proposal and retain it for public opening.
  - 2. One or more witnesses shall be present for the opening of a proposal under subsection (A)(1).
- B. Proposals and modifications shall be opened publicly at the date, time and place designated in the request for proposals in the presence of one or more witnesses. The name of each offeror and other relevant information deemed appropriate by the school district shall be recorded. The person opening the proposals and all witnesses shall sign the record. All other information contained in the proposals shall be confidential so as to avoid disclosure of contents prejudicial to competing offerors during the evaluation of proposals. Proposals and modifications shall be shown only to school district personnel having a legitimate interest in them or persons assisting the school district in evaluation.
  - 1. The record created in subsection (B) shall be available for public inspection.
  - 2. The proposals shall not be open for public inspection until after a contract is awarded.
- C. The contract or contracts shall be awarded during the proposal acceptance period. If the proposal acceptance period expires prior to award of the contract or contracts, the procurement shall be canceled, unless the proposal acceptance period is extended in accordance with subsection (D).
- D. To extend the proposal acceptance period, a school district shall notify all offerors in writing of an extension and request written concurrence from each offeror. To be eligible for a contract award, an offeror shall submit a written concurrence to the extension. The school district shall reject a proposal as nonresponsive if written concurrence is not provided as requested.
- E. For the purpose of conducting discussions, the school district shall determine that proposals are either acceptable for further consideration or unacceptable.
- F. A proposal is acceptable if it is determined to be reasonably susceptible of being awarded a contract in accordance with the evaluation criteria and a comparison and ranking of original proposals. Proposals to be considered reasonably susceptible of being awarded a contract shall, at a minimum, demonstrate the following:
  - 1. Affirmative compliance with mandatory requirements designated in the solicitation.
  - 2. An ability to deliver goods or services on terms advantageous to the school district sufficient to be entitled to continue in the competition.
  - 3. That the proposal is technically acceptable as submitted.
- G. A proposal is unacceptable if it is determined to not be reasonably susceptible of being awarded a contract. Those proposals that have no reasonable chance for award when compared on a relative basis with more highly ranked proposals will not be reasonably susceptible of being awarded a contract. The determination shall be in writing, state the basis for the determination and be retained in the procurement file. When there is doubt as to whether a proposal is reasonably susceptible of being awarded a contract, the proposal shall be considered acceptable.
- H. If the school district determines an offeror's proposal is unacceptable, the school district shall notify that offeror of the determination and that the offeror shall not be afforded an opportunity to amend its proposal.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
 Amended by final exempt rulemaking at 21 A.A.R. 1525,  
 effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1046. Evaluation of Proposals**

- A. Evaluation of proposals and best and final offers shall be based on the evaluation factors set forth in the request for proposals. Specific numerical weighting may be used.
  - 1. If only one proposal is received in response to a request for proposals, the school district shall proceed according to R7-2-1032.
  - 2. The school district shall not modify evaluation factors or the relative importance of price and other evaluation factors after the proposal due date and time.
  - 3. A school district may appoint an evaluation committee to assist in the evaluation of proposals. If proposals are evaluated by an evaluation committee, the evaluation committee shall prepare an evaluation report for the school district. The school district may:
    - a. Accept the findings of the evaluation committee;
    - b. Request additional information from the evaluation committee; or
    - c. Reject the findings of the evaluation committee, in which case the school district shall appoint a new evaluation committee to evaluate the existing proposals or cancel the solicitation.
- B. As part of its initial evaluation, the school district may contact an offeror to confirm the school district's understanding of the proposal. Such contact shall be prior to the determination that a proposal is acceptable for further consideration. The school district shall obtain written confirmation from the offeror and shall retain the confirmation in the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
 Amended by final exempt rulemaking at 21 A.A.R. 1525,  
 effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1047. Discussions with Individual Offerors**

- A. Discussions may be conducted with responsible offerors who submit proposals determined to be acceptable for further consideration. Discussions may be conducted to assure full understanding of the proposal in order to obtain the most advantageous contract for the school district based upon the requirements and evaluation factors in the request for proposals. Offerors shall be afforded fair treatment with respect to any opportunity for discussion and revision of proposals.
- B. A school district shall establish procedures and schedules for conducting discussions. The school district shall ensure there is no disclosure of one offeror's price or any information derived from competing proposals to another offeror.
- C. Discussions may be conducted orally or in writing. If oral discussions are conducted, the offeror shall confirm the discussions in writing.
- D. If discussions are conducted, they shall be conducted with all offerors who submit proposals determined to be acceptable for

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further consideration. Proposals may not be revised during discussions.

- E. The school district shall keep a detailed record of all discussions in the procurement file.

#### Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

#### R7-2-1048. Best and Final Offers

- A. Only if discussions are conducted pursuant to R7-2-1047, the school district shall issue a written request for best and final offers to all offerors who submitted proposals determined to be acceptable pursuant to R7-2-1046(E). The request shall set forth the date, time and place for the submission of best and final offers.
- B. Best and final offers shall be requested only once, unless the school district makes a determination that it is advantageous to the school district to conduct further discussions or change the school district's requirements.
- C. The request for best and final offers shall inform offerors that, if they do not submit a notice of withdrawal or a best and final offer, their immediate previous offer will be construed as their best and final offer.

#### Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

#### R7-2-1049. Mistakes in Proposals

- A. Prior to the due date and time for receipt of best and final offers, any offeror may withdraw a proposal in writing or correct any mistake by modifying the proposal.
- B. After receipt of best and final offers, an offeror may withdraw a proposal or correct a mistake in accordance with R7-2-1030.
- C. The offeror shall withdraw or correct its proposal in writing. The school district shall retain the written withdrawal or correction in the procurement file.

#### Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

#### R7-2-1050. Contract Award

- A. As provided in subsection (B), the school district shall award a contract or contracts to the responsible offeror or offerors whose proposal or proposals are determined in writing to be most advantageous to the school district based on the factors set forth in the request for proposals. No factors or criteria may be used in proposal evaluation that are not set forth in the request for proposals. The amount of any applicable transaction privilege or use tax of a political subdivision of this state is not a factor in determining the most advantageous proposal.
- B. The school district shall award the contract to the offeror whose proposal is deemed most advantageous to the school district for all materials or services, except that the school district may make a multiple award if the request for proposals included notification that multiple contracts may be awarded, the school district's basis for determining whether to award multiple contracts, and the criteria for selecting vendors for the multiple contracts.
- C. Before making a multiple award, the school district shall determine in writing that a multiple award is necessary and is

advantageous to the school district and shall establish procedures for the use of the multiple awarded contracts to ensure that purchases are made from the contracts determined by the school district to be most advantageous to the school district in satisfying the school district's requirements. A multiple award shall be limited to the least number of contracts the school district determines in writing to be necessary to meet the school district's requirements, and may include the following types of awards:

1. Awards to the offerors most advantageous to the school district for individual line items, groups of line items, or categories.
  2. Awards to the offerors most advantageous to the school district for similar or identical line items, groups of line items, or categories only if the school district determines in writing that such awards are necessary to obtain the required quantity or delivery, and the awards are limited to the least number of offerors necessary to meet the school district's requirements.
  3. An incremental award only if the school district determines in writing that such an award is necessary to obtain the required quantity or delivery. The award shall be made to the offeror whose proposal is determined to be the most advantageous to the school district, then to the offeror with the next most advantageous proposal, etc., until the total definite quantity required is reached.
  4. Regional awards to the offerors most advantageous to the school district in designated regions or locations only if the school district determines in writing that such awards are necessary to obtain the required quantity or delivery over widely scattered locations or a particular requirement is of a local nature.
- D. The school district shall notify all offerors of an award.
- E. The procurement file shall contain the basis on which the award or awards are made.
- F. After a contract is awarded, the school district shall return any bid security provided by the unsuccessful offerors.
- G. Upon execution of the contract, if performance and payment bonds were not required, or upon receipt of the specified bonds, if performance and payment bonds were required, the school district shall return any bid security provided by the successful offeror.
- H. Within 10 days after a contract is awarded, the school district shall make the procurement file, including all proposals, available for public inspection.
1. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection.
  2. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.

#### Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended effective October 22, 1992 (Supp. 92-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1051. Reserved**

**R7-2-1052. Reserved**

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## PART VII. SOLE SOURCE PROCUREMENTS

**R7-2-1053. Sole Source Procurements**

- A. A contract may be awarded for a material, service or construction item without competition if the governing board determines in writing that there is only one source for the required material, service or construction item. The school district may require the submission of cost or pricing data in connection with an award under this Section. Sole source procurement shall be avoided, except when no reasonable alternative source exists.
- B. The governing board's determination shall be made before entering the contract and shall include the following information:
1. A description of the procurement need and the reason why there is only a single source available or why no reasonable alternative exists;
  2. The name of the proposed supplier;
  3. The duration and estimated total dollar value of the proposed procurement;
  4. Documentation that the price submitted is fair and reasonable; and
  5. A description of efforts made to seek other sources.
- C. The school district shall, to the extent practicable, negotiate with the single supplier a contract advantageous to the school district.
- D. A copy of the written determination of the basis for the sole source procurement and any cost or pricing data shall be retained in the procurement file by the school district. The school district shall keep a record of all sole source procurements pursuant to R7-2-1086.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1054. Reserved**

## PART VIII. EMERGENCY PROCUREMENTS

**R7-2-1055. Emergency Procurement Procedure**

- A. An emergency condition creates an immediate and serious need for materials, services, or construction that cannot be met through normal procurement methods and seriously threatens the functioning of the school district, the preservation or protection of property or the public health, welfare or safety. Some examples of emergency conditions are floods, epidemics, or other natural disasters, riots, fire or equipment failures.
- B. An emergency procurement shall be limited to the materials, services, or construction necessary to satisfy the emergency need.
- C. The governing board shall designate a board member or members or school district official or officials authorized to make emergency procurements, and may prescribe limiting factors including maximum spending limits with regard to emergency procurements.
- D. The designated board member or district official shall:
1. Select the contractor to perform the emergency work with as much competition as practicable under the circumstances;
  2. Obtain a price that is fair and reasonable under the circumstances;
  3. Prepare a written statement documenting the basis for the emergency, the basis for the selection of the particular contractor, and why the price paid was fair and reasonable. The statement shall be signed by the designated

governing board member or district official authorized to initiate emergency procurements; and

4. Convene a meeting of the governing board to approve the emergency procurement, unless the nature of the emergency requires that the procurement be made prior to governing board approval.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1056. Emergency Procurement Reporting**

- A. If the nature of the emergency does not permit convening a meeting of the governing board to approve the emergency procurement, the designated board member or district official who makes an emergency procurement shall, at the first scheduled governing board meeting following the procurement, provide to the governing board a report concerning the emergency procurement including the following information:
1. The written statement documenting the basis for the emergency, the basis for the selection of the particular contractor, and why the price paid was fair and reasonable; and
  2. Why it was impracticable to convene a meeting of the governing board.
- B. The information and documentation required in this Section shall be included in the procurement file.
- C. The school district shall keep a record of all emergency procurements pursuant to R7-2-1086.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1057. Repealed****Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

## PART IX. REQUEST FOR INFORMATION

**R7-2-1058. Request for Information**

- A. The school district may issue a request for information to obtain data about services or materials available to meet a specific need. Notice of the request for information shall be issued in accordance with R7-2-1024(A) and R7-2-1024(C).
- B. Responses to a request for information are not offers and cannot be accepted to form a binding contract.
- C. Information contained in a response to a request for information may be withheld from public inspection until the subsequent procurement is awarded or terminated, two years from the date of the vendor's response, or upon commencement of a new procurement, whichever occurs first.
- D. There is no required format to be used for requests for information.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1,

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2020 (Supp. 20-1).

**R7-2-1059. Reserved****R7-2-1060. Reserved****PART X. SERVICES OF CLERGY, CERTIFIED PUBLIC ACCOUNTANTS, PHYSICIANS, DENTISTS AND LEGAL COUNSEL****R7-2-1061. Competitive Selection Procedures for Clergy, Certified Public Accountants, Physicians, Dentists and Legal Counsel**

- A. The services of clergy, certified public accountants, physicians, dentists, or legal counsel shall be procured in accordance with R7-2-1061 through R7-2-1068, except as authorized pursuant to R7-2-1002, R7-2-1053, or R7-2-1055.
- B. Pursuant to A.R.S. § 15-914, contracts for financial and compliance audits and completed audits shall be approved by the Auditor General as provided in A.R.S. § 41-1279.21.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1062. Statement of Qualifications**

- A. If the services specified in R7-2-1061(A) are needed, persons may submit and the school district may solicit persons engaged in providing the services to submit statements of qualifications on a prescribed form that shall include the following information:
  - 1. Technical education and training;
  - 2. General or special experience, certifications, licenses, or memberships in professional associations, societies, or boards;
  - 3. An expression of interest in providing a particular service; and
  - 4. Any other pertinent information requested by the school district.
- B. Persons who have submitted statements of qualifications may amend those statements at any time by filing a new statement.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1063. Request for Proposals**

- A. Adequate notice of the need for services specified in R7-2-1061(A) shall be given by the school district through a request for proposals. The request for proposals shall be in accordance with R7-2-1042.
- B. In addition to providing notice of the request for proposals pursuant to R7-2-1022 and R7-2-1024(C), the school district shall provide notice to all persons who submitted statements of qualifications for the particular services solicited.
- C. If required to evaluate proposals, the request for proposals shall require all offerors who have not already done so to submit a statement of qualifications pursuant to R7-2-1062.
- D. Pre-proposal conferences may be convened in accordance with R7-2-1025.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year

corrected in Supp. 18-2.

**R7-2-1064. Receipt of Proposals**

Proposals shall be received and opened in accordance with R7-2-1045. Late proposals, modifications, or withdrawals shall be considered in accordance with R7-2-1044.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

**R7-2-1065. Evaluation of Proposals**

Proposals shall be evaluated in accordance with R7-2-1046.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

**R7-2-1066. Discussions with Individual Offerors**

- A. As part of its initial evaluation, the school district may contact an offeror to confirm the school district's understanding of the proposal. Such contact shall be prior to the determination that a proposal is acceptable for further consideration. The school district shall obtain written confirmation from the offeror and shall retain the confirmation in the procurement file.
- B. The school district may conduct discussions with any offeror in accordance with R7-2-1047. If such discussions are conducted, the school shall issue a request for best and final offers pursuant to R7-2-1048.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1067. Mistakes in Proposals**

Mistakes in proposals shall be addressed pursuant to R7-2-1049.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1068. Contract Award**

- A. As provided in subsection (B), the school district shall award a contract or contracts to the responsible offeror or offerors best qualified based on the evaluation factors set forth in the request for proposal and after making a written determination that the price is fair and reasonable. The school district shall not award a contract based solely on price. No factors or criteria may be used in proposal evaluation that are not set forth in the request for proposals.
- B. The school district shall award the contract to the best qualified offeror whose price is determined to be fair and reasonable for all services, except that the school district may make a multiple award if the request for proposals included notification that multiple contracts may be awarded, the school district's basis for determining whether to award multiple contracts, and the criteria for selecting vendors for the multiple contracts.
- C. Before making a multiple award, the school district shall determine in writing that a multiple award is necessary and is advantageous to the school district and shall establish procedures for the use of the multiple awarded contracts to ensure that purchases are made from the contracts determined by the school district to be most advantageous to the school district in satisfying the school district's requirements. A multiple award shall be limited to the least number of contracts the school district determines in writing to be necessary to meet the school

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district's requirements, and may include the following types of awards:

1. Award to the best qualified offeror whose price is determined to be fair and reasonable for individual line items, groups of line items, or categories.
  2. Awards to the best qualified offerors whose prices are determined to be fair and reasonable for similar or identical line items, groups of line items, or categories only if the school district determines in writing that such awards are necessary to obtain the required quantity or delivery, and the awards are limited to the least number of offerors necessary to meet the school district's requirements.
  3. An incremental award only if the school district determines in writing that such an award is necessary to obtain the required quantity or delivery. The award shall be made to the best qualified person whose price is determined to be fair and reasonable, then to the next best qualified person whose price is determined to be fair and reasonable, etc., until the total definite quantity required is reached.
  4. Regional awards to the best qualified offerors whose prices are determined to be fair and reasonable in designated regions or locations only if the school district determines in writing that such an award is necessary to obtain the required quantity or delivery over widely scattered locations or a particular requirement is of a local nature.
- D.** The school district shall notify all offerors of an award.
- E.** The procurement file shall contain the basis on which the award or awards are made.
- F.** Within 10 days after a contract is awarded, the school district shall make the procurement file, including all proposals, available for public inspection.
1. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection.
  2. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.

#### Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

### PART XI. GUARANTEED ENERGY CONTRACTS

#### R7-2-1069. Guaranteed Energy Cost Savings Contracts

- A.** A school district may procure a guaranteed energy cost savings contract with a qualified provider through competitive sealed proposals in accordance with R7-2-1041 through R7-2-1050.
1. The request for proposal evaluation factors required by R7-2-1042(A)(1)(h) shall include objective criteria for selecting the qualified provider, including the cost of the contract, the energy cost savings, the net projected energy savings, the quality of the technical approach, the quality of the project management plan, the financial solvency of the qualified provider and the experience of the qualified provider with projects of similar size and scope.
  2. Notwithstanding R7-2-1042(A)(1)(h), the request for proposals shall set forth the respective numerical weighting for each evaluation criterion.
- 3.** At the qualified provider's expense, the proposal shall include an independent third-party validation of cost savings calculations associated with each proposed energy cost savings measure by a licensed, registered professional engineer, with credentials from the national association of energy engineers, who has demonstrated experience in energy analysis. The school district shall approve the selection of the independent third party.
- 4.** A school district may enter into a guaranteed energy cost savings contract with a qualified provider if the school district determines that the energy savings project will pay for itself within the expected life of the energy cost savings measures implemented (according to the manufacturer's equipment standards), the term of the financial agreement or 25 years, whichever is shortest, if the recommendations in the proposal are followed. Notwithstanding this subsection, a school district may elect to use a shorter capital cost repayment schedule than required pursuant to this subsection. The school district shall retain the cost savings achieved by a guaranteed energy cost savings contract, and these cost savings may be used to pay for the contract and project implementation.
- 5.** A qualified provider is a person that is experienced in designing, implementing or installing energy cost savings measures, that has a record of established projects or measures of similar size and scope, that has demonstrated technical, operational, financial and managerial capabilities to design and operate cost savings measures and projects and that has the financial ability to satisfy guarantees for energy cost savings.
- B.** In selecting a contractor to perform any construction work related to performing the guaranteed energy cost savings contract, the qualified provider may:
1. Develop and use a prequalification process for contractors.
  2. Require the contractor to demonstrate that the contractor is adequately bonded to perform the work and that the contractor has not failed to perform on a prior job.
- C.** A study shall be performed by the selected qualified provider in order to establish the exact scope of the guaranteed energy cost savings contract, the fixed cost savings guarantee amount and the methodology for determining actual savings. The selected qualified provider will provide the school district with a final study report which validates that the fixed cost savings guarantee amount will meet or exceed the cost savings calculations contained within the original proposal. The study report shall be reviewed and approved by the school district before the actual installation of any equipment. The qualified provider shall transmit a copy of the approved study report to the division of school facilities within the department of administration and the governor's office.
- D.** The information to develop the energy baseline shall be derived from historical energy costs or actual energy measurements or shall be calculated from energy measurements at the facility where energy cost savings measures are to be installed or implemented. The baseline shall be established before the installation or implementation of energy cost savings measures.
- E.** One or more school districts may enter into a financing agreement with a qualified provider or a financial institution, trustee or paying agent for the purchase and installation or implementation of energy cost savings measures. Any required financing may be obtained as part of the original competitive sealed proposal process from the qualified provider, or from a third-party financing institution that is procured separately in accordance with Articles 10 and 11.

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- F.** The selected qualified provider shall provide a performance bond in accordance with R7-2-1103(A)(1)(c).
- G.** The selected qualified provider shall make public the information in the subcontractor's bids.
- H.** The guaranteed energy cost savings contract shall include the following:
1. A requirement that, in determining whether the projected energy savings calculations have been met, the energy savings shall be computed by comparing the energy baseline before installation or implementation of the energy cost savings measures with the energy consumed after installation or implementation of the energy cost savings measures. The qualified provider and the school district may agree to make modifications to the energy baseline only for any of the following:
    - a. Changes in utility rates.
    - b. Changes in the number of days in the utility billing cycle.
    - c. Changes in the square footage of the facility.
    - d. Changes in the operational schedule of the facility.
    - e. Changes in facility temperature.
    - f. Significant changes in the weather.
    - g. Significant changes in the amount of equipment or lighting used in the facility.
    - h. Significant changes in the nature or intensity of energy use such as the change of classroom space to laboratory space.
  2. A payment schedule, with payments over a period of not more than the expected life of the energy cost savings measures implemented (according to the manufacturer's equipment standards), the term of the financial agreement or 25 years, whichever is shortest, except a school district may elect to use a shorter capital cost repayment schedule than required pursuant to this subsection.
  3. A requirement that all payments, except obligations on termination of the contract before its expiration, be made pursuant to the terms of the financing agreement.
  4. A written guarantee from the qualified provider that the energy savings will meet or exceed the costs of the energy cost savings measures over the expected life of the energy cost savings measures implemented (according to the manufacturer's equipment standards), the term of the financial agreement or 25 years, whichever is shortest, except a school district may elect to use a shorter capital cost repayment schedule than required pursuant to this subsection. The school district shall ensure that the contractor:
    - a. For the term of the guaranteed energy cost savings contract, prepares a measurement and verification report on an annual basis in addition to an annual reconciliation of savings.
    - b. Reimburses the school district for any shortfall of guaranteed energy cost savings on an annual basis.
    - c. Uses the international performance and measurement and verification protocol standards or the federal energy management program standards to validate the savings guarantee.
- I.** A school district may use a simplified energy performance contract for projects that are less than \$500,000. Simplified energy performance contracts are not required to include an energy savings guarantee and shall comply with all requirements in this Section except for subsections (D), (H)(1)(a) through (h) and (H)(4)(a) through (c).
- J.** This Section does not apply to the construction of new buildings.
- K.** For all projects under this Section, the school district shall report to the division of school facilities within the department of administration and the governor's office:
1. The name of the project.
  2. The name of the qualified provider.
  3. The total cost of the project.
  4. The expected energy cost savings and relevant escalators.
  5. The agreed-on baseline in the measurement and verification agreement in both kilowatt hours and dollars.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1). Amended by final exempt rulemaking at 27 A.A.R. 2342 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-1070. Guaranteed Energy Production Contracts**

- A.** A school district may procure a guaranteed energy production contract with a qualified provider through competitive sealed proposals in accordance with R7-2-1041 through R7-2-1050.
1. The request for proposals evaluation factors required by R7-2-1042(A)(1)(h) shall include objective criteria for selecting the qualified provider, including the guaranteed energy price, the guaranteed energy production, the quality of the technical approach, the quality of the project management plan, the financial solvency of the qualified provider and the experience of the qualified provider with projects of similar size and scope.
  2. Notwithstanding R7-2-1042(A)(1)(h), the request for proposals shall set forth the respective numerical weighting for each evaluation criterion.
  3. The school district may obtain any required financing as part of the original competitive sealed proposal process from the qualified provider, or from a third-party financing institution procured separately in accordance with Articles 10 and 11.
  4. When submitting a proposal for the installation of equipment, the qualified provider shall include information containing the guaranteed energy production associated with each proposed energy production measure. The school district shall review and approve this guarantee before the actual installation of any equipment. The qualified provider shall transmit a copy of the approved guarantee to the division of school facilities within the department of administration and the governor's office.
  5. A qualified provider is a person that is experienced in designing, implementing or installing energy cost savings measures, that has demonstrated technical, operational, financial and managerial capabilities to design and operate cost savings measures and projects and that has the financial ability to satisfy guarantees for guaranteed energy production, financial solvency and experience for projects of similar size and scope.
- B.** In selecting a contractor to perform any construction work related to performing the guaranteed energy production contract, the qualified provider may:
1. Develop and use a prequalification process for contractors.
  2. Require the contractor to demonstrate that the contractor is adequately bonded to perform the work and that the contractor has not failed to perform on a prior job.
- C.** A guaranteed energy production contract shall include a guaranteed energy price, and a written guaranteed energy production as measured on an annual basis over the expected life of

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the energy production measures implemented or within 25 years, whichever is shorter. The school district shall ensure that the contractor:

1. Prepares a measurement and verification report on an annual basis in addition to an annual reconciliation of any guaranteed energy production shortfall.
  2. Reimburses the school district for any guaranteed energy production shortfall on an annual basis by multiplying any energy production shortfall by either the difference between the guaranteed energy price and the effective utility rate, or an alternative method as mutually agreed on by the school district and the qualified provider.
- D.** The selected qualified provider shall provide a performance bond in accordance with R7-2-1103(A)(1)(c).
- E.** The selected qualified provider shall make public information in the subcontractor's bids.
- F.** For all projects under this Section, the school district shall report to the governor's office and the division of school facilities within the department of administration:
1. The name of the project.
  2. The name of the qualified provider.
  3. The total cost of the project.
  4. The expected guaranteed energy production and guaranteed energy price, including relevant escalators, if applicable, over the term of the guaranteed energy production contract.
- G.** For all projects under this Section, the school district shall annually report the actual energy production and guaranteed energy price to the division of school facilities within the department of administration no later than October 15.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 27 A.A.R. 2342 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**PART XII. GENERAL CONTRACT REQUIREMENTS****R7-2-1071. Reserved****R7-2-1072. Cancellation of Solicitations; Rejection of Bids and Proposals**

Each solicitation issued by the school district shall state that the solicitation may be canceled or bids or proposals rejected if it is advantageous to the school district.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

**R7-2-1073. Cancellation of Solicitation Before the Due Date and Time**

- A.** Before the due date and time, a solicitation may be canceled in whole or in part if the school district determines that cancellation is advantageous to the school district. The reasons for the cancellation shall be made part of the procurement file.
- B.** The school district shall notify in writing all persons to whom the original notice or solicitation was distributed by the school district. Notice shall be in the same manner as the original notice or solicitation, including posting on a designated site on the Internet, as applicable.
- C.** The school district shall not open bids or proposals after cancellation. The school district may discard the bid or proposal 30 days after notice is given in accordance with subsection (B), unless the bidder or offeror requests the bid or proposal be returned.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1074. Cancellation of Solicitation After Bid or Proposal Opening and Before Award**

- A.** After opening of bids or proposals but before award, a solicitation may be canceled in whole or in part if the school district determines that cancellation is advantageous to the school district. The reasons for the cancellation shall be made part of the procurement file.
- B.** The school district shall notify bidders or offerors of the cancellation in writing.
- C.** The school district shall retain bids or proposals received under the canceled solicitation in the procurement file. If the school district intends to issue another solicitation within six months after cancellation of the procurement, the school district shall withhold the bids or proposals from public inspection. After award of a contract under the subsequent solicitation, the school district shall make bids or proposals submitted in response to the canceled solicitation available for public inspection except for information determined to be confidential pursuant to R7-2-1006.
- D.** In the event of cancellation, the school district shall promptly return any bid security provided by a bidder or offeror.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1075. Rejection of Individual Bids and Proposals**

- A.** A bid or proposal may be rejected in whole or in part if:
1. The person responding to the solicitation is determined to be nonresponsible pursuant to R7-2-1076;
  2. It is nonresponsive or unacceptable;
  3. The proposed price is unreasonable; or
  4. It is otherwise not advantageous to the school district.
- B.** Bidders or offerors whose bids or proposals are rejected shall be notified. A record of the rejection shall be retained in the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1076. Responsibility of Bidders and Offerors**

- A.** The school district shall make a written determination that a bidder or offeror is responsible before awarding a contract to that bidder or offeror.
- B.** If the school district determines a bidder or offeror is nonresponsible, the school district shall promptly send a determination to the bidder or offeror stating the basis for the determination. The school district shall file a copy of the determination in the procurement file.
- C.** A finding of nonresponsibility shall not be construed as a violation of the rights of any person.
- D.** If the school district included specific responsibility criteria in the solicitation, such criteria shall be considered in determining if a bidder or offeror is responsible.
- E.** Factors to be considered in determining if a bidder or offeror is responsible may include:
1. The bidder or offeror's financial, material, personnel or other resources, including subcontracts;

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2. The bidder or offeror's record of performance and integrity;
  3. Whether the bidder or offeror has been debarred or suspended; and
  4. Whether the bidder or offeror is qualified legally to contract with the school district.
- F. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility shall be grounds for a determination of nonresponsibility with respect to the bidder or offeror.
- G. As required by A.R.S. § 41-2540(B), information furnished by a bidder or offeror pursuant to this Section shall not be disclosed outside of the school district without prior written consent by the bidder or offeror except to law enforcement agencies.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1077. Prequalification of Contractors for Materials, Services and Construction**

- A. Prospective contractors may be prequalified for particular types of materials, services and construction. Prospective contractors have a continuing duty to provide the school district with information on any material change affecting the basis of prequalification. Solicitation mailing lists of prospective contractors shall include the prequalified contractors.
- B. A prospective contractor need not be prequalified to be awarded a contract. Prequalification does not represent a determination of responsibility.
- C. The existence of a qualified product list pursuant to R7-2-1011(D) does not constitute prequalification of any prospective supplier of that product.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1078. Bid and Contract Security**

- A. Bid and performance bonds or other security may be required for material or service contracts to guarantee faithful bid and contract performance if the governing board determines that such requirement is advantageous to the school district. In determining the amount and type of security required for each contract, the governing board shall consider the nature of the performance and the need for future protection to the school district. The requirement for bonds or other security shall be included in the solicitation.
- B. Bid or performance bonds shall not be used as a substitute for a determination of bidder or offeror responsibility.
- C. If a bid or proposal is withdrawn at any time before bid or proposal opening, any bid security shall be returned to the bidder or offeror.
- D. After the contract is awarded, any bid security shall be returned to the unsuccessful bidders or offerors. Upon execution of the contract, if performance bonds or other security were not required, or upon receipt of the specified bonds, if performance bonds or other security were required, the school district shall return any bid security provided by the successful bidder or offeror.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,

effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1079. Cost or Pricing Data**

- A. The submission of current cost or pricing data may be required in connection with an award in situations in which analysis of the proposed price is essential to determine that the price is fair and reasonable. A contractor shall, except as provided in subsection (C), submit current cost or pricing data and shall certify that, to the best of the contractor's knowledge and belief, the cost or pricing data submitted is accurate, complete and current as of a mutually determined specified date before the date of either:
1. The pricing of any contract awarded by competitive sealed proposals or pursuant to the sole source procurement authority, if the total contract price is expected to exceed \$100,000.
  2. The pricing of any change order or contract modification which is expected to increase the total contract price which will then exceed \$100,000.
- B. Any contract, change order or contract modification for which certified cost or pricing data is required shall contain a provision that the price to the school district shall be adjusted to exclude any significant amounts by which the school district finds that the price was increased because the contractor-furnished cost or pricing data was inaccurate, incomplete or not current as of the date agreed on between the parties. Such adjustment by the school district may include profit or fee. The school district may reduce the contract price pursuant to R7-2-1081.
- C. The requirements of this Section may be waived if any of the following apply:
1. The contract price is based on adequate price competition.
  2. The contract price is based on established catalog prices or market prices.
  3. Contract prices are set by law or regulation.
  4. It is determined in writing by the school district that the waiver is advantageous to the school district. The determination shall include the reasons why the waiver is advantageous to the school district.
- D. When applicable, the solicitation shall include a notice that certified cost or pricing data shall be submitted.
- E. In an emergency, cost or pricing data may be submitted at a reasonable time after the contract is awarded.
- F. A copy of all determinations by the school district that pertain to the submission of cost or pricing data shall be retained in the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1080. Refusal to Submit Cost or Pricing Data**

- A. If the offeror fails to submit cost or pricing data in the required form, the school district may reject the proposal.
- B. If a contractor fails to submit data to support a price adjustment in the form required, the school district may:
1. Reject the price adjustment; or
  2. Set the amount of the price adjustment subject to the contractor's rights under R7-2-1141 through R7-2-1185.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.



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rected in Supp. 18-2.

**R7-2-1081. Defective Cost or Pricing Data**

- A. The school district may reduce the contract price if, upon determination, the cost or pricing data are defective.
- B. The contract price shall be reduced in the amount of the defect plus related overhead and profit or fee if the school district relied upon the defective data in awarding the contract.
- C. Any dispute as to the existence of defective cost or pricing data or the amount of an adjustment due to defective cost or pricing data may be appealed as a contract controversy under R7-2-1141 through R7-2-1185. Pending appeal, the adjusted contract price shall remain in effect.
- D. If certification of either current cost or pricing data is required, the awarded contract shall include notice of the right of the school district to a reduction in price if certified cost or pricing data are subsequently determined to be defective.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year cor-  
rected in Supp. 18-2.

**R7-2-1082. Right to Inspect Plant**

The school district may at reasonable times inspect the part of the plant or place of business of a contractor or any subcontractor which is related to the performance of any contract awarded or to be awarded by the school district.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

**R7-2-1083. Right to Audit Records**

- A. The school district may, at reasonable times and places, audit the books and records of any person who submits cost or pricing data as provided in R7-2-1079 to the extent that the books and records relate to the cost or pricing data. Any person who receives a contract, change order or contract modification for which cost or pricing data is required shall maintain the books and records that relate to the cost or pricing data for five years after completion of the contract.
- B. The school district is entitled to audit the books and records of a contractor or any subcontractor under any contract or subcontract to the extent that the books and records relate to the performance of the contract or subcontract. The books and records shall be maintained by the contractor for a period of five years after completion of the contract and by the subcontractor for a period of five years after completion of the subcontract.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year cor-  
rected in Supp. 18-2.

**R7-2-1084. Anticompetitive Practices**

- A. If for any reason collusion or other anticompetitive practices are suspected among any bidders or offerors, a notice or the relevant facts shall be transmitted to the governing board and the attorney general. This Section does not require a law enforcement agency conducting an investigation into such practices to convey such notice to the school district.
- B. Upon submitting a bid or proposal, the bidder or offeror shall certify on a form prescribed by the school district that the submission of the bid or proposal did not involve collusion or other anticompetitive practices.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year cor-  
rected in Supp. 18-2.

**R7-2-1085. Retention of Procurement Records**

All procurement records shall be retained and disposed of in accordance with records retention guidelines and schedules approved by the Arizona State Library, Archives and Public Records.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year cor-  
rected in Supp. 18-2.

**R7-2-1086. Record of Procurement Actions**

- A. The school district shall maintain a record listing all contracts made under R7-2-1053, Sole source procurements, or R7-2-1055, Emergency procurements, for a minimum of five years. The record shall contain:
  1. Each contractor's name.
  2. The amount and type of each contract.
  3. A listing of the materials, services or construction procured under each contract.
- B. The record shall be available for public inspection.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year cor-  
rected in Supp. 18-2.

**R7-2-1087. Contract Clauses**

- A. The school district shall include in solicitations and contracts all contract clauses necessary to ensure the school district's interests are addressed. The school district may modify clauses for inclusion in any particular school district contract, provided that any variations are supported by a written determination that states the circumstances justifying the variation and provided that notice of any material variation is stated in the solicitation.
- B. All contract clauses shall be consistent with the provisions of Articles 10 and 11.
- C. The school district may permit or require the inclusion of clauses providing for appropriate remedies, adjustments in prices, time of performance or other contract provisions.
- D. A contract for the procurement of construction or construction services shall include a provision for the recovery of damages related to expenses incurred by the contractor for a delay for which the school district is responsible, that is unreasonable under the circumstances and that was not within the contemplation of the parties to the contract. This subsection does not void any provision in the contract that requires notice of delays, provides for arbitration or any other procedure for settlement or provides for liquidated damages.
- E. A provision, covenant, clause or understanding in, collateral to or affecting a construction contract or design professional service contract that makes the contract subject to the laws of another state or that requires any litigation, arbitration or other dispute resolution proceeding arising from the contract to be conducted in another state is against the public policy of this state and is void and unenforceable.
- F. A provision or clause for contract termination in accordance with A.R.S. § 38-511. The school district may cancel the Contract within three years after Contract execution without penalty or further obligation if any person significantly involved

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in initiating, negotiating, securing, drafting, or creating the Contract on behalf of the school district is or becomes at any time while the Contract, or an extension of the Contract is in effect an employee of or a consultant to any party to the Contract with respect to the subject matter of the Contract. The cancellation shall be effective when the Contractor receives written notice of the cancellation unless the notice specifies a later time.

- G. A provision or clause for contract termination if it appears that any person has not complied with A.R.S. § 15-213(O). The school district or school purchasing cooperative may, by written notice, terminate the Contract, in whole or in part, if the school district or school purchasing cooperative determines that any person or vendor has offered, conferred or agreed to confer any personal gift or benefit on any employee of the school district or school purchasing cooperative who supervised or participated in the planning, recommending, selecting or contracting of the Contract.
- H. A provision or clause for contract termination for gratuities. The school district or school purchasing cooperative may, by written notice, terminate the Contract in whole or in part, if the school district or school purchasing cooperative determines that employment or a gratuity was offered or made by the Contractor or a representative of the Contractor to any officer or employee of the school district or school purchasing cooperative for the purpose of influencing the outcome of the procurement or securing the Contract, an amendment to the Contract, or favorable treatment concerning the Contract, including making of any determination or decision about contract performance.
- I. A covenant, clause or understanding in, collateral to or affecting a construction contract or subcontract or a design professional services contract or subcontract that purports to indemnify, to hold harmless or to defend the promisee of, from or against liability for loss or damage resulting from the negligence of the promisee or the promisee's agents, employees or indemnitee is against the public policy of this state and is void.
- J. If a design professional provides work, services, studies, planning, surveys or other preparatory work in connection with a public building or improvement, the school district or property owner may require that the design professional services contract or subcontract require the design professional to indemnify and hold harmless the school district or property owner, and its officers and employees, from liabilities, damages, losses and costs, including reasonable attorney fees and court costs, but only to the extent caused by the negligence, recklessness or intentional wrongful conduct of such design professional or other persons employed or used by such design professional in the performance of the contract or subcontract.
- K. A design professional services subcontract entered into in connection with a public building or improvement may also require any design professional to indemnify and hold harmless the school district or property owner and the indemnified design professional who executed the subcontract, and their respective owners, officers and employees, from liabilities, damages, losses and costs, including reasonable attorney fees and court costs, but only to the extent caused by the negligence, recklessness or intentional wrongful conduct of such design professional, or persons employed or used by the indemnifying design professional in connection with the subcontract.
- L. Nothing in this Section shall prohibit the requirement of insurance coverage that complies with this Section, including the designation of the school district or property owner as an additional insured on a general liability insurance policy or as a designated insured on an automobile liability policy provided in connection with a construction contract or subcontract or design professional services contract or subcontract.
- M. Notwithstanding subsection (I), a contractor who is responsible for the performance of a construction contract or subcontract may fully indemnify a person, firm, corporation, state or other agency for whose account the construction contract or subcontract is not being performed and that, as an accommodation, enters into an agreement with the contractor that permits the contractor to enter on or adjacent to its property to perform the construction contract or subcontract for others.
- N. Except as provided in subsections (J), (K) and (L), a design professional services contract or subcontract entered into in connection with a public building or improvement shall not require that a design professional defend, indemnify, insure or hold harmless the school district or property owner or its employees, officers, directors, agents, contractors or subcontractors from any liability, damage, loss, claim, action or proceeding, and any contract provision that is not permitted by subsections (J), (K) and (L) is against the public policy of this state and is void.
- O. If any provision or condition contained in this Section conflicts with any provision of a contract between the school district and the federal government, such provision shall not apply to any construction contract or subcontract, or design professional services contract or subcontract to the extent such conflict exists, but all provisions of this Section with which there is no such conflict, shall apply.
- P. In this Section:
  1. "Construction contract or subcontract" means a written or oral agreement relating to the construction, alteration, repair, maintenance, relocation, moving, demolition or excavation of a structure, street or roadway, appurtenance, facility, development, or other improvement to land.
  2. "Design professional services" means architect services, engineer services, land surveying services, geologist services or landscape architect services or any combination of those services performed by or under the supervision of a design professional or any person employed by the design professional.
  3. "Design professional services contract or subcontract" means a written or oral agreement relating to the planning, design, construction administration, study, evaluation, consulting, inspection, surveying, mapping, material sampling, testing or other professional, scientific or technical services furnished in connection with any actual or proposed study, planning, survey, environmental remediation, construction, improvement, alteration, repair, maintenance, relocation, moving, demolition or excavation of a structure, street or roadway, appurtenance, facility, development or other improvement to land.
  4. "Other persons employed or used" means a subcontractor to a contractor or design professional in any tier, or any other person or entity who performs work or design professional services, or provides labor, services, materials or equipment in connection with a construction contract or subcontract or design professional service contract or subcontract subject to this Section.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1,

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2020 (Supp. 20-1).

**R7-2-1088. Reserved****R7-2-1089. Reserved****R7-2-1090. Reserved****PART XIII. CONTRACT TYPES****R7-2-1091. Repealed****Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1092. Authority to Use Contract Types**

Subject to the limitations of this Section, any type of contract that would be advantageous to the school district may be used, except that the use of a cost-plus-a-percentage-of-cost contract is prohibited.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1093. Multiterm Contracts**

- A.** Unless otherwise provided by law, multiterm contracts for materials or services and contracts for job-order-contracting construction services may be entered into if the duration of the contract and the conditions of renewal or extension, if any, are included in the invitation for bids or the request for proposals and if monies are available for the first fiscal period at the time the contract is executed. The duration of contracts for materials or services and contracts for job-order-contracting construction services shall be limited to no more than five years unless the governing board determines in writing before the procurement solicitation is issued that a contract of longer duration would be advantageous to the school district. Payment and performance obligations for succeeding fiscal periods are subject to the availability and appropriation of monies.
- B.** Before the use of a multiterm contract, it shall be determined in writing by the governing board that:
  1. Estimated requirements cover the period of the contract and are reasonable and continuing.
  2. Such a contract will be advantageous to the school district by encouraging effective competition or otherwise promoting economies in school district procurement.
- C.** The school district shall include in all multiterm contracts a clause specifying that the contract shall be canceled if monies are not appropriated or otherwise made available to support the continuation of performance in a subsequent fiscal year.
- D.** If monies are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be canceled and the contractor may only be reimbursed for the reasonable value of any nonrecurring costs incurred but not amortized in the price of the materials or services delivered under the contract or which are otherwise not recoverable. The cost of cancellation may be paid from any appropriations available for such purposes.
- E.** A contract for specified professional services shall have a term not to exceed five years after the date of contract award by the school district of the first contract under the procurement, except that the contract may continue in effect after the five year term for projects on which the rendering of specified professional services commences within the five year term.

- F.** Notwithstanding this Section, contracts for auditors and auditing firms shall have a term as prescribed in A.R.S. § 15-213.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 24 A.A.R. 3283, effective October 22, 2018 (Supp. 18-4).

**R7-2-1094. Reserved****R7-2-1095. Reserved****R7-2-1096. Reserved****R7-2-1097. Reserved****R7-2-1098. Reserved****R7-2-1099. Reserved****ARTICLE 11. SCHOOL DISTRICT PROCUREMENT (CONTINUED)****PART XIV. PROCUREMENT OF CONSTRUCTION****R7-2-1100. Construction Project Delivery Methods**

- A.** For the design-bid-build project delivery method, the school district shall procure:
  1. Design services pursuant to R7-2-1117 through R7-2-1123, except as authorized by R7-2-1053 and R7-2-1055.
  2. Construction by competitive sealed bidding pursuant to R7-2-1021 through R7-2-1032 and R7-2-1102 through R7-2-1105, except as authorized by R7-2-1033, R7-2-1053, R7-2-1055, and R7-2-1101.
- B.** For construction-manager-at-risk, design-build and job-order-contracting project delivery methods, the school district shall procure construction services pursuant to R7-2-1102 through R7-2-1115.
- C.** For construction-manager-at-risk project delivery method, the school district shall purchase design services pursuant to R7-2-1117 through R7-2-1123.
- D.** For job-order-contracting project delivery method, the school district may include design services in the job-order-contracting construction services contract, but if the school district does not include design services in the contract, the school district shall procure any design services relating to construction services projects under the contract pursuant to R7-2-1117 through R7-2-1123.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1101. Qualified Select Bidders List**

- A.** The school district may use the qualified select bidders list method to determine the vendors who receive the notice of competitive sealed bidding for a construction contract. The qualified select bidders list shall be determined in accordance with this Section.
- B.** Sealed prime contractor or construction materials supplier statements of qualifications shall be solicited through requests for qualifications.
  1. Notice of the request for qualifications shall be given by the school district pursuant to R7-2-1022 and R7-2-1024(C).
  2. Requests for qualifications shall be issued at least 21 days before the due date and time for submission.

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3. Use of the qualified select bidders list shall be restricted to the specific project identified in the request for qualifications.
  4. The qualified select bidders list shall consist of at least three prime contractors when a contractor is solicited or three construction material suppliers when material suppliers are solicited.
  5. The qualified select bidders list for any specific project is valid for one year but may be extended for an additional year, at the option of the school district.
- C. The request for qualifications shall include the following:
1. Notice that all information and statements of qualifications submitted by persons will be made available for public inspection following the establishment of a qualified select bidders list.
  2. Instructions and information to persons concerning the statement of qualifications submission requirements, including the due date and time for submission, the address of the office at which the statements of qualifications are to be received, and any other special information.
  3. The anticipated evaluation period and selection of a qualified select bidders list.
  4. General information on the project site or sites, scope of work, schedule, evaluation criteria, project design and construction budget, or life cycle budget for a procurement that includes maintenance, operations, and finance services.
  5. The weight prescribed by the school district for each of the criteria to be used in making the evaluation.
  6. The criteria to be used in making the evaluation, which shall include at a minimum:
    - a. Person's capabilities and qualifications for performing the scope of work;
    - b. Person's project team, and key members' education, training and qualifications;
    - c. Method of approach, including subcontractor plan, safety plan;
    - d. Safety record and worker's compensation rate;
    - e. Projected construction schedule;
    - f. Current workload;
    - g. Five most recent representative examples of similar work along with references for each example;
    - h. Current bonding availability and capacity;
    - i. Any judgment or liens against the person within the last three years;
    - j. Any current unresolved bond claims against the person;
    - k. Any deficiency orders issued against the prime contractor by the Arizona Registrar of Contractors within the last three years; and
    - l. Any filing under the United States Bankruptcy Code, assignments for the benefit of creditors, or other measures taken for the protection against creditors during the last three years.
  7. The type of contract to be used.
  8. The name of the district representative or district representatives.
  9. The expiration date of the qualified select bidders list if less than one year.
  10. A statement that the school district reserves the right to conduct interviews as part of the evaluation process.
  11. The date, time and location of any pre-submittal conference.
- D. The school district may conduct a pre-submittal conference not less than 14 days prior to the statement of qualifications due date and time for the purposes of explaining the requirements of the request for qualifications.
- E. Amendments to request for qualifications.
1. An amendment to a request for qualifications shall be issued if necessary to do any of the following:
    - a. Make changes in the request for qualifications;
    - b. Correct defects or ambiguities;
    - c. Furnish to persons information given to any other person, if the information will assist the persons in submitting their statements of qualifications or if the lack of the information will prejudice the persons;
    - d. Provide additional information or instructions; or
    - e. Extend the due date and time if the school district determines that an extension is advantageous to the school district.
  2. Amendments to a request for qualifications shall be so identified and the school district shall ensure that the amendments are distributed or made available to all persons to whom the original request for qualifications was distributed or made available. The school district shall make a copy of the amendments to a request for qualifications available for public inspection at the school district office. If the school district posted the request for qualifications or a notice of the availability of a request for qualifications on a designated site on the Internet, then the school district shall post any amendments to the request for qualifications on the same designated site on the Internet. The school district shall also do one or more of the following:
    - a. Distribute the amendment, by any method reasonably calculated to ensure delivery, to all persons to whom the request for qualifications was distributed;
    - b. Make the amendment available and issue a notice of amendment which contains instructions for obtaining copies of the amendment. The notice of amendment shall be distributed, by any method reasonably calculated to ensure delivery, to all persons to whom the request for qualifications was distributed. Upon receipt of such notice of amendment, it is the responsibility of the person to obtain the amendment.
  3. Amendments to request for qualifications shall be issued within a reasonable time before the due date and time to allow persons to consider them in preparing their statements of qualifications. If the school district determines that the due date and time in the request for qualifications does not permit sufficient time for statement of qualifications preparation, the due date and time shall be extended in the amendment or, if necessary, by telephone, facsimile, email, or other communications methods, and confirmed in the amendment.
  4. A person shall acknowledge receipt of an amendment in the manner specified in the request for qualifications or the amendment on or before the due date and time.
- F. Pre-submittal modification or withdrawal of statements of qualifications
1. A person may modify or withdraw a statement of qualifications in writing at any time before the prescribed due date and time if the modification or withdrawal is received before the due date and time at the location designated in the request for qualifications for receipt of statements of qualifications.
  2. All documents concerning a modification or withdrawal of a statement of qualifications shall be retained in the procurement file.

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- G.** Late statements of qualifications, late withdrawals and late modifications
1. A statement of qualifications, modification or withdrawal is late if it is received at the location designated in the request for qualifications for receipt of statements of qualifications after the due date and time.
  2. A late statement of qualifications, late modification, or late withdrawal shall be rejected, unless the statement of qualifications, modification or withdrawal would have been timely received but for the action or inaction of school district personnel and is received before the qualified select bidders list is established.
  3. Upon receiving a late statement of qualifications, late modification, or late withdrawal, the school district shall record the time and date of receipt and promptly send notice of late receipt to the person. The school district may discard the document 30 days after the date on the notice unless the person requests the document be returned.
  4. All documents concerning acceptance of a late statement of qualifications, late modification, or late withdrawal shall be retained in the procurement file.
- H.** Receipt, opening and recording statements of qualifications
1. A school district shall maintain a record of statements of qualifications and modifications received for each solicitation, shall record the time and date when each statement of qualifications or modification is received, and shall store each unopened statement of qualifications or modification in a secure place until the due date and time.
    - a. If required to confirm a vendor's inquiry regarding receipt of its statement of qualifications prior to the due date and time, a school district may open a statement of qualifications to identify the vendor. If this occurs, the school district shall record the reason for opening the statement of qualifications, the date and time the statement of qualifications was opened, and the solicitation number. The school district shall secure the statement of qualifications and retain it for public opening.
    - b. One or more witnesses shall be present for the opening of a statement of qualifications under subsection (H)(1)(a).
  2. Statements of qualifications and modifications shall be opened publicly at the date, time and location designated in the request for qualifications in the presence of one or more witnesses. The name of each person and any other relevant information deemed appropriate by the school district shall be recorded. The person opening the statements of qualifications and all witnesses shall sign the record.
    - a. The record created in subsection (H)(2) shall be available for public inspection.
    - b. The statements of qualifications shall not be open for public inspection until after the qualified select bidders list has been established.
- I.** Establishing the qualified select bidders list.
1. The qualified select bidders list shall be established by determining the highest rated persons from the statements of qualifications received. This will be a minimum of three and a maximum of five.
  2. For each qualified select bidders list process there will be established by the school district an evaluation committee composed of five members. These members shall include the project designer or construction material specifier, one member from the prime contracting or construction material supplier community that performs commensurate level work and is disinterested in this project, a school district facilities representative and two other members as designated by the school district.
- J.** Terminating the process for insufficient response or selection
1. In the event that less than three statements of qualifications are received, this procurement process shall cease and the school district may elect to reissue the request for qualifications or pursue other procurement methods.
  2. In the event that less than three persons are identified by the selection committee as being the most highly qualified, this procurement process shall cease and the school district may elect to reissue the request for qualifications or pursue other procurement methods.
3. The evaluation committee shall review and score each statement of qualifications received according to the established evaluation criteria. The committee shall rank the statements of qualifications in accordance with the scores.
  4. The committee may conduct interviews before making the final determination of the qualified select bidders list. The committee shall document the interviews in writing.
  5. The committee shall select at least three and not more than five of the highest scoring persons for the qualified select bidders list.
  6. The district representative shall review the committee's qualified select bidders list. The district representative shall:
    - a. Accept the list as submitted;
    - b. Return the list for additional committee review;
    - c. Reject the list and terminate the process.
  7. A one-year eligibility period for the qualified select bidders list shall begin on the date the district representative accepts it. The qualified select bidders list may be extended one year at the option of the school district.
  8. Once the qualified select bidders list is established, a written notice of the selected persons shall be sent to all the persons that submitted statements of qualifications.
  9. After the establishment of the qualified select bidders list, a written record showing the basis for determining the qualified select bidders list shall be prepared by the district representative and retained in the procurement file. Within 10 days after the qualified select bidders list has been established, the school district shall make the procurement file, including all statements of qualifications, available for public inspection.
    - a. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection.
    - b. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.
  10. The qualified select bidders shall be provided an invitation for bids in accordance with R7-2-1024 to R7-2-1032. For any projects not identified in the request for qualifications, the school district may not solicit bids on those projects under the qualified select bidders list either in the initial one-year period or the one-year extension period.
  11. The project identified in the request for qualifications shall have invitation for bids issued within the initial one-year period, or in the one-year extension period, to be awarded a contract under that qualified select bidders list.

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- K. A copy of the request for qualifications shall be made available for public inspection at the school district office.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1102. Bid Security**

- A. Bid security shall be required for all competitive sealed bidding for construction contracts, and for all competitive sealed proposals for design-build construction services or job-order-contracting construction services procured pursuant to R7-2-1111, if the price, excluding the cost of any finance services, maintenance services, operations services, design services, preconstruction services, or other related services included in the contract, is estimated by the school district to exceed the amount established by R7-2-1002(A).
- B. Invitations for bid on school district construction contracts and requests for proposals for design-build construction services or job-order-contracting construction services, shall require submission of bid security as follows:
1. For design-bid-build construction services, ten percent of the contractor's bid.
  2. For design-build construction services awarded by competitive sealed proposals pursuant to R7-2-1111, ten percent of the school district's construction budget for the project as stated in the request for proposals, excluding finance services, maintenance services, operations services, design services, preconstruction services or any other related services included in the contract.
  3. For job-order-contracting construction services awarded by competitive sealed proposals pursuant to R7-2-1111, the amount prescribed by the school district in the request for proposals, but not more than ten percent of the school district's reasonably estimated budget for construction that the school district believes is likely to actually be done during the first year under the contract, excluding any finance services, maintenance services, operations services, design services, preconstruction services or other related services included in the contract.
- C. Acceptable bid security shall be limited to:
1. An annual or one-time bid bond executed and furnished as required by A.R.S. Title 34, Chapter 2 or 6, as applicable; or
  2. A certified check.
- D. The school district may issue a written determination to accept the bid security if the bid security fails to comply in a nonsubstantial manner when:
1. Only one bid or proposal is received and there is not sufficient time to rebid or resolicit proposals;
  2. The amount of the bid security submitted, although less than the amount required by the invitation for bids or request for proposals, is equal to or greater than the difference between the apparent low bid or highest scoring proposal and the next higher acceptable bid or next highest scoring proposal; or
  3. The bid security is inadequate as a result of modifying or correcting a bid in accordance with R7-2-1027 or R7-2-1030, if the bidder increases the amount of security to required limits within two days after notification.
- E. After the bids and proposals are opened, they are irrevocable for the period specified in the invitation for bids or request for proposals, except as provided in R7-2-1030. If a bidder or

offeror is permitted to withdraw its bid before award, no action may be had against the bidder or offeror or the bid security.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1103. Contract Performance and Payment Bonds**

- A. The following bonds or security is required and is binding on the parties to the contract if the value of a construction or construction services award exceeds the amount established by R7-2-1002(A):
1. A performance bond that is executed and furnished as required under Arizona Revised Statutes Title 34, Chapter 2, Article 2 or Chapter 6, as applicable, in an amount equal to 100 percent of the price specified in the contract conditioned on the faithful performance of the contract in accordance with the plans, specifications and conditions of the contract, except that:
    - a. For job-order-contracting construction services, the performance bond shall cover the full amount of construction under the job-order-contracting construction services contract, shall not include any design services, preconstruction services, finance services, maintenance services, operations services or other related services included in the contract, may be a single bond for the full term of the contract, a separate bond for each year of a multiyear contract or a separate bond for each job order, as determined by the school district, and, if a single bond for the full term of the contract or a separate bond for each year of a multiyear contract, shall initially be based on the school district's reasonable estimate of the amount of construction that the school district believes is likely to actually be done during the full term of the contract or during the particular year of a multiyear contract, as applicable.
    - b. For construction-manager-at-risk construction services and design-build construction services, the amount of the performance bond shall be the price of construction and shall not include the cost of any design services, preconstruction services, finance services, maintenance services, operations services and other related services included in the contract. This bond is solely for the protection of the school district. The conditions and provisions of the performance bond regarding the surety's obligations shall follow the form required under A.R.S. § 34-222(G) or A.R.S. § 34-610(G), as applicable.
    - c. For guaranteed energy cost savings contracts and guaranteed energy production contracts, the amount of the performance bond shall be one hundred percent of the project amount to the school district for its faithful performance of the equipment installation.
  2. A payment bond that is executed and furnished as required by Arizona Revised Statutes Title 34, Chapter 2, Article 2 or Chapter 6, as applicable, in an amount equal to one hundred percent of the price specified in the contract for the protection of all persons supplying labor or material to the contractor or its subcontractors for the performance of the construction provided for in the contract, except that:

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- a. For job-order-contracting construction services, the payment bond shall cover the full amount of construction under the job-order-contracting construction services contract, shall not include any design services, preconstruction services, finance services, maintenance services, operations services or other related services included in the contract, may be a single bond for the full term of the contract, a separate bond for each year of a multiyear contract or a separate bond for each job order, as determined by the school district, and, if a single bond for the full term of the contract or a separate bond for each year of a multiyear contract, shall initially be based on the school district's reasonable estimate of the amount of construction that the school district believes is likely to actually be done during the full term of the contract or during the particular year of a multiyear contract, as applicable.
  - b. For construction-manager-at-risk construction services and design-build construction services, the amount of the payment bond shall be the price of construction and shall not include the cost of any design services, preconstruction services, finance services, maintenance services, operations services or other related services included in the contract. The conditions and provisions of the payment bond regarding the surety's obligations shall follow the form required under A.R.S. § 34-222(F) or A.R.S. § 34-610(F), as applicable.
- B.** For design-bid-build construction, the bonds prescribed in subsection (A) shall be provided on and at the same time as execution of the construction contract. For construction-manager-at-risk, design-build and job-order-contracting construction services, the bonds prescribed in subsection (A) shall be provided only on and at the same time as execution of a contract or contract modification that commits the contractor to provide construction for a fixed price, guaranteed maximum price or other fixed amount within a designated time frame.
- C.** If the prime contract or specifications require any persons supplying labor or materials in the prosecution of the work to furnish payment or performance bonds, these bonds shall be executed solely by a surety company or companies holding a certificate of authority to transact surety business in this state issued by the director of the Department of Insurance pursuant to Arizona Revised Statutes Title 20, Chapter 2, Article 1. Notwithstanding the provisions of any other statute, the bonds shall not be executed by an individual surety or sureties, even if the requirements of A.R.S. § 7-101 are satisfied.
- D.** If a contractor fails to deliver the required performance bond or payment bond, the contractor's bid shall be rejected, its bid security shall be enforced, and award of the contract shall be made pursuant to Articles 10 and 11.
- E.** This Section shall not be construed to limit the authority of the school district to require a performance bond or other security in addition to those bonds or in circumstances other than specified in subsection (A).
- F.** Any person who furnishes labor or material to the contractor or its subcontractors for the work provided in the contract, in respect of which a payment bond is furnished under this Section, and who has not been paid in full within 90 days from the date on which the last of the labor was performed or material was supplied by the person for whom the claim is made has the right to sue on the payment bond for any amount unpaid at the time the suit is instituted and to prosecute the action for the amount due the person. However, any person who has a contract with a subcontractor of the contractor, but no express or

implied contract with the contractor furnishing the payment bond, has a right of action on the payment bond on giving the contractor, only, a written preliminary 20-day notice as provided for in A.R.S. § 33-992.01, subsection (C)(1), (2), (3), and (4) and subsections (D), (E), and (H), and upon giving written notice to the contractor within 90 days from the date on which the last of the labor was performed or material was supplied by the person for whom the claim is made. The person shall state in the notice the amount claimed and the name of the party for whom the labor was performed or to whom the material was supplied. The notice shall be personally served or sent by registered mail, postage prepaid, in an envelope addressed to the contractor at any place the contractor maintains an office or conducts business.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. The term "one hundred" was changed to "100" to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-1104. Contract Payment Retention and Substitute Security**

- A.** Ten percent of all construction contract payments shall be retained by the school district as insurance of proper performance of the contract or, at the option of the contractor, a substitute security may be provided by the contractor pursuant to this Section. The contractor is entitled to all interest from any such substitute security. When the contract is fifty percent completed, one-half of the amount retained or securities substituted pursuant to this Section shall be paid to the contractor upon the contractor's request provided the contractor is making satisfactory progress on the contract and there is no specific cause or claim requiring a greater amount to be retained. After the contract is fifty percent completed, no more than five percent of the amount of any subsequent progress payments made under the contract shall be retained providing the contractor is making satisfactory progress on the project, except if at any time the governing board determines satisfactory progress is not being made, ten percent retention shall be reinstated for all progress payments made under the contract subsequent to the determination.
- B.** Notwithstanding subsection (A), there shall be no retention for job-order-contracting construction services contracts. The school district may elect to have no retention for construction-manager-at-risk and design-build construction services contracts. If the school district elects to have retention, then payment retention for construction-manager-at-risk and design-build contracts shall be in accordance with this Section.
- C.** Retention applies only to amounts payable for construction and does not apply to amounts payable for design services, preconstruction services, finance services, maintenance services, operations services, or any other related services included in the contract.
- D.** The form of substitute security is limited to the following:
1. An assignment of time certificates of deposit by financial institutions licensed by this state;
  2. Share certificate of a financial institution or credit union authorized to transact business in this state; or
  3. Security issued or guaranteed as to principal and interest by:
    - a. The United States;
    - b. The state;
    - c. Counties, municipalities and school districts within this state.

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- E. Conditions for use of substitute security.
1. A contractor may submit substitute security to replace contract payment retention if:
    - a. The use of substitute security is requested of the school district or designee for work performed under the contract. The contractor shall have the option of submitting the substitute security:
      - i. Prior to each progress payment in an amount of no less than five percent of each progress payment; or
      - ii. Once, prior to the first progress payment in an amount no less than five percent of the total contract amount.
    - b. The interest earned on such security shall accrue to the benefit of the contractor, but shall be retained until the school district has approved completion and acceptance of all work to be performed under the contract;
    - c. The term of such security shall not mature until after the estimated contract completion date; and
    - d. The security shall mature no later than one year after the estimated contract completion date.
  2. The substitute security shall not be released without written approval by the school district.
  3. A contractor may submit a single substitute security for more than one project provided that:
    - a. The amount of such security is sufficient to cover the aggregate retention amount;
    - b. The school district determines that such single substitute security is advantageous to the school district; and
    - c. Such security complies with the requirements of subsection (E)(1).
- F. Any retention shall be paid or substitute security shall be returned to the contractor within 60 days after final completion and acceptance of work under the contract. Retention of payments by a school district longer than 60 days after final completion and acceptance requires a specific written finding by the governing board of the reasons justifying the delay in payment. No school district may retain any monies after 60 days which are in excess of the amount necessary to pay the expenses the governing board reasonably expects to incur in order to pay or discharge the expenses determined in the finding justifying the retention of monies.
- G. The school district shall not accept any substitute security unless accompanied by a signed and acknowledged waiver of any right or power of the obligor to set off any claim against either the school district or the contractor in relationship to the security assigned. In any instance in which the school district accepts substitute security as provided in this Section, any subcontractor undertaking to perform any part of the contract is entitled to provide such security to the contractor.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1105. Progress Payments**

- A. Progress payments may be made by the school district to the contractor on the basis of a duly certified and approved estimate of the work performed during the preceding month if the contractor agrees to adhere to the provisions of A.R.S. § 41-2577(B), (D), and (F). Payment shall be made within 14 days after the estimate of the work is certified and approved, except that a percentage of all estimates shall be retained as provided

in R7-2-1104. The estimate of the work shall be deemed received by the school district on submission of the estimate of the work to the school district or a person designated by the school district for the submission, review or approval of the estimate of the work. An estimate of the work submitted under this Section shall be considered approved and certified after seven days from the date of submission unless before that time the school district or designee prepares and issues a specific written finding detailing those items in the estimate of the work that are not approved and certified under the contract or design professional service contract. The school district may withhold an amount from the progress payment sufficient to pay the expenses the school district reasonably expects to incur in correcting the deficiency set forth in the written finding. No contract for construction or design professional service contract may materially alter the rights of any contractor, subcontractor, design professional or material supplier to receive prompt and timely payment as provided under this Section. On completion and acceptance of separate divisions of the contract or design professional service contract on which the price is stated separately in the contract, payment may be made in full including retained percentages, less deductions, unless a substitute security has been provided pursuant to R7-2-1104.

- B. Progress payments pursuant to subsection (A) are authorized for construction services and design professional services contracts. The requirements of subsection (A) apply only to amounts payable in a construction services contract for construction and in a contract for design services and do not apply to amounts payable in a contract for preconstruction services, finance services, maintenance services, operations services or any other related services included in the contract.
- C. A subcontractor or design professional may notify the school district, in writing, requesting that the subcontractor or design professional be notified by the school district in writing within five days from payment of each progress payment made to the contractor. The subcontractor's or design professional's request remains in effect for the duration of the subcontractor's or design professional's work on the project.
- D. If any payment to a contractor is delayed after the date due, interest shall be paid at the rate of one percent per calendar month, or a fraction of a calendar month, on such unpaid balance as may be due.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1106. Procurement of Construction Using Alternative Project Delivery Methods**

- A. A school district may use an alternative project delivery method if it determines in writing that such alternative project delivery method is advantageous to the school district. The following factors may be used for such determination:
1. Cost and cost control method;
  2. Value engineering;
  3. Market conditions;
  4. Schedule;
  5. Required specialized expertise;
  6. Technical complexity of the project; or
  7. Project management.
- B. Use of alternative project delivery methods



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1. Alternative project delivery methods for construction services shall be procured as provided in R7-2-1100.
2. For design-build construction services and construction-manager-at-risk construction services, the school district is limited to one contract per procurement.
  - a. Alternatively, for construction-manager-at-risk construction services, a school district may elect separate contracts for preconstruction services during the design phase, for construction during the construction phase and for any other construction services.
  - b. Alternatively, for design-build construction services, a school district may elect separate contracts for preconstruction services and design services during the design phase, for construction and design services during the construction phase and for any other construction services.
  - c. If the school district enters into the first contract for preconstruction services or construction services the procurement ends. After execution of that first contract the school district may not use the procurement or the existing final list in the procurement as the basis for entering into a contract with any other person that participated in the procurement.
3. For job-order-contracting construction services, the school district may award a single contract, or multiple contracts for similar job-order-contracting construction services to be awarded to separate persons. If the school district enters into the number of contracts specified under the request for qualifications, the procurement ends. After that time the school district may not use the procurement or any existing final list in the procurement as the basis for entering into a contract with any other person that participated in the procurement.
4. All construction-manager-at-risk construction services or design-build construction services included in a procurement shall be limited to construction services to be performed at a single location, a common location or, if the construction services are all for a similar purpose, multiple locations. For construction-manager-at-risk construction services and design-build construction services to be performed at multiple locations:
  - a. At the time the request for qualifications is issued, the school district shall intend to commence all construction at each location within thirty months after execution of the first contract for preconstruction services or other construction services at any of the locations.
  - b. The request for qualifications shall include the information described in R7-2-1108(B)(2).
5. The school district and the selection committee shall not request or consider fees, price, man-hours or any other cost information at any point in the selection process under this Section and R7-2-1107, R7-2-1108, R7-2-1110, and R7-2-1111, including the selection of persons to be interviewed, the selection of persons to be on the final list, in determining the order of preference of persons on the final list or for any other purpose in the selection process, except as provided in R7-2-1110(D) and R7-2-1111.
6. In determining the persons to participate in any interviews, in determining the persons to be on the final list, and in determining the order on the final list, the selection committee shall use and consider only the criteria and weighting of criteria in the request for qualifications. No other factors or criteria may be used in the evaluation, determinations and other actions.
7. Notwithstanding any other provision specifying the number of persons to be interviewed, the number of persons to be on a final list, or any other numerical specification in R7-2-1106 through R7-2-1115:
  - a. If a smaller number of persons respond to the request for qualifications or if one or more persons drop out of the procurement so there is a smaller number of persons participating in the procurement, the school district, as the school district determines necessary and appropriate, may elect to proceed with the participating persons if there are at least two participating responsive and responsible persons. Alternatively, the school district may elect to terminate the procurement.
  - b. As to a request for qualifications to be negotiated pursuant to R7-2-1110(D), if only one responsive and responsible person responds to the request for qualifications or if one or more persons drop out of the procurement so that only one responsive and responsible person remains in the procurement, the school district may elect to proceed with the procurement with only one person if the governing board determines in writing that the negotiated fee is fair and reasonable and that either other prospective persons had reasonable opportunity to respond or there is not adequate time for a resolicitation.
  - c. If a person on the final list withdraws or is removed from the procurement and the selection committee determines that it is advantageous to the school district, the selection committee may replace that person on the final list with another person that submitted qualifications in the procurement and that is selected as the next most qualified.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1107. Selection Committee**

- A. The school district shall initiate an appropriately qualified selection committee for each request for qualifications. The school district shall ensure that selection committee members are competent to serve on the selection committee.
- B. Each selection committee shall include at least one school district representative appointed by the school district.
- C. The selection committee shall not have more than seven members and shall include at least one person who is a senior management employee of a licensed contractor and one person who is an architect or an engineer who is registered pursuant to A.R.S. § 32-121.
- D. Non-school district employees serving on a selection committee shall not receive compensation from the school district for performing this service, but the school district may elect to reimburse non-school district members for travel, lodging and other expenses incurred in connection with service on a selection committee.
- E. A person who is a member of a selection committee shall not be a contractor or subcontractor under a contract awarded under the procurement or provide any specified professional services, construction, construction services, materials or other services under the contract.
- F. For the procurement of multiple contracts for job-order-contracting, the same selection committee shall be used for all contracts in the procurement.

**Historical Note**

New Section made by final exempt rulemaking at 21

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A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1108. Request for Qualifications**

- A.** Notice of the need for construction services shall be given by the school district pursuant to R7-2-1022 and R7-2-1024(C). Such notice shall be issued not less than 14 days in advance of when responses shall be received. The notice shall:
1. Contain a statement of the construction services required that adequately describes the procurement and specifies how a request for qualifications containing specific information on the procurement may be obtained;
  2. Specify whether the procurement is for a single contract or, for job-order-contracting construction services only, for multiple contracts; and
  3. If the procurement is for multiple job-order-contracting construction services contracts:
    - a. Specify that multiple contracts may or will be awarded;
    - b. Specify the number of contracts that may or will be awarded; and
    - c. Describe the construction services to be performed under each contract.
- B.** The request for qualifications shall include the following:
1. Instructions and information to persons concerning the statement of qualifications submission requirements, including the due date and time for receipt of statements of qualifications, the address of the office at which the statements of qualifications are to be received, and any other special information.
  2. In a procurement of construction-manager-at-risk construction services or design-build construction services to be performed at multiple locations, include:
    - a. A brief description of the construction services to be performed at each location;
    - b. The estimated budget for the construction services to be performed at each location; and
    - c. A schedule for the construction services to be performed at each location that shows the school district's intent to commence all construction at each location within thirty months after execution of the first contract for preconstruction services or other construction services at any of the locations.
  3. General information on the project site, scope of work, schedule, selection criteria, project design and construction budget, or life cycle budget for a procurement that includes maintenance, operations, and finance services.
  4. The criteria and the weight prescribed by the school district for each of the criteria to be used in making the evaluation.
    - a. All selection criteria shall be factors that demonstrate competence and qualifications for the type of construction services included in the procurement.
    - b. One of the criteria shall be the person's subcontractor selection plan or procedures to implement the school district's subcontractor selection plan.
    - c. If interviews will be held, state the selection criteria and relative weights to be used in selecting the persons to be interviewed. The request for qualifications may state the selection criteria and relative weights to be used in selecting the persons on the final list and in determining their order on the final list. The final list selection criteria and relative weights may be different than the selection criteria and relative weights used to determine the persons to be interviewed. The request for qualifications also shall state whether the school district will select the persons on the final list and their order on the final list solely through the results of the interview process or through the combined results of both the interview process and the evaluation of statements of qualifications and performance data submitted in response to the school district's request for qualifications.
  - d. If interviews will not be held, state the selection criteria and relative weights to be used in selecting the persons on the final list and in determining their order on the final list.
  5. Whether one contract or multiple contracts may or will be awarded.
    - a. For design-build construction services, construction-manager-at-risk construction services, and a single contract for job-order-contracting construction services, state that one person may or will be awarded the contract.
    - b. For multiple contracts for similar job-order-contracting construction services, state the number of contracts that may or will be awarded, the job-order-contracting construction services to be performed under each of the contracts, and that each of the multiple contracts will be awarded to a separate person.
  6. In a procurement where the contract is to be negotiated under R7-2-1110(D):
    - a. State that there will be a single final list of at least three and not more than five persons for a design-build, construction-manager-at-risk, or single job-order-contracting construction services award.
    - b. In a procurement for multiple contracts for similar job-order-contracting construction services to be awarded to separate persons, state that there will be a single final list and the number of persons on the final list, which shall be the sum of the number of contracts that may or will be awarded, plus another number that is determined by the school district and that is not more than five.
  7. In a procurement in which the contract will be awarded under R7-2-1111:
    - a. State that there will be a single final list and that the number of persons on the final list will be three for a design-build or single job-order-contracting construction services award.
    - b. In a procurement for multiple contracts for similar job-order-contracting construction services to be awarded to separate persons, state that there will be a single final list and the number of persons on the final list, which shall be the sum of the number of contracts that may or will be awarded, plus another number that is determined by the school district and that is not more than five.
  8. The type of contract to be used.
  9. The name of the district representative or district representatives and the publicly available location of the school district's protest policy and procedures.
  10. If the school district will hold interviews as part of the selection process:
    - a. State that interviews will be held and that the interviews will be with at least three and not more than five persons for a design-build, construction-manager-at-risk, or single job-order-contracting construction services procurement.
    - b. In a procurement for multiple contracts for similar job-order-contracting construction services to be awarded to separate persons, state that interviews

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will be held and that the interviews will be with a specified number of persons. The specified number shall be stated in the request for qualifications, shall be determined by the school district and shall be the sum of the number of contracts that may or will be awarded, plus another number that is determined by the school district and that is not more than five.

11. The manner in which subcontractors shall be selected, either:
  - a. A requirement that each person submit a proposed subcontractor selection plan and a requirement that the proposed subcontractor selection plan shall select subcontractors based on qualifications alone or on a combination of qualifications and price and shall not select subcontractors based on price alone; or
  - b. A subcontractor selection plan adopted by the school district that applies to the person that is selected to perform the construction services and that requires subcontractors to be selected based on qualifications alone or on a combination of qualifications and price and not based on price alone and a requirement that each person shall submit a description of the procedures it proposes to use to implement the school district's subcontractor selection plan.
12. Notice that all information and statements of qualifications submitted by persons will be made available for public inspection after the school district has entered into a single contract or all of the multiple contracts.
- C. A copy of the request for qualifications shall be made available for public inspection at the school district office.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1109. Receipt and Opening of Statements of Qualifications, Technical Proposals and Price Proposals for Design-build and Job-order-contracting**

- A. Statements of qualifications, technical proposals and price proposals shall be received and opened in accordance with R7-2-1045. Late statements of qualifications, proposals, modifications, or withdrawals shall be considered in accordance with R7-2-1044 and R7-2-1049.
- B. A school district may cancel a request for qualifications or a request for proposals, reject in whole or in part any or all statements of qualifications or proposals or determine not to enter into a contract as specified in the solicitation if it is advantageous to the school district. The school district shall make the reasons for cancellation, rejection or determination not to enter into a contract part of the procurement file.

**Historical Note**

New Section made by exempt rulemaking at 13 A.A.R. 1266, effective February 26, 2007 (Supp. 07-1). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1110. Committee Evaluation and Contract Award**

- A. If interviews are specified in the request for qualifications:
  1. The selection committee shall determine the persons to be interviewed by evaluating the statements of qualifications and performance data submitted based solely on the selection criteria and relative weights in the request for

qualifications to be used to determine the persons to be interviewed.

2. If the selection criteria and relative weights to be used by the selection committee to select the persons on the final list and to determine their order on the final list are not included in the request for qualifications:
  - a. Before the interviews are held the school district shall distribute to the persons to be interviewed the selection criteria and relative weights to be used to select the persons on the final list and to determine their order on the final list.
  - b. These selection criteria and relative weights may be different than the selection criteria and relative weight used to determine the persons to be interviewed.
3. The selection committee shall conduct interviews with the number of persons specified in the request for qualifications.
- B. Based solely on the selection criteria and relative weights for selection of the persons on the final list and their order on the final list, the selection committee shall select the persons for the final list and, in the case of a final list for a contract that will be negotiated under subsection (D), rank the persons in order of preference.
- C. The school district shall make the following notifications regarding the final lists:
  1. If the contract will be negotiated under subsection (D) before or at the same time as the school district notifies the highest ranking person on the final list that it is the highest ranking person, the school district shall send actual notice to each of the following that it is not the highest ranking person or that another person is the highest ranking person:
    - a. If interviews were held, the other persons interviewed.
    - b. If interviews were not held, the other persons that made submittals.
  2. If the contract will be awarded under R7-2-1111, before or at the same time as the school district notifies the persons on the final list that they are on the final list, the school district shall send actual notice to each of the following persons that they are not on the final list or that other persons are on the final list:
    - a. If interviews were held, the other persons interviewed.
    - b. If interviews were not held, the other persons that made submittals.
- D. The school district shall conduct negotiations with persons on the final list as follows:
  1. The negotiations shall include consideration of compensation and other contract terms that the school district determines to be fair and reasonable to the school district. In making this decision, the school district shall take into account the estimated value, the scope, the complexity and the nature of the construction services to be rendered.
  2. If the procurement is for a single contract, there is one final list and the school district shall enter into negotiations with the highest qualified person on the final list. If the school district is not able to negotiate a satisfactory contract with the highest qualified person on the final list, at compensation and on other contract terms the school district determines to be fair and reasonable, the school district shall formally terminate negotiations with that person. The school district shall then undertake negotiations with the next most qualified person on the final list

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in sequence until an agreement is reached or a determination is made to reject all persons on the final list.

3. If the procurement is for multiple contracts for similar job-order-contracting construction services to be awarded to separate persons, there is one final list and the school district shall enter into separate negotiations for contracts with the number of the highest qualified persons on the final list equal to the number of contracts to be awarded. If the school district is not able to negotiate a satisfactory contract with a person with whom the school district has commenced negotiations, the school district shall formally terminate negotiations with that person. The school district shall then undertake negotiations for a contract with the next most qualified person on the final list with whom the school district is not then negotiating and with whom the school district has not previously negotiated in sequence until an agreement is reached for some or all of the multiple contracts included in the request for qualifications or a determination is made to reject all persons on the final list.
4. If the school district terminates negotiations with a person and commences negotiations with another person on the final list, the school district shall not recommence negotiations or enter into a contract for the construction services covered by the final list with any person with whom the school district terminated negotiations.

**Historical Note**

New Section made by exempt rulemaking at 13 A.A.R. 1266, effective February 26, 2007 (Supp. 07-1). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1111. Alternative Procedure for Design-build or Job-order-contracting Construction Services**

- A. As an alternative to R7-2-1110(D), the school district may award a single contract for design-build construction services or a single or multiple contracts for similar job-order-contracting construction services pursuant to this Section.
- B. The school district shall use the selection committee appointed for the request for qualifications pursuant to R7-2-1107.
- C. The school district shall issue a request for proposals to the persons on the final list developed pursuant to R7-2-1110(A) through (C). The request for proposals shall be issued at least 14 days before the due date and time for receipt of proposals unless a shorter time is determined necessary by the school district.
- D. The request for proposals shall include the following:
  1. A statement that the procurement is for a single contract or, for similar job-order-contracting construction services only, for multiple contracts.
  2. If the procurement is for multiple contracts for similar job-order-contracting construction services, the notice shall specify that multiple contracts will be awarded, shall specify the number of contracts that will be awarded, shall specify the number of offerors to whom contracts will be awarded which shall be the number of contacts in the procurement, and shall describe the job-order-contracting services to be performed under each contract.
  3. Instructions and information to persons concerning the proposal submission requirements, including the due date and time for receipt of proposals, the address of the office at which proposals are to be received, the proposal acceptance period, and any other special information.
  4. The school district's project schedule and project final budget for design and construction or life cycle budget for a procurement that includes maintenance services or operations services.
  5. If a single contract will be awarded, a statement that the contract will be awarded to the person whose proposal receives the highest number of points under a scoring method. If multiple contracts for similar job-order-contracting services will be awarded, a statement that the multiple contracts will be awarded to a specified number of offerors whose proposals receive the highest number of points under a scoring method. The specified number of offerors will be the number of contracts included in the procurement.
  6. A description of the scoring method, including a list of the factors in the scoring method and the number of points allocated to each factor.
  7. For design-build constructions services only, the design requirements, including the required features, functions, characteristics, qualities and properties, the anticipated schedule, including start, duration and completion, and the estimated budgets applicable to the specific procurement for design and construction and, if applicable, for operation and maintenance. Drawings and other documents illustrating the scale and relationship of the features, functions and characteristics of the project, which shall all be prepared by an architect or engineer, as appropriate, and additional design information or documents specified by the school district, may also be included.
  8. A requirement that each offeror submit separately a technical proposal and a price proposal and that the offeror's entire proposal is responsive to the requirements in the request for proposals. For design-build construction services, the price in the price proposal shall be a fixed price or a guaranteed maximum price.
  9. A statement that in applying the scoring method, the selection committee will separately evaluate and score the technical proposal before opening, evaluating, and scoring the price proposal.
  10. If the school district desires to conduct discussions with offerors, a statement that discussions may be held and a requirement that each offeror submit a preliminary technical proposal before the discussions are held.
  11. Type of contract to be used.
  12. That offerors may designate as proprietary portions of the proposal.
  13. Notice that all information and proposals submitted by offerors, except as stated in subsection (D)(12), will be made available for public inspection after the school district has entered into a single contract or all of the multiple contracts.
  14. The contract terms and conditions, including warranty and bonding or other security requirements, as applicable.
  15. The name of the district representative or district representatives.
  16. If the request for proposals incorporates documents by reference, the request for proposals shall specify where such documents may be obtained.
- E. The factors in the scoring method described in the request for proposals may include:
  1. For design-build construction services only, demonstrated compliance with the design requirements.
  2. Offeror qualifications.
  3. Offeror financial capacity.
  4. Compliance with the school district's project schedule.

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5. For design-build construction services only, if the request for proposals specifies that the school district will spend its project budget and not more than its project budget and is seeking the best proposal for the project budget, compliance of the offeror's price or life cycle price for procurements that include maintenance services, operations services or finance services with the school district's budget as prescribed in the request for proposals.
  6. For design-build construction services if the request for proposals does not contain the specifications prescribed in subsection (E)(5) and for job-order-contracting construction services, the price or life cycle price for procurements that include maintenance services, operations services or finance services.
  7. An offeror quality management plan.
  8. Other evaluation factors that demonstrate competence and qualifications for the type of construction services in the request for proposals as determined by the school district, if any.
- F.** If determined by the school district and included in the request for proposals, the selection committee shall conduct discussions with all offerors that submit preliminary technical proposals. Discussions shall be for the purpose of clarification to ensure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair treatment with respect to any opportunity for discussion and for clarification by the school district. Revision of preliminary technical proposals shall be permitted after submission of preliminary technical proposals and before award for the purpose of obtaining best and final proposals. In conducting any discussions, information derived from proposals submitted by competing offerors shall not be disclosed to other competing offerors.
- G.** After completion of any discussions pursuant to subsection (F) or if no discussions are held, each offeror shall submit separately its final technical proposal and its price proposal.
- H.** Before opening any price proposal, the selection committee shall open and evaluate the final technical proposals and score the final technical proposals using the scoring method in the request for proposals. No other factors or criteria may be used in evaluation and scoring.
- I.** After completion of the evaluation and scoring of all final technical proposals, the selection committee shall open, evaluate and score the price proposals, and complete scoring of the entire proposals using the scoring method in the request for proposals. No other factors or criteria may be used in evaluation and scoring.
- J.** The school district shall award the contract to the responsive and responsible offeror whose proposal receives the highest score under the method of scoring in the request for proposals. No other factors or criteria may be used in evaluation and award.
- K.** For procurements of multiple contracts for similar job-order-contracting construction services, the school district may award up to the number of contracts specified in the request for proposals.
- L.** Before or at the same time as the school district notifies the selected offeror of contract award, the school district shall notify all other offerors of the award.
- M.** For design-build construction services only, the school district shall award a stipulated fee equal to a percentage of the school district's project final budget for design and construction, as prescribed in the request for proposals, but not less than two-tenths of one percent of the project final budget for design and construction to each final list offeror who provides a responsive, but unsuccessful, proposal. If the school district does not award a contract, all responsive final list offerors shall receive the stipulated fee based on the school district's project final budget for design and construction as included in the request for proposals. The school district shall pay the stipulated fee to each offeror within 90 days after the award of the initial contract or the decision not to award a contract. In consideration for paying the stipulated fee, the school district may use any ideas or information contained in the proposals in connection with any contract awarded for the project, or in connection with a subsequent procurement, without any obligation to pay any additional compensation to the offerors. Notwithstanding the other provisions of this subsection, an offeror may elect to waive the stipulated fee. If an offeror elects to waive the stipulated fee, the school district may not use ideas and information contained in the offeror's proposal, except that this restriction does not prevent the school district from using any idea or information if the idea or information is also included in a proposal of an offeror that accepts the stipulated fee.
- N.** The procurement file shall contain the basis on which the award is made, including at a minimum the information and documents required under R7-2-1115.
- O.** A copy of the request for proposals shall be made available for public inspection at the school district office.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1112. Contractor Licenses, Contract and Performance Requirements****A.** Notwithstanding any other Section:

1. The contractor for design-build or job-order-contracting construction services is not required to be registered to perform design services pursuant to A.R.S. Title 32, Chapter 1 if the person actually performing the design services on behalf of the contractor is appropriately registered.
2. The contractor for construction-manager-at-risk, design-build or job-order-contracting construction services shall be licensed to perform construction pursuant to A.R.S. Title 32, Chapter 10.
3. The school district shall obtain and maintain a record of proof in the procurement file that a construction or construction services provider that has been awarded a contract with the school district, or through a cooperative purchasing agreement, has a license in good standing to perform construction work pursuant to A.R.S. Title 32, Chapter 10. The license shall be active on the day the contract is awarded. This subsection does not require licensure for professions that are not licensed pursuant to A.R.S. Title 32, Chapter 10.

- B.** In a procurement for construction-manager-at-risk construction services or design-build construction services, except for design-build contracts awarded pursuant to R7-2-1111, the school district shall enter into a written contract with the contractor for preconstruction services under which the school district shall pay the contractor a fee for preconstruction services in an amount agreed by the school district and the contractor, and the school district shall not request or obtain a fixed price or a guaranteed maximum price for the construction from the contractor or enter into a construction contract with the contractor until after the school district has entered into the written contract for preconstruction services and a preconstruction services fee.

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- C. Construction shall not commence under a construction services contract until the school district and contractor agree in writing on either a fixed price that the school district will pay or a guaranteed maximum price for the construction to be commenced. The construction to be commenced may be the entire project or may be one or more phased parts of the project.
- D. For negotiated construction-manager-at-risk and design-build contracts, preconstruction services, general conditions, schedules, construction contingency, and construction fees shall be part of the contract. For design-build contracts awarded pursuant to a request for proposals, the fees shall be included in the vendor's proposal and shall become part of the awarded contract.
- E. For job-order-contracting construction services only:
1. The maximum dollar amount of an individual job order for job-order-contracting construction services shall be one million dollars or a higher or lower amount prescribed by the governing board in a policy adopted in a public meeting held pursuant to A.R.S. Title 38, Chapter 3, Article 3.1. Requirements shall not be artificially divided or fragmented in order to constitute a job order that satisfies the requirements of this subsection.
  2. If the contractor subcontracts or intends to subcontract part or all of the work under a job order and if the job-order-contracting construction services contract includes descriptions of standard individual tasks, standard unit prices for standard individual tasks and pricing of job orders based on the number of units of standard individual tasks in the job order:
    - a. The contractor has a duty to deliver promptly to each subcontractor invited to bid a coefficient to the contractor to do all or part of the work under one or more job orders a copy of the descriptions of all standard individual tasks on which the subcontractor is invited to bid and a copy of the standard unit prices for the individual tasks on which the subcontractor is invited to bid.
    - b. If not previously delivered to the subcontractor, the contractor has a duty to promptly deliver to each subcontractor invited to or that has agreed to do any of the work included in any job order a copy of the description of each standard individual task that is included in the job order and that the subcontractor is invited to perform, the number of units of each standard individual task that is included in the job order and that the subcontractor is invited to perform, and the standard unit price for each standard individual task that is included in the job order and that the subcontractor is invited to perform.
- F. For all construction services contracts, the contractor performing the construction services is permitted to self-perform part of the construction work, if and to the extent agreed in writing by the school district and the contractor. The school district may use methods other than competitive bidding to assure itself that the price the school district pays to the contractor for self-performed work is fair and reasonable. Permitted methods to evaluate fairness and reasonableness of the price of self-performed work include evaluation of the contractor's proposed scope of work and price for self-performed work by an estimator who is hired and paid by the school district, who is independent of the contractor and who may be an employee of the school district. Although the school district may elect to so require, nothing in Articles 10 and 11 shall be construed or interpreted to require the school district to require a contractor desiring to self-perform part of the construction work to competitively bid that part of the construction work against other contractors in a bid competition.
- G. For all construction services contracts, the following requirements apply to the construction work to be performed by subcontractors and do not apply to construction work that the school district and the contractor agree in writing will be self-performed by the contractor:
1. The person selected to perform the construction services shall select subcontractors based on qualifications alone or on a combination of qualifications and price and shall not select subcontractors based on price alone. A qualifications and price selection may be a single-step selection based on a combination of qualifications and price or a two-step selection. In a two-step selection, the first step shall be based on qualifications alone and the second step may be based on a combination of qualifications and price or on price alone.
  2. The school district shall include in each contract:
    - a. If the school district included its subcontractor selection plan in the request for qualifications, the school district's subcontractor selection plan and the procedures to implement the school district's subcontractor selection plan proposed by the awarded contractor in submitting its qualifications with those modifications to the procedures as the school district and the contractor agree.
    - b. If the school district did not include its subcontractor selection plan in the request for qualifications, the subcontractor selection plan proposed by the awarded contractor in submitting its qualifications with those modifications as the school district and the contractor agree.
  3. In making the selection of subcontractors, the contractor shall use the subcontractor selection plan and any procedures included in its contract.
- H. The school district shall include in each contract for construction services the full street or physical address of each separate location at which the construction will be performed and a requirement that the contractor and each subcontractor at any level include in each of its subcontracts the same address information. The contractor and each subcontractor at any level shall include in each subcontract the full street or physical address of each separate location at which construction work will be performed.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 24 A.A.R. 3283, effective October 22, 2018 (Supp. 18-4). The word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-1113. Prohibitions**

- A. Notwithstanding any contrary provision of Articles 10 and 11, a school district shall not enter into a contract to provide construction-manager-at-risk construction services, design-build construction services or job-order-contracting construction services.
- B. The prohibitions prescribed in subsection (A) do not prohibit a school district from providing construction for itself as provided by law.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt

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rulemaking at 21 A.A.R. 1525, effective July 1, 2014  
(Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1114. Bid Security, Contract Performance and Payment Bonds, and Payment and Retention**

- A. Bid security shall be provided pursuant to R7-2-1102.
- B. Contract performance and payment bonds shall be provided pursuant to R7-2-1103.
- C. Contract payment retention and substitute security shall be in accordance with R7-2-1104.
- D. Progress payments shall be in accordance with R7-2-1105.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended effective March 21, 1991 (Supp. 91-1).

Amended effective October 22, 1992 (Supp. 92-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1115. Procurement File Contents and Review**

- A. At a minimum, the school district shall retain the following for each procurement under R7-2-1106 through R7-2-1114:
  - 1. For each request for qualifications procurement process:
    - a. If interviews were not held:
      - i. The submittal of the person listed first on the final list and the submittal of each person with whom the school district enters into a contract.
      - ii. The final list.
      - iii. A list of the selection criteria and relative weight of selection criteria used to select the persons for the final list and to determine their order on the final list.
      - iv. A list that contains the name of each person that submitted qualifications and that shows the person's final overall rank or score.
      - v. Documents that show the final score or rank on each selection criteria of each person that submitted qualifications and that support the final overall rankings and scores of the persons that submitted qualifications. The school district shall retain the individual scoring sheets for individual selection committee members.
    - b. If interviews were held:
      - i. All submittals of the person listed first on the final list and the submittal of each person with whom the school district enters into a contract.
      - ii. The final list.
      - iii. A list of the selection criteria and relative weight of selection criteria used to select the persons for the final list and to determine their order on the final list.
      - iv. A list that contains the name of each person that was interviewed and that shows the person's final overall rank or score.
      - v. Documents that show the final score or rank on each selection criteria of each person that was interviewed and that support the final overall rankings and scores of the persons that were interviewed. The school district shall retain the individual scoring sheets for individual selection committee members.
      - vi. A list of the selection criteria and relative weight of the selection criteria used to select the persons for the short list to be interviewed.
      - vii. A list that contains the name of each person that submitted qualifications and that shows the person's final overall rank or score in the selection

of the persons to be on the short list to be interviewed.

- viii. Documents that show the final score or rank on each selection criteria of each person that submitted qualifications and that support the final overall rankings and scores of the persons that submitted qualifications. The school district shall retain the individual scoring sheets for individual selection committee members.

- 2. For each request for proposals procurement process under R7-2-1111:
  - a. The entire proposal submitted by the person that received the highest score in the scoring method in the request for proposals and the entire proposal submitted by each person with whom the school district enters into a contract.
  - b. The description of the scoring method, the list of factors in the scoring method and the number of points allocated to each factor, all as included in the request for proposals.
  - c. A list that contains the name of each offeror that submitted a proposal and that shows the offeror's final overall score.
  - d. Documents that show the final score or rank on each factor in the scoring method in the request for proposals of each offeror that submitted a proposal and that support the final overall scores of the offerors that submitted proposals. The school district shall retain the individual scoring sheets for individual selection committee members.
- B. Information relating to each procurement under R7-2-1106 through R7-2-1114 shall be made available to the public as follows:
  - 1. Until the school district awards a single contract or all of the multiple contracts or terminates the procurement, only the name of each person on the final list may be made available to the public. All other information received by the school district in response to the request for qualifications shall be confidential in order to avoid disclosure of the contents that may be prejudicial to competing respondents during the selection process.
  - 2. After the school district awards a single contract or all of the multiple contracts or terminates the procurement, the school district shall make the contents of the procurement file, except the proposals and statements of qualifications submitted in response to a solicitation and the documents described in subsections (A)(1)(a)(v), (A)(1)(b)(v), (A)(1)(b)(viii), and (A)(2)(d), available to the public.
  - 3. After the school district has entered into a single contract or all of the multiple contracts or has terminated the procurement, the school district shall make the proposals and statements of qualifications and the documents described in subsections (A)(1)(a)(v), (A)(1)(b)(v), (A)(1)(b)(viii), and (A)(2)(d) available to the public.
  - 4. To the extent that an offeror designates and the school district concurs, trade secrets and other proprietary data contained in a proposal or statement of qualifications shall remain confidential.
  - 5. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.

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- C. The school district shall retain the records of a procurement under R7-2-1106 through R7-2-1114 in accordance with R7-2-1085.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
 Amended effective March 21, 1991 (Supp. 91-1).  
 Amended effective October 22, 1992 (Supp. 92-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1116. Repealed****Historical Note**

New Section made by exempt rulemaking at 13 A.A.R. 1266, effective February 26, 2007 (Supp. 07-1). Section repealed by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**PART XV. PROCUREMENT OF SPECIFIED PROFESSIONAL SERVICES**

**R7-2-1117. Procurement of Specified Professional Services**

- A. Specified professional services, which is defined in R7-2-1001(120), as services of an architect, engineer, land surveyor, assayer, geologist and landscape architect, shall be procured as provided in R7-2-1117 through R7-2-1123, except as authorized in R7-2-1033, R7-2-1053, R7-2-1055, and R7-2-1122.
- B. Prior to public notice of the need for specified professional services, the school district shall determine that the services to be acquired are specified professional services.
- C. In the procurement of specified professional services:
1. The school district shall specify whether the procurement is for a single contract or for multiple contracts. Multiple contracts may be awarded to separate persons or may be awarded to a single person as specified in the request for qualifications.
  2. The school district and the selection committee shall not request or consider fees, price, man-hours or any other cost information at any point in the selection process under this Section and R7-2-1120 or R7-2-1121, including the selection of persons to be interviewed, the selection of persons to be on the final list, in determining the order of preference of persons on a final list or for any other purpose in the selection process except as provided in R7-2-1121.
  3. In determining the persons to participate in any interviews, in determining the persons to be on the final list, and in determining the order on the final list, the selection committee shall use and consider only the criteria and weighting of criteria in the request for qualifications. No other factors or criteria may be used in the evaluation, determinations and other actions.
  4. If the school district enters into the number of contracts specified in the request for qualifications, the procurement ends. After that time the school district may not use the procurement or any final list in the procurement as the basis for entering into a contract with any other person that participated in the procurement.
  5. Notwithstanding any other provision specifying the number of persons to be interviewed, the number of persons to be on a final list, or any other numerical specification in this Section or R7-2-1121:
    - a. If a smaller number of persons respond to the request for qualifications or if one or more persons drop out of the procurement so that there is a smaller number of persons participating in the procurement, the school district, as the school district determines necessary and appropriate, may elect to proceed with the participating persons if there are at least two participating responsive and responsible persons. Alternatively, the school district may elect to terminate the procurement.
    - b. As to a request for qualifications to be negotiated pursuant to R7-2-1121(D), if only one responsive and responsible person responds to the request for qualifications, or if one or more persons drop out of the procurement so that only one responsive and responsible person remains in the procurement, the school district may elect to proceed with the procurement with only one person if the governing board determines in writing that the negotiated fee is fair and reasonable and that either other prospective persons had reasonable opportunity to respond or there is not adequate time for a resolicitation.
    - c. If a person on the final list withdraws or is removed from the procurement and the selection committee determines that it is advantageous to the school district, the selection committee may replace that person on the final list with another person that submitted qualifications in the procurement and that is selected as the next most qualified.
- D. The request for qualifications shall:
1. Provide instructions and information to persons concerning the statement of qualifications submission requirements, including the due date and time for receipt of statements of qualifications, the address of the office at which the statements of qualifications are to be received, and any other special information.
  2. State whether one contract or multiple contracts may or will be awarded.
    - a. If one contract will be awarded, state that one contract may or will be awarded, describe the services to be performed under the contract and state that one person may or will be awarded the contract.
    - b. If multiple contracts may or will be awarded, state the number of contracts that may or will be awarded, the services to be performed under each of the multiple contracts, and either that each contract will be awarded to a separate person or that all of the contracts will be awarded to the same person.
  3. State the number of persons to be included on the final list.
    - a. If a single contract will be awarded, state that there will be a single final list of at least three and not more than five persons.
    - b. If multiple contracts will be awarded to a single person, state that there will be a single final list of at least three and not more than five persons.
    - c. In a procurement for multiple contracts for similar specified professional services to be awarded to separate persons, state that there will be a single final list and the number of persons on the final list, which shall be the sum of the number of contracts that may or will be awarded plus another number that is determined by the school district and that is not more than five.
    - d. If multiple contracts for different specified professional services will be awarded to separate persons, state that there will be a separate final list for each type of specified professional services and that the number of persons on each final list will be equal to the number of contracts that may or will be awarded



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for each type of specified professional services plus a number determined by the school district not to exceed five.

4. State the selection criteria and relative weight to be used. All selection criteria shall be factors that demonstrate competence and qualifications for the type of specified professional services included in the procurement.
  - a. If interviews will be held, state the selection criteria and relative weights to be used in selecting the persons to be interviewed. The request for qualifications may state the selection criteria and relative weights to be used in selecting the persons on the final list and in determining their order on the final list. The final list selection criteria and relative weights may be different than the selection criteria and relative weights used to determine the persons to be interviewed. The request for qualifications also shall state whether the school district will select the persons on the final list and their order on the final list solely through the results of the interview process or through the combined results of both the interview process and the evaluation of statements of qualifications and performance data submitted in response to the request for qualifications.
  - b. If interviews will not be held, state the selection criteria and relative weights to be used in selecting the persons on the final list and in determining their order on the final list.
5. State whether interviews will be held.
  - a. If a single contract will be awarded, state that there will be interviews with at least three and not more than five persons.
  - b. If multiple contracts will be awarded to a single person, state that there will be interviews with at least three and not more than five persons.
  - c. In a procurement for multiple contracts for similar specified professional services to be awarded to separate persons, state that interviews will be held and that the interviews will be with a specified number of persons. The specified number shall be stated in the request for qualifications, shall be determined by the school district and shall be the sum of the number of contracts that may or will be awarded, plus another number that is determined by the school district and that is not more than five.
  - d. If multiple contracts for different specified professional services will be awarded to separate persons, state that interviews will be held and that the interviews will be with a specified number of persons. The specified number shall be stated in the request for qualifications, shall be determined by the school district, shall be at least three times the number of contracts that may or will be awarded and shall not be more than five times the number of contracts that may or will be awarded.
6. The name of the district representative or district representatives and the publicly available location of the school district's protest policy or procedure.
7. Notice that all information and statements of qualifications submitted by persons will be made available for public inspection after the school district has entered into a single contract or all of the multiple contracts.

- E. Statements of qualifications shall be received and opened in accordance with R7-2-1045. Late statements of qualifications, late modifications, or late withdrawals shall be considered in accordance with R7-2-1044 and R7-2-1049.

- F. A copy of the request for qualifications shall be made available for public inspection at the school district office.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1118. Public Notice of Specified Professional Services**

- A. Notice of the need for specified professional services shall be given by the school district pursuant to R7-2-1022 and R7-2-1024(C). Such notice shall be issued not less than 14 days in advance of when responses shall be received.
- B. The notice shall:
  1. Contain a statement of the services required that adequately describes the procurement and specifies how a request for qualifications containing specific information on the procurement may be obtained.
  2. Specify whether the procurement is for a single contract or for multiple contracts; and
  3. If the procurement is for multiple contracts:
    - a. Specify that multiple contracts may or will be awarded;
    - b. Specify the number of contracts that may or will be awarded; and
    - c. Describe the specified professional services to be performed under each contract.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1119. Cancellation or Rejection of the Solicitation**

A school district may cancel a request for qualifications, reject in whole or in part any or all statements of qualifications or determine not to enter into a contract as specified in the solicitation if it is advantageous to the school district. The school district shall make the reasons for cancellation, rejection or determination not to enter into a contract part of the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1120. Specified Professional Services Selection Committee**

- A. The school district shall initiate an appropriately qualified selection committee for each request for qualifications. The school district shall ensure that selection committee members are competent to serve on the selection committee.
- B. Each selection committee shall include at least one school district representative appointed by the school district.
- C. The school district shall determine the number and qualifications of the selection committee members. These members may be employees of the school district or non-school district appointees.
- D. Non-school district employees serving on a selection committee shall not receive compensation from the school district for performing this service, but the school district may elect to reimburse non-school district members for travel, lodging and other expenses incurred in connection with service on a selection committee.

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- E. A person who is a member of a selection committee shall not be a contractor or subcontractor under a contract awarded under the procurement or provide any specified professional services or other services under the contract.
- F. For the procurement of multiple contracts for specified professional services, the same selection committee shall be used for all contracts in the procurement.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1121. Committee Evaluation and Selection**

- A. If interviews are specified in the request for qualifications:
  - 1. The selection committee shall determine the persons to be interviewed by evaluating the statements of qualifications and performance data submitted based solely on the selection criteria and relative weights in the request for qualifications to be used to determine the persons to be interviewed.
  - 2. If the selection criteria and relative weights to be used by the selection committee to select the persons on the final list or final lists and to determine their order on the final list or final lists are not included in the request for qualifications:
    - a. Before the interviews are held the school district shall distribute to the persons to be interviewed the selection criteria and relative weights to be used to select the persons on the final list and to determine their order on the final list.
    - b. These selection criteria and relative weight may be different than the selection criteria and relative weight used to determine the persons to be interviewed.
  - 3. The selection committee shall conduct interviews with the number of persons specified in the request for qualifications.
- B. Based solely on the selection criteria and relative weights for selection of the persons on the final list or final lists and their order on the final list or final lists, the selection committee shall select the persons for the final list or final lists and rank the persons on the final list or final lists in order of preference. If the procurement is for multiple contracts for different specified professional services to be awarded to separate persons, and if a person submitted qualifications for more than one type of specified professional services, the person may be on more than one final list.
- C. Before or at the same time as the school district notifies the highest ranking person on the final list or final lists that it is the highest ranking person, the school district shall send actual notice to each of the following that it is not the highest ranking person or that another person is the highest ranking person:
  - 1. If interviews were held, the other persons interviewed.
  - 2. If interviews were not held, the other persons that made submittals.
- D. The school district shall conduct negotiations with persons on the final list or final lists as follows:
  - 1. The school district shall negotiate a contract with the highest qualified person for the required specified professional services at compensation determined in writing to be fair and reasonable to the school district. Contract negotiations shall be directed toward:
    - a. Making certain that the person has a clear understanding of the scope of the work, specifically, the essential requirements involved in providing the required services;
    - b. Determining that the person will make available the necessary personnel and facilities to perform the services within the required time; and
    - c. Agreeing upon compensation that is fair and reasonable.
  - 2. The negotiations shall include consideration of compensation and other contract terms that the school district determines to be fair and reasonable to the school district. In making this decision, the school district shall take into account the estimated value, the scope, the complexity and the nature of the specified professional services to be rendered.
  - 3. If the procurement is for a single contract, there is one final list and the school district shall enter into negotiations with the highest qualified person on the final list. If the school district is not able to negotiate a satisfactory contract with the highest qualified person on the final list, at compensation and on other contract terms the school district determines to be fair and reasonable, the school district shall formally terminate negotiations with that person. The school district shall then undertake negotiations with the next most qualified person on the final list in sequence until an agreement is reached or a determination is made to reject all persons on the final list.
  - 4. If the procurement is for multiple contracts for specified professional services to be awarded to a single person on the final list, there is one final list and the school district shall enter into negotiations with the highest qualified person on the final list. If the school district is not able to negotiate a satisfactory contract with the highest qualified person on the final list, at compensation and on other contract terms the school district determines to be fair and reasonable, the school district shall formally terminate negotiations with that person. The school district shall then undertake negotiations with the next most qualified person on the final list in sequence until an agreement is reached or a determination is made to reject all persons on the final list.
  - 5. If the procurement is for multiple contracts for similar specified professional services to be awarded to separate persons, there is one final list and the school district shall enter into separate negotiations for contracts with the number of the highest qualified persons on the final list equal to the number of contracts to be awarded. If the school district is not able to negotiate a satisfactory contract with a person with whom the school district has commenced negotiations, the school district shall formally terminate negotiations with that person. The school district shall then undertake negotiations for a contract with the next most qualified person on the final list with whom the school district is not then negotiating and with whom the school district has not previously negotiated in sequence until an agreement is reached for some or all of the multiple contracts included in the request for qualifications or a determination is made to reject all persons on the final list.
  - 6. If the procurement is for multiple contracts for different specified professional services to be awarded to separate persons, there is a separate final list for each type of specified professional services and the school district shall enter into separate negotiations for contracts with the number of the highest qualified persons on each final list equal to the number of contracts to be awarded. If the school district is not able to negotiate a satisfactory con-

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tract with a person with whom the school district has commenced negotiations, the school district shall formally terminate negotiations with that person. The school district shall then undertake negotiations for a contract with the next most qualified person on the applicable final list with whom the school district is not then negotiating and with whom the school district has not previously negotiated in sequence until an agreement is reached for some or all of the multiple contracts included in the request for qualifications or a determination is made to reject all persons on the final list.

7. If the school district terminates negotiations with a person and commences negotiations with another person on the final list, the school district shall not recommence negotiations or enter into a contract for the specified professional services covered by the final list with any person with whom the school district terminated negotiations.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1122. Specified Professional Services Contracts Not Exceeding Certain Amounts**

- A. A school district may procure a single contract or multiple contracts for specified professional services under this Section if the contract is for specified professional services by an architect or architect firm and the contract amount is \$250,000 or less or if the contract is for specified professional services by a person other than an architect and the contract amount is \$500,000 or less. For such procurements, the school district shall encourage persons engaged in the lawful practice of the profession to submit annually a statement of qualifications and experience.
- B. For each procurement of specified professional services under this Section, the school district shall establish a selection committee pursuant to R7-2-1120.
- C. The selection committee shall evaluate current statements of qualifications and experience on file with the school district, together with those that may be submitted by other persons regarding the procurement.
- D. The school district and the selection committee shall not request or consider fees, price, man-hours or any other cost information at any point in the selection process under this Section, including the selection of the persons to be interviewed, the selection of persons to be on a final list, in determining the order of preference of persons on a final list or for any other purpose in the selection process, except as provided in subsection (F).
- E. If possible and practicable, the selection committee shall conduct interviews regarding the procurement and the relative methods of furnishing the required specified professional services and, if possible, shall select, in order of preference and based on criteria established and published by the selection committee, one or more final lists of the persons deemed to be the most qualified to provide the specified professional services required. The selection committee shall base the selection of each final list and the order of preference on demonstrated competence and qualifications only.
  1. If the procurement is for a single contract or if the procurement is for multiple contracts to be awarded to a single person, there shall be one final list of three persons.
  2. If the procurement is for multiple contracts for different specified professional services to be awarded to separate

persons, there shall be a separate final list of three persons for each contract.

3. In a procurement for multiple contracts for similar specified professional services to be awarded to separate persons, there shall be one final list and the number of persons on the final list shall be the number of contracts, plus another number that is determined by the school district and that is not more than five.
- F. The school district shall enter into negotiations with the highest qualified person on each final list or, in the case of a single final list for multiple contracts for the same specified professional services to be awarded to separate persons, the school district shall enter into negotiations with a number of the highest qualified persons on the final list equal to the number of contracts that may or will be awarded.
  1. Negotiations shall include consideration of compensation and other contract terms that the school district determines to be fair and reasonable to the school district. In making this determination, the school district shall take into account the estimated value, the scope, the complexity and the nature of the specified professional services to be rendered.
  2. If the school district is unable to negotiate a satisfactory contract with a person with whom the school district is negotiating at a price and on other contract terms the school district determines to be fair and reasonable to the school district, the school district shall formally terminate negotiations with that person.
  3. The school district may undertake negotiations with the next most qualified person on the final list in sequence until an agreement is reached or a determination is made to reject all persons on the final list.
  4. If the school district terminates negotiations with a person on a final list and commences negotiations with another person on the final list, the school district shall not in that procurement recommence negotiations or enter into a contract or contracts with any person with whom the school district has terminated negotiations.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1123. Procurement File Contents and Review for Procurements Conducted under R7-2-1117 through R7-2-1121**

- A. At a minimum, the school district shall retain the following for each procurement under R7-2-1117 through R7-2-1121:
  1. If interviews were not held:
    - a. The submittal of the person listed first on the final list and the submittal of each person with whom the school district enters into a contract. If the procurement has multiple final lists, the school district shall retain the submittal of the person listed first on the final list and the submittal of each person with whom the school district enters into a contract, for each final list.
    - b. The final list or final lists.
    - c. A list of the selection criteria and relative weight of selection criteria used to select the persons for the final list or final lists and to determine their order on the final list or final lists.

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- d. A list that contains the name of each person that submitted qualifications and that shows the person's final overall rank or score.
  - e. Documents that show the final score or rank on each selection criteria of each person that submitted qualifications and that support the final overall rankings and scores of the persons that submitted qualifications. The school district shall retain the individual scoring sheets for individual selection committee members.
2. If interviews were held:
- a. All submittals of the person listed first on the final list and the submittal of each person with whom the school district enters into a contract. If the procurement has multiple final lists, the school district shall retain the submittal of the person listed first on the final list and the submittal of each person with whom the school district enters into a contract, for each final list.
  - b. The final list or final lists.
  - c. A list of the selection criteria and relative weight of selection criteria used to select the persons for the final list or final lists and to determine their order on the final list or final lists.
  - d. A list that contains the name of each person that was interviewed and that shows the person's final overall rank or score.
  - e. Documents that show the final score or rank on each selection criteria of each person that was interviewed and that support the final overall rankings and scores of the persons that were interviewed. The school district shall retain the individual scoring sheets for individual selection committee members.
  - f. A list of the selection criteria and relative weight of the selection criteria used to select the persons for the short list or short lists to be interviewed.
  - g. A list that contains the name of each person that submitted qualifications and that shows the person's final overall rank or score in the selection of the persons to be on the short list or short lists to be interviewed.
  - h. Documents that show the final score or rank on each selection criteria of each person that submitted qualifications and that support the final overall rankings and scores of the persons that submitted qualifications. The school district shall retain the individual scoring sheets for individual selection committee members.
- B.** Information relating to each procurement under R7-2-1117 through R7-2-1121 shall be made available to the public as follows:
1. Until the school district awards a single contract or all of the multiple contracts or terminates the procurement, only the name of each person on the final list may be made available to the public. All other information received by the school district in response to the request for qualifications shall be confidential in order to avoid disclosure of the contents that may be prejudicial to competing respondents during the selection process.
  2. After the school district awards a single contract or all of the multiple contracts or terminates the procurement, the school district shall make the contents of the procurement file, except the statements of qualifications and the documents described in subsections (A)(1)(e), (A)(2)(e), and (A)(2)(h), available to the public.
  3. After the school district has entered into a single contract or all of the multiple contracts or has terminated the procurement, the school district shall make the statements of qualifications and the documents described in subsections (A)(1)(e), (A)(2)(e), and (A)(2)(h) available to the public.
  4. To the extent that a person designates and the school district concurs, trade secrets and other proprietary data contained in a statement of qualifications shall remain confidential.
  5. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.
- C.** The school district shall retain the records of a procurement under R7-2-1117 through R7-2-1121 in accordance with R7-2-1085.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1124. Reserved****PART XVI. COST PRINCIPLES****R7-2-1125. Cost Principles**

The cost principles adopted by the director of the Department of Administration pursuant to A.R.S. § 41-2591 shall be used to determine the allowability of incurred costs for the purpose of reimbursing costs under contract provisions that provide for the reimbursement of costs.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1126. Reserved****R7-2-1127. Reserved****R7-2-1128. Reserved****R7-2-1129. Reserved****R7-2-1130. Reserved****PART XVII. MATERIALS MANAGEMENT****R7-2-1131. Material Management and Disposition**

- A.** The school district shall ascertain or verify that materials, services, or construction items procured by the school district conform to specifications as set forth in the solicitation.
- B.** The school district shall determine the fair market value of excess and surplus material.
- C.** Disposition of surplus materials.
  1. Except as provided in A.R.S. § 15-342(7) related to sales or leases to the state, a county, a city, another school district, or a tribal government agency, and A.R.S. § 15-342(18) related to the disposition of surplus or outdated learning materials, educational equipment and furnishings, surplus materials, regardless of value, shall be offered through competitive sealed bids, public auction, on-line sales, established markets, trade in, posted prices or state surplus property. If unusual circumstances render

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the above methods impractical, the school district may employ other disposition methods, including appraisal or barter, provided the school district makes a written determination that such procedure is advantageous to the school district. Only United States Postal Money Orders, certified checks, cashiers' checks or cash shall be accepted for sales of surplus material unless otherwise approved by the school district.

2. Competitive sealed bidding.
  - a. Notice for sale bids shall be publicly available from the school district at least 10 days before the due date set for bids. Notice of the sale bids shall be provided to prospective bidders, including those bidders on lists maintained by the school district pursuant to R7-2-1023. The notice for sale bids shall list the materials offered for sale, their location, availability for inspection, the terms and conditions of sale and instructions to bidders including the bid due date and time. Bids shall be opened publicly pursuant to the requirements of R7-2-1029.
  - b. The award shall be made in accordance with the provisions of the notice for sale bids to the highest responsive and responsible bidder, provided that the price offered by such bidder is acceptable to the school district. If the school district determines that the bid is not advantageous to the school district, the school district may reject the bids in whole or in part and may resolicit bids or the school district may negotiate the sale, provided that the negotiated sale price is higher than the highest responsive and responsible bidder's price.
3. Auctions shall be advertised in the official newspaper of the county as prescribed in A.R.S. § 11-255 or a newspaper of general circulation, in accordance with A.R.S. § 41-2533. The publication shall not be less than 14 days before the auction date. All the terms and conditions of any sale shall be available to the public at least 24 hours prior to the auction date. The school district or any agent acting on the school district's behalf may also advertise the auction in any other manner determined advantageous to the school district.
4. Internet-based on-line sales shall not be subject to the advertisement requirements in subsection (C)(3). For such disposal services, the school district shall post and maintain a notice explaining the use of Internet-based on-line sales on a designated site on the Internet. The notice shall include:
  - a. The name of the on-line sales provider and the designated site on the Internet where potential buyers may obtain information or participate in the on-line auctions;
  - b. A link to the Internet-based on-line sales service;
  - c. A link to the terms and conditions of sale;
  - d. Instructions for bidding on the Internet-based on-line sales site; and
  - e. A period of not less than 14 days for each Internet-based on-line sale during which persons may submit offers to purchase the specified materials.
5. Before surplus materials are disposed of by trade-in to a vendor for credit on an acquisition, the school district shall approve such disposal. The school district shall base this determination on whether the trade-in value is expected to exceed the value realized through the sale or other disposition of such materials.
6. An employee of the school district or a governing board member, or an employee of a school district's agent con-

ducting an auction on behalf of the school district, shall not directly or indirectly purchase or agree with another person to purchase surplus property if said employee or board member is, or has been, directly or indirectly involved in the purchase, disposal, maintenance, or preparation for sale of the surplus material.

7. State surplus property manager. The school district may enter into an agreement with the State Surplus Property Manager for the disposition of materials pursuant to Article 8 of the Arizona Procurement Code (A.R.S. § 41-2601 et seq.) and the rules adopted thereunder.
8. Pursuant to A.R.S. § 15-342(35), a school district may offer to sell outdated learning materials, educational equipment or furnishings at a posted price commensurate with the value of the items to pupils who are currently enrolled in that school district before those materials are offered for public sale.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended effective March 21, 1991 (Supp. 91-1).

Amended effective October 22, 1992 (Supp. 92-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1132. State and Federal Surplus Materials Program**

- A. The governing board may acquire surplus materials from the state and the United States government.
- B. The governing board may enter into an agreement with the State Surplus Property Manager for the purpose of acquiring surplus materials from the United States government pursuant to A.R.S. § 41-2603 and the rules adopted thereunder.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended effective March 21, 1991 (Supp. 91-1).

**R7-2-1133. Authority for Transfer of Material**

Notwithstanding any law to the contrary, the governing board may secure the transfer of surplus materials and obligate its monies to the extent necessary to comply with the laws and conditions of such transfers.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1134. Reserved****R7-2-1135. Reserved****R7-2-1136. Reserved****R7-2-1137. Reserved****R7-2-1138. Reserved****R7-2-1139. Reserved****R7-2-1140. Reserved****PART XVIII. BID PROTESTS****R7-2-1141. Resolution of Bid Protests**

- A. Informal resolution of bid protests. Nothing in Articles 10 and 11 are intended to eliminate the informal resolution of problems by school district personnel.

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- B.** Formal resolution of bid protests. The governing board pursuant to R7-2-1007 shall designate a district representative, as defined in R7-2-1001, to resolve bid protests. All solicitations issued by the school district shall include the name of the district representative and shall indicate that any bid protest shall be filed with the district representative. Appeal from the decision of the district representative may be made to the hearing officer pursuant to R7-2-1147 and R7-2-1181.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 27 A.A.R. 2342 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-1142. Filing of a Protest**

- A.** Any interested party may protest a solicitation issued by the school district, a determination that a proposal is unacceptable, or the proposed award or the award of a school district contract. Protests shall be filed with the district representative.
- B.** Content of protest. The protest shall be in writing and shall include the following information:
1. The name, address and telephone number of the interested party;
  2. The signature of the interested party or the interested party's representative;
  3. Identification of the solicitation or contract number;
  4. A detailed statement of the legal and factual grounds of the protest including copies of relevant documents; and
  5. The form of relief requested.
- C.** The interested party shall supply any other information requested by the district representative within 10 days of the request.
- D.** The interested party may file a written request with the district representative for an extension of the time limit for providing additional information set forth in subsection (C). The written request shall be filed before the expiration of the time limit set forth in subsection (C) and shall set forth good cause as to the specific reason that the interested party is unable to provide the additional information with the 10 days. The district representative shall approve or deny the request in writing, state the reasons for the determination, and if an extension is granted, set forth a new date for submission of the filing.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1143. Time for Filing Protests**

- A.** Protests based upon alleged improprieties in a solicitation that are apparent before the due date and time for responses to the solicitation, shall be filed before the due date and time for responses to the solicitation.
- B.** In cases other than those covered in subsection (A), the interested party shall file the protest within 10 days after the school district makes the procurement file available for public inspection.
- C.** The interested party may file a written request with the district representative for an extension of the time limit for protest filing set forth in subsection (B). The written request shall be filed before the expiration of the time limit set forth in subsection (B) and shall set forth good cause as to the specific action

or inaction of the school district that resulted in the interested party being unable to file the protest within the 10 days. The district representative shall approve or deny the request in writing, state the reasons for the determination, and, if an extension is granted, set forth a new date for submission of the filing.

- D.** If the interested party shows good cause and it is advantageous to the school district, the district representative may consider any protest that is not filed timely.
- E.** The district representative shall immediately give notice of the protest to the successful contractor if award has been made or, if no award has been made, to all interested parties.
- F.** At any time the district representative or hearing officer may refer the protest to the governing board for resolution in accordance with R7-2-1152.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1144. Stay of Procurements During the Protest**

The district representative may stay all or part of the procurement or contract if it is determined that there is a reasonable probability the protest will be upheld or that a stay is advantageous to the school district. The district representative shall notify the successful contractor if award has been made or, if no award has been made, all interested parties of the stay in writing no later than the time of issuance of the district representative's decision in accordance with R7-2-1145.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1145. Decision by the District Representative**

- A.** The district representative shall have the authority granted to the district representative by the governing board to settle and resolve a protest.
- B.** The district representative shall issue a written decision within 14 days after a protest has been filed, or after additional information requested by the district representative has been submitted, pursuant to R7-2-1142. The decision shall include:
1. A statement of the decision of the district representative with supporting rationale; and
  2. A paragraph substantially as follows: "This is the decision of the district representative of the \_\_\_\_\_ School District. The decision may be appealed to a hearing officer. If you appeal, you must file a written notice of appeal with the district representative within 30 days from the date of the decision."
- C.** The district representative shall furnish a copy of the decision to the interested party by any method that provides evidence of receipt.
- D.** On agreement of all interested parties, the time limit for decisions set forth in subsection (B) may be extended by the district representative for good cause for a reasonable time not to exceed an additional 30 days. The district representative shall notify the interested party in writing that the time for the issuance of a decision has been extended and the date by which a decision will be issued.
- E.** If the district representative fails to issue a decision within the time limits set forth in subsections (B) or (D), the interested

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party may proceed as if the district representative had issued an adverse decision.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1146. Remedies**

- A. If the district representative sustains the protest in whole or part and determines that a solicitation, a determination that a proposal is unacceptable, proposed contract award, or contract award does not comply with Articles 10 and 11, the school district shall implement an appropriate remedy.
- B. In determining an appropriate remedy, the district representative shall consider all the circumstances surrounding the procurement or proposed procurement including, but not limited to, the seriousness of the procurement deficiency, the degree of prejudice to other interested parties or to the integrity of the procurement system, the good faith of the parties, the extent of the performance, costs to the school district, the urgency of the procurement, the impact of the relief on the mission of the school district, and other relevant issues.
- C. An appropriate remedy may include one or more of the following:
  1. Decline to exercise an option to renew under the contract;
  2. Terminate the contract;
  3. Amend the solicitation;
  4. Issue a new solicitation;
  5. Award a contract consistent with procurement statutes and regulations; or
  6. Such other relief as is determined necessary to ensure compliance with Articles 10 and 11.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1147. Appeals to a Hearing Officer**

- A. An appeal to a hearing officer from a decision entered or deemed to be entered by the district representative shall be filed with the district representative within 30 days from the date of decision.
- B. Content of appeal. The appeal shall contain:
  1. The information set forth in R7-2-1142(B); and
  2. The precise factual or legal error in the decision of the district representative from which an appeal is taken.
- C. All costs associated with conducting a hearing, including the costs of the hearing officer, shall be paid by the school district. If the hearing officer decides in favor of the school district, the other party shall reimburse the school district for the costs of the hearing within 30 days of receipt of a copy of the hearing officer's invoice.
- D. The Executive Director of the State Board of Education ("Executive Director") shall prepare and maintain a list of individuals who meet the qualifications specified in R7-2-1185 to serve as hearing officers.
- E. A hearing officer may be selected by mutual agreement of both parties. If the parties are unable to mutually agree on a hearing officer, three hearing officers shall be selected randomly by the Executive Director and shall be screened to determine availability and possible bias. Once the Executive Director has selected three hearing officers who are available

and show no evidence of bias, the three names shall be provided to both parties. Both parties have the opportunity to strike one name from the list provided, but shall do so within 14 calendar days from the date on which the Executive Director provided the list to the parties. If after the time period for striking a hearing officer has passed and more than one person remains on the list, the Executive Director shall select one of the remaining individuals on the list as the hearing officer unless either party objects for cause and provides such reason in writing to the Executive Director. If after the time period for striking a hearing officer has passed and there is only one person remaining on the list, the remaining individual shall be named as the hearing officer unless either party objects for cause and provides such reason in writing to the Executive Director. Objections for cause shall require specific evidence that the individual does not meet the criteria specified in R7-2-1185. The Executive Director shall review the evidence submitted and determine the qualifications of the individual. If the Executive Director determines that the individual is not qualified to serve as the hearing officer, the Executive Director shall repeat the process and select three additional hearing officers to be provided to the parties.

- F. Issuance of a school district purchase order shall constitute the official selection date of the hearing officer.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1148. Notice of Appeal**

The district representative shall within three working days give notice of the filing of the appeal to the governing board and the successful contractor if award has been made.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1149. Stay of Procurement During Appeal**

If an appeal is filed and the procurement or contract was stayed by the district representative pursuant to R7-2-1144, the filing of an appeal shall automatically continue the stay unless the hearing officer makes a written determination that the award of the contract without delay is necessary to protect substantial interests of the school district. If no such determination is made, the stay shall automatically end upon written decision of the hearing officer pursuant to R7-2-1151 or R7-2-1181.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1150. District Representative's Response**

- A. The district representative shall file a complete response to the appeal within 21 days from the date the appeal is filed or within five days after the hearing officer has been selected, whichever is later. At the same time, the district representative shall furnish a copy of the response to the appellant and to any interested party.

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- B. The district representative may submit a written request to the hearing officer for an extension of the period for submission of response, identifying the reasons for the extension. The hearing officer shall approve or deny the request in writing, state the reasons for the determination, and, if an extension is granted, set forth a new date for the submission of filing a response. The hearing officer shall notify the district representative and the interested party of any extension.
- C. The interested party shall file comments on the district representative's response with the hearing officer within 10 days after receipt of the response. The interested party shall provide copies of the comments to the district representative and other interested parties.
- D. The interested party may submit a written request to the hearing officer for an extension of the period for submission of comments, identifying the reasons for the extension. The hearing officer shall approve or deny the request in writing, state the reasons for the determination, and, if an extension is granted, set forth a new date for the submission of filing comments. The hearing officer shall notify the district representative and the interested party of any extension.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1151. Dismissal Before Hearing**

- A. The hearing officer shall dismiss, upon a written determination, an appeal before scheduling a hearing if:
  1. The appeal does not state a valid basis for protest;
  2. The appeal is untimely pursuant to R7-2-1147(A); or
  3. The appeal attempts to raise issues not raised in the protest.
- B. The hearing officer shall notify the interested party and the district representative in writing of a determination to dismiss an appeal before hearing.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1152. Hearing**

Hearings on appeals of bid protest decisions shall be conducted pursuant to R7-2-1181 and A.R.S. § 41-1092.07 as contested cases.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1153. Remedies**

If the hearing officer sustains the appeal in whole or part and determines that a solicitation, a determination that a proposal is unacceptable, proposed award, or award does not comply with Articles 10 and 11, remedies shall be implemented pursuant to R7-2-1146.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1154. Reserved**

## PART XIX. CONTRACT CLAIMS AND CONTROVERSIES

**R7-2-1155. Resolution of Contract Claims and Controversies**

- A. The district representative shall have the authority granted to the district representative by the governing board to settle and resolve contract claims and controversies including claims relating to assignees of the contractor.
- B. The district representative shall receive prior written approval of the governing board for the settlement or resolution of a claim exceeding the dollar amount specified in A.R.S. § 41-2535.
- C. Appeals from decisions of the district representative may be made to the hearing officer pursuant to R7-2-1158.
- D. A claimant shall file a contract claim with the district representative within 180 days after the claim arises. The claim shall include the following:
  1. The name, address, and telephone number of the claimant;
  2. The signature of the claimant or claimant's representative;
  3. Identification of the solicitation or contract number;
  4. A detailed statement of the legal and factual grounds of the claim including copies of the relevant documents; and
  5. The form and dollar amount of the relief requested.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1156. District Representative's Decision**

- A. If a controversy cannot be resolved by mutual agreement, the district representative shall issue a written decision within no more than 60 days from receipt of the contractor's written request for a decision. Before issuing a written decision, the district representative shall review the facts pertinent to the claim and secure any necessary assistance from legal, fiscal, and other advisors.
- B. Decision of the district representative. The district representative shall furnish a copy of the decision to the contractor by any method that provides evidence of receipt. The decision shall include:
  1. A description of the claim;
  2. A reference to the pertinent contract provision;
  3. A statement of the factual areas of agreement or disagreement;
  4. A statement of the district representative's decision, with supporting rationale; and
  5. A paragraph substantially as follows:  
 "This is the decision of the district representative of the \_\_\_\_\_ School District. This decision may be appealed to a hearing officer. If you appeal, you must file a written notice of appeal with the district representative within 30 days from the date of decision."

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Amended by final rulemaking at 6 A.A.R. 3750, effective September 8, 2000 (Supp. 00-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1157. Issuance of a Timely Decision**



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- A. On agreement of all interested parties, the time limit for decisions set forth in R7-2-1156(A) may be extended for good cause for a reasonable time not to exceed 14 days. The district representative shall notify the contractor in writing that the time for the issuance of a decision has been extended and the date by which a decision shall be issued.
- B. If the district representative fails to issue a decision within 60 days after the request is filed or within the time prescribed under subsection (A), the contractor may proceed as if the district representative had issued an adverse decision.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1158. Appeals to a Hearing Officer**

- A. An appeal from a decision entered or deemed to be entered by the district representative on a contract claim or controversy shall be filed with the district representative within 30 days from the date of decision.
- B. The appeal shall contain the basis for the precise factual or legal error in the decision of the district representative from which an appeal is taken.
- C. The district representative shall file a complete response to the appeal within 21 days from the date the appeal is filed or within five days after the hearing officer has been selected, whichever is later. At the same time, the district representative shall furnish a copy of the response to the appellant and to any interested party.
- D. The district representative may submit a written request to the hearing officer for an extension of the period for submission of response, identifying the reasons for the extension. The hearing officer shall approve or deny the request in writing, state the reasons for the determination, and, if an extension is granted, set forth a new date for the submission of filing a response. The hearing officer shall notify the district representative and the interested party of any extension.
- E. The interested party shall file comments on the district representative's response with the hearing officer within 10 days after receipt of the response. The interested party shall provide copies of the comments to the district representative and other interested parties.
- F. The interested party may submit a written request to the hearing officer for an extension of the period for submission of comments, identifying the reasons for the extension. The hearing officer shall approve or deny the request in writing, state the reasons for the determination, and, if an extension is granted, set forth a new date for the submission of filing comments. The hearing officer shall notify the district representative and the interested party of any extension.
- G. All costs associated with conducting a hearing, including the costs of the hearing officer, shall be paid by the school district. If the hearing officer decides in favor of the school district, the other party shall reimburse the school district for the costs of the hearing within 30 days of receipt of a copy of the hearing officer's invoice.
- H. The Executive Director of the State Board of Education ("Executive Director") shall prepare and maintain a list of individuals who meet the qualifications specified in R7-2-1185 to serve as hearing officers.

- I. A hearing officer may be selected by mutual agreement of both parties. If the parties are unable to mutually agree on a hearing officer, three hearing officers shall be selected randomly by the Executive Director and shall be screened to determine availability and possible bias. Once the Executive Director has selected three hearing officers who are available and show no evidence of bias, the three names shall be provided to both parties. Both parties have the opportunity to strike one name from the list provided, but shall do so within 14 calendar days from the date on which the Executive Director provided the list to the parties. If after the time period for striking a hearing officer has passed and more than one person remains on the list, the Executive Director shall select one of the remaining individuals on the list as the hearing officer unless either party objects for cause and provides such reason in writing to the Executive Director. If after the time period for striking a hearing officer has passed and there is only one person remaining on the list, the remaining individual shall be named as the hearing officer unless either party objects for cause and provides such reason in writing to the Executive Director. Objections for cause shall require specific evidence that the individual does not meet the criteria specified in R7-2-1185. The Executive Director shall review the evidence submitted and determine the qualifications of the individual. If the Executive Director determines that the individual is not qualified to serve as the hearing officer, the Executive Director shall repeat the process and select three additional hearing officers to be provided to the parties.
- J. Issuance of a school district purchase order shall constitute the official selection date of the hearing officer.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Amended by final rulemaking at 6 A.A.R. 3750, effective September 8, 2000 (Supp. 00-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1159. Hearing**

Hearings on appeals of contract claim and controversy decisions shall be conducted pursuant to R7-2-1181 and A.R.S. § 41-1092.07 as contested cases.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1160. Reserved****PART XX. DEBARMENT AND SUSPENSION****R7-2-1161. Authority to Debar or Suspend**

- A. Except as provided in A.R.S. § 41-1279.21(B), the governing board has the sole authority to debar or suspend a person from participating in school district procurements.
- B. The causes for debarment or suspension include the following:
  1. Conviction of any person or any subsidiary or affiliate of any person for commission of a criminal offense arising out of obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract.
  2. Conviction of any person or any subsidiary or affiliate of any person under any statute of the federal government, this state or any other state for embezzlement, theft, fraudulent schemes and artifices, fraudulent schemes and

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practices, bid rigging, perjury, forgery, bribery, falsification or destruction of records, receiving stolen property or any other offense indicating a lack of business integrity or business honesty which affects responsibility as a school district contractor.

3. Conviction or civil judgment finding a violation by any person or any subsidiary or affiliate of any person under state or federal antitrust statutes.
4. Violations of contract provisions of a character which are deemed to be so serious as to justify debarment action, such as either of the following:
  - a. Knowingly fails without good cause to perform in accordance with the specification or within the time limit provided in the contract.
  - b. Failure to perform or unsatisfactory performance in accordance with the terms of one or more contracts, except that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment.
5. Any other cause deemed to affect responsibility as a school district contractor, including suspension or debarment of such person or any subsidiary or affiliate of such person by another governmental entity for any cause.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1162. Initiation of Debarment**

Upon receipt of information concerning a possible cause for debarment, the school district shall investigate the possible cause. If the school district has a reasonable basis to believe that a cause for debarment exists, the school district may propose debarment under R7-2-1164.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

**R7-2-1163. Period of Debarment**

- A. The period of time for a debarment shall not exceed three years from the date of the debarment determination.
- B. If debarment is based solely upon debarment by another governmental agency including another school district, the period of debarment may run concurrently with the period established by that other debarring agency.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

**R7-2-1164. Notice**

- A. If the school district proposes debarment, the school district shall notify the person and affected affiliates in writing within seven days of the proposed debarment by any means evidencing receipt, which notice shall indicate that a hearing shall be scheduled, if requested, in accordance with R7-2-1181 as contested cases.
- B. The notice of debarment shall state:
  1. The basis for debarment;
  2. The period, including dates, of the debarment;
  3. That bids or proposals shall not be solicited or accepted from the person and, if received, will not be considered; and
  4. That the person is entitled to a hearing on the suspension if the person files a written request for a hearing with a designated district representative within 10 days after receipt of the notice.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1165. Notice to Affiliates**

- A. If the school district proposes to debar an affiliate, the affiliate shall have a right to appear in any hearing on the proposed debarment to show mitigating circumstances.
- B. The affiliate shall in writing advise the school district within 10 days of receipt of the notice under R7-2-1164 of its intention to appear under subsection (A). Failure to provide written notice of appearance within the 10-day period shall be a waiver of the right to appear in the hearing.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1166. Imputed Knowledge**

- A. Improper conduct may be imputed to an affiliate for purposes of debarment where the impropriety occurred in connection with the affiliate's duties for or on behalf of, or with the knowledge, approval, or acquiescence of, the contractor.
- B. The improper conduct of a person or its affiliate having a contract with a contractor may be imputed to the contractor for purposes of debarment where the impropriety occurred in connection with the person's duties for or on behalf of, or with the actual or constructive knowledge, approval, or acquiescence of, the contractor.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1167. Reinstatement**

- A. The governing board may at any time reinstate a debarred person or rescind the debarment upon a determination that the cause upon which the debarment is based no longer exists or upon a determination that such reinstatement or rescission is advantageous to the school district. The governing board's determination shall include any limitations on the debarred person's ability to contract with the school district.
- B. Any debarred person may request reinstatement by submitting a petition to the school district supported by documentary evidence showing that the cause for debarment no longer exists or has been substantially mitigated.
- C. The school district may require a hearing on the request for reinstatement.
- D. The school district shall make a written decision on reinstatement within 30 days after the request is filed and specify the factors on which it is based.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1168. Suspension**

- A. If adequate grounds for debarment exist, the governing board may suspend a person from participating in any procurement or receiving any award in accordance with the procedures in R7-2-1170.

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- B. The governing board shall not suspend a person pending debarment unless compelling reasons require suspension to protect school district interests.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1169. Period and Scope of Suspension**

- A. Unless otherwise agreed to by the parties, the period of suspension shall not exceed 35 days without satisfying the notice requirements of R7-2-1170. If the notice requirements are satisfied the period of suspension shall not exceed six months.
- B. For purpose of suspension, a person's conduct may be imputed to an affiliate or another person in accordance with R7-2-1166.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1170. Notice and Hearing**

- A. The school district shall notify the person suspended by any means evidencing receipt.
- B. The notice of suspension shall state:
1. The basis for suspension;
  2. The period, including dates, of the suspension;
  3. That bids or proposals shall not be solicited or accepted from the person and, if received, will not be considered; and
  4. That the person is entitled to a hearing on the suspension if the person files a written request for a hearing, including the basis for the request, with a designated district representative within 10 days after receipt of the notice.
- C. A hearing requested under this Section shall be conducted pursuant to R7-2-1181.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1171. List of Debarments, Suspensions and Voluntary Exclusions**

The school district shall maintain a list of debarment, suspensions, and voluntary exclusions. It is recommended that the school district provide notice of any debarments, suspensions and voluntary exclusions to the state purchasing office.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

**R7-2-1172. Reserved**

**R7-2-1173. Reserved**

**R7-2-1174. Reserved**

**R7-2-1175. Reserved**

**R7-2-1176. Reserved**

**R7-2-1177. Reserved**

**R7-2-1178. Reserved**

**R7-2-1179. Reserved**

**R7-2-1180. Reserved**

## PART XXI. HEARING PROCEDURES

**R7-2-1181. Hearing Procedures**

- A. If a hearing is required or permitted under Articles 10 and 11, this Section shall apply. Hearing officers shall be selected pursuant to R7-2-1147(D) and (E) or R7-2-1158(E) and (F).
- B. The Arizona Administrative Procedure Act (A.R.S. Title 41, Chapter 6) shall apply where the Act is not inconsistent with Articles 10 and 11.
- C. The hearing officer shall arrange for a hearing to be held within 30 days of receiving required responses and comments from both parties and notify the parties in writing of the time and place of the hearing.
- D. The hearing officer may:
1. Hold pre-hearing conferences to settle, simplify, or identify the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding;
  2. Require parties to state their positions concerning the various issues in the proceeding;
  3. Require parties to produce for examination those relevant witnesses and documents under their control;
  4. Rule on motions and other procedural items on matters pending before such officer;
  5. Regulate the course of the hearing and conduct of participants;
  6. Establish time limits for submission of motions or memoranda;
  7. Impose appropriate sanctions against any person failing to obey an order under these procedures, which may include:
    - a. Refusing to allow the person to assert or oppose designated claims or defenses, or prohibiting that person from introducing designated matters in evidence;
    - b. Excluding all testimony of an unresponsive or evasive witness; and
    - c. Expelling person from further participation in the hearing;
  8. Take official notice of any material fact not appearing in evidence in the record, if the fact is among the traditional matters of judicial notice; and
  9. Administer oaths or affirmations.
- E. A transcribed record of the hearing shall be made available at cost to any requesting party.
- F. Decision by the hearing officer. A decision by the hearing officer shall be sent within 30 days after the conclusion of the hearing to all parties by any means evidencing receipt. A decision shall contain:
1. A statement of facts;
  2. A statement of the decision with supporting rationale; and
  3. A statement that the parties may file a motion for rehearing within 15 days from the date a copy of this decision is served upon the party.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Amended by final rulemaking at 6 A.A.R. 3750, effective September 8, 2000 (Supp. 00-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1182. Rehearing of Decisions**

- A. Procedure; grounds. A decision of the hearing officer may be vacated and new hearing granted on motion of the aggrieved

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party for any of the following causes materially affecting the party's rights:

1. Irregularity in the proceedings of the hearing officer or prevailing party, or any order or abuse of discretion, whereby the moving party was deprived of a fair hearing.
  2. Misconduct of the prevailing party.
  3. Accident or surprise not preventable by ordinary prudence.
  4. Material evidence, newly discovered, which despite reasonable diligence was not discovered and produced at the hearing.
  5. Excessive or insufficient damages or penalties.
  6. Error of law occurring at the hearing or during the progress of the proceeding.
  7. That the findings of fact or decision is not justified by the evidence or is contrary to law.
- B.** Scope. A rehearing may be granted to all or any of the parties and on all or part of the issues in the proceeding for any of the reasons for which rehearings are authorized by law or rule of court. On a motion for a rehearing, the hearing officer may open the decision, take additional testimony, amend findings of fact and conclusions of law or make new findings and conclusions, and direct the entry of a new decision.
- C.** Contents of motion; amendment; rulings reviewable.
1. The motion for rehearing shall be in writing, shall specify generally the grounds upon which the motion is based, and may be amended at any time before it is ruled upon by the hearing officer.
  2. Upon the general ground that the hearing officer erred in admitting or rejecting evidence, the hearing officer shall review all rulings during the hearing upon objections to evidence.
  3. Upon the general ground that the findings of fact or decision are not justified by the evidence, the hearing officer shall review the sufficiency of the evidence.
- D.** Time for motion for rehearing. A motion for rehearing shall be filed not later than 15 days after service of the decision upon the party.
- E.** Time for serving affidavits. When a motion for rehearing is based upon affidavits they shall be served with the motion. The opposing party has 10 days after such service within which to serve opposing affidavits, which period may be extended for an additional period not exceeding 20 days either by the hearing officer for good cause shown or by the parties by written stipulation. The hearing officer may permit reply affidavits.
- F.** On initiative of hearing officer. Not later than 15 days after the date of the decision, the hearing officer may order a rehearing for any reason for which it might have granted a rehearing on motion of a party. After giving the parties notice and an opportunity to be heard on the matter, the hearing officer may grant a motion for a rehearing, timely served, for a reason not stated in the motion. In either case, the hearing officer shall specify in the order the grounds therefor.
- G.** Questions to be considered in rehearing. A rehearing, if granted, shall be only a rehearing of the question or questions with respect to which the decision is found erroneous, if separable. If a rehearing is ordered because the damages or penalties are excessive or inadequate and granted solely for that reason, the decision shall be set aside only in respect of the damages or penalties, and shall stand in all other respects.
- H.** Motion on ground of excessive or inadequate damages. When a motion for rehearing is made upon the ground that the damages or penalties awarded are either excessive or insufficient, the hearing officer may grant the rehearing conditionally upon the filing within a fixed period of time, not to exceed 15 days,

of a statement by the party adversely affected by reduction or increase of damages or penalties accepting that amount of damages or penalties which the hearing officer shall designate. If such a statement is filed with the prescribed time, the motion for rehearing shall be regarded as denied as of the date of such filing. If no statement is filed, the motion for rehearing shall be regarded as granted as of the date of the expiration of the time period within which a statement may have been filed. No further written order shall be required to make an order granting or denying the rehearing final. If the conditional order of the hearing officer requires a reduction of or increase in damages or penalties, then the rehearing will be granted in respect of the damages or penalties only and the decision shall stand in all other respects.

- I.** Number of motions for rehearing. Not more than two motions for rehearing shall be granted to any party in the same action.
- J.** Specifications of grounds of rehearing in order. An order granting a motion for rehearing shall specify with particularity the ground or grounds on which the rehearing is granted.
- K.** Final decision.
1. If a motion for rehearing is denied, the final decision denying the motion for rehearing shall be sent within five days after the denial to all parties by any means evidencing receipt. A final decision shall contain a paragraph substantially as follows: "This is the final decision of the hearing officer in the matter of \_\_\_\_\_."
  2. If the motion for rehearing was granted, after the rehearing is completed, a final decision shall be made and shall be sent within five days after the conclusion of the rehearing to all parties as required in subsection (K)(1). A final decision shall contain:
    - a. A statement of facts;
    - b. A statement of the decision with supporting rationale; and
    - c. A paragraph substantially as stated in subsection (K)(1).

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final rulemaking at 6 A.A.R. 3750, effective September 8, 2000 (Supp. 00-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1183. Judicial Review**

Any final decision made as a result of a hearing held pursuant to Articles 10 and 11 are subject to judicial review in accordance with A.R.S. Title 12, Chapter 7, Article 6.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 3750, effective September 8, 2000 (Supp. 00-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1184. Exclusive Remedy**

Articles 10 and 11 (R7-2-1001 et seq.) provide the exclusive procedure for asserting a cause against the school district and its governing board arising in relation to any procurement conducted under Articles 10 and 11.

**Historical Note**

Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1185. Qualifications for Hearing Officers**

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- A. A “hearing officer” means a person assigned to preside at a hearing held pursuant to Articles 10 and 11 and whose duty it is to assure that proper procedures are followed and that the rights of the parties are protected.
- B. A hearing officer shall be:
1. Unbiased - not prejudiced for or against any party in the hearing;
  2. Disinterested - not having any personal or professional interest which would conflict with his/her objectivity in the hearing; and
  3. Independent - may not be an officer, employee or agent of the contractor or governing board, or of any other public agency involved in the dispute to be settled. A person who otherwise qualifies to conduct a hearing is not an employee of the contractor or governing board solely because he or she is paid by the parties to serve as a hearing officer.
- C. A hearing officer shall have:
1. A minimum of three years of verified experience in the practice of law; or
  2. A minimum of three years of verified experience in school procurement or school facilities management and a minimum of one year of verified experience in conducting hearings. Completion of a course or program in conducting a hearing or arbitration may substitute for the one year of verified experience in conducting hearings.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 3750, effective September 8, 2000 (Supp. 00-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1186. Reserved**

**R7-2-1187. Reserved**

**R7-2-1188. Reserved**

**R7-2-1189. Reserved**

**R7-2-1190. Reserved**

## PART XXII. INTERGOVERNMENTAL PROCUREMENTS

**R7-2-1191. Cooperative Purchasing Authorized**

- A. A school district may either participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of any materials, services, specified professional services, construction, or construction services with one or more eligible procurement units in accordance with an agreement entered into between the participants. An agreement entered into as provided in R7-2-1191 through R7-2-1195 is exempt from A.R.S. § 11-952(D) and (E). Parties under a cooperative purchasing agreement may:
1. Sponsor, conduct, or administer a cooperative purchasing agreement for the procurement or disposal of any materials, services or construction.
  2. Cooperatively use materials or services.
  3. Commonly use or share warehousing facilities, capital equipment and other facilities.
  4. Provide personnel, except that the requesting public procurement unit shall pay the public procurement unit providing the personnel the direct and indirect cost of providing the personnel, in accordance with the agreement.
  5. On request, make available to other public procurement units informational, technical or other services or software that may assist in improving the efficiency or economy of procurement. The public procurement unit furnishing the informational, technical, or other services or software has the right to request reimbursement for the reasonable and necessary costs of providing such services or software.

- B. The activities described in subsections (A)(1) through (A)(5) do not limit what parties may do under a cooperative purchasing agreement.
- C. A nonprofit corporation shall comply with Articles 10 and 11 in any cooperative purchasing agreement the nonprofit corporation administers in which a school district participates.
- D. Whether administering or purchasing from the agreement, this Section does not abrogate the responsibility of each school district to perform due diligence in order to ensure compliance with Articles 10 and 11 notwithstanding the fact that the cooperative purchase is administered by another eligible procurement unit.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1192. Contract Provisions in a Cooperative Purchasing Agreement**

Any contract entered pursuant to R7-2-1191 shall provide that:

1. Payment for materials and services and inspection and acceptance of materials or services ordered by an eligible procurement unit under a cooperative purchasing agreement shall be the exclusive obligation of such procurement unit;
2. The exercise of any rights or remedies by a using eligible procurement unit shall be the exclusive obligation of such procurement unit. The administering public procurement unit, as the contract administrator and without subjecting itself to any liability, may join in the resolution of any controversy;
3. Any school district may terminate without notice any cooperative purchasing agreement if another eligible procurement unit fails to comply with the terms of the contract;
4. Failure of an eligible procurement unit to secure performance from the contractor in accordance with the terms and conditions of its purchase order does not necessarily require any other eligible procurement unit to exercise its own rights or remedies; and
5. An eligible procurement unit shall not use a cooperative purchasing contract as a method for obtaining concessions or reduced prices for non-contract purchases of similar materials or services.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1193. Use of Payments Received by a Supplying Public Procurement Unit**

All payments received by a public procurement unit supplying personnel or services shall be available to the supplying public procurement unit to defray the cost of the cooperative program.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

**R7-2-1194. Public Procurement Units in Compliance with Article Requirements**

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- A. If the eligible procurement unit administering a cooperative purchase complies with the requirements of Articles 10 and 11, any public procurement unit participating in such a purchase is deemed to have complied with Articles 10 and 11. Public procurement units may not enter into a cooperative purchasing agreement for the purpose of circumventing Articles 10 and 11.
- B. A participating public procurement unit using a contract awarded by another eligible procurement unit shall only purchase awarded materials, services, specified professional services, construction, or construction services in compliance with the terms, conditions and prices in the contract.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1195. Contract Controversies**

- A. Under a cooperative purchasing agreement in which a school district is a party, controversies arising between an administering public procurement unit and its bidders, offerors or contractors shall be resolved in accordance with Articles 10 and 11.
- B. Any local public procurement unit which is not subject to R7-2-1181 through R7-2-1185 may enter into an agreement with a school district to establish procedures or use such school district's existing procedures to resolve controversies with contractors, whether or not such controversy arose from a cooperative purchasing agreement.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1196. General Services Administration Contracts**

- A. The governing board may authorize purchases under a current General Services Administration contract for materials or services without complying with the requirements of Articles 10 and 11 if the governing board determines in writing before proceeding with a General Services Administration contract procurement that all of the following apply:
1. The price for materials or services is equal to or less than the contractor's current federal supply contract price with the General Services Administration and is fair and reasonable.
  2. The contractor has indicated in writing that the contractor is willing to extend the current federal supply contract pricing, terms and conditions to the school district.
  3. The purchase order adequately identifies the federal supply contract on which the order is based, including the name of the contractor, contract number and procurement description.
  4. The purchase contract is cost effective based on price, quality and other relevant factors, and is advantageous to the school district.
- B. The school district shall only purchase materials or services awarded under the applicable General Services Administration contract.
- C. The governing board shall comply with all federal requirements applicable to state and local government use of General Services Administration contracts.

**Historical Note**

Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year

corrected in Supp. 18-2.

**R7-2-1197. Reserved**

**R7-2-1198. Reserved**

**R7-2-1199. Reserved**

**R7-2-1200. Reserved**

**ARTICLE 12. REPEALED**

**R7-2-1201. Repealed**

**Historical Note**

Adopted effective April 27, 1989 (Supp. 89-2). Repealed effective February 20, 1997 (Supp. 97-1).

**ARTICLE 13. CONDUCT****R7-2-1301. Definitions**

In this Article, unless the context otherwise specifies:

1. "Alleging party" means an individual, partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any character or other agency who completes a statement alleging immoral or unprofessional conduct against a certificated individual.
2. "Applicant" means a noncertificated person who has been disciplined by the Board and who has submitted an application requesting reinstatement of the person's legal right to work in a public school, or a person who has submitted an application to the Department requesting an evaluation of the requirements set forth in R7-2-601 et seq., requesting issuance of a certificate pursuant to R7-2-601 et seq., requesting renewal of a certificate issued pursuant to R7-2-601 et seq. or requesting changes of coding to existing files or certificates pursuant to R7-2-601 et seq.
3. "Board" means the State Board of Education.
4. "Certificated individual" means an individual who holds or has held an Arizona certificate issued pursuant to R7-2-601 et seq.
5. "Complaint" means the filing of a charge by the Board against a certificated individual alleging immoral or unprofessional conduct.
6. "Department" means the Arizona Department of Education.
7. "Hearing" means an adjudicative proceeding held pursuant to A.R.S. Title 41, Chapter 6 and R7-2-701 et seq.
8. "Noncertificated individual" means a noncertificated person defined in A.R.S. § 15-505, as determined by the Board.
9. "PPAC" means the Professional Practices Advisory Committee established pursuant to R7-2-205.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Amended by final exempt rulemaking at 25 A.A.R. 967, effective March 27, 2019 (Supp. 19-1). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-1302. Statement of Allegations**

- A. Any person may file, with the Board, a statement of allegations against a certificated or noncertificated individual on forms provided by the Board.
- B. A statement of allegations shall state the facts under which a party is alleging immoral or unprofessional conduct and shall be signed and notarized.

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- C. The facts in a statement of allegations shall clearly state the details of the alleged immoral or unprofessional conduct.
- D. A statement of allegations shall contain the names, addresses and telephone numbers of individuals who can be contacted to provide information regarding the allegations contained in the statement. The list of individuals shall also include a brief summary of the substance and extent of each individual's knowledge regarding the allegations contained in the statement.
- E. The alleging party may attach written or other evidence to a statement of allegations at the time that the statement is filed with the Board.
- F. A statement of allegations may be returned to the alleging party if the statement is not complete or not legible.
- G. The Board shall conduct an investigation of all statements of allegations filed pursuant to this Article.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Amended by final exempt rulemaking at 25 A.A.R. 967, effective March 27, 2019 (Supp. 19-1). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-1303. Complaint**

- A. Upon completion of an investigation resulting from a statement of allegations, the Board may file a complaint against a certificated or noncertificated individual, may issue or deny certification to an applicant, or may reinstate a noncertificated individual's legal right to work in a public school and matters related to immoral or unprofessional conduct, unfitness to teach, and the discipline of noncertificated individuals pursuant to A.R.S. § 15-505.
- B. The Board may, at its own discretion, investigate any matter and file a complaint against a certificated or noncertificated individual upon receiving any information, from any source, indicating immoral or unprofessional conduct has occurred.
- C. A hearing shall be held on a complaint before the PPAC.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Section R7-2-1303 renumbered to R7-2-1304; new Section R7-2-1303 renumbered from R7-2-1304 and amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Amended by final exempt rulemaking at 25 A.A.R. 967, effective March 27, 2019 (Supp. 19-1). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-1304. Notification; Investigation**

The certificated or noncertificated individual shall have 20 days from service by U.S. mail and email of the notice of investigation to file a written response with the Board.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Section R7-2-1304 renumbered to R7-2-1303; new Section R7-2-1304 renumbered from R7-2-1303 and amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Amended by final exempt rulemaking at 23 A.A.R. 725, effective January 23, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 25 A.A.R. 967, effective March 27, 2019 (Supp. 19-1). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22,

2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-1305. Investigation**

- A. Applicants shall certify on forms that are provided by the Department whether the applicant:
  1. Has ever received any disciplinary action, including revocation, suspension or reprimand, involving any professional certification or license;
  2. Is currently under investigation or has ever been the subject of any investigation by the Department of Child Safety or a similar department in this state or another jurisdiction;
  3. Has ever been convicted of a felony offense;
  4. Has ever been arrested, cited and released, or received a criminal summons for any offense, regardless if eventually convicted of a crime or if a conviction was set aside or expunged; or
  5. Has ever been arrested, cited and released, or received a criminal summons for any offense involving a child, regardless if eventually convicted of a crime or if a conviction was set aside or expunged.
- B. Upon receipt of notification that an applicant, certificated, or noncertificated individual has engaged in unprofessional or immoral conduct pursuant to R7-2-1308, conduct that would warrant disciplinary action if the person had been certified at the time that the alleged conduct occurred, or conduct listed in subsections (A)(1) through (5), the Board shall initiate an investigation.
- C. Applicants, certificated, and noncertificated individuals who are alleged to have engaged in unprofessional or immoral conduct pursuant to R7-2-1308, conduct that would warrant disciplinary action if the person had been certified at the time that the alleged conduct occurred, or conduct listed in subsections (A)(1) through (5) shall provide the Board with copies of court records and law enforcement reports pertaining to the offense.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Amended by final exempt rulemaking at 25 A.A.R. 967, effective March 27, 2019 (Supp. 19-1). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-1306. Repealed****Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Repealed by final exempt rulemaking at 25 A.A.R. 967, effective March 27, 2019 (Supp. 19-1).

**R7-2-1307. Criminal Offenses**

- A. The Board shall revoke, not issue, or not renew the certification of a person who has been convicted of committing or attempting, soliciting, facilitating or conspiring to commit any of the following criminal offenses in this state or similar offenses in another jurisdiction:
  1. Sexual abuse of a minor;
  2. Incest;
  3. First-degree murder;
  4. Second-degree murder;
  5. Manslaughter;
  6. Sexual assault;
  7. Sexual exploitation of a minor;
  8. Commercial sexual exploitation of a minor;

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9. A dangerous crime against children as defined in A.R.S. § 13-705;
  10. Armed robbery;
  11. Aggravated assault;
  12. Sexual conduct with a minor;
  13. Molestation of a child;
  14. Exploitation of minors involving drug offenses;
  15. Sexual abuse of a vulnerable adult;
  16. Sexual exploitation of a vulnerable adult;
  17. Commercial sexual exploitation of a vulnerable adult;
  18. Child sex trafficking as prescribed in A.R.S. § 13-3212;
  19. Child abuse;
  20. Abuse of a vulnerable adult;
  21. Molestation of a vulnerable adult;
  22. Taking a child for the purpose of prostitution as prescribed in A.R.S. § 13-3206;
  23. Neglect or abuse of a vulnerable adult;
  24. Sex trafficking;
  25. Sexual abuse;
  26. Production, publication, sale, possession and presentation of obscene items as prescribed in A.R.S. § 13-3502;
  27. Furnishing harmful items to minors as prescribed in A.R.S. § 13-3506;
  28. Furnishing harmful items to minors by internet activity as prescribed in A.R.S. § 13-3506.01;
  29. Obscene or indecent telephone communications to minors for commercial purposes as prescribed in A.R.S. § 13-3512;
  30. Luring a minor for sexual exploitation;
  31. Enticement of persons for purposes of prostitution;
  32. Procurement by false pretenses of person for purposes of prostitution;
  33. Procuring or placing persons in a house of prostitution;
  34. Receiving earnings of a prostitute;
  35. Causing one's spouse to become a prostitute;
  36. Detention of persons in a house of prostitution for debt;
  37. Keeping or residing in a house of prostitution or employment in prostitution;
  38. Pandering;
  39. Transporting persons for the purpose of prostitution, polygamy and concubinage;
  40. Portraying adult as a minor as prescribed in A.R.S. § 13-3555;
  41. Admitting minors to public displays of sexual conduct as prescribed in A.R.S. § 13-3558;
  42. Unlawful sale or purchase of children;
  43. Child bigamy; or
  44. Trafficking of persons for forced labor or services.
- B.** Upon notification by the clerk of the court, magistrate or court of competent jurisdiction, the Board shall immediately and permanently revoke the certificate of a person who has been convicted of any of the following offenses:
1. A dangerous crime against children as defined in A.R.S. § 13-705;
  2. Sexual abuse as prescribed in A.R.S. § 13-1404 in which the victim was a minor;
  3. Sexual assault as prescribed in A.R.S. § 13-1406 in which the victim was a minor;
  4. Sexual conduct with a minor as prescribed A.R.S. § 13-1405;
  5. A preparatory offense as prescribed in A.R.S. § 13-1001 of any of the offenses listed in subsections (B)(1), (2), (3), or (4);
  6. Any crime that requires the person to register as a sex offender; or
7. An act committed in another state or territory that if committed in this state would have been one of the offenses listed in subsections (B)(1), (2), (3), or (4).
- C.** If the Board takes disciplinary action against a noncertificated individual, does not issue, does not renew, or revokes a certificate due to a person's conviction or admission of an offense listed in subsections (A)(1) through (44), but which is not an offense listed in subsections (B)(1) through (7), the notice of non-issuance, non-renewal or revocation shall inform the person of that person's right to request a hearing within 20 days of service of the notice.
- D.** The Board shall prohibit from employment at a public school a noncertificated individual who has been convicted of committing or attempting, soliciting, facilitating or conspiring to commit any of the criminal offenses in this state or similar offenses in another jurisdiction listed in subsections (A)(1) through (44).
- E.** Upon notification by the clerk of the court, magistrate or court of competent jurisdiction, the Board shall immediately and permanently prohibit a noncertificated individual from employment at a public school if the individual has been convicted of any offense listed in subsections (B)(1) through (7).

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final exempt rulemaking at 23 A.A.R. 725, effective January 23, 2017 (Supp. 17-1). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Amended by final exempt rulemaking at 25 A.A.R. 967, effective March 27, 2019 (Supp. 19-1).

The phrase "paragraphs one, two, three or four" was changed to "subsections (B)(1), (2), (3) or (4)" to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-1308. Unprofessional and Immoral Conduct**

- A.** Noncertificated individuals and individuals holding certificates issued by the Board pursuant to R7-2-601 et seq. and individuals applying for certificates issued by the Board pursuant to R7-2-601 et seq. shall:
1. Make reasonable efforts to protect pupils from conditions harmful to learning, health, or safety;
  2. Account for all funds collected from pupils, parents, or school personnel;
  3. Adhere to provisions of the Uniform System of Financial Records related to use of school property, resources, or equipment; and
  4. Abide by copyright restrictions, security, or administration procedures for a test or assessment.
- B.** Noncertificated individuals and individuals holding certificates issued by the Board pursuant to R7-2-601 et seq. and individuals applying for certificates issued by the Board pursuant to R7-2-601 et seq. shall not:
1. Discriminate against or harass any pupil or school employee on the basis of race, national origin, religion, sex, including sexual orientation, disability, color or age;
  2. Deliberately suppress or distort information or facts relevant to a pupil's academic progress;
  3. Misrepresent or falsify pupil, classroom, school, or district-level data from the administration of a test or assessment;
  4. Engage in a pattern of conduct for the sole purpose or with the sole intent of embarrassing or disparaging a pupil;



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5. Use professional position or relationships with pupils, parents, or colleagues for improper personal gain or advantage;
  6. Falsify or misrepresent documents, records, or facts related to professional qualifications or educational history or character;
  7. Assist in the professional certification or employment of a person the certificate holder knows to be unqualified to hold a position;
  8. Accept gratuities or gifts that influence judgment in the exercise of professional duties;
  9. Possess, consume, or be under the influence of alcohol on school premises or at school-sponsored activities;
  10. Illegally possess, use, or be under the influence of marijuana, dangerous drugs, or narcotic drugs, as each is defined in A.R.S. § 13-3401;
  11. Make any sexual advance towards a pupil or child, either verbal, written, or physical;
  12. Engage in sexual activity, a romantic relationship, or dating of a pupil or child;
  13. Submit fraudulent requests for reimbursement of expenses or for pay;
  14. Use school equipment to access pornographic, obscene, or illegal materials; or
  15. Engage in conduct which would discredit the teaching profession.
- C. Individuals found to have engaged in unprofessional or immoral conduct shall be subject to, and may be disciplined by, the Board.
- D. Procedures for making allegations, complaints, and investigation of unprofessional or immoral conduct shall be as set forth in this Article.
- E. Application forms and certificates shall include the rules and statutes related to unprofessional and immoral conduct, including resignation from a contracted position without authorization and duties to report as required by law.
- F. Individuals applying for certificates issued by the Board pursuant to R7-2-601 et seq shall certify:
1. That they have read and understood the rules and statutes related to unprofessional and immoral conduct, including resignation from a contracted position without authorization and duties to report as required by law; and
  2. Whether they have been disciplined or are under investigation in another state for engaging in conduct that is immoral or unprofessional.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1544, effective June 28, 2003 (Supp. 03-2). Amended by final exempt rulemaking at 23 A.A.R. 725, effective January 23, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-1309. Summary Suspension**

- A. If a certificate holder is arrested, cited and released, or received a criminal summons for an offense listed in R7-2-1307 and if the Board finds the public health, safety or welfare imperatively requires emergency action, the Board may proceed under A.R.S. § 41-1064(C) ordering a summary suspension of a certificate while other proceedings are pending. The Board shall provide notice to the certificate holder of the meeting pursuant to R7-2-703 and R7-2-704.
- B. Summary suspensions issued by the Board shall remain in effect pending a public hearing and final decision by the Board pursuant to Article 7.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 66, effective December 13, 2019 (Supp. 19-4).

**R7-2-1400. Reserved****ARTICLE 14. CHARTER SCHOOLS****R7-2-1401. Definitions**

For the purpose of this Article the following definitions shall apply:

1. "Applicant" means a person, public body, or private organization that has applied to the State Board of Education to establish a charter school under the provisions of A.R.S. § 15-181 et seq.
2. "Background check" means a report received related to an applicant and the identified governing board members regarding the status of each person's credit and credit history, and any criminal activity identified by the law enforcement agency processing the applicant and governing board member's fingerprints.
3. "Committee" means the Charter School Committee established pursuant to this Article.
4. "Charter School" means a school chartered pursuant to A.R.S. § 15-181 et seq. and sponsored by the Board of Education.
5. "Contract" means a document outlining the terms and conditions of an agreement between the parties.
6. "Governing board" means the governing body responsible for the policy and operational decisions of the charter school formed pursuant to A.R.S. § 15-183 et seq.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).

**R7-2-1402. Charter School Committee**

- A. The Board of Education shall establish a Charter School Committee that shall have the responsibility of reviewing applications and preparing a recommendation for the Board of Education's consideration.
- B. The Board of Education shall appoint the members of the committee. The committee shall consist of seven members as follows:
1. An individual knowledgeable in building construction or renovation;
  2. An individual knowledgeable in finance and accounting and in generally accepted accounting practices;
  3. An individual representing a city in this state who is knowledgeable about zoning and operating permit requirements;
  4. An individual knowledgeable about elementary and high school curricula and the development and evaluation of curricula;
  5. An individual knowledgeable about assessments and the administration of assessments;
  6. An individual representing the Board of Education;
  7. A current operator of a charter school sponsored by the Board of Education.
- C. Terms of each member of the committee shall be for three years. Members may be appointed for subsequent terms upon approval by the Board of Education.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).

**R7-2-1403. Application**

- A. Interested parties or individuals may submit an application for approval by the Board of Education pursuant to A.R.S. § 15-

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181 et seq. Applications shall be on forms approved by the Board of Education.

- B.** Applications shall be evaluated by the committee. The committee shall prepare a recommendation for the Board of Education's consideration. The recommendation shall be based upon a review of all aspects of the application, including, for example, completeness of the application, the viability of the school including the financial viability, the projected funding sources, the number and population to be served, including school-aged students who are deemed to be unserved or underserved.
1. The committee may request additional information as needed to assist in evaluating the application and preparing a recommendation for the Board of Education's consideration.
  2. Recommendations of the committee to the Board of Education may include approval of the application, denial of the application, or deferral of the application pending further information or clarification.
  3. Applicants shall be notified in writing at least 10 days prior to the Board of Education meeting of the date, time, and place of the meeting at which the Board of Education shall consider the charter school committee's recommendation related to the application.
  4. Action by the Board of Education may include approval of the application, denial of the application, or deferral of the application pending further information or clarification. The Board of Education shall state the reasons for denial or deferral of the application.
  5. Applicants shall be notified in writing of the decision of the Board of Education. Written notification that the Board of Education has denied an application shall include reasons for denial. Written notification shall be provided to applicants within 15 days following a decision of the Board of Education.
- C.** An approved application does not constitute an approved contract, and approval of an application shall not be construed to imply that a contract will be issued.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).

**R7-2-1404. Contract**

- A.** A contract shall be on forms approved by the Board of Education.
- B.** At least once per year, the Board of Education shall consider issuance of a contract to approved applicants.
- C.** Upon review and recommendation from the committee, the Board of Education may approve the issuance of a contract, approve the issuance of a contract pending receipt of specific information or completion of requirements, defer the issuance of a contract, or deny the issuance of a contract. The Board of Education shall state the reasons for denial or deferral of issuance of a contract.
- D.** Applicants shall be notified in writing at least 10 days prior to the Board of Education meeting of the date, time, and place of the meeting at which the Board of Education shall consider the charter school committee's recommendation related to issuance of a charter.
- E.** Applicants shall be notified in writing of the decision of the Board of Education. Written notification that the Board of Education has denied issuance of a contract shall include reasons for denial. Written notification shall be provided to applicants within 15 days following a decision of the Board of Education.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).

**R7-2-1405. Execution of a Contract**

- A.** Contracts shall be signed by the applicant, or a person with signatory authority for the applicant, within six months from the date of approval of issuance of the contract by the Board of Education, unless an extension of time is granted by the Board of Education. If issuance of a contract was approved by the Board of Education pending receipt of additional information, the contract shall be signed by the applicant or a person with signatory authority for the applicant within six months of receipt of the additional information by the Board of Education.
- B.** Contracts which have not been signed pursuant to this Section shall require reapplication and approval during a subsequent application cycle.
- C.** The following items shall be submitted to the Board of Education prior to signing of a contract:
1. Background check, including fingerprint clearance for all authorized signatories and all governing board members approved;
  2. Certificate of Occupancy or a written exemption from the local municipality or county that the certificate is not required for operation of a public school. A set of architectural plans approved by the local planning and zoning office may be submitted in lieu of a certificate of occupancy for the purposes of this subsection for construction of new buildings or renovation of existing buildings. A certificate of occupancy will be required to be submitted prior to opening of the school.
  3. A lease agreement or proof of building availability;
  4. Executed statement of assurances;
  5. Written verification that the facility meets the requirements established by the state and local fire marshal;
  6. Written verification from an insurance company authorized to do business in the state of Arizona that arrangements have been finalized to provide the required amount of insurance;
  7. Proof of local County Health Department approval.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4). The word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-1406. Amendments to a Contract**

- A.** Any changes to the contract shall be submitted on forms approved the Board of Education.
- B.** All amendments to the contract shall be accompanied by a signed governing board resolution or an official copy of the minutes of a governing board meeting that the amendment was approved by the governing board.
- C.** No amendment shall be effective or implemented prior to being approved by the governing board, submitted to and approved by the Board of Education.
- D.** Amendments requesting a change in the membership of the governing board shall, in addition to the requirements specified in subsection (B), include a completed fingerprint application and a signed affidavit authorizing a background check.
- E.** If an extension of time was granted pursuant to R7-2-1405(A), amendments to update the application shall be submitted at the time the contract is executed.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R.

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3211, effective August 24, 1999 (Supp. 99-4).

**R7-2-1407. Revocation of a Contract**

- A. The Board of Education may issue a Notice of Intent to Revoke a Contract and Notice of Hearing to any contract holder who is alleged to be in violation of the contract and the governing board.
- B. Within 10 days of receipt of a Notice of Intent to Revoke a Contract and Notice of Hearing, the governing board shall:
1. Notify the parents or guardians of the students enrolled in the charter school that a Notice of Intent to Revoke a Contract and Notice of Hearing has been received;
  2. Hold a public meeting to inform the public and discuss the specific charges outlined in the Notice of Intent to Revoke a Contract;
  3. Provide the Board of Education with copies of all correspondence and communications used to comply with subsection (B)(1) and minutes of the meeting as evidence of compliance with subsection (B)(2);
  4. Provide the Board of Education with the names and mailing addresses of parents or guardians of all students enrolled in the charter school at the time the Notice of Intent to Revoke a Contract and Notice of Hearing was received.
- C. Hearings held pursuant to a Notice of Intent to Revoke a Contract and Notice of Hearing shall be held in accordance with Sections R7-2-701 through R7-2-709.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4). The word "above" was removed from subsection (3) to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-1408. Renewal of Contract**

When considering renewal of a contract, the following, as a minimum, shall be provided to the Board of Education:

1. Assessment results, including scores of the norm-referenced achievement test, the scores of the Arizona's Instrument to Measure Standards (AIMS), and scores of any school assessment programs;
2. Results of any audits conducted, including independent audits, Uniform System of Financial Records or Uniform System of Financial Records for Charter Schools compliance audits, or any audits conducted by the Auditor General's Office;
3. Enrollment reports that include enrollment figures, funding sources, budget updates, and financial reporting of expenditures;
4. All complaints received;
5. Copies of Board of Education minutes where consideration and action was taken on all issues related to the charter school;
6. Any other reports, information, or materials pertinent to the charter school.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).

**ARTICLE 15. EMPOWERMENT SCHOLARSHIP ACCOUNTS****R7-2-1501. Definitions**

In this Article, unless the context otherwise specifies:

1. "Administratively complete" means an ESA application that contains all components required by statute or this Article.
2. "Board" means the State Board of Education.

3. "Curriculum" means a course of study for content areas or grade levels, including any supplemental materials required or recommended by the curriculum, approved by the Department.
4. "Department" means the Arizona Department of Education.
5. "Eligible postsecondary institution" means a community college as defined in A.R.S. § 15-1401, a university under the jurisdiction of the Arizona Board of Regents, or an accredited private postsecondary institution.
6. "Empowerment scholarship account" or "ESA" means an account administered by the Department and funded by the state to provide options for the education of qualified students pursuant to A.R.S. § 15-2401 et seq.
7. "Hearing Officer" means a non-partial representative with either at least three years of verified experience in the practice of law or at least one year of verified experience in conducting hearings, who oversees hearings pursuant to this Article.
8. "Misuse of funds" means the use of ESA funds on goods or services not permitted by A.R.S. § 15-2402, this Article or the Department pursuant to R7-2-1507.
9. "Parent" means a resident of this state who is the parent, stepparent, legal guardian, or account holder of a qualified student.
10. "Program" means the Empowerment Scholarship Account Program.
11. "Qualified school" means a nongovernmental primary or secondary school or a preschool for pupils with disabilities that is located in this state or, for qualified students who reside within the boundaries of an Indian reservation in this state, and that is located in an adjacent state and that is within two miles of the border of the state in which the qualified student resides, and that does not discriminate on the basis of race, color or national origin.
12. "Qualified student" means a resident of this state who:
  - a. Is any of the following:
    - i. Identified as having a disability under section 504 of the rehabilitation act of 1973 (29 U.S.C. 794);
    - ii. Identified by a school district or by an independent third party pursuant to A.R.S. § 15-2403(I) as a child with a disability as defined in A.R.S. § 15-731 or § 15-761;
    - iii. A child with a disability who is eligible to receive services from a school district under A.R.S. § 15-763;
    - iv. Attending a school or school district that was assigned a letter grade of D or F pursuant to A.R.S. § 15-241 for the most recent year in which letter grades were assigned or is currently eligible to attend kindergarten and who resides within the attendance boundary of a school that was assigned a letter grade of D or F pursuant to A.R.S. § 15-241 for the most recent year in which letter grades were assigned. A child who meets the requirements of this item and who meets the income eligibility requirements for free and reduced-price lunches under the National School Lunch and Child Nutrition Acts (42 U.S.C. 1751 through 1793) is not subject to R7-2-1501(12)(b);
    - v. A previous recipient of a scholarship issued pursuant to A.R.S. § 15-891 or this Section, unless the qualified student's parent has been removed from eligibility in the Program for

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- failure to comply pursuant to A.R.S. § 15-2403(C);
- vi. A child of a parent who is a member of the armed forces of the United States and who is on active duty or was killed in the line of duty. A child who meets the requirements of this subsection is not subject to R7-2-1501(12)(b);
  - vii. A child who is a ward of the juvenile court and who is residing with a prospective permanent placement pursuant to A.R.S. § 8-862 and the case plan is adoption or permanent guardianship;
  - viii. A child who was a ward of the juvenile court and who achieved permanency through adoption or permanent guardianship;
  - ix. A child who is the sibling of a current or previous ESA recipient or of an eligible qualified student who accepts the terms of and enrolls in an ESA;
  - x. A child who resides within the boundaries of an Indian reservation in this state as determined by the Department or a tribal government; or
  - xi. A child of a parent who is legally blind or deaf or hard of hearing as defined in A.R.S. § 36-1941.
- b. And, except as provided in R7-2-1501(12)(a)(iv) and R7-2-1501(12)(a)(vi), who meets any of the following requirements:
- i. Attended a governmental primary or secondary school as a full-time student as defined in A.R.S. § 15-901 for at least 45 days of the current or prior fiscal year and who transferred from a governmental primary or secondary school under a contract to participate in an ESA. Kindergarten students who are enrolled in Arizona online instruction must receive 200 hours of logged instruction to be eligible pursuant to this subsection. First, second and third grade students who are enrolled in Arizona online instruction must receive 400 hours of logged instruction to be eligible pursuant to this subsection. Fourth, fifth and sixth grade students who are enrolled in Arizona online instruction must receive 500 hours of logged instruction to be eligible pursuant to this subsection. Seventh and eighth grade students who are enrolled in Arizona online instruction must receive 550 hours of logged instruction to be eligible pursuant to this subsection. High school students who are enrolled in Arizona online instruction must receive 500 hours of logged instruction to be eligible pursuant to this subsection. For the purposes of this subsection, students may accumulate days of enrollment and hours of instruction in the current or prior fiscal year, or a combination thereof;
  - ii. Previously participated in an ESA;
  - iii. Received a scholarship under A.R.S. § 43-1505 and who continues to attend a qualified school if the student attended a governmental primary or secondary school as a full-time student as defined in A.R.S. § 15-901 for at least 90 days of the prior fiscal year or one full semester before attending a qualified school;
  - iv. Was eligible for an Arizona scholarship for pupils with disabilities and received monies from a school tuition organization pursuant to A.R.S. § 43-1505 or received an Arizona scholarship for pupils with disabilities but did not receive monies from a school tuition organization pursuant to A.R.S. § 43-1505 and who continues to attend a qualified school if the student attended a governmental primary or secondary school as a full-time student as defined in A.R.S. § 15-901 for at least 90 days of the prior fiscal year or one full semester prior to attending a qualified school;
  - v. Has not previously attended a governmental primary or secondary school but is currently eligible to enroll in a kindergarten program in a school district or charter school in this state or attended a program for preschool children with disabilities; or
  - vi. Has not previously attended a governmental primary or secondary school but is currently eligible to enroll in a program for preschool children with disabilities in this state.
13. "Substantively complete" means an ESA application that meets all substantive criteria required by statute or this Article.
  14. "Supplemental materials" referenced in A.R.S. § 15-2401(2), means relevant materials directly related to the course of study for which they are being used that introduce content and instructional strategies or that enhance, complement, enrich, extend or support the curriculum.
  15. "Treasurer" means the Office of the State Treasurer.
  16. Unless otherwise specifically defined herein, all defined terms shall have the same meaning as those ascribed to them in the A.R.S., Title 41.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 2900, effective November 1, 2020 (Supp. 20-4).  
Amended by final exempt rulemaking at 28 A.A.R. 187 (January 14, 2022), effective December 13, 2021 (Supp. 21-4).

**R7-2-1502. General Provisions**

- A. This Section is adopted pursuant to A.R.S. § 15-2403.
- B. The Department and the Treasurer shall administer and provide general supervision and oversight of the Program pursuant to A.R.S. § 15-2401 et seq and this Article.
- C. The Department and the Board shall include intermediate Saturday, Sundays, and legal holidays when computing days under this Article. If the final day of a deadline established pursuant to this Article falls on a Saturday, Sunday or legal holiday, the next business day is the final day of the deadline.
- D. Unless otherwise specified, the Department shall serve a notice or decision that removes a parent from the Program, through personal delivery, first class mail, or certified mail to the parent's last address with the Department, and also by any other method or methods that are reasonably determined to give actual notice to the parent, including electronic mail, text message, phone call, or through an online portal. Each parent shall provide the Department with the parent's mailing address, home address, phone number and email and shall inform the Department of any change of mailing address, home address, phone number or email within 30 days of the change. For all other communications that do not contain notice of removal from the Program, the Board and the Department may communicate through any method or methods, including first class mail, certified mail, electronic mail, text message, phone call or through an online portal.

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- E. A document is filed with the Board or the Department on the date it is received by the Board or the Department, as established by the Board's or the Department's date stamp on the face of the document. A notice or decision containing an appealable action issued by the Board or the Department pursuant to this Article is served on a party as follows:
1. On the date it is personally served,
  2. Five days after it is mailed by first class mail, or
  3. On the date of the return receipt if it is mailed by certified mail.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 2900, effective January 1, 2021 (Supp. 20-4). The word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 28 A.A.R. 187 (January 14, 2022), effective December 13, 2021 (Supp. 21-4).

**R7-2-1503. Department Responsibilities**

The Department shall:

1. On or before March 1 of each year, provide the Board with a handbook, developed in consultation with parents of children on the Program, that includes information relating to policies and processes of ESAs and complies with A.R.S. § 15-2401 et seq and this Article. The Board shall adopt the handbook on or before May 1 of each year. The Board shall limit substantive changes to the handbook to once every three years. The Board may approve changes to the handbook more frequently than every three years to conform and comply with changes to statute or this Article or at the Board's discretion. The handbook shall be posted on the Department's website and distributed to parents and shall clearly identify changes from the prior version, and include the date and time the new handbook was changed;
2. Establish a dedicated call center for exclusive use for the ESA Program that works in conjunction with the Exceptional Student Services division of the Department or its successor division. Subject to review and approval by the Board, the Department may contract with a third party to operate the call center;
3. Implement customer service performance management policies, procedures, and metrics;
4. Provide training to parents who use the private financial management firm contracted to assist with financial management of the program;
5. Provide a quarterly report to the Board on the ESA Program, including:
  - a. The number of students in the program disaggregated by eligibility, grade level and the school district or charter school associated with each student;
  - b. The annual award amount associated with each student;
  - c. The number of ESA applications received, approved and denied in the preceding quarter, including the justification for the denied applications;
  - d. The number of applications processed within 30 days of receipt and the number of administratively incomplete applications;
  - e. A summary of any parent input or feedback collected pursuant to R7-2-1503(6) and how the Department is responding to concerns submitted as part of the process;

- f. Information on the private financial management firm contracted to assist with financial management of the Program, including:
    - i. The number and eligibility type of accounts utilizing the firm,
    - ii. The number of providers and vendors on the firm's platform,
    - iii. Communications and training provided to parents,
    - iv. Concerns from parents submitted to the Department, the Treasurer and the private financial management firm and how the Department, Treasurer and private financial management firm are addressing the concerns, and
  - g. Information regarding appeals filed with the Board that were resolved prior to a hearing; and
  - h. Any other information the Board requests.
6. Establish and provide to the Board a process to collect parent input and feedback regarding the Program.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 2900, effective January 1, 2021 (Supp. 20-4). Amended by final exempt rulemaking at 28 A.A.R. 187 (January 14, 2022), effective December 13, 2021 (Supp. 21-4).

**R7-2-1504. Application and Account Activation**

- A. The Department shall accept applications to participate in the Program between July 1 and June 30 of each year.
- B. The Department shall provide information for prospective applicants on eligibility.
- C. The Department shall enroll and issue an award letter to eligible applicants within 30 days after receipt of a completed application and all required documentation. The award letter shall include information on how to activate the account and the amount of ESA funding the student will receive.
- D. Within 30 days of issuing the award letter, the Department shall issue the contract to eligible applicants.
- E. Prior to issuing a notice of a denied application, the Department shall provide notice describing the administrative or substantive incompleteness of the application and provide the applicant 30 days to provide the missing documentation or information. The Department shall include the justification for the denial and, if the application was substantively incomplete, the Department shall include the applicant's right to appeal.
- F. Pursuant to R7-2-1511, a person who has had an application denied due to being substantively incomplete may file a written request for a hearing within 30 days after being served the notice of denial. Administratively incomplete applications are not appealable.
- G. If the Board finds in favor of a parent who appealed a denied application, the Department shall expedite the contract and funding to the parent to the extent possible.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 2900, effective January 1, 2021 (Supp. 20-4). Amended by final exempt rulemaking at 28 A.A.R. 187 (January 14, 2022), effective December 13, 2021 (Supp. 21-4).

**R7-2-1505. Contract Between Parent and Department**

- A. To enroll a qualified student in an ESA, a parent of the qualified student shall sign a contract with the Department. The parent:
  1. Shall use a portion of the ESA monies allocated annually to provide an education for the qualified student in at

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least the subjects of reading, grammar, mathematics, social studies and science, unless the ESA is allocated monies according to a transfer schedule other than quarterly transfers pursuant to A.R.S. § 15-2403(F). This subsection does not require a parent to spend a portion of ESA monies on each subject every quarter;

2. Shall not enroll the qualified student in a school district or charter school, and shall release the school district from all obligations to educate the qualified student. This subsection does not:
  - a. Relieve the school district or charter school that the qualified student previously attended from the obligation to conduct an evaluation pursuant to A.R.S. § 15-766, or
  - b. Require a qualified student to withdraw from a school district or charter school in order to apply for an ESA.
3. Shall not accept a scholarship from a school tuition organization pursuant to A.R.S., Title 43 concurrently with an ESA for the qualified student in the same year a parent signs the contract pursuant to this Section;
4. Shall use the monies deposited in the qualified student's ESA only for the expenses listed in A.R.S. § 15-2402(B)(4);
5. Shall not file an affidavit of intent to homeschool pursuant to A.R.S. § 15-802(B)(2) or (3);
6. Shall not use monies deposited in the qualified student's account for any of the following:
  - a. Computer hardware or other technological devices, except as provided in R7-2-1505(B);
  - b. Transportation of the pupil; or
  - c. Consumable educational supplies, including papers, pens or markers.
7. Shall submit expenses and documentation as required in R7-2-1508.

**B.** If a qualified student meets any of the criteria specified in A.R.S. § 15-2401(7)(a)(i), (ii), or (iii), as determined by a school district or by an independent third party under A.R.S. § 15-2403(I), the qualified student may use the following additional services:

1. Educational therapies from a licensed or accredited practitioner or provider including and up to any amount not covered by insurance if the expense is partially paid by a health insurance policy for the qualified students,
2. A licensed or accredited paraprofessional or educational aide,
3. Tuition for vocational and life skills education approved by the department, and
4. Associated goods and services that include, but are not limited to, educational and psychological evaluations, assistive technology rentals and braille translation goods and services approved by the Department. Associated goods as described in this subsection may include computer hardware or technological devices that assist in accessing educational materials or services and that are associated with the qualified student's needs. Parents that are seeking to use Program funds for an associated good or service pursuant to this subsection shall provide to the Department the special education course of study, service or educational need that the good or service is associated with or may provide the Department with the most current individualized education program, evaluation, or a letter from a qualified service provider. Parents are not advised to contact their districts seeking to update or change their students' individualized education programs

or request special education reevaluations in order to make ESA purchases.

#### Historical Note

New Section made by final exempt rulemaking at 26 A.A.R. 2900, effective November 1, 2020 (Supp. 20-4). Amended by final exempt rulemaking at 28 A.A.R. 187 (January 14, 2022), effective December 13, 2021 (Supp. 21-4).

#### R7-2-1506. Contract Renewal

- A.** A parent is eligible to renew an ESA if:
1. Pursuant to R7-2-1508, the parent submitted expenses and documentation or submitted quarterly attestations;
  2. If required, the Department approved expenses pursuant to R7-2-1508;
  3. The parent spent monies to provide an education in at least reading, grammar, mathematics, social studies, and science for the contract year pursuant to R7-2-1505(A)(1); and
  4. The parent does not owe the Department monies for disallowed expenses. A parent remains eligible to renew an ESA if the parent has an unresolved appeal regarding a disallowed expense.
- B.** A student with a disability as defined in A.R.S. § 15-2401(7)(a)(i), (ii), or (iii), as determined by a school district or by an independent third party under A.R.S. § 15-2403(I), may continue on the Program until the end of the school year in which the student reaches the age of 22, if the student or the parent provides documentation to the Department that demonstrates the student has not finished high school.
- C.** A parent shall renew ESAs on an annual basis as follows:
1. The Department shall provide renewal contracts on or before May 1 to each parent who meets R7-2-1506(A) of this Section;
  2. Each parent shall submit the renewal contract to the Department on or before June 30; and
  3. Within 30 days of receipt, the Department shall notify each parent of the renewal of the contract. The Department may provide notification through an online portal.
- D.** If a parent does not submit a renewal contract pursuant to R7-2-1506(C), the Department shall temporarily close the account and cease funding to the ESA until the parent submits the appropriate signed renewal contract. During the temporary closure, funding shall remain in the account until the parent signs the appropriate renewal contract in a format provided by the Department or the Department closes the ESA pursuant to R7-2-1506(E).
- E.** After an ESA has been temporarily closed for non-renewal pursuant to R7-2-1506(D), a parent may submit the appropriate signed renewal contract in a format provided by the Department to reactivate the ESA. If a parent does not submit a renewal contract for a period of three academic years, the Department shall provide notice through certified mail, email and telephone, if applicable, that the ESA will be closed. To renew the ESA, the parent shall submit a renewal contract within 60 days of receipt of the notification. If the parent does not submit a renewal contract within 60 days, the Department shall close the ESA and return any remaining monies in the ESA to the state general fund. Notwithstanding R7-2-1506(C)(1) and (2), a parent may submit the appropriate signed renewal contract between July 1 and June 30 for the purposes of this subsection.
- F.** Notwithstanding R7-2-1506(E), on the qualified student's graduation from a postsecondary institution or after any period of four consecutive years after high school graduation in which the student is not enrolled in an eligible postsecondary

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institution, but not before this time as long as the account holder continues using a portion of account monies for eligible expenses each year and is in good standing, the qualified student's Arizona empowerment scholarship account shall be closed and any remaining monies shall be returned to the state general fund.

- G. Pursuant to R7-2-1511, a parent whose contract was not renewed by the Department may file a written request for a hearing within 30 days after being served the notice of the non-renewal.
- H. At the written request of a parent, the Department shall extend the renewal contract timeframe for up to 30 days from the deadline prescribed in this Section if the parent demonstrates hardship, including an act of God or similar circumstance that prevented the parent from responding by the deadline.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 2900, effective January 1, 2021 (Supp. 20-4).  
Amended by final exempt rulemaking at 28 A.A.R. 187 (January 14, 2022), effective December 13, 2021 (Supp. 21-4).

**R7-2-1507. Use of Funds**

- A. The Department shall establish and maintain a database of approved expenses and disallowed expenses for the current and upcoming fiscal years pursuant to A.R.S. § 15-2401 et seq, and this Article. The Department shall make the database available to parents online and disaggregate the approved expenses by eligibility category.
- B. The Department shall establish a process to review an expense before making an administrative decision to deny the expense. The Department shall provide a copy of the process to the Board and include the process in the handbook adopted pursuant to R7-2-1503.
- C. The Department shall not request repayment for an expense it has approved for a specific ESA. The Department shall treat similar expenditures by similarly situated account holders in the same manner. This Section does not create authorization for an account holder to expend funds in a manner not permitted by statute.
- D. Pursuant to R7-2-1511, a parent who has had an expense disallowed by the Department may file a written request for a hearing within 30 days after being served the notice of the disallowed expense.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 2900, effective January 1, 2021 (Supp. 20-4).  
Amended by final exempt rulemaking at 28 A.A.R. 187 (January 14, 2022), effective December 13, 2021 (Supp. 21-4).

**R7-2-1508. Review of Expenses**

- A. The Department may conduct or contract for random or annual audits as needed to ensure monies are used only for expenses that were approved or allowed at the time the expense was made. The Department shall use record retention requirements that were in place at the time the expense was made to determine compliance. The Department may only audit account activity from the last two fiscal years, including the current fiscal year.
- B. The Department shall provide annual notice to each parent of when and how the Department will conduct reviews of expenses and audits. The notice may be provided in the handbook adopted pursuant to R7-2-1503. Notwithstanding any other Section, the Department may review expenses less frequently

using a risk-based approach, if the Department provides notice to parents and the Board pursuant to this Section.

- C. Parents shall submit expenses that shall include, but are not limited to, the following:
  - 1. Invoices for each vendor, individual or product;
  - 2. Invoices for private schools, which shall include the following:
    - a. The name of the qualified student,
    - b. The name of the private school,
    - c. The transaction date,
    - d. Tuition or fee amounts, and
    - e. Total charged to the card, and for reimbursements, proof of method of payment;
  - 3. Invoices for tutors, paraprofessionals, service type or therapists which shall include:
    - a. Name of the qualified student,
    - b. The name of one of the following: the vendor, facility, therapist or tutor,
    - c. A description of the services,
    - d. The transaction date,
    - e. The rate amounts,
    - f. Any processing fees, and
    - g. Total charged to the card, and for reimbursements, proof of method of payment.
- D. For debit card transactions, a parent shall submit all debit card transaction expense receipts to the Department as follows:
  - 1. On or before September 30 for quarter one,
  - 2. On or before December 31 for quarter two,
  - 3. On or before March 31 for quarter three, and
  - 4. On or before June 30 for quarter four.
- E. The Department shall review and approve expenses and make its next quarterly disbursement of funds within 30 days of the deadlines prescribed in R7-2-1508(D).
- F. On receipt and approval of debit card transaction expense receipts or reimbursements, the Department shall notify the parent through electronic mail or through an online portal. The Department shall not withhold funds for a subsequent quarter if it fails to review expenses, debit card transaction expense receipts or reimbursements within 30 days of the deadline. A parent may submit corrected debit card transaction expense receipts any time prior to the quarterly submission deadline.
- G. If a parent fails to submit debit card transaction expense receipts, if required, by the deadlines prescribed in R7-2-1508(D) or submits incomplete debit card transaction expense receipts or reimbursements, the Department shall:
  - 1. Serve notice to the parent of the deficiencies,
  - 2. Provide the parent 10 days from the date of receipt of the notice to submit complete debit card transaction expense receipts or reimbursements, and
  - 3. Review debit card transaction expense receipts or reimbursements submitted pursuant to this subsection within five days of receipt from the parent.
- H. Following the 10 day period provided in R7-2-1508(G)(2), the Department may remove a parent from the Program for failing to submit required debit card transaction expense receipts or failing to correct the deficiencies of a debit card transaction expense receipt.
- I. Pursuant to R7-2-1511, a parent that has been removed from the Program may file a written request for a hearing within 30 days after being served the notice of removal. Except in cases in which the Board has found misuse of funds or fraud pursuant to R7-2-1509, the Department shall not withhold funding to one qualified student's ESA due to deficiencies in the expense reporting of a sibling's account.
- J. At the written request of a parent, the Department shall extend the deadlines prescribed in R7-2-1508(D) for up to 30 days

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from the deadlines prescribed in this Section if the parent demonstrates hardship, including an act of God or similar circumstance that prevented the parent from responding by the deadline.

- K. If a parent does not make any expenses in a quarter, the parent shall submit attest to that fact in a format provided by the Department.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 2900, effective January 1, 2021 (Supp. 20-4). The word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 28 A.A.R. 187 (January 14, 2022), effective December 13, 2021 (Supp. 21-4).

**R7-2-1509. Misuse of Funds**

- A. Based on a finding that a parent knowingly misuses funds, the Department shall temporarily suspend the account and provide notice to the parent. The notice shall:
1. Include the reason for the temporary suspension and a detailed description of the disallowed expense; and
  2. Provide the parent 10 days, not including weekends, to either:
    - a. Present documentation that demonstrates the expense is allowable or that the parent was victim to identity theft or fraud; or
    - b. Agree to repay the amount.
- B. The Department shall review the documentation submitted pursuant to R7-2-1509(A)(2)(a) within five days of receipt to determine if the expense is allowable or if the parent was victim to identity theft or fraud. If the Department determines the expense is allowable or that the parent was victim to identity theft or fraud, the Department shall lift the temporary suspension, reinstate the account and make any disbursements that were withheld during the suspension.
- C. If the Department determines the documentation fails to demonstrate the expense is allowable or that the parent was victim to identity theft or fraud, the Department shall provide notification to the parent that the amount must be repaid. The Department shall withhold the disbursement of any additional ESA funds until repayment is made. The Department may agree to a gradual repayment plans at the request of the parent and shall reinstate additional ESA funding once repayment has begun. The Department may remove a parent from the Program that fails to repay an amount or agree to a repayment plan.
- D. Once a parent agrees to a gradual repayment plan or repays an amount pursuant to R7-2-1509(A)(2)(b) or R7-2-1509(C), the Department shall lift the temporary suspension, reinstate the account and make any disbursements that were withheld during the suspension as follows:
1. Within one day, if the repayment is made by cashier's check or money order; or
  2. Within seven days, if repayment is made by personal check.
- E. Except in cases which the Attorney General determines that a parent or account holder has committed fraud, any expenditure from an Arizona Empowerment Scholarship Account for a purchase that is deemed ineligible pursuant to A.R.S. § 15-2402 and that is subsequently repaid by the parent or account holder shall be credited back to the Arizona Empowerment Scholarship Account balance within 30 days after the receipt of payment.
- F. Pursuant to R7-2-1511, a parent who has been removed from the Program pursuant to this Section may file a written request

for a hearing within 30 days after being served the notice of removal.

- G. The Department shall refer a case to the Board if a parent does not file an appeal pursuant to R7-2-1511 and either:
1. Fails to repay the amount of a disallowed expense, or
  2. Fails to make a payment on a gradual repayment plan.
- H. On a finding of misuse of monies, the Board may refer the case to the Attorney General who may bring an action to recover the monies. Upon obtaining evidence of fraudulent use of an account, the Board may refer the case to the Attorney General for the purpose of a criminal investigation.
- I. A parent or qualified student is not eligible to enroll a qualified student in the ESA Program if that parent was an account holder on an account that was referred to the Attorney General for misuse of monies unless the parent's expense was subsequently found to be allowable or the parent was the victim of identity theft or fraud.
- J. If a parent commits fraud, the Department shall withhold funds from all accounts in the parent's name and close the accounts.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 2900, effective January 1, 2021 (Supp. 20-4). Amended by final exempt rulemaking at 28 A.A.R. 187 (January 14, 2022), effective December 13, 2021 (Supp. 21-4).

**R7-2-1510. Corrective Action**

- A. Except for misuse of funds or failing to submit debit card transaction expense receipts pursuant to R7-2-1508, if the Department finds that a parent violated A.R.S. § 15-2401 et seq, this Article or the terms and conditions set forth by the Department in the contract signed by the parent, the Department shall:
1. Temporarily suspend the account;
  2. Provide notice to the parent of the violation, including an explanation of the violation; and
  3. Provide the parent 10 days to correct the violation.
- B. The Department may remove a parent or qualified student from the Program for failing to correct a violation pursuant to this Section.
- C. Pursuant to R7-2-1511, a parent or qualified student who has been removed from the Program pursuant to this Section may file a written request for a hearing within 30 days after being served the notice of removal.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 2900, effective January 1, 2021 (Supp. 20-4). Amended by final exempt rulemaking at 28 A.A.R. 187 (January 14, 2022), effective December 13, 2021 (Supp. 21-4).

**R7-2-1511. Appeals**

- A. A parent may appeal to the Board any administrative decision the Department makes pursuant to A.R.S. Title 15, Chapter 19, Article 1, including determinations of allowable expenses, removal from the Program or enrollment eligibility.
- B. Stay
1. Pending the resolution of an appeal during which an account is suspended, a parent may request a stay on the account suspension.
    - a. Included in the request for a hearing filed pursuant to R7-2-1511(F), a parent may file a request to the Board to stay an account suspension. Such request shall be in writing and shall address the matters stated in the Department's notice in R7-2-1511(E).



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- b. The Department may file a response to the parent's request to stay the suspension of the account. Such response shall be filed with the Board within five business days of receipt of the parent's request to stay the suspension. Such response shall be in writing and shall address the matters stated in the parent's request.
- c. Within 10 business days after receipt of the Department's response, the executive director of the Board or the executive director's designee shall make a written determination to either:
  - i. Proceed with suspension of the account, or
  - ii. Stay all or part of the suspension of the account if there is a reasonable probability that the appeal will be upheld or that the stay is in the best interest of the State. If a stay is issued, the Department may not withhold funding or contract renewal for the account holder on account of the appealed administrative decision during the stay unless directed by the Board to do so.
- d. The executive director or the executive director's designee shall provide the parent and the Department with a written copy of the stay determination including the basis for the determination.
- C. Notwithstanding any other Section, the Department may, with the agreement of the account holder on the resolution, informally resolve a disputed administrative action at any time without a formal appeal pursuant to this Article.
- D. The Department, on its website and in the parent handbook, shall provide information on the Board's appeals process.
- E. The Department shall provide parents with written notice of an appealable action taken by the Department. Such written notice shall inform the parents of his/her right to request a hearing on the action and shall include the following:
  - 1. The statute or rule that is alleged to have been violated or on which the action is based;
  - 2. Identify, with reasonable particularity, the nature of any alleged violation or action;
  - 3. Include a description of the parent's right to request a hearing on the appealable agency action; and
  - 4. Include a description of the parent's right to request an informal settlement conference.
- F. Within 30 days after being served with notice of an appealable action, a parent may file a request for a hearing. The notice must be in writing and shall state the following:
  - 1. The identity of the party requesting the hearing,
  - 2. The mailing address of the party requesting the hearing,
  - 3. The agency that rendered the decision related to the appealable action,
  - 4. Identification of the action being appealed,
  - 5. A concise statement of the reasons for the request for hearing,
  - 6. A copy of the administrative decision issued by the Department, and
  - 7. Any other information or documentation requested by the Board applicable to the appeal process.
- G. If good cause is submitted, the Board may accept a request for a hearing that is not filed in a timely manner. Such request must be made in writing and state the basis for not filing the request on time.
- H. If a parent requests a hearing pursuant to R7-2-1511(F) and includes all of the items listed in R7-2-1511(F)(1) through (7), the Board shall schedule a hearing.
- I. The Board shall provide all parties with a written notice at least 20 days prior to the date set for the hearing. The notice shall include:
  - 1. A statement of the time, place and nature of the hearing;
  - 2. A statement of the legal authority and jurisdiction under which the hearing is to be held;
  - 3. A reference to the particular sections of the statutes and rules involved; and
  - 4. A short and plain statement of the matters asserted. If a party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.
- J. All notices shall be served via personal delivery or certified mail, return receipt requested or by any other method reasonably calculated to effect actual notice on the agency and all parties to the action at each party's last address of record.
- K. A hearing on the appealable action shall be held after a complete appeal is filed and may be advanced or delayed on the agreement of the parties or on a showing of good cause.
- L. Informal Settlement Conference
  - 1. A parent may request an informal settlement conference be held with the Department. The request shall be in writing and shall be filed with the Department, and a copy provided to the Board, no later than 10 days after the Board provides notice that the appeal is complete. The Department shall hold an informal settlement conference within seven days after receiving the request. The Department shall notify the Board of the result of the informal settlement conference within five days of the conclusion of the informal settlement conference or prior to the hearing date, whichever is first. The request for an informal settlement conference does not alter the date the hearing is to be held.
  - 2. If an informal settlement conference is held, a person with the authority to act on behalf of the Department must represent the Department at the conference. The Department representative shall notify the parent in writing that statements, either written or oral, made at the conference, including a written document, created or expressed solely for the purpose of settlement negotiations are inadmissible in any subsequent administrative hearing.
- M. Informal disposition may be made by stipulation, agreed settlement, consent order or default.
- N. Hearing Process
  - 1. All hearings shall be conducted before a hearing officer pursuant to this Section.
  - 2. The parties to the appealable agency action have the right to be represented by legal counsel or to proceed without counsel, to submit evidence and to cross-examine witnesses.
  - 3. The Board shall schedule a prehearing conference on request of any party. Either party may waive appearance by filing the request in writing to the Board no later than five days before the prehearing conference. A prehearing conference may be held for the following purposes:
    - a. Clarify or limit procedural, legal or factual issues;
    - b. Consider amendments to any pleading;
    - c. Identify and exchange lists of witnesses and exhibits intended to be introduced at the hearing;
    - d. Obtain stipulations or rulings regarding testimony, exhibits, facts or law;
    - e. Schedule deadlines, hearing dates and locations if not previously set; or
    - f. Allow the parties opportunity to discuss settlement.
  - 4. The record in a contested case shall include:
    - a. All pleadings, motions and interlocutory rulings.
    - b. Evidence received or considered.

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- c. A statement of matters officially noticed.
  - d. Objections and offers of proof and rulings thereon.
  - e. Proposed findings of fact and conclusions of law and exceptions thereto.
  - f. Any decision, opinion, recommendation or report of the hearing officer.
  - g. All staff memoranda, other than privileged communications, or data submitted to the hearing officer in connection with its consideration of the case.
5. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.
  6. A participant of record shall not communicate, either directly or indirectly, with the Hearing Officer about any substantive issue in a pending matter unless:
    - a. All participants of record are present;
    - b. Communication is during a scheduled proceeding, where an absent participant of record fails to appeal after proper notice; or
    - c. Communication is by written motion with copies to all participants of record.
  7. The Hearing Officer may postpone, continue, or cancel a hearing for good cause upon the written request of either party. The participant of record must establish good cause for the written request.
  8. For good cause shown, the hearing officer may grant continuances and extensions of time for filing notices or other documents.
  9. The Hearing Officer may direct a party to submit additional memorandum or information within a reasonable period of time. The Hearing Officer shall grant the opposing party a reasonable period of time to respond to the additional memorandum or information.
  10. Upon written request, any party may request an opportunity to compare a document copy with the original. The Hearing Officer may grant the request if the record establishes good cause.
- O. Conduct of Hearing**
1. All hearings shall be recorded. The Board shall secure either a court reporter or an electronic means of producing a clear and accurate record of the proceeding.
  2. A hearing may be conducted in an informal manner and without adherence to the rules of evidence required in judicial proceedings. Neither the manner of conducting the hearing nor the failure to adhere to the rules of evidence required in judicial proceedings shall be grounds for reversing any administrative decision or order if the evidence supporting the decision or order is substantial, reliable and probative.
  3. The parties may submit proposed findings of fact and conclusions of law prior to the hearing. The hearing officer may require that the parties submit proposed findings of fact and conclusions of law prior to the hearing or at the close of evidence.
  4. All interested parties shall be ready and present with all witnesses and documents at the time and place specified in the notice of hearing and shall be prepared at such time to dispose of all issues and questions involved in the appeal. An interested party shall arrange for the presence of that party's witnesses at a hearing.
  5. If a party fails to appear at a hearing, the hearing body may proceed with the presentation of the evidence of the appearing party.
  6. The Hearing Officer conducting the hearing may close the hearing to other than interested parties to the extent necessary to protect the interests and rights of the interested parties, within the requirements of A.R.S. §§ 38-431.01, and 38-431.03.
7. The Hearing Officer may conduct all or part of the hearing by telephone or other electronic means, as long as each party has an opportunity to participate in the entire proceeding as it takes place.
  8. Conduct at any hearing that is disruptive or shows contempt for the proceeding shall be grounds for exclusion from further participation.
- P. Evidence**
1. All witnesses shall testify under oath or affirmation. The hearing officer shall administer oaths and affirmations.
  2. The hearing officer shall afford interested parties an opportunity either to present oral or documentary evidence, or both, and to conduct such cross-examination as may be required for a full and fair disclosure of the facts. The hearing officer may limit the time of oral argument.
  3. The hearing officer may choose to admit evidence, a witness' deposition, or a witness' affidavit and determine evidentiary weight of all submitted evidence. The party taking a witness' deposition or affidavit shall bear all deposition-related or affidavit-related costs. The hearing officer shall make rulings necessary to prevent argumentative, repetitive, or irrelevant questioning, to exclude evidence the hearing officer determines to be irrelevant, immaterial or unduly repetitious, and to expedite the examination to the extent consistent with the disclosure of all relevant testimony and information.
- Q. Stipulations.** Parties to any contested case may stipulate, in writing, agreement upon any matter involved in the proceeding. If approved by the hearing officer, agreement on matters of procedure shall be binding upon the parties to the stipulation. No substantive matter agreed to by the parties shall be binding upon the Board unless incorporated into the decision of the Board.
- R. Final Administrative Decision**
1. The hearing officer shall issue a written recommendation within 20 days after the hearing is concluded. The written recommendation shall contain a concise explanation of the reasons supporting the recommendation, including the findings of fact and conclusions of law.
  2. The hearing officer shall serve a copy of the recommendation on the Board. On request of the Board, the hearing officer shall also transmit to the Board the record of the hearing as described in A.R.S. § 12-904.
  3. At one of the following two regularly scheduled meetings of the Board after the hearing officer sends a copy of the recommendation to the Board, the Board may review the recommendation and accept, reject or modify it.
    - a. If the Board declines to review the hearing officer's recommendation, the Board shall serve a copy of the recommendation on all parties.
    - b. If the Board rejects or modifies the recommendation, the Board shall serve on all parties, a copy of the hearing officer's recommendation with the rejection or modification and a written justification setting forth the reasons for the rejection or modification of each finding of fact or conclusion of law.
  4. The Board shall provide all parties with at least 20 days written notice of the date, time and location of the public meeting at which the Board will consider the hearing officer's recommendation.
- S. Rehearing and review of decisions**
1. A party may file a motion for rehearing or review within 10 days after service of the final administrative decision.

## CHAPTER 2. STATE BOARD OF EDUCATION

The motion shall be in writing and state the basis upon which the rehearing or review is requested. The motion shall be filed with the Board and a copy provided to the opposing party. When a motion of rehearing is based on new evidence, the new evidence shall be served to the Board with the written motion.

2. The opposing party may file a response to the motion for rehearing within 15 days after the date the motion for rehearing is filed. The response shall be in writing and address the basis upon which the rehearing or review is requested. The motion shall be filed with the Board and a copy provide to the moving party.
3. A rehearing of a final administrative decision by the Board may be granted for any of the following causes materially affecting the moving party's rights:
  - a. Except as provided for in R7-2-1511(O)(2), irregularity in the administrative proceedings of the hearing, or abuse of discretion, whereby the moving party was deprived of a fair hearing;
  - b. Misconduct of the hearing officer; or

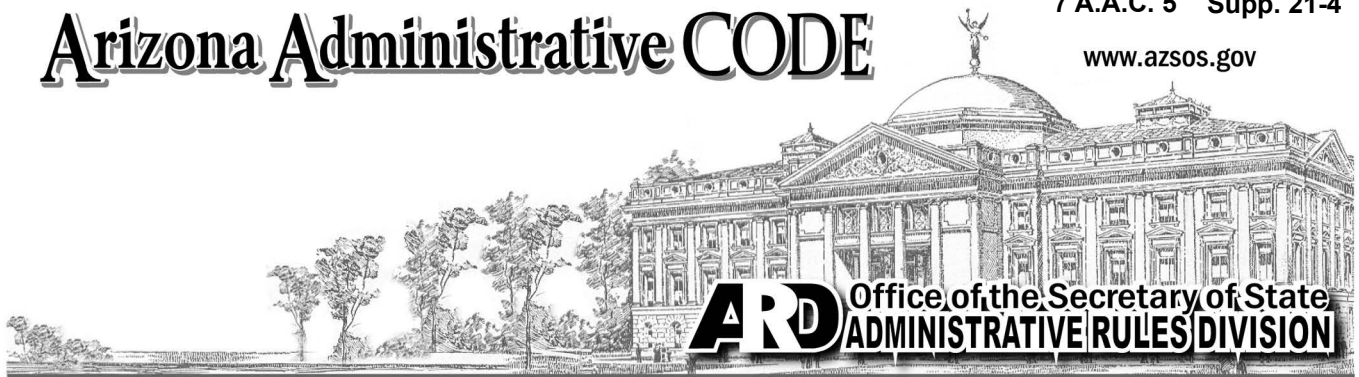
- c. Newly discovered materials which could not with reasonable diligence have been discovered and produced at the hearing.

4. Service is complete on personal service or five days after the date the final administrative decision is mailed to the party's last known address.
5. After a hearing has been held and a final administrative decision has been entered a party is not required to file a motion for rehearing or review of the decision in order to exhaust the party's administrative remedies.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 2900, effective January 1, 2021 (Supp. 20-4). The word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 28 A.A.R. 187 (January 14, 2022), effective January 1, 2022 (Supp. 21-4).

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## TITLE 7. EDUCATION

### CHAPTER 5. STATE BOARD FOR CHARTER SCHOOLS

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
October 1, 2021 through December 31, 2021

[Table 1.](#)      [ADM Category Criteria](#) ..... [13](#)

#### Questions about these rules? Contact:

Board:            State Board for Charter Schools  
Address:        1616 W. Adams St., Suite 170  
                      Phoenix, AZ 85007  
                      or  
                      P.O. Box 18328, Phoenix, AZ 85005  
Website:        <https://asbcs.az.gov>  
Name:           Ashley Berg, Executive Director  
Telephone:     (602) 364-3080  
E-mail:          [Ashley.Berg@asbcs.az.gov](mailto:Ashley.Berg@asbcs.az.gov)

**The release of this Chapter in Supp. 21-4 replaces Supp. 21-3, 1-25 pages**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

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### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

First Quarter: January 1 - March 31  
Second Quarter: April 1 - June 30  
Third Quarter: July 1 - September 30  
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2021 is cited as Supp. 21-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

### RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

### AUTHENTICATION OF PDF CODE CHAPTERS

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

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, [www.azsos.gov](http://www.azsos.gov) under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

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

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

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

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

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

### PERSONAL USE/COMMERCIAL USE

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

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



## Administrative Rules Division

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

## TITLE 7. EDUCATION

## CHAPTER 5. STATE BOARD FOR CHARTER SCHOOLS

Authority: A.R.S. § 15-182

## Supp. 21-4

*Editor's Note: 7 A.A.C. 5 made by final rulemaking at 10 A.A.R. 1141, effective March 2, 2004 (Supp. 04-1).*

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## CHAPTER 5. STATE BOARD FOR CHARTER SCHOOLS

**ARTICLE 1. GENERAL PROVISIONS**

*Article 1, consisting of R7-5-101, made by final rulemaking at 10 A.A.R. 1141, effective March 2, 2004 (Supp. 04-1).*

**R7-5-101. Definitions**

In this Chapter, the following definitions apply:

“Academic performance dashboard” means color-coded graphics that represent a charter school’s academic performance by measure for the three most recent fiscal years and identifies whether the schools operated by the charter holder meet the minimum academic performance expectations.

“Academic Performance Framework” means a document publicly available and posted on the Board’s website that sets forth the minimum academic performance expectations for charter schools, measures of progress towards meeting the expectations, and consequences of failing to meet the expectations.

“Accounting industry regulatory body” means any state or federal regulatory body that has authority to discipline a certified public accountant or audit firm.

“Administrative completeness review time frame” means the number of days from the Board’s receipt of a submission for Board consideration until the Board staff determines whether the submission contains all components and is formatted as required by statute and rule.

“Annual application cycle” means the process the Board conducts each year to receive and review new charter application packages and grant or deny a charter.

“Applicant” means a person that applies to the Board for a new charter.

“Application” means the Board-approved forms and instructions used by an applicant or charter holder to apply for a new charter, transfer a charter as provided under R7-5-302(A)(1), transfer a charter school as provided under R7-5-302(A)(2), or renew or replicate a charter sponsored by the Board.

“Application package” means an application form, narratives, and documents, including exhibits and attachments, submitted by an applicant or charter holder.

“Audit” means a charter holder’s annual audit required under A.R.S. § 15-914.

“Audit contract” means an engagement letter provided by an audit firm that describes the terms of a contract between a charter holder and the audit firm.

“Authorized representative” means an individual with the power to bind an applicant contractually according to the applicant’s Articles of Incorporation, operating agreement, or by-laws.

“Board” means the Arizona State Board for Charter Schools.

“CAP” means corrective action plan.

“Charter” means a contract between a person and the Board to operate a charter school under A.R.S. § 15-181 et seq.

“Charter holder” means a person that enters into a charter with the Board.

“Charter representative” means an individual with the power to bind a charter holder contractually according to the charter holder’s Articles of Incorporation, operating agreement, or by-laws and is the point of contact with the Board for the purposes of communication and accountability to charter terms and conditions.

“Charter school” has the meaning specified at A.R.S. § 15-101.

“Date of notice” means the date on which an electronic notification is sent by the Board to an applicant or charter holder through the authorized representative or charter representative.

“Day” means a business day.

“Demonstration of sufficient progress” means the process for a charter holder to show the charter holder is making progress towards achieving the minimum academic performance expectations specified in the Academic Performance Framework.

“Department” means the Arizona Department of Education.

“Education Service Provider” means an organization that contracts with or has a governance relationship with an applicant or charter holder to provide academic services, administrative services or both. These organizations may also be commonly referred to as Charter Management Organizations or Education Management Organizations.

“Financial performance dashboard” means a color-coded graphic that represents a charter holder’s financial performance by measure for the most recent audited fiscal years and identifies whether the charter holder’s financial performance meets the minimum financial performance expectations.

“Financial Performance Framework” means a document publicly available and posted on the Board’s website, and incorporated herein by reference, that sets forth the minimum financial performance expectations for charter holders, measures of performance, and consequences of failing to meet the expectations.

“Fiscal year” means the 12-month period beginning July 1 and ending June 30.

“Initial financial response” means the first response submitted to the Board by a charter holder assigned a summative financial performance rating of “Intervention” under R7-5-402(F). In its response, the charter holder must:

Provide the agenda and minutes from the meeting where the written notice provided by the Board under R7-5-504(H)(2) of the charter holder’s intervention status, along with the Board’s probation risk levels and associated consequences identified in R7-5-402(H) through (K), were presented to and considered by the charter holder board. Draft minutes will be accepted;

Provide a quarterly financial report for each applicable quarter as defined in R7-5-509(B)(3);

Summarize the factors that caused or contributed to the charter holder’s financial performance in the audited fiscal year; and

Summarize the specific actions taken or being taken to improve the charter holder’s financial performance in the fiscal year that begins on the July 1 following the fiscal year end of the most recent audit conducted under R7-5-504.

“June 30 quarterly financial report” means the report for the quarter ending June 30 submitted to the Board by a charter holder assigned a summative financial performance rating of “Intervention” under R7-5-402(F) or a charter holder identified as “On Probation” and, therefore, under R7-5-402(G) does not meet the minimum financial performance expectations. In the June 30 report, the charter holder must include:



## CHAPTER 5. STATE BOARD FOR CHARTER SCHOOLS

An unaudited balance sheet (statement of financial position) that identifies the charter holder's results at June 30 and the charter holder's unrestricted and restricted cash balances. Minimally, the charter holder's restricted cash balance must include the charter holder's unspent Classroom Site Fund monies;

An unaudited income statement (statement of activities) that identifies the charter holder's results for the year ended June 30;

The charter holder's revenue and expense budget that compares year-to-date actual results for the year ended June 30 to the charter holder's annual budget and, for each line item, identifies the percentage of the annual budget represented by the actual results; and

The charter holder's calculation of its performance on all six Financial Performance Framework measures, including all figures used in the mathematical calculations, completed using the measure calculator spreadsheet available on the Board's website;

If not specifically listed on the unaudited income statement (statement of activities), accounting system reports or lease and debt schedules identifying, as applicable, the facility lease expense and interest expense paid by the charter holder for the fiscal year and used in the charter holder's lease adjusted debt service coverage ratio calculation; and

Accounting system reports or debt schedules identifying, as applicable, the bond, loan and capital lease principal paid by the charter holder for the fiscal year and used in the charter holder's lease adjusted debt service coverage ratio calculation.

"Operational performance dashboard" means a color-coded graphic that represents a charter holder's operational performance by measure for up to the five most recent fiscal years and identifies whether the charter holder's operational performance meets the minimum operational performance expectations.

"Operational Performance Framework" means a document publicly available and posted on the Board's website that sets forth the minimum operational performance expectations for charter holders, measures of performance, and consequences of failing to meet the expectations.

"Overall time frame" means the number of days after receipt of a submission for Board consideration until the Board decides whether to grant or deny the request contained in the submission. The overall time frame consists of both the administrative completeness review time frame and the substantive review time frame.

"Peer review" means an external quality-control review, required by generally accepted government auditing standards, which determines whether an audit firm's internal quality-control system exists, is operating effectively, and provides assurance that established policies and procedures and applicable auditing standards are being followed.

"Performance expectations" means the minimum academic, financial, and operational performance expectations established by the Board.

"Person" means an individual, partnership, corporation, association, or public or private organization of any kind.

"Principals" means the officers, directors, members, partners, or board of an applicant or charter holder.

"Quarterly financial report" means the report for the quarters ending September 30, December 31 and March 31 submitted to the Board by a charter holder assigned a summative financial performance rating of "Intervention" under R7-5-402(F) or a charter holder identified as "On Probation" and, therefore, under R7-5-402(G) does not meet the minimum financial performance expectations. In each quarterly report, the charter holder must include:

An unaudited balance sheet (statement of financial position) that identifies the charter holder's results at the quarter end date and the charter holder's unrestricted and restricted cash balances. Minimally, the charter holder's restricted cash balance must include the charter holder's unspent Classroom Site Fund monies;

An unaudited income statement (statement of activities) that identifies the charter holder's results year-to-date through the quarter end date;

The charter holder's revenue and expense budget that compares year-to-date actual results through the quarter end date to the charter holder's annual budget and, for each line item, identifies the percentage of the annual budget represented by the actual results; and

The charter holder's calculation of its performance on the default, unrestricted days liquidity, adjusted net income and average daily membership measures, including all figures used in the mathematical calculations, completed using the measure calculator spreadsheet available on the Board's website.

"Serious impact finding" means an issue identified by the Board that the Board believes has or potentially has a detrimental impact on the operation of the charter school or students, such as threat to the health and safety of children, failure to meet the academic needs of children, gross violation of generally accepted accounting principles that increases the opportunity for fraud or theft, or repeated issues of noncompliance.

"Substantive review time frame" means the number of days after a submission for Board consideration is determined to be administratively complete until the Board decides whether to grant or deny the request contained in the submission.

"Sufficiently qualified" means the Board's determination that an applicant's knowledge, experience, qualifications, current and prior charter compliance, capacity, personal and professional background, and creditworthiness indicate an ability to implement a charter or operate a charter school in accordance with federal and state law and the performance expectations established by the Board.

"Supervising certified public accountant" means the certified public accountant responsible for leading the audit of a charter school or signing the final audit report.

"Technical Review Panel" means individuals approved by the Executive Director of the Board who use their expertise in charter school development, curriculum, and finance to assist the Executive Director by conducting a preliminary evaluation of an application package.

#### Historical Note

New Section made by final rulemaking at 10 A.A.R. 1141, effective March 2, 2004 (Supp. 04-1). Amended by final rulemaking at 12 A.A.R. 577, effective February 7, 2006 (Supp. 06-1). Amended by final rulemaking at 20

## CHAPTER 5. STATE BOARD FOR CHARTER SCHOOLS

A.A.R. 437, effective April 5, 2014 (Supp. 14-1). Amended by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 25 A.A.R. 1926, effective July 8, 2019 (Supp. 19-3). Amended by final exempt rulemaking at 26 A.A.R. 3245, effective November 20, 2020 (Supp. 20-4). Amended by final exempt rulemaking at 27 A.A.R. 1423, effective September 30, 2021 (Supp. 21-3).

## ARTICLE 2. APPLICATION FOR A NEW CHARTER; APPLICATION FOR CHARTER REPLICATION

### R7-5-201. Application for a New Charter

- A. By March 31 of each year, the Board shall approve and make available on the Board's web-based interface an application for a new charter for a specified annual application cycle.
- B. A person that wants to establish a charter school shall submit a complete application package by the submission deadline identified in the application.
- C. A person may submit a complete application package by using:
  1. The web-based application on the Board's website; or
  2. An alternative submission process. Before using an alternative submission process, the person shall hand deliver or mail a signed, notarized waiver request to the Board, in the form and by the waiver deadline identified in the application, and shall waive the right to have the Board consider an application package submitted through the Board's web-based interface during the same annual application cycle. The Board shall not accept an application package through the alternative submission process unless a waiver request has been submitted by the waiver deadline and acknowledged as timely by the Board.
- D. An applicant for a new charter shall ensure the submitted application package contains all the information, materials, documents, and attachments identified in the application and A.R.S. § 15-183(A), including the new charter application processing fee specified under R7-5-202, and is in the format specified in the application.

#### Historical Note

New Section made by final rulemaking at 10 A.A.R. 1141, effective March 2, 2004 (Supp. 04-1). Amended by final rulemaking at 20 A.A.R. 437, effective April 5, 2014 (Supp. 14-1). Amended by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 26 A.A.R. 3245, effective November 20, 2020 (Supp. 20-4).

### R7-5-202. New Charter Application Processing Fee

As specifically authorized under A.R.S. § 15-183(CC), the Board establishes and shall collect a new charter application processing fee of \$6,500 for each application package submitted to the Board.

1. An applicant shall pay the new charter application processing fee in the form of a single personal or cashier's check that:
  - a. Is made payable to Arizona State Board for Charter Schools,
  - b. Has the applicant's name imprinted on the front of the check, and
  - c. Is delivered by mail or hand to the Board office during regular business hours by the submission deadline.
2. Board staff shall deem an application package administratively incomplete under R7-5-203(B) if the new charter application processing fee is not received by the submission deadline.

3. Board staff shall deposit all checks within five days of submission. If an applicant's check is dishonored for any reason, Board staff shall:
  - a. Deem the application package administratively incomplete under R7-5-203(B), and
  - b. Require the applicant to pay any future fees to the Board by cashier's check.
4. If an application package is found to be administratively incomplete under R7-5-203(B) and the applicant paid the new charter application processing fee, the Board shall refund the fee to the applicant by mailing a refund check to the authorized representative at the address provided in the application package.
5. If an application package is found to be administratively complete under R7-5-203(B), the new charter application processing fee becomes non-refundable except as required under A.R.S. § 41-1077(A).

#### Historical Note

New Section made by final rulemaking at 10 A.A.R. 1141, effective March 2, 2004 (Supp. 04-1). Section R7-5-202 renumbered to Section R7-5-203; new Section R7-5-202 made by final rulemaking at 20 A.A.R. 437, effective April 5, 2014 (Supp. 14-1). Amended by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1).

### R7-5-203. Time Frames for Granting or Denying a New Charter

- A. For granting or denying a new charter, the time frames are:
  1. Administrative completeness review time frame: 25 days;
  2. Substantive review time frame: 175 days; and
  3. Overall time frame: 200 days.
- B. An applicant for a new charter shall submit to the Board an administratively complete application package by the submission deadline. An application package is complete if:
  1. The application package is from the current application cycle;
  2. The application package contains all the information, materials, documents, attachments, signatures, and notarizations identified in the application;
  3. All the application package's components are formatted as required;
  4. All curriculum samples address the required standard;
  5. All templates are unmodified and completed; and
  6. The application processing fee required under R7-5-202 is paid.
- C. The administrative completeness review time frame listed in subsection (A)(1) begins the day after the Board receives an application package.
- D. If an application package is administratively complete, Board staff shall send the applicant a written notice of administrative completeness.
- E. If an application package is administratively incomplete, Board staff shall:
  1. Send the applicant a written notice of deficiency that states the reasons the application package is administratively incomplete;
  2. Administratively close the applicant's file; and
  3. Refund the new charter application processing fee paid under R7-5-202.
- F. If an applicant receives a written notice of deficiency under subsection (E) and if the submission deadline has not yet passed, the applicant may correct the deficiencies in the administratively incomplete application package and submit a new application package in the same annual application cycle by complying with R7-5-201.

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- G.** If an applicant receives a written notice of deficiency under subsection (E) and believes the application package was erroneously designated as administratively incomplete, the applicant may submit a written request for reconsideration to the Board within 10 days after the date of the notice of deficiency.
- H.** An applicant that submits a written request for reconsideration under subsection (G) shall ensure the request:
1. Contains a clear statement indicating how the previously submitted application package fulfilled each of the requirements identified as deficient; and
  2. Has no new or additional information, documents, or materials included or attached.
- I.** Within 10 days after receiving a request for reconsideration, Board staff shall review the request and:
1. Determine whether the request complies with the requirements in subsection (H) and if not, send the applicant written notice the request was not submitted properly and the applicant's file remains closed;
  2. If Board staff determines the application package was erroneously designated as administratively incomplete, reopen the applicant's file and send the applicant a written notice of administrative completeness; or
  3. If Board staff determines the application package was correctly designated as administratively incomplete, send the applicant written notice the applicant's file remains closed.
- J.** If Board staff does not provide a notice of deficiency or administrative completeness to the applicant within the administrative completeness review time frame, the application package is deemed administratively complete.
- K.** The substantive review time frame listed in subsection (A)(2) begins when an application package is determined to be administratively complete. Board staff shall ensure the substantive review is conducted according to R7-5-204.
- L.** Within the time provided in subsection (A)(3), Board staff shall provide the applicant with written notice of the Board's decision to grant or deny a charter.
1. The Board shall deny a charter if the Board determines the application package does not meet the requirements of statute or rule or the applicant is not sufficiently qualified to operate a charter school. Board staff shall include in the written notice the basis for the denial and other information required under A.R.S. § 41-1092.03. An applicant that receives a notice of denial may:
    - a. Submit a new application package under R7-5-201 in a later annual application cycle; or
    - b. Appeal the Board's decision under A.R.S. Title 41, Chapter 6, Article 10.
  2. The Board shall grant a charter if it determines that the application package meets the requirements of statute and rule and the applicant is sufficiently qualified to operate a charter school.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1141, effective March 2, 2004 (Supp. 04-1). Section R7-5-203 renumbered to Section R7-5-204; new Section R7-5-203 renumbered from R7-5-202 and amended by final rulemaking at 20 A.A.R. 437, effective April 5, 2014 (Supp. 14-1). Amended by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1).

**R7-5-204. Review of Administratively Complete Application Package for a New Charter, Technical Assistance, and In-person Interview**

- A.** The Board shall ensure an administratively complete application package for a new charter is reviewed as follows:

1. The Technical Review Panel shall score an application package using the evaluation criteria identified in the application to determine whether the application package meets the Board's requirements.
  2. The Technical Review Panel shall assign an application package a score of "Meets the Criteria," "Approaches the Criteria," or "Falls below the Criteria" for each evaluation criterion.
    - a. The Technical Review Panel shall score an evaluation criterion "Meets the Criteria" when the application section within which that evaluation criterion is identified:
      - i. Addresses the evaluation criterion fully with specific and accurate information;
      - ii. Reflects a thorough understanding of the evaluation criterion; and
      - iii. Is clear and coherent.
    - b. The Technical Review Panel shall score an evaluation criterion "Approaches the Criteria" when the application section within which that evaluation criterion is identified:
      - i. Addresses the evaluation criterion partially or lacks specific and accurate information for some aspect of the evaluation criterion;
      - ii. Presents a partial understanding of the evaluation criterion; or
      - iii. Is not clear and coherent.
    - c. The Technical Review Panel shall score an evaluation criterion "Falls below the Criteria" when the application section within which that evaluation criterion is identified fails to address the evaluation criterion.
  3. An application package meets the Board's requirements if:
    - a. No evaluation criterion is scored "Falls below the Criteria;"
    - b. No more than one evaluation criterion in each application section is scored "Approaches the Criteria;" and
    - c. At least 95 percent of the evaluation criteria in the educational plan, operational plan, and business plan is scored "Meets the Criteria."
- B.** Board staff shall conduct a background and credit check of each principal and authorized representative of the applicant and determine whether each principal and authorized representative possesses a valid fingerprint clearance card issued by the State of Arizona. If an issue arises during the background and credit check of any principal or authorized representative, Board staff shall provide the principal or authorized representative written notice of the issue and an opportunity to provide a written response addressing the issue. The Board shall consider information obtained from the background and credit check when making the decision to grant or deny a new charter.
- C.** If an application package fails to meet the Board's requirements specified under subsection (A)(3), Board staff shall provide written notice to the applicant. Board staff shall include in the notice:
1. The reasons the application package failed to meet the Board's requirements;
  2. Comments of the Technical Review Panel, which will serve as technical assistance and suggestions for improving the application package; and
  3. The options specified under subsection (D).

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- D.** If an applicant receives notice under subsection (C), the applicant may, within 20 days of the date of notice, submit to the Board:
1. A revised application package, or
  2. A written request that the previously submitted and scored application package be forwarded to the Board.
- E.** If an applicant that receives notice under subsection (C) fails to act under subsection (D), Board staff shall close the applicant's file. An applicant whose file is closed and wants to obtain a new charter shall apply again under R7-5-201 in a later annual application cycle.
- F.** If an applicant submits a revised application package under subsection (D), the Technical Review Panel shall score the revised application package as specified under subsection (A). If the revised application package fails to meet the Board's requirements as specified under subsection (A)(3), Board staff shall provide written notice to the applicant of the intent to close the file. Board staff shall include with the notice the comments of the Technical Review Panel.
- G.** An applicant that receives notice under subsection (F) may, within 20 days after the date of notice, submit a written request that the revised application package be forwarded to the Board. If a written request is not submitted, Board staff shall close the applicant's file. An applicant whose file is closed and wants to obtain a new charter shall apply again under R7-5-201 in a later annual application cycle.
- H.** At least 30 days before the last Board meeting before the substantive review time frame expires, and within 90 days after determining an application package meets the Board's requirements under subsection (A)(3) or receiving an applicant's request under subsection (D)(2) or (G), the principals and authorized representative of the applicant shall make themselves available for an in-person interview with two or more members of the Technical Review Panel. In the interview, the members of the Technical Review Panel shall assess:
1. The applicant's understanding of the components presented in the application package;
  2. The applicant's capacity to implement a plan to operate a charter school in accordance with the performance expectations established by the Board;
  3. The applicant's clarification of any issue revealed in the course of the due diligence process for the applicant any principal, authorized representative, or Education Service Provider; and
  4. Any other factor relevant to determining whether the applicant is sufficiently qualified to operate a charter school.
- I.** Board staff shall provide an applicant with at least seven days written notice of the date, time, and place of the meeting at which the Board will consider the applicant's application package and determine whether to grant or deny a new charter to the applicant. The Board shall use the following information to determine whether the applicant is sufficiently qualified to operate a charter school:
1. The application package;
  2. The scoring rubric completed by the Technical Review Panel;
  3. The results of the in-person interview of the applicant's principals and authorized representative;
  4. Information obtained through investigation and verification of the employment, experience, and education backgrounds, fingerprint clearance card, and creditworthiness of each principal and authorized representative of the applicant;
  5. Information concerning any current or former charter operations for any principal, authorized representative, or Education Service Provider of the applicant;
  6. Board staff report; and
  7. Testimony presented at the Board meeting.
- J.** After the Board meeting held under subsection (I), Board staff shall provide written notice to the applicant regarding the Board's decision to grant or deny a new charter to the applicant. If the Board denies a new charter to the applicant, the Board shall include the information required under A.R.S. § 41-1092.03 in the written notice.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1141, effective March 2, 2004 (Supp. 04-1). Amended by final rulemaking at 12 A.A.R. 577, effective February 7, 2006 (Supp. 06-1). Section R7-5-204 renumbered to Section R7-5-205; new Section R7-5-204 renumbered from R7-5-203 and amended by final rulemaking at 20 A.A.R. 437, effective April 5, 2014 (Supp. 14-1). Amended by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1).

**R7-5-205. Execution of a New Charter**

- A.** After the Board decides to grant a new charter but before the charter is signed, the applicant shall submit to the Board the following:
1. A completed I.R.S. Form W-9, Request for Taxpayer Identification Number and Certification, obtained from the Department or online at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
  2. The following information for each charter school approved for educational use:
    - a. Certificate of occupancy; and
    - b. Fire marshal report; or
    - c. If either the certificate of occupancy or fire marshal report is not available, a completed Occupancy Compliance Assurance and Understanding form obtained from the Board;
  3. A completed General Statement of Assurances form obtained from the Department;
  4. A statement indicating where all public notices of meetings will be posted as required under A.R.S. § 38-431.02; and
  5. A copy of the lease agreement or other documentation of a secured charter school facility for each charter school.
- B.** The Board President or designee and authorized representative of the applicant shall sign the charter within 12 months after the Board's decision to grant the charter.
1. If the charter is not timely signed, the Board's decision to grant the new charter expires unless the applicant applies for and is granted a good-cause extension to execute the charter under R7-5-206.
  2. If an applicant that is granted a new charter but does not timely sign the charter and does not obtain a good-cause extension wants to obtain a new charter, the applicant shall apply again under R7-5-201 in a later annual application cycle.
- C.** A charter holder shall begin providing educational instruction no later than the second fiscal year after the Board's decision to grant the charter unless the charter holder is granted a good-cause extension to execute a charter under R7-5-206 or good-cause suspension of a charter under R7-5-207.
1. A charter holder that is granted a good-cause extension to execute a charter under R7-5-206 or good-cause suspension of a charter under R7-5-207 shall begin providing

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educational instruction no later than the third fiscal year after the Board's decision to grant the charter.

2. If a charter holder does not begin providing educational instruction as required under subsection (C) or (C)(1), the Board shall issue the charter holder a notice of intent to revoke the charter in accordance with A.R.S. § 15-183(I).
- D. At least 10 days before beginning to provide educational instruction, a charter holder shall submit to the Board the following written proof that the charter school is in compliance with federal, state, and local laws relating to health, safety, civil rights, and insurance:
  1. Charter school contact information;
  2. Insurance policy binder issued by an insurance company licensed to do business in Arizona;
  3. County health certificate for each charter school at which students will be taught;
  4. Evidence of a public meeting, required by A.R.S. § 15-183(C)(7), at least 30 days before the charter holder opens a charter school;
  5. Certificate of attendance of the charter representative or principal at the special education training for new charters offered by the Department; and
  6. Any other documents required to demonstrate compliance with federal, state, and local laws relating to health, safety, civil rights, and insurance.
- E. If a charter holder submitted an Occupancy Compliance Assurance and Understanding form under subsection (A)(2), the Board shall not advise the Department to initiate state aid funding until Board staff determines the required certificate of occupancy and fire marshal report submissions are complete and sufficient.
- F. A new charter is effective upon signing by both parties for 15 years beginning on the date stated in the charter, unless revoked under A.R.S. § 15-183(I).

**Historical Note**

New Section R7-5-205 renumbered from R7-5-204 and amended by final rulemaking at 20 A.A.R. 437, effective April 5, 2014 (Supp. 14-1). Amended by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1).

**R7-5-206. Good-cause Extension to Execute a New Charter**

- A. Before the Board's decision to grant a new charter expires under R7-5-205(B), an applicant that has not yet executed the charter may submit to the Board a written request for a good-cause extension to execute a charter. The applicant shall ensure the written request for a good-cause extension to execute a charter:
  1. Explains and provides evidence of why the applicant is unable to implement the plans contained in the application package and execute the charter within the allotted 12 months;
  2. Explains the applicant's new timeline for implementing the plans contained in the application package and why the new timeline is viable and adequate to enable the applicant to execute the charter by the new timeline; and
  3. Provides clear and specific action steps with target completion dates that will enable the applicant to implement the plans contained in the application package in accordance with the new timeline and the requirements of R7-5-205(C)(1).
- B. The Board shall grant a good-cause extension to execute a charter if an applicant demonstrates good cause. When deciding whether the applicant demonstrates good cause, the Board shall consider:
  1. The timeliness of the request for a good-cause extension and the proposed extension date;

2. The viability of the applicant's new timeline for implementing the plans contained in the application package;
3. Whether the new timeline is adequate to begin providing educational instruction as required under R7-5-205(C)(1) and complies with the plans contained in the application package;
4. The circumstances the applicant indicates affected the applicant's ability to execute the charter within the allotted 12 months;
5. Whether there have been changes in the principals of the applicant; and
6. The extent to which the applicant is in compliance with all applicable federal, state, and local laws.
- C. The Board shall not grant more than one good-cause extension to execute a particular charter.
- D. If the Board grants a good-cause extension to execute a charter, the Board shall specify the date by which the applicant shall execute the charter and begin providing educational instruction based on the timeline provided by the applicant and the requirements of R7-5-205(C)(1). If the applicant does not execute the charter by the specified date, the Board's decision to grant the charter expires.

**Historical Note**

Section R7-5-206 made by final rulemaking at 20 A.A.R. 437, effective April 5, 2014 (Supp. 14-1). Amended by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1).

**R7-5-207. Good-cause Suspension of a New Charter**

- A. Before the first day of the fiscal year in which a charter holder must begin providing educational instruction, the charter holder, if eligible under subsection (B), may submit to the Board a written request for a good-cause suspension of the charter.
- B. A charter holder is eligible to apply for a good-cause suspension of the charter if:
  1. The charter holder has not been granted a good-cause extension to execute the charter,
  2. The charter holder has not begun providing educational instruction under the charter, and
  3. The charter holder has not received or has returned state equalization or other state or federal funding for which provision of instruction is a requirement of receipt.
- C. The charter holder shall ensure the written request for a good-cause suspension of a charter:
  1. Explains and provides evidence for why the charter holder is unable to implement the plans contained in the application package and begin providing educational instruction as required under R7-5-205(C);
  2. Explains the charter holder's new timeline for implementing the plans contained in the application package and why the new timeline is viable and adequate to enable the charter holder to operate a charter school in accordance with the charter and performance expectations established by the Board; and
  3. Provides clear and specific action steps with target completion dates that will enable the charter holder to implement the plans contained in the application package in accordance with the new timeline and the requirements of R7-5-205(C)(1).
- D. The Board shall grant a good-cause suspension of a charter if the charter holder demonstrates good cause. When deciding whether the charter holder demonstrates good cause, the Board shall consider:
  1. Whether the charter holder is eligible under subsection (B) for a good-cause suspension of a charter;

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2. The timeliness of the request for a good-cause suspension of a charter and the proposed extension date;
  3. The viability of the charter holder's new timeline for implementing the plans contained in the application package;
  4. Whether the new timeline is adequate to begin providing educational instruction as required under R7-5-205(C)(1) and complies with the plans contained in the application package;
  5. The circumstances the charter holder indicates affected the charter holder's ability to begin providing educational instruction as required under R7-5-205(C);
  6. Whether there have been changes in the principals of the charter holder; and
  7. The extent to which the charter holder is in compliance with all applicable federal, state, and local laws and terms of the charter.
- E. The Board shall not grant more than one good-cause suspension of a particular charter to any charter holder.
- F. A charter holder granted a good-cause suspension of the charter shall not apply to receive any state equalization or other state or federal funding for which provision of instruction is a requirement of receipt until the fiscal year in which the charter holder plans to begin providing educational instruction. The holder of a suspended charter shall promptly return any funding it receives before the fiscal year in which it begins providing educational instruction.
- G. A charter holder granted a good-cause suspension of a charter shall begin providing educational instruction as required by R7-5-205(C). If a charter holder does not begin providing educational instruction as required, the Board shall issue the charter holder a notice of intent to revoke the charter in accordance with A.R.S. § 15-183(I).

**Historical Note**

Section R7-5-207 made by final rulemaking at 20 A.A.R. 437, effective April 5, 2014 (Supp. 14-1). Amended by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1).

**R7-5-208. Application for Replication Charter**

- A. The charter holder of an existing high quality charter school may be eligible to apply for a replication charter rather than a new charter. A replication charter allows the charter holder to implement the existing educational program, corporate and governance structure, and financial and operational processes at a new charter school.
- B. A charter holder that wishes to apply for a replication charter shall submit to the Board a Replication Eligibility form. Board staff shall review the form and determine whether the charter holder is eligible to apply for a replication charter. A charter holder is eligible to apply for a replication charter if the charter holder is in compliance with provisions of its charter, contractual agreements with the Board, federal and state law and this Chapter, and meets the academic and financial eligibility requirements specified in the replication application instructions, which are publicly available and posted on the Board's web site.
- C. Within 15 days after receiving a Replication Eligibility form, Board staff shall provide written notice to the charter holder of whether the charter holder may apply for a replication charter and, if eligible, shall make the replication application available to the charter holder.
- D. If a charter holder submits an application package for a replication charter by the last business day of September, Board staff shall process the application package in an expedited

manner and ensure the application package is considered at the Board's meeting in November.

- E. As required under A.R.S. § 41-1073, the Board establishes the following time frames for approving or disapproving a replication charter:
1. Administrative review time frame: 15 days;
  2. Substantive review time frame: 50 days; and
  3. Overall time frame: 65 days.
- F. The provisions at R7-5-205(A), regarding execution of a new charter, apply to a replication charter.
- G. R7-5-206, regarding a good-cause extension to execute a new charter, and R7-5-207, regarding good-cause suspension of a new charter, do not apply to a replication charter.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 25 A.A.R. 1926, effective July 8, 2019 (Supp. 19-3).

**ARTICLE 3. POST-CHARTER ACTIONS****R7-5-301. Application for Charter Renewal; Early Renewal of Charter**

- A. The Board shall make available on its website instructions regarding eligibility and submission requirements for renewal and early renewal of a charter.
- B. A charter holder shall submit to the Board electronically through the Board's web-based interface the renewal application package identified in subsection (E) or the early renewal application package identified in subsection (L). The Board shall not accept a paper submission.
- C. The Board shall provide the charter holder at least 72-hours' written notice of the date, time, and location of the Board meeting at which the Board will consider the charter holder's renewal or early renewal application package. The charter holder shall attend the Board meeting.
- D. At least 18 months before a charter is scheduled to expire, the Board shall provide the charter holder with a renewal application that is customized based on the charter holder's performance history. The Board shall require a charter holder that does not meet the performance expectations specified in Article 4 to submit more information than a charter holder that does meet the performance expectations.
- E. As required under A.R.S. § 15-183(I), a charter holder that intends to seek renewal of the charter shall submit to the Board a renewal application package at least 15 months before the charter is scheduled to expire.
- F. The Board shall not consider a renewal application package that is not submitted by the date specified in subsection (E).
- G. As part of the charter renewal process, Board staff shall conduct an academic-systems-review site visit, as described in R7-5-506, of the charter holder.
- H. The Board shall notify a charter holder of the Board's decision to renew or deny renewal of the charter at least 12 months before the charter is scheduled to expire.
- I. As specified under A.R.S. § 15-183(I), the Board may deny renewal of a charter if the Board determines the charter holder failed to meet or make sufficient progress toward the academic performance expectations or failed to meet the operational performance expectations specified in Article 4, meet the financial performance expectations specified in Article 4, complete the obligations of the charter, or comply with federal or state law or this Chapter. If the Board denies renewal of a charter, Board staff shall provide written notice to the charter holder that includes the information required under A.R.S. § 41-1092.03(A).

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- J.** A charter holder is eligible to apply for early renewal of the charter if the charter holder:
1. Submits to the Board a letter of intent to apply for early renewal at least 24 months before the charter is scheduled to expire;
  2. Has operated a school under the charter for at least five years;
  3. Meets the performance expectations specified in Article 4; and
  4. Had no compliance matters within the last three years that required action by the Board or other governmental entity.
- K.** Within 15 days after receiving a letter of intent to apply for early renewal under subsection (J)(1), Board staff shall provide written notice to the charter holder of whether the charter holder is eligible to apply for early renewal and, if eligible, shall provide the charter holder with the renewal application referenced in subsection (D).
- L.** A charter holder that receives notification under subsection (K) of eligibility to apply for early renewal shall submit to the Board the early renewal application package no later than one month after the charter holder receives notification under subsection (K).
- M.** A charter holder applying for early renewal shall continue to meet the eligibility requirements specified in subsection (J) until the Board considers the early renewal application package at the Board meeting referenced under subsection (C). The Board shall not consider an early renewal application package submitted by a charter holder that has a change in eligibility status.
- N.** Within three months after a charter holder timely submits an early renewal application package, Board staff shall conduct an academic-systems-review site visit, as described in R7-5-506, of the charter holder and shall place the charter holder's early renewal application package on an agenda for Board consideration.
- O.** As specified under A.R.S. § 15-183(I)(2), the Board may deny early renewal of a charter if the Board determines the charter holder failed to meet or make sufficient progress toward the academic performance expectations or failed to meet the operational performance expectations specified in Article 4, meet the financial performance expectations specified in Article 4, complete the obligations of the charter, or comply with federal or state law or this Chapter. If the Board denies early renewal of a charter, Board staff shall provide written notice to the charter holder that includes the information required under A.R.S. § 41-1092.03(A).
- B.** The Board shall make available on its web site instructions regarding eligibility and submission requirements for transfers specified under subsection (A).
- C.** A charter holder that intends to transfer as specified under subsection (A) shall submit to the Board a letter of intent to transfer.
- D.** Within 15 days after receiving a letter of intent to transfer, Board staff shall provide written notice to the charter holder of whether the charter holder may apply for transfer.
- E.** A charter holder eligible to transfer under subsection (D) shall submit to the Board a paper charter transfer application package until electronic submission through the Board's web-based interface is available. After electronic submission through the Board's web-based interface is available, the Board shall not accept a paper submission.
- F.** For a transfer to occur on July 1, a charter holder shall submit the letter of intent to transfer by the last business day of November of the prior fiscal year and the transfer application package by the last business day of February of the prior fiscal year.
- G.** The Board shall provide the charter holder at least 72-hours' written notice of the date, time, and location of the Board meeting at which the Board will consider the charter holder's transfer application package. The charter holder shall attend the Board meeting.
- H.** As required under A.R.S. § 41-1073, the Board establishes the following time frames for approving or disapproving a charter transfer:
1. Administrative review time frame: 15 days;
  2. Substantive review time frame: 60 days; and
  3. Overall time frame: 75 days.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 577, effective February 7, 2006 (Supp. 06-1). Section R7-5-302 renumbered to R7-5-510; new Section R7-5-302 made by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 26 A.A.R. 3245, effective November 20, 2020 (Supp. 20-4).

**R7-5-303. Charter Amendment Requests**

- A.** A change to a charter requires the consent of both the Board and charter holder. To obtain the Board's consent to a change to a charter, the charter holder shall submit a charter amendment request to the Board.
- B.** A charter holder shall not act in a manner contrary to the terms of the charter without obtaining the Board's prior consent to the change.
- C.** The Board shall make available on its web site instructions regarding eligibility and submissions requirements for each amendment request listed under subsection (D).
- D.** The Board shall accept requests for the following charter amendments:
1. Add or remove a grade level to a charter;
  2. Addition of or change to an Arizona Online Instruction Program of Instruction; as expressly authorized under A.R.S. § 15-183(X), the Board shall charge a non-refundable processing fee of \$3,000 for each grade category involved in the charter amendment request;
  3. Change in charter holder entity name;
  4. Change in legal status of the charter holder;
  5. Change of entity that holds the charter;
  6. Change in charter mission;
  7. Increase or decrease the number of annual instructional days;

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 577, effective February 7, 2006 (Supp. 06-1). Section R7-5-301 renumbered to R7-5-501; new Section R7-5-301 made by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 25 A.A.R. 1926, effective July 8, 2019 (Supp. 19-3). Amended by final exempt rulemaking at 26 A.A.R. 3245, effective November 20, 2020 (Supp. 20-4).

**R7-5-302. Charter Transfer Application**

- A.** A charter transfer application may be used to do either of the following:
1. Transfer a charter to the Board; or
  2. Transfer a charter school that has operated under an existing charter for at least three years to its own charter with the same educational program and financial and operational processes.

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8. Change in program of instruction including methods of instruction, criteria for promotion, and graduation requirements;
  9. Exception from state procurement requirements;
  10. Exception from the Uniform System of Financial Records for Charter Schools;
  11. Change charter holder governance;
  12. Change the mailing or physical address of the charter holder;
  13. Change charter representative;
  14. Increase or decrease the number of students the charter holder may serve;
  15. Add a charter school to an existing charter;
  16. Close a charter school under an existing charter;
  17. Change membership of a charter school governing body;
  18. Change the name of a charter school;
  19. Change the mailing or physical address of a charter school;
  20. Increase or decrease the grades served at a particular charter school; and
  21. Transfer of a charter school from the current charter to another existing charter with the same educational program and financial and operational processes.
- E.** A charter holder shall submit an amendment request listed under subsection (D) to the Board electronically through the Board's web-based interface. The Board shall not accept a paper amendment request unless agreed to by Board staff and the charter holder before the amendment request is submitted.
- F.** As required under A.R.S. § 41-1073, the Board establishes the following time frames for approving or disapproving a charter amendment request:
1. Administrative review time frame: 20 days;
  2. Substantive review time frame: 40 days; and
  3. Overall time frame: 60 days.
- G.** To determine the date on which the Board will approve or disapprove an amendment request listed under subsection (D), the charter holder shall consult the Board's meeting and submission-deadline schedule, which is posted on the Board's website and the Board's web-based interface.
- H.** The Board shall provide the charter holder at least 72-hours' written notice of the date, time, and location of the Board meeting at which the Board will consider the charter holder's administratively and substantively complete amendment request. The charter holder shall attend the Board meeting.
- I.** The Board has delegated to staff authority to approve charter amendment requests listed under subsection (D) for which the standards for approval can be applied without the exercise of discretion.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 577, effective February 7, 2006 (Supp. 06-1). Section R7-5-303 renumbered to R7-5-502; new Section R7-5-303 made by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 26 A.A.R. 3245, effective November 20, 2020 (Supp. 20-4).

**R7-5-304. Renumbered****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 577, effective February 7, 2006 (Supp. 06-1). Section R7-5-304 renumbered to R7-5-601 at 12 A.A.R. 577, effective February 7, 2006 (Supp. 06-1).

**ARTICLE 4. MINIMUM PERFORMANCE EXPECTATIONS****R7-5-401. Minimum Academic Performance Expectations**

- A.** The Board shall assess a charter holder's achievement of the minimum academic performance expectations using student achievement measures, specified in the Academic Performance Framework, that are indicators of academic performance.
1. The Board may assess a charter holder's achievement of the minimum academic performance expectations at any time.
  2. The Board shall assess a charter holder's achievement of the minimum academic performance expectations:
    - a. Annually when state assessment data are released for the previous year;
    - b. During the five-year-interval review required under A.R.S. § 15-183(I);
    - c. When considering the following submitted by the charter holder:
      - i. An application for a new charter,
      - ii. An application to transfer a charter school from an existing charter contract to a separate charter contract,
      - iii. A request to change the legal status of the charter holder; or
      - iv. A request to change the entity that holds the charter;
    - d. When considering an expansion request submitted by the charter holder to:
      - i. Add a new charter school to an existing charter,
      - ii. Add one or more grade levels to a charter,
      - iii. Increase the number of students the charter holder may serve,
      - iv. Add an Arizona Online Instruction program, or
      - v. Replicate an existing charter;
    - e. When considering a charter contract renewal request submitted by the charter holder;
    - f. Upon receipt of information that a charter school operated by the charter holder failed to meet the minimum academic performance expectations for three consecutive years;
    - g. Upon receipt of information that a charter school operated by the charter holder has been assigned a letter grade of "F" by the Department; and
    - h. When making a decision related to the charter holder's achievement of the minimum academic performance expectations or compliance with its charter, other contractual agreements with the Board, federal and state law, and this Chapter.
- B.** The Board shall annually assign a charter holder an overall academic performance rating that reflects the degree to which the charter holder achieved the minimum academic performance expectations.
- C.** The Board shall determine a charter holder meets the minimum academic performance expectations if all charter schools operated by the charter holder receive an annual overall academic performance rating of "meets standard," "above standard," or "exceeds standard" in the most recent year for which data are available. A charter holder that meets the minimum academic performance expectations may be:
1. Waived from some of the academic performance supervision requirements described in Article 5; and
  2. Entitled to reduced submission requirements:
    - a. Regarding requests made to the Board; and
    - b. During the five-year-interval review required under A.R.S. § 15-183(I).
- D.** The Board shall determine a charter holder does not meet the minimum academic performance expectations if one or more of the charter schools operated by the charter holder did not



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receive an overall academic performance rating of “meets standard,” “above standard,” or “exceeds standard” in the most recent year for which data are available. A charter holder that does not meet the minimum academic performance expectations:

1. Shall be required to demonstrate sufficient progress towards achieving the minimum academic performance expectations;
2. May be subject to heightened submission requirements:
  - a. Regarding requests made to the Board, and
  - b. During the five-year-interval review required under A.R.S. § 15-183(I); and
3. May be subject to charter oversight as specified in Article 6.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1141, effective March 2, 2004 (Supp. 04-1). Section repealed; new Section R7-5-401 made by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1).

**R7-5-402. Minimum Financial Performance Expectations**

- A. The Board shall assess a charter holder’s achievement of the minimum financial performance expectations using data contained in the annual audit required under A.R.S. § 15-914 and conducted according to the standards specified in R7-5-504 and average daily membership calculations completed by the Department using student attendance data submitted to the Department by the charter holder.
  1. The Board may assess a charter holder’s achievement of the minimum financial performance expectations at any time.
  2. The Board shall assess a charter holder’s achievement of the minimum financial performance expectations:
    - a. During the five-year-interval review required under A.R.S. § 15-183(I);
    - b. When considering a charter contract renewal request submitted by the charter holder;
    - c. Upon receipt of information that a charter school operated by the charter holder failed to meet the minimum academic performance expectations for three consecutive years;
    - d. Upon receipt of information that a charter school operated by the charter holder has been assigned a letter grade of “F” by the Department; and
    - e. When making a decision related to the charter holder’s achievement of the minimum academic performance expectations or compliance with its charter, other contractual agreements with the Board, federal and state law, and this Chapter.
- B. The Board shall annually assign a charter holder a summative financial performance rating, based on measures specified in the Financial Performance Framework.
  1. The Board shall assign a summative financial performance rating of “Good Standing” if the charter holder receives no measures rated “below standard” and no more than one measure rated “approaches standard” based on the most recent audit conducted under R7-5-504.
  2. The Board shall assign a summative financial performance rating of “Adequate Standing” if the charter holder receives no measures rated “below standard” and two or more measures rated “approaches standard” based on the most recent audit conducted under R7-5-504.
  3. The Board shall assign a summative financial performance rating of “Intervention” if the charter holder receives one or more measures rated “below standard” based on the most recent audit conducted under R7-5-504 or if the charter holder has received a summative financial performance rating of “Adequate Standing” for three consecutive years.
- C. A charter holder assigned a summative financial performance rating of “Good Standing” or “Adequate Standing” based on the most recent audit conducted under R7-5-504 is financially eligible to submit to the Board, if the charter holder meets all other eligibility criteria, an expansion request to:
  1. Add a new charter school to an existing charter;
  2. Add one or more grade levels to a charter;
  3. Increase the number of students the charter holder may serve;
  4. Add an Arizona Online Instruction program;
  5. Replicate an existing charter;
  6. Transfer an existing charter school to its own charter contract; or
  7. Transfer an existing charter school or charter contract from the current charter holder to an existing charter holder with a different financial performance dashboard.
- D. A charter holder assigned a summative financial performance rating of “Intervention” or identified as “On Probation” based on the most recent audit conducted under R7-5-504 is not eligible to submit to the Board an expansion request specified in subsection (C).
- E. The Board shall determine that a charter holder meets the minimum financial performance expectations if the charter holder receives a summative financial performance rating of “Good Standing” or “Adequate Standing” based on the most recent audit conducted under R7-5-504.
- F. The Board shall require a charter holder assigned a summative financial performance rating of “Intervention” based on the most recent audit conducted under R7-5-504 to prepare the financial intervention submissions as described in R7-5-509.
- G. A charter holder that receives a summative financial performance rating of “Intervention” for two or more consecutive years shall also be placed “On Probation” and be required to prepare the financial intervention submissions as described in R7-5-511. The Board shall determine that a charter holder placed “On Probation” does not meet the minimum financial performance expectations.
- H. For each charter holder identified as “On Probation” and, therefore, under subsection (G) does not meet the minimum financial performance expectations, Board staff shall:
  1. Determine the charter holder’s “ADM category” using publicly available average daily membership calculations completed by the Department and the criteria set forth in Table 1;
  2. Determine the charter holder’s “default measure category” using the following criteria:
    - a. The Board shall determine the charter holder is “low risk” is the default measure received a rating of “meets standard” based on the two most recent audits conducted under R7-5-504.
    - b. The Board shall determine that a charter holder is “moderate risk” if the default measure received a “below standard” rating:
      - i. Based on the most recent prior audit conducted under R7-5-504; or
      - ii. Based on the most recent audit conducted under R7-5-504 due to the charter holder’s failure to comply with non-payment related requirements.
    - c. The Board shall determine that a charter holder is “high risk” if the default measure received a rating of “below standard” based on the most recent audit

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- conducted under R7-5-504 due to the charter holder's failure to make required payments; and
3. Assign the charter holder a probation risk level using the charter holder's results based on the two most recent audits conducted under R7-5-504 and the criteria set forth in Table 2.
- I.** A charter holder assigned to probation risk level one under subsection (H)(3):
1. Shall be subject to charter oversight specified in Article 6, including a consent agreement with the Board or charter revocation proceedings, or, if applicable, to the denial of renewal under R7-5-301(I);
  2. Shall be required to submit to the Board, within 30 days of the date of the written notice provided under subsection (L), the agenda and minutes from the meeting where the charter holder board or, if applicable, charter school governing body reviewed its current financial plan and approved any necessary changes. Draft minutes will be accepted;
  3. Shall be required to submit to the Board, within 30 days of the date of the written notice provided under subsection (L), the financial plan identified in subsection (I)(2);
  4. Shall be required to submit to the Board, by the deadlines identified in R7-5-511(B), a narrative describing any deviations that have occurred from the financial plan provided under subsection (I)(3); and
  5. Shall be required to prepare the quarterly financial reports required under R7-5-511(A) by the deadlines identified in R7-5-511(B).
- J.** A charter holder assigned to probation risk level two under subsection (H)(3) shall be required to:
1. Submit to the Board, within 30 days of the date of the written notice provided under subsection (L), the agenda and minutes from the meeting where the charter holder board or, if applicable, charter school governing body reviewed its current financial plan and approved any necessary changes. Draft minutes will be accepted;
  2. Submit to the Board, within 30 days of the date of the written notice provided under subsection (L), the financial plan identified in subsection (J)(1);
  3. Submit to the Board, by the deadlines identified in R7-5-511(B), a narrative describing any deviations that have occurred from the financial plan provided under subsection (J)(2); and
  4. Prepare the quarterly financial reports required under R7-5-511(A) by the deadlines identified in R7-5-511(B).
- K.** A charter holder assigned to probation risk level three under subsection (H)(3) shall be required to prepare the quarterly financial reports required under R7-5-511(A) by the deadlines identified in R7-5-511(B).
- L.** For each charter holder identified as "On Probation" and, therefore, under subsection (G) does not meet the minimum financial performance expectations, Board staff shall notify the charter holder in writing of:
1. The probation risk level assigned to the charter holder under subsection (H)(3);
  2. The submission requirements associated with the charter holder's probation risk level; and
  3. The deadline or deadlines for submitting to the Board the information identified in subsection (L)(2).
- M.** Board staff shall report to the Board at a public meeting:
1. The probation risk level assigned to each charter holder identified as "On Probation" and, therefore, under subsection (G) does not meet the minimum financial performance expectations; and
  2. The detail underlying the probation risk level determination for each charter holder assigned to probation risk level one.
- N.** "Improvement plans," for the purpose of A.R.S. § 15-183, shall include:
1. The initial financial response and first four quarterly financial reports, including the June 30 quarterly financial report, submitted to the Board by a charter holder assigned to probation risk level one based on scenario 1, scenario 2, scenario 3, scenario 4 or scenario 5 set forth in Table 2.
  2. The initial financial response and first eight quarterly financial reports, including the June 30 quarterly financial reports, and, if applicable, financial plan and first four narratives submitted to the Board by a charter holder assigned to probation risk level one based on scenario 6 set forth in Table 2.
- O.** A charter holder's submissions associated with its probation risk level shall be made publicly available through the charter holder's financial performance dashboard.
- P.** In general, Board staff does not grant extensions for financial submissions as the Board has an interest and duty to timely review these submissions to better understand the charter holder's current financial status. However, if the deadline has not passed, Board staff may, for good cause, grant the charter holder an extension of time to submit the information pursuant to subsections (I)(2) through (3), subsections (J)(1) through (2), R7-5-509(B), R7-5-509(F) or R7-5-511(B). A charter holder seeking an extension of time must submit the request in writing and include the reason(s) for the request.
- Q.** If a charter holder fails to submit or fails to timely submit by the specified deadline the agenda and minutes required by subsections (I)(2) or (J)(1) or the financial plan required by subsections (I)(3) or (J)(2), Board staff shall:
1. Provide written notice to the charter holder that includes the reason for the finding and provides a three-day window for the charter holder to submit the agenda, minutes or financial plan.
  2. If the charter holder does not submit the agenda, minutes or financial plan to the Board within the window identified in subsection (Q)(1), note the charter holder's failure on its operational performance dashboard and provide written notice to the charter holder of the deadline by which the agenda, minutes or financial plan must be received to avoid charter oversight as specified in Article 6.
- R.** If a charter holder assigned a summative financial performance rating of "Intervention" under subsection (B)(3) or a charter holder identified as "On Probation" and, therefore, under subsection (G) does not meet the minimum financial performance expectations fails to timely submit its next audit conducted under R7-5-504, Board staff shall report the charter holder's intervention status to the Board when the Board considers action under R7-5-504(E).

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 25 A.A.R. 1926, effective July 8, 2019 (Supp. 19-3). Amended by final exempt rulemaking at 26 A.A.R. 3245, effective November 20, 2020 (Supp. 20-4). Section amended by final exempt rulemaking at 27 A.A.R. 1423, effective September 30, 2021 (Supp. 21-3).

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Table 1. ADM Category Criteria

Small and Medium Charter Holders (Less than 600 ADM)			
ADM Category	Estimated ADM Measure Performance <sup>1</sup>		Percent Loss of Total ADM <sup>2</sup>
Low Risk	Greater than 0 to negative 4.99%	or	0 to 9.99% decline
Moderate Risk	Negative 5% to negative 14.99%	or	10% to 19.99% decline
High Risk	Negative 15% or more	or	20% or more decline
Large Charter Holders (600 or more ADM)			
ADM Category	Estimated ADM Measure Performance <sup>1</sup>		Percent Loss of Total ADM <sup>2</sup>
Low Risk	Greater than 0 to negative 2.99%	or	0 to 7.99% decline
Moderate Risk	Negative 3% to negative 9.99%	or	8% to 14.99% decline
High Risk	Negative 10% or more	or	15% or more decline

<sup>1</sup> The “Estimated ADM Measure Performance” considers the charter holder’s estimated performance on the Average Daily Membership measure for the fiscal year that begins on the July 1 following the fiscal year end of the most recent audit conducted under R7-5-504.

<sup>2</sup> The “Percent Loss of Total ADM” considers the percent change in the charter holder’s ADM from the fiscal year prior to the most recent audit conducted under R7-5-504 (year 3) to the fiscal year that begins on the July 1 following the fiscal year end of the most recent audit conducted under R7-5-504 (year 1). For example, this means for a charter holder identified as “On Probation” following the review of the fiscal year 2021 audit year 3 would be fiscal year 2020 and year 1 would be fiscal year 2022.

## Historical Note

New Table 1. ADM Category Criteria made by final exempt rulemaking at 27 A.A.R. 1423, effective September 30, 2021 (Supp. 21-3). Table 1 amended by final exempt rulemaking at 27 A.A.R. 2914 (December 17, 2021), effective November 22, 2021 (Supp. 21-4).

Table 2. Probation Risk Level Criteria

Probation Risk Level One					
Scenario 1	Scenario 2	Scenario 3	Scenario 4	Scenario 5	Scenario 6
<ul style="list-style-type: none"><li>• “Below standard” rating on the going concern measure for two consecutive fiscal years; and</li><li>• “High risk” ADM category.</li></ul>	<ul style="list-style-type: none"><li>• “Below standard” rating on the going concern measure for two consecutive fiscal years; and</li><li>• Numeric performance positively increased on less than three calculated measures<sup>1</sup>; and</li><li>• Any risk ADM category.</li></ul>	<ul style="list-style-type: none"><li>• “Below standard” rating on the going concern measure in the prior audited fiscal year; and</li><li>• Numeric performance positively increased on one or fewer calculated measures<sup>1</sup>; and</li><li>• “High risk” ADM category.</li></ul>	<ul style="list-style-type: none"><li>• For two consecutive fiscal years, all three calculated measures<sup>1</sup> received “below standard” or “approaches standard” ratings (regardless of if numeric performance positively increased for one or more calculated measures).</li></ul>	<ul style="list-style-type: none"><li>• “High risk” default measure category.</li></ul>	<ul style="list-style-type: none"><li>• Two consecutive probation risk level two determinations; or</li><li>• Two consecutive probation risk level three determinations; or</li><li>• One probation risk level two determination and one probation risk level three determination in two consecutive cycles.</li></ul>
Probation Risk Level Two					
Scenario 1	Scenario 2		Scenario 3	Scenario 4	
<ul style="list-style-type: none"><li>• “Below standard” rating on the going concern measure for two consecutive fiscal years; and</li><li>• Numeric performance positively increased on all three calculated measures<sup>1</sup>; and</li><li>• “Low risk” or “moderate risk” ADM category.</li></ul>	<ul style="list-style-type: none"><li>• “Below standard” rating on the going concern measure in the prior audited fiscal year; and</li><li>• Numeric performance positively increased on two or more calculated measures<sup>1</sup>; and</li><li>• Any risk ADM category.</li></ul>		<ul style="list-style-type: none"><li>• “Below standard” rating on the going concern measure in the most recent audited fiscal year.</li></ul>	<ul style="list-style-type: none"><li>• “Meets standard” rating on the going concern measure for two consecutive fiscal years; and</li><li>• Numeric performance positively increased on one or fewer calculated measures<sup>1</sup>; and</li><li>• “High risk” ADM category.</li></ul>	
Probation Risk Level Three					
Scenario 1			Scenario 2		
<ul style="list-style-type: none"><li>• “Meets standard” rating on the going concern measure for two consecutive fiscal years; and</li><li>• Numeric performance positively increased on one or more calculated measures<sup>1</sup>; and</li><li>• “Low risk” or “moderate risk” ADM category.</li></ul>			<ul style="list-style-type: none"><li>• “Meets standard” rating on the going concern measure for two consecutive fiscal years; and</li><li>• Numeric performance positively increased on all three calculated measures<sup>1</sup>; and</li><li>• Any risk ADM category.</li></ul>		

<sup>1</sup> “Calculated measures” include the unrestricted days liquidity measure, adjusted net income measure and lease adjusted debt service coverage ratio measure. If a charter holder’s performance on a calculated measure has decreased year over year, but continues to be rated “meets standard,” this will not be consid-

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ered declining performance. The charter holder's numeric performance will be considered to have "positively increased."

**Historical Note**

New Table 2. Probation Risk Level Criteria made by final exempt rulemaking at 27 A.A.R. 1423, effective September 30, 2021 (Supp. 21-3).

**R7-5-403. Minimum Operational Performance Expectations**

A. The Board shall assess a charter holder's achievement of the minimum operational performance expectations. To avoid duplicative reporting burdens, the Board shall use data collected from a variety of sources that reflect on the charter holder's compliance with the charter contract, other contractual agreements with the Board, federal and state law, and this Chapter.

1. The Board may assess a charter holder's achievement of the minimum operational performance expectations at any time.
2. The Board shall assess a charter holder's achievement of the minimum operational performance expectations:
  - a. When considering the following submitted by the charter holder:
    - i. An application for a new charter;
    - ii. An application to transfer a charter school from an existing charter contract to a separate charter contract;
    - iii. A request to change the legal status of the charter holder;
    - iv. A request to change the entity that holds the charter; or
    - v. A request to change program of instruction including methods of instruction, criteria for promotion, or graduation requirements;
  - b. When considering an expansion request submitted by the charter holder to:
    - i. Add a new charter school to an existing charter,
    - ii. Add one or more grade levels to a charter,
    - iii. Increase the number of students the charter holder may serve,
    - iv. Add an Arizona Online Instruction program, or
    - v. Replicate an existing charter;
  - c. During the five-year-interval review required under A.R.S. § 15-183(I);
  - d. When considering an application for charter renewal submitted by the charter holder;
  - e. Upon receipt of information that a charter school operated by the charter holder failed to meet the minimum academic performance expectations for three consecutive years; and
  - f. Upon receipt of information that a charter school operated by the charter holder has been assigned a letter grade of "F" by the Department.

- B. The Board shall annually assign a charter holder an overall operational performance rating based on the measures specified in the Operational Performance Framework, which reflect the degree to which the charter holder achieved the minimum operational performance expectations. The Board shall make each charter holder's operational performance dashboard publicly available on the Board's website.
- C. The Board shall determine a charter holder meets the minimum operational performance standard if the charter holder receives no measure rated "falls far below standard" and no more than five measures rated "does not meet standard" for the evaluated year.
- D. The Board shall determine a charter holder meets the minimum operational performance expectations if the charter holder receives an overall rating of "meets the Board's opera-

tional performance standard" in both of the two most recent years for which an overall rating was calculated and has no measure rated "falls far below standard" in the current year.

- E. The Board shall determine a charter holder does not meet the minimum operational performance expectations if the charter holder receives an overall rating of "does not meet the Board's operational performance standard" in at least one of the two most recent years for which an overall rating was calculated or has at least one measure rated "falls far below standard" in the current year.
- F. If the Board determines a charter holder does not meet the minimum operational performance expectations, the Board shall consider charter oversight under Article 6.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 26 A.A.R. 3245, effective November 20, 2020 (Supp. 20-4).

**R7-5-404. Development and Use of Performance Frameworks**

- A. The Board shall revise the Academic, Financial, and Operational Performance Frameworks as needed. During the process of revision, the Board shall provide the public with notice and an opportunity to comment on proposed revisions. The Board shall adopt revisions at a public meeting.
- B. The Board shall ensure the Academic Performance Framework includes considerations for non-traditional charter schools, including small charter schools with very low enrollment and those designated by the Department as alternative schools.
- C. Use of the Academic Performance Framework is contingent on a charter school's receipt of an annual achievement profile under A.R.S. § 15-241. The Board shall assign a rating of "no rating" to a charter school that does not provide enough data to make a calculation.
- D. If the Department does not timely release annual achievement profiles under A.R.S. § 15-241, rather than assigning a rating of "no rating" to all charter schools, the Board may use the most recent available data for each measure.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1).

**ARTICLE 5. CHARTER SUPERVISION****R7-5-501. General Supervision**

- A. A charter holder shall:
  1. Comply with the provisions of its charter, contractual agreements with the Board, federal and state laws, and this Chapter; and
  2. Meet the minimum performance expectations specified in Article 4.
- B. The Board may supervise a charter holder's compliance with subsection (A) using any of the following means:
  1. Oral or written communication with:
    - a. The charter representative or authorized charter school personnel; and
    - b. Representatives of federal, state, and local agencies having jurisdiction over operation of the charter school or having authority to investigate or adjudi-

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- cate allegations of misconduct by any member of the charter school's staff;
2. Collection and review of reports, audits, data, records, documents, files, and communication from any source relating to any activity or program conducted by or for the charter school;
  3. A site visit as described in R7-5-502;
  4. Annual academic performance review as described in R7-5-503;
  5. Annual audit and financial performance review as described in R7-5-504 and, if necessary, the financial intervention submissions as described in R7-5-509 and R7-5-511;
  6. Operational performance review as described in R7-5-505;
  7. Five-year-interval review of academic, financial, and operational performance, as described in R7-5-506; and
  8. Complaints as described in R7-5-507.
- C.** A charter holder must report the following to the Board within 10 days of receipt or occurrence:
1. Any notice from a lender or landlord regarding default;
  2. Filing a petition for bankruptcy;
  3. Any notice from the Internal Revenue Service, Arizona State Retirement System, Arizona Department of Revenue, or Arizona Department of Economic Security regarding a tax lien, levy or garnishment;
  4. Correspondence from an insurance provider related to cancellation of health or liability insurance due to non-payment;
  5. Notice of termination of line of credit whether initiated by financial institution or charter holder when replacement credit line is not in effect; or
  6. Withdrawals from debt service reserve funds.
- D.** By September 1 of each year, each charter holder must notify the Board, in writing, of whether they have an agreement or contract with an Education Service Provider for the current school year. If the charter holder has an agreement or contract with an Education Service Provider, then the charter holder must provide:
1. The name of the Education Service Provider; and
  2. A written statement describing the services provided to the charter holder's charter school or schools by the Education Service Provider.
- E.** Each charter school must conspicuously and permanently post a link on its website to the charter school's academic performance dashboard and the charter holder's financial and operational performance dashboards on the Board's website. For new schools, the link must be conspicuously posted by September 1 of the charter school's first school year of operation.
- F.** If the charter holder fails to submit or fails to timely submit the information required in subsection (C) or subsection (D) or fails to post the link required in subsection (E) on the charter school's website, the failure shall be noted in the charter holder's operational performance dashboard.
- G.** If the specified deadline has not passed, Board staff may grant a charter holder an extension to submit a CAP or other response required under subsection (C), subsection (D), subsection (E), R7-5-502(G), R7-5-505(D), R7-5-505(E), or R7-5-506(B)(2). In determining whether to grant an extension, Board staff shall consider the following, as applicable:
1. Whether the charter school at issue was in session when the Board provided notice to the charter holder;
  2. Whether the charter school at issue was in session during the period provided in the notice for the charter holder to respond to the Board; and
  3. Whether additional time is required by the charter holder because of the number or complexity of matters to be addressed.
- H.** If the Department notifies the Board that a charter holder has failed to timely submit, to the Department, the adopted budget, annual financial report, classroom site project narrative results summary, school-level reporting form, food service annual financial report or results-based funding expenditure report or their successor reports, then Board staff shall note such failure on the charter holder's operational performance dashboard. The charter holder may be subject to charter oversight as specified in Article 6.
- I.** Within 30 calendar days of the final audit being issued by the audit firm, each charter school governing body shall meet and publicly accept, by roll call vote, the charter holder's audit conducted under R7-5-504, including the compliance questionnaire. Should the written audit requirements released under R7-5-504(A) establish different submission deadlines for certain audit components (e.g., single audit reports) and should the audit firm not issue all components of the final audit at one time, the charter school governing body shall, within 30 calendar days of each component being issued, meet and publicly accept, by roll call vote, the aforementioned issued audit component.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 577, effective February 7, 2006 (Supp. 06-1). Section repealed; new Section renumbered from R7-5-301 and amended by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 25 A.A.R. 1926, effective July 8, 2019 (Supp. 19-3). Amended by final exempt rulemaking at 26 A.A.R. 3245, effective November 20, 2020 (Supp. 20-4). Amended by final exempt rulemaking at 27 A.A.R. 1423, effective September 30, 2021 (Supp. 21-3).

**R7-5-502. Site Visits**

- A.** A designee of the Board or Department may conduct a site visit of a charter school to review or evaluate the charter holder's compliance with R7-5-501(A).
- B.** A designee of the Board or Department may conduct a site visit to corroborate information submitted to the Board or Department and to gather information, documentation, and testimony that permit the Board to evaluate the charter holder's compliance with R7-5-501(A).
- C.** A designee of the Board or Department who conducts a site visit shall do so during regular operational hours of the charter school or at any other reasonable time.
- D.** A designee of the Board or Department may conduct either an announced or unannounced site visit.
- E.** Upon request by a designee of the Board or Department, a charter holder shall open for inspection all records, documents, and files relating to any activity or program conducted by or for the charter school or the charter holder relating to the charter school.
- F.** Upon request by a designee of the Board or Department, a charter holder shall provide access to all school facilities.
1. During a site visit, a charter holder shall provide access to classrooms for the purpose of counting students, observing a program of instruction, or documenting individuals providing instruction.
  2. In conducting a site visit, the designee of the Board or the Department shall make every effort not to disrupt the classroom environment.
- G.** The Board or Department shall inform a charter holder in writing of any issue identified during a site visit and specify any

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further action required by the charter holder. To assist with this requirement, Board staff shall direct the charter holder to submit a CAP, as described in R7-5-510, which addresses the issue.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 577, effective February 7, 2006 (Supp. 06-1). Section repealed; new Section renumbered from R7-5-303 and amended by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1).

**R7-5-503. Annual Academic Performance Review**

- A. When the Department releases the annual achievement profile under A.R.S. § 15-241, the Board shall:
  1. Calculate an overall academic rating for each charter school sponsored by the Board using the Academic Performance Framework, and
  2. Make the annual overall academic performance dashboard publicly available on the Board's website.
- B. If the Board determines a charter holder does not meet the Board's minimum academic performance expectations, as defined under R7-5-401(D), the Board shall require the charter holder to demonstrate sufficient progress towards achieving the minimum academic performance expectations.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 577, effective February 7, 2006 (Supp. 06-1). Section repealed; new Section made by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 26 A.A.R. 3245, effective November 20, 2020 (Supp. 20-4).

**R7-5-504. Annual Audit and Financial Performance Review**

- A. By July 1 of each year, the Board shall make available on its website written requirements regarding the audit each charter school is required to submit annually under A.R.S. §§ 15-183(E)(6) and 15-914.
- B. Before beginning the audit, a charter holder or the audit firm shall submit for the Board's approval a copy of the audit contract the charter holder intends to execute with an audit firm.
  1. Board staff shall approve the audit contract unless the Board has knowledge that one of the following is applicable:
    - a. A person employed by the audit firm has been convicted under federal or state law of a crime indicating lack of business integrity or honesty;
    - b. The audit firm or supervising certified public accountant is subject to a current or pending disciplinary action or a regulatory action requiring the audit firm or supervising certified public accountant to complete conditions specified by an accounting industry regulatory body;
    - c. The audit firm violates or fails to meet generally accepted auditing standards or generally accepted government auditing standards as identified by an accounting industry regulatory body;
    - d. The audit firm receives an opinion of "fail" during the audit firm's most recent peer review;
    - e. An auditor scheduled to work on the audit fails to meet the continuing professional education requirements prescribed by generally accepted government auditing standards; or
    - f. The audit firm fails to agree to adhere to the audit requirements specified in subsection (A).
  2. Within 10 days after receiving a copy of an audit contract under subsection (B), the Board shall provide the charter

holder and audit firm written notice whether the audit contract is approved.

3. If the Board disapproves an audit contract submitted under subsection (B), the Board shall include the reason for the disapproval in the written notice provided under subsection (B)(2). If the charter holder or audit firm provides documentation to the Board demonstrating the cause for the disapproval no longer exists, Board staff shall approve the audit contract and provide written notice to the charter holder and audit firm.
- C. A charter holder or the audit firm that conducts an audit for the charter holder shall submit the annual audit to the Board for a determination whether the audit is complete. Within five days after receiving the annual audit, Board staff shall provide the charter holder and audit firm written notice whether the audit is complete.
- D. Board staff shall find an audit is incomplete if it does not comply with all requirements specified under subsection (A) or if the audit is prepared by an audit firm that fails to meet the requirements under subsection (B)(1)(a) through (e). If Board staff finds an audit is incomplete, Board staff shall include the reason for the finding in the notice provided under subsection (C). If the charter holder or audit firm provides documentation to the Board demonstrating the reason for the finding no longer exists, Board staff shall find the annual audit is complete and provide written notice to the charter holder and audit firm.
- E. A charter holder that fails to timely submit a complete audit may be subject to charter oversight as specified in Article 6.
- F. Board staff shall review each audit deemed complete.
- G. The Board shall annually calculate a performance rating for each charter holder using the Financial Performance Framework, the annual audit submitted to the Board by the charter holder and the average daily membership calculations completed by the Department using student attendance data submitted to the Department by the charter holder. The Board shall make each charter holder's financial performance dashboard publicly available on the Board's website.
- H. Board staff shall send notice to a charter holder after the audit is reviewed unless the Board has been notified the charter holder will not be operating during the next fiscal year.
  1. If the Board identifies an issue in the audit, Board staff shall direct the charter holder to address the issue and may require the charter holder to submit a CAP, as described in R7-5-510.
  2. The Board shall require a charter holder that receives a summative financial performance rating of "Intervention" under R7-5-402(F) to prepare the financial intervention submissions as described in R7-5-509.
  3. The Board shall require a charter holder identified as "On Probation" and, therefore, pursuant to R7-5-402(G) does not meet the minimum financial performance expectations to prepare the financial intervention submissions as described in R7-5-511.
- I. If Board staff identifies a serious impact finding in the audit, the charter holder shall be subject to charter oversight as specified in Article 6 unless the charter holder provides credible evidence to the Board that the charter holder's next audit will find the charter holder in compliance.
- J. In general, Board staff does not grant extensions for corrective action plan submissions under R7-5-504(H)(1) as the Board has an interest and duty to timely review these submissions to better ensure the charter holder addresses identified concerns quickly. However, if the deadline has not passed, Board staff may, for good cause, grant the charter holder an extension of time to submit the CAP pursuant to subsection (H)(1) or any additional information pursuant to R7-5-510. A charter holder

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seeking an extension of time must submit the request in writing and include the reason or reasons for the request.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 577, effective February 7, 2006 (Supp. 06-1). Section repealed; new Section made by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 25 A.A.R. 1926, effective July 8, 2019 (Supp. 19-3). Amended by final exempt rulemaking at 26 A.A.R. 3245, effective November 20, 2020 (Supp. 20-4). Amended by final exempt rulemaking at 27 A.A.R. 1423, effective September 30, 2021 (Supp. 21-3).

**R7-5-505. Operational Performance Review**

- A. Board staff shall conduct a site visit to a charter school during the charter school's first year of operation, and thereafter as specified in R7-5-502, to evaluate the charter holder's compliance with its charter, other contractual agreements with the Board, federal and state law, and this Chapter.
- B. Before conducting the first-year site visit specified under subsection (A), Board staff shall ask the charter holder to identify dates within a specified time frame not conducive to an unscheduled first-year site visit. This includes dates of an early release, parent conferences, or school not being in session.
- C. Board staff may conduct a compliance check of a charter holder's operational performance at any time. The Board shall conduct a compliance check when:
  1. The charter holder seeks to amend the charter or makes another request of the Board; or
  2. A lending institution, bond rating agency, or similar entity that has a loan or bond arrangement with the charter holder contacts Board staff to discuss the charter holder's current standing with the Board.
- D. Within 10 days after completing the site visit under subsection (A), Board staff shall provide the charter holder with written notice of any compliance issues identified and, if applicable, require the charter holder to submit a CAP as described in R7-5-510.
- E. Within 10 days after completing a compliance check under subsection (C), Board staff shall provide the charter holder with written notice of any compliance issues identified and specify a deadline for addressing the issues.
- F. After receiving the notice provided under subsection (E), the charter holder shall provide the Board with written notice demonstrating that all identified compliance issues have been addressed by the specified deadline.
- G. The Board shall require a charter holder that fails to provide the notice required under subsection (F) or fails to demonstrate that all identified compliance issues have been addressed to appear before the Board and:
  1. May subject the charter holder's requests to heightened review,
  2. Shall not place the charter holder's requests on a Board agenda, and
  3. May subject the charter holder to charter oversight as described in Article 6.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1).

**R7-5-506. Five-year-interval Review**

- A. As required under A.R.S. § 15-183(I)(3), the Board shall review a charter holder at five-year intervals for:

1. Compliance with its charter, other contractual agreements with the Board, federal and state law, and this Chapter; and
  2. Achievement of the minimum performance expectations specified in Article 4.
- B. Board staff shall provide a charter holder with notice of a five-year-interval review. Board staff shall include in the notice:
    1. The information the charter holder is required to submit to the Board,
    2. The deadline by which the charter holder shall submit the required information, and
    3. A request for the charter holder to identify dates within a specified time frame not conducive to an unscheduled academic-systems-review site visit. This includes dates of an early release, parent conferences, or school not being in session.
  - C. The Board shall require a charter holder to review and confirm information concerning the charter's mission statement, program of instruction, instructional days, school calendar, charter representative, grade levels served, enrollment cap, principals, school site, and charter holder locations and, as applicable submit requests for appropriate post-charter actions as described in Article 3.
  - D. A charter holder that fails to submit the information required by the deadline specified in subsection (B) shall appear before the Board and may be subject to charter oversight as described in Article 6.
  - E. As part of a five-year-interval review, Board staff shall conduct an unscheduled academic-systems-review site visit, in accordance with R7-5-502, to gather evidence regarding the charter holder's implementation of a comprehensive program of instruction and a method to measure pupil progress toward outcomes required in the charter. Using the information provided by the charter holder under subsection (B)(3), Board staff shall provide written notice to the charter holder of the two-week interval during which Board staff will conduct the unscheduled academic-systems-review site visit.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 25 A.A.R. 1926, effective July 8, 2019 (Supp. 19-3).

**R7-5-507. Complaints**

- A. To make a complaint regarding a charter holder, a person shall submit to the Board a document that:
  1. Alleges, with specificity that the charter holder is not in compliance with its charter, other contractual obligations to the Board, federal or state law, or other legal requirements;
  2. Includes a statement of the facts on which the allegation or allegations of contractual or legal noncompliance is or are based; and
  3. Includes supporting evidence, if available.
- B. Board staff shall review and process all complaints in accordance with the Board's jurisdiction, its oversight authority, and the procedures set forth herein.
  1. Board staff shall determine whether a complaint is within the Board's jurisdiction. A complaint is within the Board's jurisdiction if the complaint alleges one or more allegations that the charter holder is not in compliance with its charter, other contractual obligations with the Board, state or federal law, or other legal requirements.
    - a. If Board staff determines that additional information is needed for a jurisdictional determination, Board staff may, within 10 days after receiving the com-

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- plaint, request that information be submitted to the Board from either the complainant or charter holder, whichever is appropriate. The information requested shall be submitted to the Board within 15 days of receiving the Board's request.
- b. If Board staff determines any of the allegations asserted in the complaint are within the Board's jurisdiction, Board staff shall, within 10 days after receiving the complaint or making a determination as to jurisdiction pursuant to subsection (B)(1)(a), whichever is the later, send a copy of the complaint to the charter holder complained against.
  - c. If Board staff determines the complaint is not within the Board's jurisdiction or that it is more appropriately within the jurisdiction of an agency with legal authority in the matter, within 10 days after receiving the complaint or making a determination as to jurisdiction pursuant to subsection (B)(1)(a), whichever is later, Board staff:
    - i. Shall notify the complainant that the Board does not have jurisdiction or that the Board is not the appropriate agency to address the complaint,
    - ii. May inform the complainant of the appropriate agency that may have jurisdiction and legal authority over the matter,
    - iii. May inform the complainant that he or she may file a complaint with the appropriate agency,
    - iv. Shall provide the charter holder with a copy of the complaint, and
    - v. Shall inform the charter holder and complainant that the charter holder is not required to file a response with the Board.
2. Except as provided in subsection (B)(3), if a complaint is filed that asserts an allegation that is within the Board's jurisdiction, the charter holder complained against shall provide the Board with a written response within 15 days after receiving a copy of the complaint pursuant to subsection (B)(1)(b). The response shall address the allegation or allegations and facts that Board staff specifies are within the Board's jurisdiction and provide the information requested by Board staff. The charter holder may address any supporting evidence included in the complaint and include any relevant evidence in its response.
    - a. If the charter holder fails to submit its response within the timeline stated in subsection (B)(2) and/or subsection (B)(2)(b), Board staff shall record the charter holder's untimely response on the charter holder's operational performance dashboard.
    - b. If the charter holder does not respond within the timeline stated in subsection (B)(2), Board staff shall send notification to the charter holder stating the necessity of a timely response and requiring the charter holder to respond within seven calendar days of receipt of the notification.
    - c. If the charter holder fails to submit its response within the timeline stated in subsection (B)(2) and/or subsection (B)(2)(b), Board staff may place the charter holder on the agenda for a subsequent Board meeting for the Board's determination of whether the charter holder is in compliance with its charter, other contractual obligations to the Board, state or federal law, or other legal requirements.
    - d. If a complaint identifies or raises an issue that creates a reasonable belief of a potential threat to the health or safety of a student or a reasonable belief of harm to a student, Board staff may require the charter holder to respond within a shortened timeframe. The shortened timeframe shall be approved by the Executive Director and is within his or her sole discretion.
  3. If Board staff determines that the allegations alleged in the complaint are within the Board's jurisdiction and do not violate the charter holder's charter, its other contractual obligations to the Board, federal or state law, or any other legal requirements, Board staff may deem the complaint unsubstantiated, send a copy to the charter holder complained against and notify the charter holder that it is not required to file a response.
    - a. If the Board determines that specific, but not all, allegations alleged in a complaint over which it has jurisdiction do not violate the charter holder's charter, its other contractual obligation to the Board, federal or state law, or any other legal requirements, Board staff may deem those specific allegations unsubstantiated, send a copy to the charter holder complained against and notify the charter holder that it is not required to file a response to the specific allegations that have been deemed unsubstantiated.
    - b. The charter holder is still required to file a response, pursuant to subsection (B)(2), as to those allegations that the Board has jurisdiction but for which the Board has not yet determined does not violate the charter holder's charter, its other contractual obligations to the Board, federal or state law, or any other legal requirements.
  4. Board staff may, for good cause, grant the charter holder an extension of time to submit its written response pursuant to subsection (B)(2) or the requested information pursuant to subsection (B)(1)(a). Charter holders must submit requests for extensions of time in writing, or in a manner as directed by staff, and include the reason or reasons for the request. Charter holders shall submit requests for extensions at least two days prior to the date on which the response is due to the Board.
    - a. If a charter holder is required to respond to a complaint within a shortened timeframe pursuant to subsection (2)(d), the charter holder shall submit a request for extension within a reasonable amount of time prior to the deadline, with consideration given to the nature of allegations.
    - b. If a charter holder fails to request an extension within the timeframe set forth in subsection (B)(2), subsection (B)(4), or subsection (B)(4)(a), the charter holder may submit a request for an exemption from the lack of response being recorded on the charter holder's dashboard. The Executive Director, within his or her sole discretion, may grant the request if the charter holder demonstrates that good cause exists for the delay. If the charter holder is granted an exemption, the Executive Director shall establish a deadline for the charter holder to submit its response. A charter holder that fails to submit a response by the deadline set forth by the Executive Director shall be subject to the provisions set forth in R7-5-507(B)(2).
  5. Board staff shall review the complaint, the charter holder's response and any other relevant information gathered or received in connection with the complaint to determine whether a violation of the charter, other contractual obligations to the Board, state or federal law, or other legal requirements can be substantiated. In its



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review of the complaint, Board staff may take, but is not limited to, the following actions:

- a. Conduct further investigation, including a site visit, if additional information is needed;
  - b. Notwithstanding the Board's jurisdiction, consult with another agency with expertise related to a complaint;
  - c. Place the charter holder on the agenda for a subsequent Board meeting for the Board's determination whether the charter holder is in compliance with its charter, other contractual obligations with the Board, state or federal law, or other legal requirements. In deciding whether to place the charter holder on the Board's agenda, the Board's Executive Director, in consultation with the President of the Board, as appropriate, may consider the seriousness of the allegations, the information presented by the complainant and the charter holder, and the charter holder's willingness to resolve any alleged contractual or legal noncompliance.
  - d. If Board staff determines that the matter is more appropriately within the jurisdiction of an agency with legal authority in the matter and notifies the complainant in accordance with subsection (B)(1)(c), Board staff:
    - i. May rely on the determination and action taken by the agency with legal authority in determining whether to substantiate the complaint and is not obligated to conduct its own investigation or determination.
    - ii. May keep the complaint open until the appropriate agency has made a determination on the complaint.
  - e. If a complaint identifies or raises an issue that creates a reasonable belief of a potential threat to the health or safety of a student or a reasonable belief of harm to a student, Board staff may alert any necessary authorities including law enforcement, the Department of Child Safety, and/or the Arizona Department of Education, and may visit the school.
  - f. If Board staff has reason to believe it is more likely than not that the charter holder may have violated the law, the Executive Director may provide the complaint to the Office of the Arizona Attorney General for further investigation, as appropriate.
6. A claim is substantiated when, based on the documentation received by the Board, it is more likely than not that a violation of the charter, other contractual obligations to the Board, state or federal law, or other legal requirements has occurred. If the complaint is deemed substantiated by Board staff or by another agency, Board staff shall mark the complaint substantiated, make it publicly available, and record the contractual or legal noncompliance issue on the charter holder's operational performance dashboard under the appropriate measure.
7. The Board considers a complaint "closed" when:
- a. Board staff has deemed the complaint as substantiated, the charter holder has had an opportunity to respond, and the charter holder has documented that it has made a good faith effort to address the concern;
  - b. Board staff has deemed the complaint unsubstantiated;
  - c. According to subsection (B)(1)(a) the complainant did not provide a response to Board staff's request

for additional information within 15 days of the complainant's receipt of the request; or

- d. The Board has made a final determination as to the complaint.
8. If, at a later date, the complainant or charter holder has additional information to provide to a closed complaint, Board staff shall accept the information and conduct a review. The additional information will be processed in accordance with the existing complaint process.
  9. Once a complaint is closed, Board staff shall send the complainant and charter holder notice of the final action taken.
  10. After the complaint has been reviewed and closed, the complaint, response and all related documents are retained in accordance with the Board's retention policy and are subject to public records law.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 27 A.A.R. 64, effective December 15, 2020; filed January 6, 2021 (Supp. 21-1).

**R7-5-508. Demonstration of Sufficient Progress towards Minimum Academic Performance Expectations**

- A. The Board shall require a charter holder to demonstrate the charter holder is making sufficient progress towards achieving the minimum academic performance expectations if:
1. The Board determines under R7-5-401(D) the charter holder does not meet the minimum academic performance expectations; or
  2. A charter school operated by the charter holder is assigned a letter grade of "F" by the Department.
- B. Within 30 days after issuing overall ratings, the Board shall provide the charter holder with a written notification of the charter holder's progress toward meeting the minimum academic performance expectations.
- C. If a charter school operated by a charter holder receives an overall rating of "does not meet" or "falls far below" for three consecutive years, the Board shall conclude the charter holder has failed to demonstrate sufficient progress.
- D. If the Board concludes a charter holder has failed to demonstrate sufficient progress, the charter holder may be subject to charter oversight as specified in Article 6.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1).

**R7-5-509. Financial Intervention Submissions**

- A. The Board shall require a charter holder assigned a summative financial performance rating of "Intervention" under R7-5-402(F) to prepare an initial financial response, quarterly financial reports and a June 30 quarterly financial report. The charter holder shall be required to submit quarterly financial reports, including the June 30 quarterly financial report, to the Board until the Board receives the charter holder's next audit conducted under R7-5-504.
- B. Board staff shall provide written notice to a charter holder that is required to submit an initial financial response. Board staff shall ensure the notice includes the following:
1. Information on how to access the charter holder's financial performance dashboard,
  2. The deadline, which will be set 30 calendar days from the date of the written notice, for submitting the initial financial response to the Board, and
  3. The quarters that must be addressed in the charter holder's initial financial response.

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- a. If the written notice date is between October 1 and December 31, the initial financial response must address the quarter ending September 30.
  - b. If the written notice date is between January 1 and March 31, the initial financial response must address the quarters ending September 30 and December 31.
  - c. If the written notice date is between April 1 and June 30, the initial financial response must address the quarters ending September 30, December 31 and March 31.
  - d. If the written notice date is after June 30, the initial financial response must address the quarters ending September 30, December 31, March 31 and June 30.
- C. Board staff shall review the initial financial response and prepare a report on the initial financial response. Board staff's report will answer each of the following questions and briefly explain the basis for each answer:
1. Is there a sound explanation for why the charter holder underperformed on the Financial Performance Framework's measures?
  2. Did the charter holder perform at a level just below or well below the Financial Performance Framework's measure targets?
  3. In what direction is the charter holder's financial health heading?
  4. Do the charter holder's proposed or implemented actions address the problems that contributed to or caused the charter holder's underperformance on the Financial Performance Framework's measures and are they realistic to implement?
- D. For each charter holder that submitted an initial financial response, Board staff shall place the charter holder in the intervention tier that aligns with the following criteria:
1. If the charter holder's financial performance dashboard based on the most recent audit conducted under R7-5-504 indicates a rating of "below standard" for the going concern or default measure and indicates a rating of "approaches standard" on zero or more measures, then the charter holder shall be placed in intervention tier 1, except as set forth in subsection (D)(5).
  2. If the charter holder's financial performance dashboard based on the most recent audit conducted under R7-5-504 indicates a rating of "below standard" on two or more measures and indicates a rating of "approaches standard" on zero or more measures, then the charter holder shall be placed in intervention tier 1 unless the charter holder is placed in intervention tier 2 under subsection (D)(5).
  3. If the charter holder's financial performance dashboard based on the most recent audit conducted under R7-5-504 indicates a rating of "below standard" on one measure other than the going concern measure or default measure and indicates a rating of "approaches standard" on zero or more measures, then the charter holder shall be placed in intervention tier 2 unless the charter holder is placed in intervention tier 1 under subsections (D)(4), (D)(6), (D)(7), (D)(8) or (D)(9).
  4. If the report prepared by Board staff identifies a "No" as the answer to the question identified in subsection (C)(4), then the charter holder shall be placed in intervention tier 1.
  5. If the charter holder's initial financial response supports that the charter holder has cured the default, then the charter holder shall either be:
    - a. Removed from the intervention process if the default measure was the only measure for which the charter holder received a rating of "below standard" based on the most recent audit conducted under R7-5-504, or
    - b. Placed in intervention tier 2 instead of intervention tier 1 if the charter holder had received a rating of "below standard" on only one other measure based on the most recent audit conducted under R7-5-504.
6. If the charter holder was required to submit a corrective action under R7-5-504(H)(1) based on the most recent audit conducted under R7-5-504 for failure to pay taxes or contributions due to the Internal Revenue Service, Arizona Department of Revenue, Arizona Department of Economic Security or Arizona State Retirement System, failure to have sufficient cash at June 30 to cover the charter holder's unspent Classroom Site Fund balance, or failure to maintain worker's compensation insurance or liability insurance, then the charter holder shall be placed in intervention tier 1.
7. If the Board has substantiated in the audited fiscal year, subsequent fiscal year or both at least one complaint involving late payroll checks to employees, or health insurance or liability insurance cancellation due to non-payment or if the Board has substantiated in the audited fiscal year, subsequent fiscal year or both at least one complaint involving failure to make required retirement plan contributions or received notification from the Arizona State Retirement System of delinquent retirement contributions, then the charter holder shall be placed in intervention tier 1.
8. If the charter holder has been required to make at least one submission under R7-5-501(C) in the audited fiscal year, subsequent fiscal year or both, then the charter holder shall be placed in intervention tier 1.
9. If the charter holder's performance fluctuates from a summative financial performance rating of "Intervention" to a summative financial performance rating of "Adequate Standing" and then back to a summative financial performance rating of "Intervention" within the most recent three-year period, then the charter holder shall be placed in intervention tier 1.
- E. Within 30 calendar days after receiving an initial financial response, Board staff shall provide the charter holder with written notice that includes the following:
1. The charter holder's intervention tier as determined under subsection (D);
  2. The quarterly financial report requirements and submission deadlines;
  3. The availability of Board staff's report specified in subsection (C); and
  4. Any differences identified between the calculations included by the charter holder in its initial financial response and those completed by Board staff.
- F. The submission deadlines for quarterly financial reports, including the June 30 quarterly financial report, submitted subsequent to the initial financial response are as follows:
1. October 30 for the quarter ending September 30;
  2. January 30 for the quarter ending December 31;
  3. April 30 for the quarter ending March 31; and
  4. August 15 for the quarter ending June 30.
- G. For each quarterly financial report submitted subsequent to the initial financial response and prior to the June 30 quarterly financial report and for each quarterly financial report submitted subsequent to the June 30 quarterly financial report pursuant to subsection (A), Board staff shall determine the charter holder's current performance and compare Board staff's results to the charter holder's calculation results. Within 30

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calendar days of each quarterly financial report's receipt, Board staff shall notify the charter holder in writing of:

1. The submission deadline for the next quarterly financial report; and
  2. Any differences identified between the calculations completed by the charter holder and those completed by Board staff.
- H.** For each charter holder that submitted a June 30 quarterly financial report, Board staff shall determine whether:
1. The going concern measure received a rating of "below standard" on the most recent audit conducted under R7-5-504.
  2. The measure or measures rated "below standard" based on the most recent audit conducted under R7-5-504 will likely improve to at least an "approaches standard" rating or remain rated "below standard" when calculations are completed using the charter holder's next audit conducted under R7-5-504.
  3. One or more of the Financial Performance Framework's other measures will likely be rated "below standard" when calculations are completed using the charter holder's next audit conducted under R7-5-504.
  4. Since Board staff made the determination in subsection (D), the Board has substantiated any complaint involving late payroll checks to employees, health insurance or liability insurance cancellation due to nonpayment or failure to make required retirement plan contributions, or the Board has received notification from the Arizona State Retirement System of delinquent retirement contributions.
  5. Since Board staff made the determination in subsection (D), the charter holder has been required to make at least one submission under R7-5-501(C).
  6. Within the most recent five-year period the charter holder has been assigned three summative financial performance ratings of "Intervention" and two summative financial performance ratings of "Adequate Standing."
- I.** Within 45 calendar days after receiving a June 30 quarterly financial report, Board staff shall notify the charter holder in writing of:
1. The determinations made by Board staff under subsection (H);
  2. The submission deadline for the next quarterly financial report required under subsection (A); and
  3. Any differences identified between the calculations completed by the charter holder and those completed by Board staff.
- J.** Subject to the provision set forth in subsection (J)(1), for each charter holder placed in intervention tier 1 under subsection (D), Board staff shall visit each school operated by the charter holder to conduct a physical count of students and compare the information observed and obtained onsite with the number of students reported to the Department.
1. Should extraordinary circumstances preclude Board staff from completing one or more intervention tier 1 site visits, Board staff shall:
    - a. Report to the Board at a public meeting the specific extraordinary circumstance and the number of site visits affected;
    - b. Propose an alternative method for conducting the intervention tier 1 site visits, request a waiver of one or more intervention tier 1 site visits, or both; and
    - c. Provide at least five days' public notice of the Board meeting identified in subsection (J)(1)(a).
  2. Time permitting, Board staff may visit each school operated by a charter holder placed in intervention tier 2 under subsection (D).
- K.** The charter holder's initial financial response, quarterly financial reports and June 30 quarterly financial report and Board staff's report under subsection (C) shall be made publicly available through the charter holder's financial performance dashboard.
- L.** If a charter holder fails to submit or fails to timely submit an initial financial response, quarterly financial report or June 30 quarterly financial report required under subsection (A), Board staff shall note the failure on the charter holder's operational performance dashboard. The charter holder may be subject to charter oversight as specified in Article 6.
- M.** If a charter holder fails to submit a complete initial financial response by the specified deadline, Board staff shall:
1. Provide written notice to the charter holder that includes the reason for the finding and provides a three-day window for the charter holder to submit a complete initial financial response.
  2. If the charter holder does not submit a complete initial financial response to the Board within the window identified in subsection (M)(1), note the failure on the charter holder's operational performance dashboard and provide written notice of the deadline by which a complete initial financial response must be received to avoid charter oversight specified in Article 6.
- N.** Subsequent to the initial financial response submission, if a charter holder fails to submit a complete quarterly financial report or June 30 quarterly financial report required under subsection (A) by the specified deadline, Board staff shall:
1. Provide written notice to the charter holder that includes the reason for the finding and identifies the one-day deadline by which a complete quarterly financial report or June 30 quarterly financial report must be received to avoid charter oversight as specified in Article 6.
  2. Note the failure identified in subsection (N) on the charter holder's operational performance dashboard.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 25 A.A.R. 1926, effective July 8, 2019 (Supp. 19-3). Amended by final exempt rulemaking at 26 A.A.R. 3245, effective November 20, 2020 (Supp. 20-4). Amended by final exempt rulemaking at 27 A.A.R. 1423, effective September 30, 2021 (Supp. 21-3).

**R7-5-510. Corrective Action Plan**

- A.** Board staff shall require a charter holder to prepare a CAP for:
1. Any issue identified during a site visit described in R7-5-502 or R7-5-505,
  2. An issue identified through the audit described in R7-5-504, or
  3. Actions taken by the Board to withhold up to 10 percent of the charter holder's monthly state aid as described in R7-5-601 and R7-5-605.
- B.** Board staff shall provide written notice to a charter holder required to prepare a CAP. Board staff shall ensure the written notice includes the following:
1. An explanation of why the charter holder is required to submit a CAP,
  2. A description of the issue,
  3. A list of the specific information required in the CAP,
  4. The deadline for submitting the CAP to the Board,
  5. The time during which the charter holder is required to implement the CAP, and

## CHAPTER 5. STATE BOARD FOR CHARTER SCHOOLS

6. The consequences if the charter holder fails to submit or implement the CAP.
- C. Within 10 days after receiving the CAP, Board staff shall provide written notice to the charter holder that:
  1. A complete CAP was received and implementation is required; or
  2. Additional information is required and the deadline for submitting the additional information to the Board.
- D. Board staff shall monitor, through site visits and review of documentary evidence, the charter holder's implementation of the CAP until the Board determines the issue has been corrected.
- E. If a charter holder fails to submit a required CAP, fails to submit additional information required under subsection (C)(2), or fails to implement the CAP timely, the charter holder may be subject to charter oversight as specified in Article 6.

**Historical Note**

New Section R7-5-510 renumbered from R7-5-302 and amended by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1).

**R7-5-511. Financial Intervention Submissions – On Probation**

- A. In accordance with R7-5-402(I) through (K), the Board shall require a charter holder identified under R7-5-402(G) as "On Probation" to prepare quarterly financial reports and a June 30 quarterly financial report. The charter holder shall be required to submit quarterly financial reports, including a June 30 quarterly financial report, to the Board until the Board receives the charter holder's next audit conducted under R7-5-504.
- B. After being notified of its probation risk level assigned under R7-5-402(H)(3), the charter holder shall be required to submit its quarterly financial reports, including the June 30 quarterly financial report, and, if applicable, the narratives required under R7-5-402(I)(4) or R7-5-402(J)(3) to the Board by the deadlines identified in subsections (B)(1) through (B)(4). To ensure the Board receives all quarterly reports and narratives required under subsection (A), the charter holder shall submit by the deadline associated with the most recent quarterly report, any required quarterly reports and narratives not previously provided to the Board, as applicable.
  1. October 30 for the quarter ending September 30;
  2. January 30 for the quarter ending December 31;
  3. April 30 for the quarter ending March 31; and
  4. August 15 for the quarter ending June 30.
- C. Within 30 calendar days after receiving the first quarterly financial report submitted in response to the written notice provided under R7-5-402(L), Board staff shall provide the charter holder with written notice that includes the following:
  1. The charter holder's intervention tier as determined under subsection (D);
  2. The submission deadline for the next quarterly financial report required under subsection (A); and
  3. Any differences identified between the calculations completed by the charter holder and those completed by Board staff.
- D. For each charter holder identified as "On Probation," Board staff shall:
  1. Place the charter holder in intervention tier 1.
  2. Determine if the charter holder was required to submit a corrective action plan under R7-5-504(H)(1) based on the most recent audit conducted under R7-5-504 for failure to pay taxes or contributions due to the Internal Revenue Service, Arizona Department of Revenue, Arizona Department of Economic Security or Arizona State Retirement System, failure to have sufficient cash at June 30 to cover the charter holder's unspent Classroom Site Fund balance, or failure to maintain worker's compensation insurance or liability insurance.
3. Determine if the Board has substantiated in the audited fiscal year, subsequent fiscal year or both at least one complaint involving late payroll checks to employees, or health insurance or liability insurance cancellation due to nonpayment or if the Board has substantiated in the audited fiscal year, subsequent fiscal year or both at least one complaint involving failure to make required retirement plan contributions or received notification from the Arizona State Retirement System of delinquent retirement contributions.
4. Determine if the charter holder has been required to make at least one submission under R7-5-501(C) in the audited fiscal year, subsequent fiscal year or both.
- E. For each quarterly financial report submitted subsequent to the quarterly financial report reviewed under subsection (C) and prior to the June 30 quarterly financial report and for each quarterly financial report submitted subsequent to the June 30 quarterly financial report pursuant to subsection (A), Board staff shall determine the charter holder's current performance and compare Board staff's results to the charter holder's calculation results. Within 30 calendar days of each quarterly financial report's receipt, Board staff shall notify the charter holder in writing of:
  1. The submission deadline for the next quarterly financial report; and
  2. Any differences identified between the calculations completed by the charter holder and those completed by Board staff.
- F. For each charter holder that submitted a June 30 quarterly financial report, Board staff shall determine whether:
  1. The going concern measure received a rating of "below standard" on the most recent audit conducted under R7-5-504.
  2. The measure or measures rated "below standard" based on the most recent audit conducted under R7-5-504 will likely improve to at least an "approaches standard" rating or remain rated "below standard" when calculations are completed using the charter holder's next audit conducted under R7-5-504.
  3. One or more of the Financial Performance Framework's other measures will likely be rated "below standard" when calculations are completed using the charter holder's next audit conducted under R7-5-504.
  4. Since Board staff made the determination in subsection (D), the Board has substantiated any complaint involving late payroll checks to employees, health insurance or liability insurance cancellation due to nonpayment or failure to make required retirement plan contributions, or the Board has received notification from the Arizona State Retirement System of delinquent retirement contributions.
  5. Since Board staff made the determination in subsection (D), the charter holder has been required to make at least one submission under R7-5-501(C).
  6. Within the most recent five-year period the charter holder has been assigned three summative financial performance ratings of "Intervention" and two summative financial performance ratings of "Adequate Standing."
- G. Within 45 calendar days after receiving a June 30 quarterly financial report, Board staff shall notify the charter holder in writing of:
  1. The determinations made by Board staff under subsection (F);

## CHAPTER 5. STATE BOARD FOR CHARTER SCHOOLS

2. The submission deadline for the next quarterly financial report required under subsection (A); and
  3. Any differences identified between the calculations completed by the charter holder and those completed by Board staff.
- H.** Subject to the provision set forth in R7-5-509(J)(1), for each charter holder placed in intervention tier 1 under subsection (D), Board staff shall visit each school operated by the charter holder to conduct a physical count of students and compare the information observed and obtained onsite with the number of students reported to the Department.
- I.** The charter holder's quarterly financial reports, June 30 quarterly financial report and, if applicable, narratives required under R7-5-402(I)(4) or R7-5-402(J)(3) shall be made publicly available through the charter holder's financial performance dashboard.
- J.** If a charter holder fails to submit or fails to timely submit a quarterly financial report or June 30 quarterly financial report required under subsection (A), Board staff shall note the failure on the charter holder's operational performance dashboard. The charter holder may be subject to charter oversight as specified in Article 6.
- K.** If a charter holder fails to submit by the specified deadline a complete quarterly financial report or June 30 quarterly financial report required under subsection (A) or, if applicable, the narratives required under R7-5-402(I)(4) or R7-5-402(J)(3), Board staff shall:
1. Provide written notice to the charter holder that includes the reason for the finding and identifies the one-day deadline by which a complete quarterly financial report, June 30 quarterly financial report or narrative must be received to avoid charter oversight as specified in Article 6.
  2. Note the failure identified in subsection (K) on the charter holder's operational performance dashboard.
7. Any other factor that bears on the charter holder's ability and willingness to comply with its charter, other contractual agreements with the Board, federal and state laws, and this Chapter.
- D.** Charter oversight actions available to the Board include, but are not limited to the following:
1. Imposing a civil penalty, as authorized under A.R.S. § 15-185 and described under R7-5-604;
  2. Requesting the Department withhold up to 10 percent of a charter holder's monthly state aid as authorized under A.R.S. § 15-185 and described under R7-5-605 and requiring the charter holder to submit a CAP as described under R7-5-510;
  3. Entering into a consent agreement with a charter holder as described under R7-5-606;
  4. Issuing a notice of intent to revoke a charter as authorized under A.R.S. § 15-183 and described under R7-5-607; and
  5. Revoking a charter as authorized under A.R.S. § 15-183 and described under R7-5-607.

**Historical Note**

New Section R7-5-601 renumbered from R7-5-304 and amended by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1).

**R7-5-602. Oversight of Charter Schools Assigned a Letter Grade of "F" by the Department**

- A.** If the Department notifies the Board, as required under A.R.S. § 15-241, that a charter school has been assigned a letter grade of "F," the Board shall require the charter holder to appear before the Board for consideration of whether the Board will issue a notice of intent to revoke the charter under R7-5-607 or restore the charter to acceptable performance through a consent agreement under R7-5-606.
- B.** Upon receipt of the Department's notice under subsection (A), the Board shall provide written notice to the charter holder that the school has been designated a failing school.
- C.** Within 30 days after receipt of the notice provided under subsection (B), the charter holder shall:
1. As required under A.R.S. § 15-241, provide written notice to the parents or guardians of all students attending the school that the Department has assigned the school a letter grade of "F" because the school is demonstrating a failing level of performance. The charter holder shall provide to the Board a copy of the notice required under this subsection;
  2. Provide the Board with a list of the names and mailing addresses of the parents or guardians of all students attending the school; and
  3. Ensure the charter school's public communications that make a statement concerning the charter school's academic performance, including the charter school's web site and promotional materials, accurately describe the charter school's most current annual achievement profile assigned by the Department.
- D.** The Board shall provide the charter holder with at least 72 hours' written notice of the date, time, and location of the public meeting at which the Board will consider whether to restore the charter to acceptable performance or revoke the charter. In making this decision, the Board shall consider all relevant factors including:
1. Whether the charter holder complied fully with the provisions of subsection (C);
  2. Whether the charter holder failed to meet the minimum academic performance expectations based on student

**Historical Note**

New Section by final exempt rulemaking at 27 A.A.R. 1423, effective September 30, 2021 (Supp. 21-3).

**ARTICLE 6. CHARTER OVERSIGHT****R7-5-601. Charter Oversight: General Provisions**

- A.** Before the Board determines a charter holder is not in compliance with its charter, other contractual agreements with the Board, federal or state laws, or this Chapter and decides whether to impose charter oversight, the Board shall provide notice to the charter holder.
- B.** The Board shall provide the charter holder with at least 72-hours' notice of the date, time, and location of the meeting at which the Board will decide whether to impose charter oversight. The Board shall include in the notice the purpose of the meeting and why the Board is considering imposing charter oversight.
- C.** In determining the appropriate charter oversight action to take, the Board shall consider the following, as applicable:
1. Threat to the health or safety of children;
  2. Whether the charter holder's historical compliance record indicates repeated or multiple breaches of the provisions of its charter, other contractual agreements with the Board, federal or state laws, or this Chapter;
  3. Whether the charter holder has failed to meet the minimum academic performance expectations specified under R7-5-401;
  4. Length of time the issue has been occurring;
  5. The charter holder's compliance with and response to Board investigation by providing necessary information and documentation within requested time frames;
  6. Whether there has been a misuse of funds; and

## CHAPTER 5. STATE BOARD FOR CHARTER SCHOOLS

achievement measures specified in the Academic Performance Framework;

3. Whether the charter holder has demonstrated, under R7-5-508, sufficient progress toward achieving the minimum academic performance expectations;
  4. Whether the charter holder meets the minimum financial performance expectations;
  5. Whether the charter holder timely complied with Board requests for information and documents;
  6. Whether the charter holder's historical compliance record indicates repeated or multiple breaches of its charter, other contractual agreements with the Board, federal or state law, or this Chapter; and
  7. Any other factor the Board determines has a bearing on the charter holder's ability or willingness to comply with the provisions of its charter, other contractual agreements with the Board, federal and state law, and this Chapter.
- E. If the Board decides to restore the charter to acceptable performance, the Board shall enter into a consent agreement with the charter holder as provided under R7-5-606. If the Board decides to revoke the charter, the Board shall issue a notice of intent to revoke the charter as provided under R7-5-607.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 25 A.A.R. 1926, effective July 8, 2019 (Supp. 19-3).

**R7-5-603. Oversight of Charter Schools Assigned a Letter Grade of "D" by the Department**

- A. Within 30 days after the Department notifies a charter holder under A.R.S. § 15-241 that a charter school operated by the charter holder has been assigned a letter grade of "D," the charter holder shall:
1. Comply fully with A.R.S. § 15-241 by providing written notice to the parents or guardians of all students attending the school. The charter holder shall include the following in the notice:
    - a. The Department has assigned the charter school a letter grade of "D;"
    - b. The charter holder is required under A.R.S. § 15-241.02 to prepare an improvement plan within 90 days after the charter school was assigned a letter grade of "D;" and
    - c. The charter holder is required to present the improvement plan to the Board at a public meeting;
  2. Provide the Board a copy of the notice required under subsection (A)(1);
  3. Provide the Board with a list of the names and mailing addresses of the parents or guardians of all students attending the school; and
  4. Ensure the charter school's public communications that make a statement concerning the charter school's academic performance, including the charter school's web site and promotional materials, accurately describe the charter school's most current academic performance rating assigned by the Department.
- B. The Board shall require a charter holder that fails to comply fully with subsection (A) to appear before the Board for consideration of the charter holder's noncompliance and may subject the charter holder to additional charter oversight.
- C. Under A.R.S. § 15-241.02, the Board is required to revoke the charter of a charter school if the Board determines the improvement plan required under subsection (A)(1)(b) was not properly implemented.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1).

**R7-5-604. Civil Penalty for Fingerprinting Violation**

- A. After identifying a violation of A.R.S. §§ 15-183, 15-512 or both, Board staff shall provide the charter holder with written notice of noncompliance with statutory fingerprinting requirements and the date, time, and location of the Board meeting at which the Board will consider whether to impose a civil penalty under A.R.S. § 15-185.
- B. If the Board determines a charter holder has failed to comply with the statutory fingerprinting requirements in A.R.S. §§ 15-183 or 15-512, the Board may impose a civil penalty of \$1,000 per occurrence as provided under A.R.S. § 15-185.
- C. Within 30 days after a civil penalty is imposed under subsection (B), the charter holder may submit to the Board a written appeal of the civil penalty. The charter holder shall include the following information in the written appeal:
  1. Name and address of the appellant;
  2. Concise statement of the reason for the appeal;
  3. Relief sought; and
  4. If the appellant will be represented by an attorney, the attorney's name, address, and telephone number.
- D. The Board shall hold a hearing to consider the appeal within 60 days after receiving the appeal.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1).

**R7-5-605. Withholding State Funds**

- A. Under A.R.S. § 15-185, if the Board determines at a public meeting that a charter holder is not in compliance with its charter or federal or state law, the Board may request the Department to withhold up to 10 percent of the charter holder's monthly apportionment of state aid.
- B. If the Board decides to request that the Department withhold part of the charter holder's monthly apportionment of state aid, the Board shall provide written notice to the charter holder. The Board shall include the following in the notice:
  1. The reason the withholding is being imposed,
  2. The percentage of the charter holder's monthly apportionment of state aid to be withheld,
  3. The date on which the withholding will begin, and
  4. Actions required by the charter holder before the full amount of state aid is restored.
- C. If a percentage of the charter holder's monthly apportionment of state aid is withheld for six months and the charter holder has not completed the actions required under subsection (B)(4), the Board shall consider the charter holder's noncompliance and may subject the charter holder to additional charter oversight including issuing a notice of intent to revoke under R7-5-607.
- D. If a percentage of the charter holder's monthly apportionment of state aid is withheld for failure to submit an audit for two months, the Board shall consider the charter holder's noncompliance and may subject the charter holder to additional charter oversight including issuing a notice of intent to revoke under R7-5-607.
- E. When the Board determines the charter holder is in compliance with its charter and federal and state law, the Board shall request that the Department restore the full amount of state aid to the charter holder.

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**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 693,  
effective May 6, 2017 (Supp. 17-1).

**R7-5-606. Consent Agreement**

- A.** If the Board determines that a charter holder is not in compliance with its charter, other contractual agreements with the Board, federal or state law, or this Chapter, the Board may enter into a consent agreement with the charter holder to resolve the noncompliance.
- B.** The Board shall include the following in a consent agreement:
1. The reason for the consent agreement;
  2. The facts and conditions to which the Board and charter holder agreed;
  3. The actions the charter holder must take to demonstrate compliance and avoid further charter oversight;
  4. The time within which the charter holder is to complete the actions specified under subsection (B)(3); and
  5. After approval by both the Board and charter holder, the signatures of both the Board president and charter representative.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 693,  
effective May 6, 2017 (Supp. 17-1).

**R7-5-607. Revocation**

- A.** If the Board determines that a charter holder is not in compliance with its charter, federal or state law, or this Chapter, the Board may issue a written notice of intent to revoke the charter as authorized under A.R.S. § 15-183.

- B.** When a charter holder receives a notice of intent to revoke and notice of hearing, the charter holder shall:

1. Within 48 hours after receiving the notice of intent to revoke and notice of hearing, provide written notice that includes the following to all staff and the parents or guardians of all students attending the school:
  - a. A notice of intent to revoke has been received;
  - b. The notice of intent to revoke may be inspected at the charter school location; and
  - c. The date, time, and location of the hearing set with the Office of Administrative Hearings; and
2. Within 20 days after receiving the notice of intent to revoke, provide the Board with:
  - a. A copy of the notice required under subsection (B)(1), and
  - b. A list of the names and mailing addresses of the parents or guardians of all students attending the school.

- C.** Both the Board and charter holder shall appear for an administrative hearing before an administrative law judge at the Office of Administrative Hearings on the date provided in the notice of intent to revoke.

- D.** After the administrative hearing under subsection (C) and receipt of the decision of the administrative law judge, the Board shall hold a public meeting at which the Board shall:

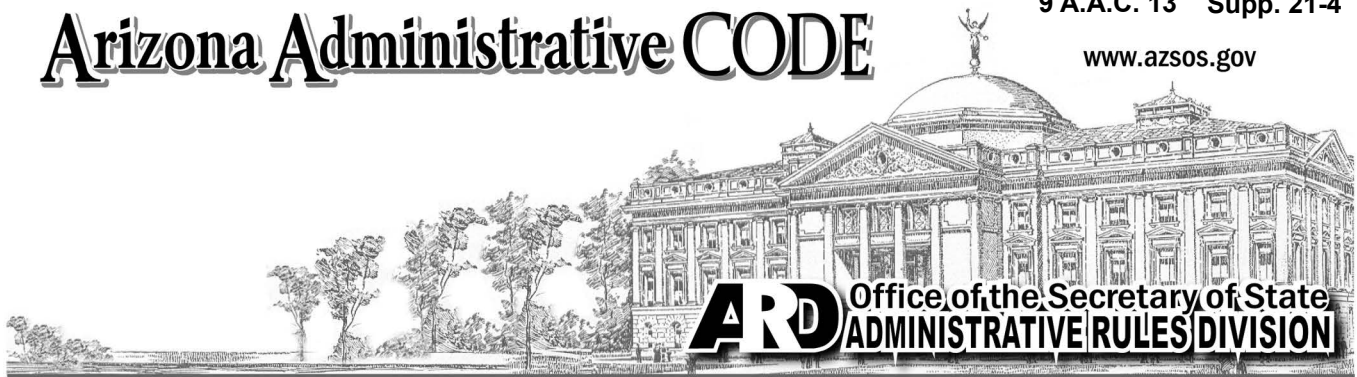
1. Decide whether to accept, reject, or modify the decision of the administrative law judge; and
2. Take action on the charter.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 693,  
effective May 6, 2017 (Supp. 17-1).

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## TITLE 9. HEALTH SERVICES

### CHAPTER 13. DEPARTMENT OF HEALTH SERVICES - HEALTH PROGRAMS SERVICES

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
October 1, 2021 through December 31, 2021

[R9-13-201.](#)   [Definitions ..... 16](#)   [R9-13-203.](#)   [Newborn and Infant Bloodspot Tests ..... 19](#)

#### Questions about these rules? Contact:

Department: Arizona Department of Health Services  
Arizona State Public Health Laboratory  
Address: 250 N. 17th Ave.  
Phoenix, AZ 85007-3248  
Website: <https://www.azdhs.gov>  
Name: Ward B. Jacox, Assistant Bureau Chief  
Telephone: (602) 364-1410  
Fax: (602) 364-1495  
E-mail: [ward.jacox@azdhs.gov](mailto:ward.jacox@azdhs.gov)

**The release of this Chapter in Supp. 21-4 replaces Supp. 19-3, 1-27 pages**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

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### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

First Quarter: January 1 - March 31  
Second Quarter: April 1 - June 30  
Third Quarter: July 1 - September 30  
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2021 is cited as Supp. 21-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

### RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

### AUTHENTICATION OF PDF CODE CHAPTERS

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

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, [www.azsos.gov](http://www.azsos.gov) under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

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

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

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

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

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

### PERSONAL USE/COMMERCIAL USE

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

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



## Administrative Rules Division

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

**TITLE 9. HEALTH SERVICES****CHAPTER 13. DEPARTMENT OF HEALTH SERVICES - HEALTH PROGRAMS SERVICES**

Authority: A.R.S. §§ 36-132(A)(1) and 36-136(G)

**Supp. 21-4****CHAPTER TABLE OF CONTENTS**

*Editor's Note: Supp. 15-2 has rules that were filed as final exempt rules. The Department was required to provide an opportunity for public comment on the amended rules under Laws 2014, Ch. 171. The amended rules were published on the Department's website from May 1, 2015 to May 30, 2015. Even though the proposed amendments were not published in the Register, the Office of the Secretary of State makes a distinction between exempt rulemakings and final exempt rulemakings. Exempt rulemakings are those filed with the Office of the Secretary of State that did not receive public comments (Supp. 15-2).*

**ARTICLE 1. HEARING SCREENING**

*Article 1 consisting of Sections R9-13-101 through R9-13-110 adopted effective February 18, 1986.*

*Former Article 1 consisting of Sections R9-13-111 through R9-13-117 repealed effective February 18, 1986 (Supp. 86-1).*

Section	
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**ARTICLE 2. NEWBORN AND INFANT SCREENING**

*Article 2, consisting of R9-13-201 through R9-13-205, recodified from R9-14-501 through R9-14-505 at 11 A.A.R. 3577, effective August 31, 2005 (Supp. 05-3).*

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**ARTICLE 3. REPEALED**

*Article 3 consisting of Sections R9-13-301 through R9-13-304 adopted effective July 16, 1981.*

*Article 3 consisting of Sections R9-13-301 through R9-13-306 repealed effective July 16, 1981.*

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**ARTICLE 4. REPEALED**

*Article 4 consisting of Sections R9-13-401 through R9-13-406 repealed effective December 16, 1996 (Supp. 96-4).*

*Article 4 consisting of Sections R9-13-401 through R9-13-406 adopted effective July 16, 1981.*

*Article 4 consisting of Sections R9-13-401 through R9-13-407 repealed effective July 16, 1981.*

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**ARTICLE 5. REPEALED**

*Article 5 consisting of Sections R9-13-501 through R9-13-504 adopted effective July 16, 1981.*

*Article 5 consisting of Sections R9-13-501 through R9-13-511 repealed effective July 16, 1981.*

Section	
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**ARTICLE 6. REPEALED**

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*Article 6 consisting of Sections R9-13-601 through R9-13-606 repealed effective December 16, 1996 (Supp. 96-4).*

*Article 6 consisting of Sections R9-13-601 through R9-13-606 adopted effective July 16, 1981.*

*Article 6 consisting of Sections R9-13-601 through R9-13-605 repealed effective July 16, 1981.*

Section	
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**ARTICLE 7. REPEALED**

*Article 7 consisting of Sections R9-13-701 through R9-13-704 adopted effective July 16, 1981.*

Section	
R9-13-701.	Repealed ..... 24
R9-13-702.	Repealed ..... 24
R9-13-703.	Repealed ..... 24
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**ARTICLE 8. REPEALED**

*The rules in Article 8 (R9-13-801, R9-13-802, and R9-13-806) were automatically repealed June 1, 2000. The heading for Article 8 was repealed by final rulemaking at 7 A.A.R. 1082, effective February 13, 2001 (Supp. 01-1).*

*Article 8 consisting of Sections R9-13-801 through R9-13-806 adopted effective July 16, 1981.*

Section	
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**ARTICLE 9. REPEALED**

*Article 9, consisting of Section R9-13-901, repealed by final rulemaking at 7 A.A.R. 1082, effective February 13, 2001 (Supp. 01-1).*

*Article 9 consisting of Section R9-13-901 adopted effective October 13, 1982.*

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**ARTICLE 10. REPEALED**

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**ARTICLE 12. REPEALED**

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**ARTICLE 13. REPEALED**

*Article 13, consisting of Sections R9-13-1301 through R9-13-1303, repealed by final rulemaking at 7 A.A.R. 1082, effective February 13, 2001 (Supp. 01-1).*

*Article 13 consisting of Sections R9-13-1301 through R9-13-1303 adopted effective November 23, 1983.*

Section	
R9-13-1301.	Repealed ..... 26
R9-13-1302.	Repealed ..... 26
R9-13-1303.	Repealed ..... 26

**ARTICLE 14. REPEALED**

*Article 14, consisting of Sections R9-13-1401 through R9-13-1415, repealed by final rulemaking at 7 A.A.R. 1082, effective February 13, 2001 (Supp. 01-1).*

*Article 14 consisting of Sections R9-13-1401 through R9-13-1415 adopted effective March 19, 1984.*

*Article 14 consisting of Sections R9-13-1401 through R9-13-1417 adopted as an emergency effective November 29, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days.*

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R9-13-1414.	Repealed ..... 27
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**ARTICLE 15. RECODIFIED**

*Editor's Note: Article 15, consisting of R9-13-1501 through R9-13-1503 and Exhibits, was recodified to 9 A.A.C. 25.*

*Editor's Note: Former Article 15 was originally adopted, and subsequently amended by the addition of a new Section, under an exemption from the provisions of the Administrative Procedure Act which means that the rules were not reviewed by the Governor's Regulatory Review Council; the agency did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the agency was not required to hold public hearings on the rules; and the Attorney General did not certify the rules.*

*Article 15, consisting of Sections R9-13-1501 through R9-13-1503, recodified to 9 A.A.C. 25, R9-25-801 through R9-25-803 (Supp. 98-1).*

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## CHAPTER 13. DEPARTMENT OF HEALTH SERVICES - HEALTH PROGRAMS SERVICES

## ARTICLE 1. HEARING SCREENING

**R9-13-101. Definitions**

In this Article, unless the context otherwise requires:

1. "Accredited" means that an educational institution is recognized by the U.S. Department of Education as providing standards necessary to meet acceptable levels of quality for its graduates to gain admission to other reputable institutions of higher learning or to achieve credentials for professional practice.
2. "Administrator" means the principal or person having general daily control and oversight of a school or that person's designee.
3. "Assistive listening device" has the same meaning as "assistive listening device or system" in A.R.S. § 36-1901.
4. "Audiological equipment" means an instrument used to help determine the presence, type, or degree of hearing loss, such as:
  - a. A pure tone audiometer,
  - b. A tympanometer, or
  - c. An otoacoustic emissions device.
5. "Audiological evaluation" means:
  - a. Examination of an individual's ears;
  - b. Assessment of the functioning of the individual's middle ear;
  - c. Testing of the individual's ability to perceive sounds using audiological equipment; and
  - d. Analysis by a specialist of the results obtained from the activities described in subsections (a) through (c) to determine if the individual has a hearing loss and, if so, the type and degree of the individual hearing loss.
6. "Audiologist" means an individual licensed under A.R.S. Title 36, Chapter 17.
7. "Audiometer" means an electronic device that administers sounds of varying pitches and intensities to assess an individual's ability to hear the sounds.
8. "Auditory canal" means the tubular passage between the cartilaginous portion of the ear that projects from an individual's head and the outer surface of the ear drum.
9. "Auditory nerve" means the filament of neurological tissue that:
  - a. Connects the cochlea and the brain, and
  - b. Transmits impulses related to hearing.
10. "Calendar day" means each day, that:
  - a. Is not the day of the act, event, or default from which a designated period of time begins to run; and
  - b. Includes the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.
11. "Calibrate" means to measure the response of an instrument against a standard and adjust the instrument until the response falls within specified values according to the equipment's manufacturer specifications and by an authorized manufacturer's dealer, if recommended by the manufacturer.
12. "Certificate of completion" means a document issued to an individual who has completed the requirements in:
  - a. R9-13-108 to perform hearing screening for students according to this Article; or
  - b. R9-13-111 or R9-13-112 to provide training to individuals who perform hearing screenings.
13. "Cochlea" means a coiled tube in the inner ear that converts sounds into neural messages.
14. "Cochlear implant" means a device that is surgically inserted into the cochlea to electrically stimulate the auditory nerve.
15. "Continuing education" means a course that provides instruction and training that is designed to develop or improve a trainer or screener's professional competence.
16. "Continuing education unit" means 50 to 60 minutes of continuous course work.
17. "Course" means a workshop, seminar, lecture, conference, or other learning program activities approved by the Department.
18. "daPa" means dekaPascal, a standard measure of air pressure.
19. "dB HL" means decibel hearing level, a measurement used to compare the intensity at which an individual hears sound at a particular frequency to a standard.
20. "dB SPL" means sound pressure level measured in units of decibels.
21. "Deaf" has the same meaning as in A.R.S. § 36-1941.
22. "Diagnosis" means a determination of whether a student is deaf or hard of hearing that is:
  - a. Made by specialist; and
  - b. Based on an audiological evaluation of the student.
23. "Documentation" means a method used to report information on paper, electronic, photographic, or other permanent form.
24. "Eardrum" means the tympanic membrane in the ear that vibrates in response to sound.
25. "Earphone" means the part of an audiometer that is worn over an individual's ear.
26. "Electroacoustic analysis" means the evaluation by an audiologist of the functioning of a hearing aid or an assistive listening device using specialized electronic equipment.
27. "Eustachian tube" means a passage in an individual's head that:
  - a. Connects the middle ear and the throat, and
  - b. Equalizes pressure on both sides of the eardrum.
28. "Follow-up" means an action that serves to verify the effectiveness of a previous hearing screening that resulted in treatment.
29. "Frequency" means the number of cycles per second of a sound wave, expressed in Hz and corresponding to the pitch of sound.
30. "Hard of hearing" has the same meaning as in A.R.S. § 36-1941.
31. "Hearing aid" has the same meaning as in A.R.S. § 36-1901.
32. "Hearing loss" means the difference, expressed in decibels, between the hearing threshold of an individual and a standard reference hearing threshold.
33. "Hearing screening" means:
  - a. The same as "hearing screening evaluation" in A.R.S. § 36-899, and
  - b. Is performed by an individual who meets the requirements specified in R9-13-108 for the purpose of identifying students who may need further evaluation; or
  - c. An audiological evaluation provided by a specialist.
34. "Hearing screening population" means the students who are expected to have a hearing screening during a school year.
35. "Hearing threshold" means the faintest sound an individual hears at each frequency at which the individual is tested.

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36. "Hz" means Hertz, a unit of frequency equal to one cycle per second.
37. "Immittance" means the mobility of the parts of the middle ear during the transmission of sound vibrations through the middle ear.
38. "Immediate family member" means an individual related by birth, marriage, or adoption.
39. "Inner ear" means the part of the ear, including the semi-circular canals, cochlea, and auditory nerve, that converts sound into neural messages that are sent through the auditory nerve to the brain.
40. "Intensity" means the strength of a sound wave, resulting in the perception of sound volume as expressed in decibels or decibels hearing level dB HL.
41. "KHz" means a unit of frequency equal to one thousand cycles per second or one thousand hertz.
42. "Middle ear" means the part of the ear that conducts sound to the inner ear, consisting of:
  - a. The eardrum;
  - b. The three small bones called the malleus, incus, and stapes; and
  - c. The space containing the eardrum and the three small bones.
43. "ml" means a volume measurement unit.
44. "mmho" or "millimho" means a unit of electric conductance.
45. "Notification" means a method used to inform or announce information on paper, electronic, photographic, or other permanent form.
46. "Other amplification device" means a hearing product used to amplify sounds, but may not address other components of hearing loss, such as distortion.
47. "Otitis media" means inflammation of the middle ear.
48. "Otoacoustic emissions device" or "OAE device" means an instrument used to determine the status of an individual's cochlear function by:
  - a. Presenting sounds into the auditory canal with a sound generator, and
  - b. Detecting, with one or more microphones, low-intensity echoes in the auditory canal that are produced by normally functioning cochlea in response to sounds.
49. "Outer ear" means the part of the ear that projects from an individual's head and the auditory canal.
50. "Parent" means a:
  - a. Natural or adoptive mother or father,
  - b. Legal guardian appointed by a court of competent jurisdiction, or
  - c. Custodian as defined in A.R.S. § 8-201.
51. "Pass" means a recordable response detected by a hearing screener or audiological equipment consistent with established criteria for hearing screening requirements.
52. "Person" has the meaning in A.R.S. § 41-1001.
53. "Preschool" means the instruction preceding kindergarten provided to individuals three to five year old through a school.
54. "Probe" means the part of a tympanometer or an OAE that is inserted into an individual's auditory canal during a hearing screening.
55. "Pure tone hearing screening" means a type of hearing screening using single frequency sounds that is performed using a pure tone audiometer or a device that includes the functions of both an audiometer and a tympanometer.
56. "School" means:
  - a. A school as defined in A.R.S. § 15-101,
  - b. An accommodation school as defined in A.R.S. § 15-101,
  - c. A charter school as defined in A.R.S. § 15-101, or
  - d. A private school as defined in A.R.S. § 15-101.
57. "School day" means any day in which students attend an educational institution for instructional purposes.
58. "School year" means the period from July 1 through June 30.
59. "Screener" means an individual qualified to perform a hearing screening specified in R9-13-108.
60. "Semicircular canal" means the loop-shaped tubular parts of the inner ear that contain portions of the sensory organs of balance.
61. "Sound wave" means the repeating cycles of high pressure and low pressure that are made by a vibrating object.
62. "Special education" has the same meaning as in A.R.S. § 15-761.
63. "Specialist" means an audiologist or a doctor of medicine licensed according to A.R.S. Title 32, Chapters 13 or 17 who specializes in the ear, nose, and throat.
64. "Student" means an individual enrolled in a school.
65. "Supervision" means a screener is in the room observing and providing direction while an individual provides hearing screening to students specified in R9-13-108(M).
66. "Trainer" means an individual, who:
  - a. Has a current certificate of completion, and
  - b. Provides classroom instruction and assessment of competency in using audiological equipment specified in R9-13-108.
67. "Tympanogram" means a graphic display of the mobility of the middle ear in response to an acoustic stimulus as a function of air pressure in the auditory canal.
68. "Tympanometer" means a device used to determine the status of an individual's middle ear by:
  - a. Presenting sound into the auditory canal with a sound generator;
  - b. Varying the air pressures in the auditory canal via an air pump to control the movement of the tympanic membrane; and
  - c. Detecting, with a microphone, variations in sound pressure level as acoustic energy passes into the individual's middle ear.

**Historical Note**

Adopted effective February 18, 1986 (Supp. 86-1).  
 Amended effective October 15, 1993 (Supp. 93-4).  
 Amended by final rulemaking at 8 A.A.R. 3307, effective July 16, 2002 (Supp. 02-3). Amended by final rulemaking at 25 A.A.R. 1827, effective July 2, 2019 (Supp. 19-3).

**R9-13-102. Hearing Screening Population**

- A. An administrator shall ensure each student included in a school's hearing screening population receives a hearing screening.
- B. An administrator may exclude from a school's hearing screening population:
  1. A student who is 16 years of age or older;
  2. A student for whom the school has documentation from a specialist that:
    - a. States that the student received an audiological evaluation from a specialist;
    - b. Is dated within 12 months before the date the student would receive a hearing screening; or
    - c. Includes a time period during or after the current school year when the student is scheduled to receive

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- another audiological evaluation from the audiologist or specialist; and
- d. Contains the following information:
  - i. The student's name;
  - ii. The date the student's audiological evaluation was performed;
  - iii. The type of audiological equipment used;
  - iv. Whether the student has been diagnosed as being deaf or hard of hearing and, if so, the type and degree of hearing loss; and
  - v. The name of the specialist who performed the audiological evaluation; and
- 3. A student who is deaf or hard of hearing.

- C. An administrator shall exclude from a school's hearing screening population a student for whom the administrator has documentation, from a student's parent objecting to the student receiving a hearing screening, specified in A.R.S. § 36-899.04, that contains:
  - 1. The student's name;
  - 2. A statement objecting to the student receiving a hearing screening, including:
    - a. The school year the student should not receive the hearing screening, or
    - b. Instruction the student is not to receive a hearing screening until the parent notifies the administrator that the student may receive a hearing screening; and
  - 3. The parent's name, signature, and date signed.

**Historical Note**

Former Section R9-13-112 renumbered and amended as Section R9-13-102 effective February 18, 1986 (Supp. 86-1). Amended effective October 15, 1993 (Supp. 93-4). Amended by final rulemaking at 8 A.A.R. 3307, effective July 16, 2002 (Supp. 02-3). Amended by final rulemaking at 25 A.A.R. 1827, effective July 2, 2019 (Supp. 19-3).

**R9-13-103. Hearing Screening Requirements**

- A. Before permitting a screener to provide a hearing screening, an administrator shall ensure that the screener:
  - 1. Is an audiologist; or
  - 2. Has a certificate of completion, specified in R9-13-108(F) or (I).
- B. If an individual is not a screener and requires supervision, an administrator shall ensure that the individual provides hearing screenings specified in R9-13-108(M).
- C. Before performing a hearing screening on a student, a screener shall:
  - 1. Verify that the student is on a list of students in the school's hearing screening population provided by the administrator; and
  - 2. Conduct a non-otoscopic inspection of the student's outer ears for anything that would contra-indicate continuation of the hearing screening, such as:
    - a. Blood or other bodily fluid in or draining from the auditory canal,
    - b. Earwax that may be occluding,
    - c. An open sore, or
    - d. A foreign object.
- D. If a screener observes a condition specified in subsection (C)(2) when inspecting a student's outer ears, the screener shall:
  - 1. Not perform a hearing screening on the student, and
  - 2. Report the student's condition to the administrator immediately.

- E. If a screener does not observe a condition specified in subsection (C)(2) when inspecting a student's outer ears, the screener shall:
  - 1. Determine the developmental and age appropriate audiological equipment to be used when:
    - a. The student is unable to understand the screener's instructions;
    - b. The student has been designated as a child with a disability, as defined in A.R.S. § 15-761; or
    - c. The student is physically or behaviorally limited in the ability to respond to perceived sounds;
  - 2. Use one of the hearing screening methods specified in subsection (G);
  - 3. Perform a hearing screening on each of the student's ears; and
  - 4. Comply with the requirements specified in R9-13-104(A).
- F. If a screener determines that a student in subsection (E)(1) is not able to complete the hearing screening, the screener shall:
  - 1. Not perform a hearing screening on the student, and
  - 2. Report the student's condition to the administrator within 10 school days.
- G. When performing a hearing screening on a student, a screener shall comply with one of the following passing criteria, if using:
  - 1. A pure tone audiometer to perform a three-frequency, pure tone hearing screening on each of the student's ears with response recorded at each of the following frequencies and intensities:
    - a. 1000 Hz at 20 dB HL,
    - b. 2000 Hz at 20 dB HL, and
    - c. 4000 Hz at 20 dB HL;
  - 2. A combination of a tympanometer and a pure tone audiometer to:
    - a. Produce a tympanogram showing the following results:
      - i. Peak acoustic immittance in mmho, ml, or compliance for a 226 Hz probe tone; or
      - ii. Tympanometric width in daPa; and
    - b. Obtain the results of a three-frequency, pure tone hearing screening on each of the student's ears with response recorded at each of the following frequencies and intensities:
      - i. 1000 Hz at 20 dB HL,
      - ii. 2000 Hz at 20 dB HL, and
      - iii. 4000 Hz at 20 dB HL; or
  - 3. An OAE device to:
    - a. Measure responses of the cochlea to no less than three test frequencies; and
    - b. Device display screen indicates pass.

**Historical Note**

Adopted effective February 18, 1986 (Supp. 86-1). Amended effective October 15, 1993 (Supp. 93-4). Amended by final rulemaking at 8 A.A.R. 3307, effective July 16, 2002 (Supp. 02-3). Amended by final rulemaking at 25 A.A.R. 1827, effective July 2, 2019 (Supp. 19-3).

**R9-13-104. Criteria for Passing a Hearing Screening**

- A. A screener shall consider a student to have passed a developmentally and age appropriate hearing screening if one of the following applies:
  - 1. During a three-frequency, pure tone hearing screening, performed according to R9-13-103(G)(1), the student responds to each frequency and intensity specified in R9-



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- 13-103(G)(1)(a) through (c) for each ear on which a hearing screening is performed;
2. During a hearing screening using both a tympanometer and pure tone audiometer, performed according to R9-13-103(G)(2):
    - a. The tympanogram for each of the student's ears shows:
      - i. The height of the peak acoustic immittance is > 0.3 mmho, ml, or compliance; or
      - ii. The tympanometric width is < 250 daPa; and
    - b. The student responds to each frequency specified in R9-13-103(G)(2)(b)(i) through (iii) for each ear on which a hearing screening is performed; or
  3. During a hearing screening using an OAE device, performed according to R9-13-103(G)(3), the OAE device indicates results that the student has passed the hearing screening for each ear.
- B.** For a student in a school's hearing screening population who does not receive an initial hearing screening specified in Table 13.1, an administrator shall ensure that the student receives the initial hearing screening not more than 45 school days after the date the student was expected to receive the initial hearing screening.
- C.** For a student in a school's hearing screening population who does not pass an initial hearing screening according to subsection (A), an administrator shall ensure that:
1. The student shall receive a second hearing screening no earlier than 10 school days and no later than 30 school days after the date of the hearing screening specified in R9-13-103;
  2. If the hearing screening specified in R9-13-103(G)(2) was performed using both a tympanometer and pure tone audiometer, the second hearing screening for the student is performed using both a tympanometer and pure tone audiometer; and
  3. If the hearing screening specified in R9-13-103(G)(3) was performed using an otoacoustic emissions device, the second hearing screening for the student is performed using an otoacoustic emissions device.
- D.** If a student does not pass the second hearing screening in subsection (C)(1) and (2), an administrator shall provide notification to the student's parent specified in R9-13-105.
- Historical Note**
- Adopted effective February 18, 1986 (Supp. 86-1).  
 Amended effective October 15, 1993 (Supp. 93-4).  
 Amended by final rulemaking at 8 A.A.R. 3307, effective July 16, 2002 (Supp. 02-3). Amended by final rulemaking at 25 A.A.R. 1827, effective July 2, 2019 (Supp. 19-3).
- R9-13-105. Notification; Follow-up**
- A.** An administrator shall provide a notification to parents of students identified in Table 13.1 that includes:
1. The information for hearing screening to be conducted during the school year, and
  2. A reference to A.R.S. § 36-899.04 and information about the parent's right to object to their student receiving a hearing screening by submitting the document specified in R9-13-102(C) to the administrator.
- B.** If an administrator excludes a student from a hearing screening specified in R9-13-102(B)(3), the administrator shall provide a notification to the student's parent that:
1. Informs the parent, whose student wears a device listed in subsection (3)(a) through (c), that the student shall not receive a hearing screening;
  2. Recommends the parent schedule an audiological evaluation for the student with a specialist;
  3. Requests the parent in subsection (2) provide the administrator a copy of a specialist's audiological report dated within the past 12 months for the student's:
    - a. Hearing aid,
    - b. Assistive listening device, or
    - c. Other amplification device;
  4. Informs a parent, who chooses for their student to not wear a device listed in subsection (3)(a) through (c), that the student shall receive a hearing screening unless the administrator receives documentation specified in R9-13-102(C) stating that the parent does not want their student to have a hearing screening; and
  5. Informs a parent that a student may receive a hearing screening if an administrator does not have:
    - a. Documentation of an audiological report in subsection (3), or
    - b. Documentation specified in R9-13-102(C) stating that the parent does not want their student to have a hearing screening.
- C.** Except for a student in subsection (2)(a), within 10 school days after an initial hearing screening in subsection (A) has been completed, an administrator shall provide notification to a student's parent that includes:
1. The student's name; and
  2. The reason why the student did not receive a hearing screening due to:
    - a. A visual condition of the outer ear specified in R9-13-103(C)(2), or
    - b. A behavioral condition specified in R9-13-103(E)(1).
- D.** Except for a student's second hearing screening in subsection (3)(b), within 10 school days after a student receives a second hearing screening specified in R9-13-104(C), an administrator shall provide notification to a student's parent that includes:
1. The student's name;
  2. The type of hearing screening the student received, if received; and
  3. The hearing screening results whether the student:
    - a. Did not pass; or
    - b. Was not screened due to:
      - i. A visual condition of the outer ear specified in R9-13-103(C)(2), or
      - ii. A behavioral condition specified in R9-13-103(E)(1).
- E.** If a student in subsections (C) or (D) has an audiological evaluation on file at the school that is dated within the past 12 months, the student will not receive a hearing screening.
- F.** If a student did not receive a hearing screening due to a reason identified in subsections (C)(2)(a), (D)(3)(a), or (D)(3)(b)(i), an administrator shall provide an immediate notification to the student's parent that includes:
1. The student's name;
  2. The reason for the immediate notification;
  3. A request that the parent contact a specialist to:
    - a. Examine the student's ears;
    - b. Perform an audiological evaluation; and
    - c. If the student uses any of the following, perform an:
      - i. Electroacoustic analysis of a hearing aid, an assistive listening device, or other amplification device; or
      - ii. Evaluation of a cochlear implant; and
  4. A request that the parent provide to the administrator documentation received from the specialist who examined the student that includes:

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- a. The student's name;
- b. The name of the specialist;
- c. The date the specialist performed the services;
- d. The type of services provided; and
- e. If applicable:
  - i. The results of the examination of the student's ears,
  - ii. The results of the student's audiological evaluation, including diagnosis,
  - iii. Whether there is hearing loss, including the type and degree of hearing loss,
  - iv. The type of audiological equipment used to perform the audiological evaluation; and
  - v. A recommendation for treatment.
- G. Forty-five calendar days after sending a notification specified in subsection (F)(4), an administrator shall provide a follow-up notification to the student's parent to verify whether the student received an audiological evaluation and if evaluated, provide diagnosis.
- H. Within 10 school days after an administrator receives documentation from a specialist of a diagnosis that a student is deaf or hard of hearing, the administrator shall provide notification of the diagnosis, consistent with the privacy requirements in applicable law, to:
  - 1. Each of the student's teachers,
  - 2. Other school personnel who interacts with the student, and
  - 3. The persons responsible for determining the student's eligibility for special education services under A.A.C. R7-2-401.
- 3. An OAE is calibrated:
  - a. Not more than 12 months before the hearing screening is planned to occur; and
  - b. According to the specifications of the otoacoustic emissions device's manufacturer, including:
    - i. Distortion product emission,
    - ii. No less than three test frequencies between 1 and 5 kHz,
    - iii. An f2/f1 ratio of 1.22,
    - iv. A L1/L2 levels of 65/55 dB SPL, and
    - v. A pass and fail criterion based on an emission-to-noise ratio.
- C. A screener shall ensure that:
  - 1. A pure tone audiometer:
    - a. Is inspected within one school day before the hearing screening is planned to occur; and
    - b. During the inspection in subsection (1)(a):
      - i. Had a power source and power indicator that were working,
      - ii. Had earphones that were free of noise or distortion that could interfere with a hearing screening,
      - iii. Had earphone cords that were connected securely to the pure tone audiometer and had no breaks, and
      - iv. Generated a signal at each frequency and intensity specified in R9-13-103(G)(1) that did not cross from one earphone to the other.
  - 2. A tympanometer:
    - a. Is inspected within one school day before the hearing screening is planned to occur; and
    - b. During the inspection in subsection (2)(a):
      - i. Had no obstruction in the tympanometer's probe, and
      - ii. Generated a signal.
  - 3. An OAE:
    - a. Is inspected within one school day before the hearing screening is planned to occur; and
    - b. During the inspection in subsection (3)(a):
      - i. Had no obstruction in the OAE's probe microphone, and
      - ii. Generated a signal.

**Historical Note**

Adopted effective February 18, 1986 (Supp. 86-1).

Amended effective October 15, 1993 (Supp. 93-4).

Amended by final rulemaking at 8 A.A.R. 3307, effective July 16, 2002 (Supp. 02-3). Amended by final rulemaking at 25 A.A.R. 1827, effective July 2, 2019 (Supp. 19-3).

**R9-13-106. Equipment Standards**

- A. An administrator shall ensure that audiological equipment used for hearing screenings is recommended by the American Academy of Audiology.
- B. An administrator shall ensure that:
  - 1. A pure tone audiometer is calibrated:
    - a. Not more than 12 months before the hearing screening is planned to occur, and
    - b. According to ANSI/ASA S3.6-2010 American National Standards Institution/Acoustical Society of America, Specification for Audiometers, incorporated by reference, on file with the Department, including no future editions or amendments, and available from the American National Standards Institution at <https://webstore.ansi.org>.
  - 2. A tympanometer is calibrated:
    - a. Not more than 12 months before the hearing screening is planned to occur; and
    - b. According to ANSI/ASA S3.39-1987 (R2012) American National Standards Institution/Acoustical Society of America, American National Standard Specifications for Instruments to Measure Aural Acoustic Impedance and Admittance (Aural Acoustic Immittance), incorporated by reference, on file with the Department, including no future editions or amendments, and available from the American National Standards Institution at <https://webstore.ansi.org>.

**Historical Note**

Adopted effective February 18, 1986 (Supp. 86-1).

Amended effective October 15, 1993 (Supp. 93-4).

Section repealed by final rulemaking at 8 A.A.R. 3307, effective July 16, 2002 (Supp. 02-3). New Section made by final rulemaking at 25 A.A.R. 1827, effective July 2, 2019 (Supp. 19-3).

**R9-13-107. Records and Reporting Requirements**

- A. An administrator shall obtain from a screener:
  - 1. The screener's license number, if the screener is an audiologist; or
  - 2. A copy of the screener's certificate of completion dated within four years before the date the hearing screening is planned to occur.
- B. A student's record shall include:
  - 1. The dates and results of each hearing screening performed on the student;
  - 2. An objection to a hearing screening made by the student's parent specified in R9-13-102(C);
  - 3. A request for a hearing screening made by an individual listed in Table 13.1;

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4. A written diagnosis received by an administrator from a specialist specified in R9-13-105(H) that a student is deaf or hard of hearing;
  5. If an administrator received a written diagnosis in subsection (4), the name of each individual specified in R9-13-105(H) that received notification of the student's diagnosis and the date notified; and
  6. If an administrator notified a student's parent according to R9-13-105:
    - a. A copy of the notification; or
    - b. Documentation that contains:
      - i. The reason for the notification,
      - ii. The date of notification, and
      - iii. Whether the administrator recommended that the student have an audiological evaluation completed by a specialist.
- C. Between April 1 and June 30 of each school year, an administrator shall submit to the Department in a Department-provided format:
1. The school:
    - a. Name,
    - b. Address, and
    - c. Telephone number;
  2. The name of the school district, if applicable; and
  3. For hearing screenings conducted at the school during the school year:
    - a. The name of each screener who performed hearing screenings;
    - b. The screener's audiological license number, if applicable;
    - c. A copy of the screener's certificate of completion specified in R9-13-108(F) or R9-13-108(I)(3), if applicable;
    - d. The type of audiological equipment used to conduct the hearing screenings;
    - e. The date the audiological equipment was calibrated;
    - f. The name and title of the individual submitting the information;
    - g. The date the information is submitted;
    - h. Whether the hearing screenings for students identified in Table 13.1 were conducted within the first 45 calendar days of the school year;
    - i. The number of students grouped by:
      - i. The grades listed in Table 13.1, and
      - ii. Enrollment in special education;
    - j. The number of students who:
      - i. Were enrolled at the start of the school year at the time of prior to the first hearing screening provided to students,
      - ii. Were excluded from the school's hearing screening population as specified in R9-13-102(B) and Table 13.1,
      - iii. Received an initial hearing screening,
      - iv. Did not pass an initial hearing screening,
      - v. Received a second hearing screening,
      - vi. Did not pass a second hearing screening, and
      - vii. Were first identified as deaf or hard of hearing; and
    - k. The number of students for whom:
      - i. An administrator provided notification to a student's parent, as specified in R9-13-105; and
      - ii. An administrator received documentation during the school year from a student's specialist related to an examination, audiological evaluation, electroacoustic analysis, or evaluation of the student's cochlear implant.
- D. An administrator shall retain the information in:
1. Subsection (A) for at least three years after the date that the hearing screening occurred.
  2. Subsection (B) for three school years after fiscal year of last attendance, according to Arizona State Library, Archives and Public Records, General Records Retention Schedule for All Arizona School Districts and Charter Schools Student Records.
- Historical Note**
- Former Section R9-13-113 renumbered and amended as Section R9-13-107 effective February 18, 1986 (Supp. 86-1). Amended effective October 15, 1993 (Supp. 93-4). Amended by final rulemaking at 8 A.A.R. 3307, effective July 16, 2002 (Supp. 02-3). Section repealed; new Section made by final rulemaking at 25 A.A.R. 1827, effective July 2, 2019 (Supp. 19-3).
- R9-13-108. Screener Qualifications**
- A. An individual may be a screener:
1. If the individual is an audiologist, or
  2. If the individual:
    - a. Is at least 18 years of age;
    - b. Has a high school diploma or a general equivalency diploma;
    - c. Has the ability to recognize a student's response to hearing a range of tones at different pitches and volumes; and
    - d. Has a current certificate of completion specified in subsection (F).
- B. For an individual, who is not an audiologist, to become a screener, the individual shall complete classroom instruction for pure tone audiometry provided by a trainer:
1. Introduction to hearing screening for children, including the:
    - a. Development of speech and language,
    - b. Anatomy and physiology of the ear,
    - c. Signs of hearing loss in children,
    - d. Prevention of hearing loss in children,
    - e. Otitis media, and
    - f. Infection control;
  2. Essentials for hearing screening children, including:
    - a. Auditory development;
    - b. Rationale for early identification of hearing loss;
    - c. When, how, and on whom hearing screening is performed; and
    - d. How to set up a hearing screening, including the selection of a method to use for hearing screening and a location to conduct hearing screening;
  3. Hearing screening protocols, including:
    - a. Possible results of hearing screening;
    - b. Screener requirements specified in this Article;
    - c. Procedures for tracking students expected to receive hearing screening and recording hearing screening results;
    - d. Notification of and communication with the parents of students;
    - e. The information that a parent of a student who does not pass a hearing screening is requested to obtain from the student's specialist and provide to the student's school;
    - f. When and to whom a student's hearing loss is required to be reported;
    - g. Procedures for reporting hearing screening results to the Department;
    - h. What resources are available to the parent of a student who does not pass hearing screening; and

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- i. Requirements in A.R.S. Title 36, Chapter 7.2 and requirements in this Article in addition to screener requirements; and
  - 4. Audiological equipment, including:
    - a. A pure tone audiometer:
      - i. How a pure tone audiometer works;
      - ii. Checking the pure tone audiometer and earphones before performing hearing screening;
      - iii. Earphone placement;
      - iv. Performing hearing screening using a pure tone audiometer;
      - v. Identifying students who need a second hearing screening; and
      - vi. Identifying students for whom notification of a parent is required; and
    - b. An otoacoustic emission device:
      - i. How an otoacoustic emission device works;
      - ii. Why and when it is appropriate to use an otoacoustic emissions device is used during hearing screening;
      - iii. Performing a hearing screening using an otoacoustic emissions device with a remote probe;
      - iv. Identifying students who need a second hearing screening; and
      - v. Identifying students for whom notification of a parent is required.
- C. An individual who has completed the hearing screening instruction in subsection (B) may request training in the use of a tympanometer by completing the following classroom instruction provided by a trainer:
  - 1. How a tympanometer works;
  - 2. Why and when it is appropriate to use a tympanometer during hearing screening;
  - 3. The anatomy and functions of the middle ear and Eustachian tube;
  - 4. How to use a tympanometer;
  - 5. Identifying students who need a second hearing screening; and
  - 6. Identifying students for whom notification of a parent is required.
- D. Obtain a score of at least 80% on a written examination that covers the classroom instruction specified in subsection (B) or (C).
- E. Demonstrate competency in the use of the audiological equipment specified in subsection (B) or (C) that an individual received classroom instruction.
- F. Obtain a certificate of completion in a Department-provided format from the trainer who provided the classroom instruction, examination, and competency assessment specified in (B) through (E), as applicable, that includes:
  - 1. The individual's name;
  - 2. The hearing screening methods specified in subsections (B) or (C) completed by the individual;
  - 3. The date the individual completed the classroom instruction in subsection (B) or (C);
  - 4. The date the individual completed the hearing screening:
    - a. Examination; and
    - b. Assessment, including the type of audiological equipment;
  - 5. The certificate of completion issue date;
  - 6. An attestation that the classroom instruction provided to the individual meets the requirements in subsection (B) or (C); and
  - 7. The trainer's printed name and date issued.
- G. A screener's certificate of completion expires four years from the issue date indicated on the certificate of completion specified in subsection (F).
- H. Prior to the expiration date of a certificate of completion, a screener shall complete the requirements in subsection (I) to renew the screener's certificate of completion.
- I. A screener, who is not an audiologist, wanting to renew a certificate of completion shall:
  - 1. Complete two hearing screening continuing education units each year:
    - a. Specified by the Department according to subsection (J), and
    - b. Applicable to the type of audiological equipment that the screener uses when performing a hearing screening;
  - 2. As provided by a trainer:
    - a. Complete four hours of classroom instruction related to:
      - i. Development of speech and language,
      - ii. Essentials for hearing screening children, and
      - iii. Hearing screening protocols;
    - b. Obtain a score of at least 80% on a written examination that covers the hearing screening requirements in subsection (a); and
    - c. Demonstrate competency in the use of the audiological equipment consistent with the hearing screening training received in subsection (1) and (2);
  - 3. Obtain a certificate of completion in a Department-provided format from the trainer who provided classroom instruction, the examination, and competency assessment in subsection (2) that includes:
    - a. The screener's name;
    - b. The hearing screening methods specified in subsection (1);
    - c. The date the screener completed the methods in subsection (1);
    - d. The date the screener completed the hearing screening:
      - i. Examination; and
      - ii. Assessment, including the type of audiological equipment;
    - e. The certificate of completion issue date;
    - f. An attestation that the classroom instruction provided to the screener meets the requirements in subsections (1) and (2); and
    - g. The trainer's printed name.
- J. By January 1 of each calendar year, the Department shall provide a list of Department-approved continuing education courses.
- K. An individual who does not score at least 80% on a written examination in subsection (D) may retake the written examination. If an individual does not score at least 80% on the second written examination, the individual shall repeat classroom instruction in subsection (B) or (C) before taking a third written examination.
- L. A screener, who does not score at least 80% on a written examination for renewal in subsection (I), may retake the written examination. A screener, who does not score at least 80% on the second written examination, shall repeat the classroom instruction in subsection (I)(1) and (2) before taking a third written examination.
- M. An individual who is not a screener:
  - 1. May use a pure tone audiometer to perform an initial three-frequency, pure tone hearing screening for a student, specified in R9-13-103(G)(1), under the supervision of a screener; and

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2. Shall not perform a hearing screening:
  - a. For a student who did not pass an initial hearing screening,
  - b. Using a combination of a tympanometer and a pure tone audiometer according to R9-13-103(G)(2); or
  - c. Using an OAE specified in R9-13-103(G)(3).

**Historical Note**

Adopted effective February 18, 1986 (Supp. 86-1).

Amended effective October 15, 1993 (Supp. 93-4).

Amended by final rulemaking at 8 A.A.R. 3307, effective

July 16, 2002 (Supp. 02-3). Section repealed; new

Section made by final rulemaking at 25 A.A.R. 1827, effective July 2, 2019 (Supp. 19-3).

**R9-13-109. Trainer Eligibility**

- A. An individual is eligible to be a trainer if the individual meets at least one of the following:
  1. Has completed at least 30 semester credits at an accredited college or university related to audiology and speech-language pathology or the equivalent credits from a college or university from outside the United States or its territories verified by a Department-approved third party evaluation service;
  2. Has completed at least two years of employment in a position directly related to and providing assistance in the practice of audiology and speech-language pathology;
  3. Is currently licensed in this state as an audiologist according to A.R.S. Title 36, Chapter 17; or
  4. Is currently a screener who has maintained a hearing screener certificate of completion for the previous five years.
- B. In addition to subsection (A), an individual who meets the requirement in:
  1. Subsection (1) or (2), has completed at least 100 hearing screenings within the previous 12 months from the date of request specified in R9-13-110(C)(9).
  2. Subsection (3), has completed at least 25 hearing screenings within the previous 12 months from the date of request specified in R9-13-110(C)(9).
  3. Subsection (4), has completed 3,000 hearing screenings within the previous five years from the date of request specified in R9-13-110(C)(9).
- C. Prior to the expiration date of a trainer certificate of completion, a trainer is eligible to renew a certificate of completion if the trainer demonstrates the trainer provided at least two hearing screening trainings for each year during the five-year period that a certificate of completion is valid.
- D. The practice of a trainer includes:
  1. Providing classroom instruction specified in R9-13-108(B) and (C) in a classroom;
  2. Training individuals in hearing screening skills, procedures, and techniques specified in R9-13-108(B) and (C);
  3. Observing and assessing individuals and screeners in the operations of audiological equipment specified in R9-13-108(E);
  4. Administering to individuals a hearing screening examination specified in R9-13-108(D);
  5. Entering an individual's or screener's information in the Department's hearing screening database for issuance of a certificate of completion; and
  6. Providing, if available to the public, notice to the Department indicating what, where, and when classroom instruction, examination, or assessment of competency are scheduled to be provided to individuals to become a screener specified in R9-13-110(C)(8) or R9-13-112(C)(4).

- E. A trainer who provides instruction to an individual seeking a screener certificate of completion shall:
  1. Ensure that:
    - a. Eight hours of classroom instruction is provided, and
    - b. The types of classroom instruction are consistent with R9-13-108; and
  2. Establish a hearing screening record in the Department's hearing screening database for each individual seeking a certificate of completion as a screener that includes:
    - a. The individual's:
      - i. Name,
      - ii. Address,
      - iii. E-mail address, and
      - iv. Telephone number;
    - b. The date the certificate of completion expires;
    - c. The address where the classroom instructions, examination, and assessment were held;
    - d. If applicable, the name of a sponsoring organization, such as a school, school district, or other public agency; and
    - e. Documentation indicating when classroom instruction, examination, and assessment were provided.
- F. A trainer who provides instruction to a screener who is seeking renewal of certificate of completion shall:
  1. Ensure that:
    - a. A hearing screening continuing education units are completed,
    - b. Four hours of classroom instruction is provided, and
    - c. The types of classroom instruction are consistent with R9-13-108(I); and
  2. Update the screener's record in the Department's hearing screening database for each screener seeking renewal of certificate of completion that includes:
    - a. The screener's:
      - i. Name,
      - ii. Address,
      - iii. E-mail address, and
      - iv. Telephone number;
    - b. The date the certificate of completion expires;
    - c. The address where the classroom instructions, examination, and assessment were held;
    - d. If applicable, the name of a sponsoring organization, such as a school, school district, or other public agency; and
    - e. Documentation indicating when classroom instruction, examination, and assessment were provided.
- G. A trainer shall:
  1. Comply with A.R.S. §§ 36-899 through 36-899.04, and
  2. Comply with this Article.

**Historical Note**

Former Section R9-13-116 renumbered and amended as

Section R9-13-109 effective February 18, 1986 (Supp.

86-1). Amended effective October 15, 1993 (Supp. 93-4).

Amended by final rulemaking at 8 A.A.R. 3307, effective

July 16, 2002 (Supp. 02-3). Section repealed; new

Section made by final rulemaking at 25 A.A.R. 1827,

effective July 2, 2019 (Supp. 19-3).

**R9-13-110. Trainer Certificate of Completion Request**

- A. An individual may apply for a trainer certificate of completion if the individual meets the eligibility requirements specified in R9-13-109(A) and (B).
- B. An individual applying for a trainer certificate of completion shall submit a request to the Department at least 30 days prior to November 1 of a calendar year.

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- C. An individual shall provide a request for a trainer certificate of completion to the Department in a Department-provided format that includes:

1. The individual's;
    - a. Name,
    - b. Address,
    - c. E-mail address, and
    - d. Telephone number;
  2. If applicable, the individual's former names;
  3. If the individual has completed 30 semester credits specified in R9-13-109(A)(1), the:
    - a. Name of the accredited college or university attended,
    - b. Class title for each class completed, and
    - c. Number of semester credits for each class;
  4. If the individual has completed two years of employment specified in R9-13-109(A)(2), the:
    - a. Employer's name,
    - b. Individual's position and description of responsibilities, and
    - c. Months and years of employment;
  5. If the individual is a licensed audiologist specified in R9-13-109(A)(3), the:
    - a. Audiologist's license number, and
    - b. Date of expiration;
  6. If the individual is a screener specified in R9-13-109(A)(4), who has maintained a hearing screener certificate of completion for the previous five years, the:
    - a. Names of the school districts where the screener provided hearing screenings, and
    - b. Screener's certification of completion date of expiration;
  7. Whether the individual completed the hearing screenings specified in R9-13-109(B);
  8. An attestation that the individual affirms:
    - a. To provide, if available to the public, notice of hearing screening instruction, examination, or assessment of competency specified in R9-13-109(D) to the Department 30 calendar days prior to providing to individuals to become a screener;
    - b. To provide information for each hearing screening training specified in R9-13-109(C); and
    - c. The information provided in the request for certificate of completion is true and accurate; and
  9. The individual's printed name and date of signature.
- D. Within 10 calendar days from the date the Department receives an individual's request for a trainer certificate of completion, the Department shall send a notification to the individual that:
1. The individual may register to take classroom instruction and written examination, and
  2. How the individual may register.
- E. If the Department determines there is a need for additional trainers prior to the November 1 submission date in subsection (B), the Department shall provide:
1. A notice to the public that trainer certificate of completion requests will be accepted.
  2. When an individual may submit a trainer certificate of completion request.
- F. If the Department determines not to accept any trainer certificate of completion requests in subsection (B), the Department shall provide:
1. A notice to the public that no trainer certificate of completion requests will be accepted.
  2. The notice 30 days prior to the November 1 submission date in subsection (B).

**Historical Note**

Former Section R9-13-117 renumbered and amended as Section R9-13-110 effective February 18, 1986 (Supp. 86-1). Repealed effective October 15, 1993 (Supp. 93-4).  
New Section made by final rulemaking at 25 A.A.R. 1827, effective July 2, 2019 (Supp. 19-3).

**R9-13-111. Trainer Instruction, Examination, and Observation**

- A. An individual requesting to become a trainer shall complete required classroom instruction, written examination, and observation within 160 calendar days from the date provided in the Department's notification specified in R9-13-110(D).
- B. An individual, who has received notification from the Department specified in R9-13-110(D), shall attend classroom instruction provided by the Department or designee that includes:
1. Adult education learning strategies,
  2. Sensory curriculum,
  3. Hearing screening protocols, confirm
  4. Audiological equipment, and
  5. Written examination.
- C. An individual who completes classroom instruction and written examination specified in subsection (B) shall:
1. Pass a written examination with a score of 80% or more;
  2. Obtain written confirmation from the Department or designee that indicates the individual's competency in the use of each type of audiological equipment in subsection (B)(4);
  3. Submit to the Department, in a Department-provided format, a request to schedule hearing screening training observation that includes:
    - a. The individual's:
      - i. Name,
      - ii. Address,
      - iii. E-mail address, and
      - iv. Telephone number;
    - b. The date the individual passed the written examination in subsection (C)(1); and
    - c. The date the individual is requesting the hearing screening training observation; and
  4. Submit the request to take the hearing screening training observation 30 calendars days prior to the individual's requested schedule hearing screening training observation in subsection (3)(c).
- D. Within 10 calendar days from the date the Department receives an individual's request to schedule a hearing screening training observation, the Department shall send a notification to the individual that:
1. The individual may register for hearing screening training observation, and
  2. How the individual may register.
- E. An individual who completes hearing screening training observation in subsection (D) shall:
1. Pass the hearing screening training observation with a score of 80% or more; and
  2. Obtain a trainer certificate of completion from the Department or designee.
- F. Within 10 calendar days from the date an individual passed the hearing screening training observation with a score of 80% or more, the Department shall send the individual a trainer certificate of completion.
- G. An individual, who does not score at least 80% on a written examination in subsection (D), may take a second written examination no later than 30 calendar days after having taken the first written examination.

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- H. If an individual does not score at least 80% on the second written examination, the individual shall repeat the classroom instruction in subsection (B) before taking a third written examination.
  - I. An individual who does not pass the written examination in subsection (H) shall not be issued a certificate of completion.
  - J. An individual, who does not pass a training observation in subsection (E), may take a second training observation no later than 60 calendar days after having taken the first training observation.
  - K. If an individual does not pass the second training observation, the individual shall repeat the classroom instruction in subsection (B) and written examination in subsection (C) before taking a third training observation.
  - L. An individual who does not pass the training observation in subsection (K) shall not be issued a certificate of completion.
  - M. If an individual does not complete the hearing screening training observation within 160 calendar days in subsection (E), the individual shall reapply for a trainer certificate of completion as specified in R9-13-110.
  - N. By October 1 of each year, if the Department accepts requests specified in R9-13-110(B), the Department will provide a list of Department-approved core curriculum and applicable material related to classroom instruction in subsection (B).
  - O. An individual, who does not pass the written examination or pass the training observation may file an appeal according to A.R.S. Title 41, Chapter 6, Article 10.
- a. The continuing education courses specified in subsection (2) are applicable and consistent with the Department's approved continuing education courses;
  - b. To provide, if available to the public, notice of hearing screening instruction, examination, or assessment of competency specified in R9-13-109(D) to the Department 30 calendar days prior to the trainer providing to individuals to become a screener; and
  - c. The information in the request for renewal is true and accurate; and
5. The trainer's printed name and date of signature.
- D. Within 10 calendar days from the date a trainer submits a renewal request, the Department shall send the trainer a certificate of completion.
  - E. Except as specified in R9-13-113, a trainer who does not submit a trainer renewal request according to this Section 60 calendar days prior to the expiration date of the trainer's certificate of completion, the trainer's certificate of completion expires.
  - F. Except as specified in R9-13-113, a trainer who does not complete required continuing education specified in subsection (C)(2) shall apply for a trainer certificate of completion specified in R9-13-110 and R9-13-111.

**Historical Note**

Effective 4-72. Amended effective November 18, 1976 (Supp. 76-5). Section R9-13-112 renumbered and amended as Section R9-13-102 effective February 18, 1986 (Supp. 86-1). New Section made by final rulemaking at 25 A.A.R. 1827, effective July 2, 2019 (Supp. 19-3).

**Historical Note**

Effective 4-72. Amended effective November 18, 1976 (Supp. 76-5). Repealed effective February 18, 1986 (Supp. 86-1). New Section made by final rulemaking at 25 A.A.R. 1827, effective July 2, 2019 (Supp. 19-3).

**R9-13-112. Trainer Certificate of Completion Renewal**

- A. A trainer's certificate of completion expires five years from the issue date specified on the certificate of completion.
- B. Except as specified in R9-13-113(H), a trainer shall renew the trainer's certificate of completion every five years.
- C. At least 60 calendar days before the expiration date of a certificate of completion, a trainer shall submit to the Department a renewal request in a Department-provided format that contains:
  - 1. The trainer's:
    - a. Name,
    - b. Address,
    - c. E-mail address, and
    - d. Telephone number;
  - 2. For each continuing education course specified in R9-13-113(B) and (C), the following:
    - a. The course title,
    - b. A course description,
    - c. The name of the individual providing the continuing education course,
    - d. The date the continuing education course was completed, and
    - e. The total number of continuing education hours attended;
  - 3. For each hearing screening training specified in R9-13-109(C), the following:
    - a. Title of the classroom instruction, examination, or assessment provided, as applicable;
    - b. Date and location of the classroom instruction, examination, or assessment provided in subsection (a); and
    - c. Number of attendees;
  - 4. An attestation that the trainer affirms:

**R9-13-113. Trainer Continuing Education**

- A. By January 1 of each calendar year, the Department shall provide a list of Department-approved continuing education courses.
- B. Each calendar year, a trainer, who is not an audiologist, shall complete 10 continuing education units approved by the Department.
- C. Every two calendar years, a trainer, who is an audiologist, shall complete 20 continuing education units approved by the Department.
- D. A trainer shall report continuing education units completed in subsection (B) and (C) as required in a trainer renewal request specified in R9-13-112(C).
- E. By November 1 of a calendar year or every two calendar years, as applicable, a trainer, who was prevented from completing the required continuing education units due to a personal illness or an immediate family member's illness during at least six continuous months of the preceding 12 months, may request to defer continuing education units by submitting to the Department:
  - 1. A notification in a Department-provided format that contains:
    - a. The trainer's:
      - i. Name,
      - ii. Address,
      - iii. E-mail address, and
      - iv. Telephone number;
    - b. A statement regarding the trainer's personal or immediate family member's illness;
    - c. The number of continuing education units the trainer is requesting to defer;
    - d. The date submitted; and

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- e. An attestation that the trainer affirms the information provided in the request to deter continuing education is true and accurate; and
- 2. The trainer's printed name and date of signature.
- F. If a trainer completed any continuing education units during a calendar year in subsection (B) or every two calendar years in subsection (C), as applicable, report the completed continuing education units specified in R9-12-112(C)(2).
- G. A trainer who defers continuing education units shall obtain the deferred continuing education during the first 180 calendar days of the subsequent calendar year.
- H. A trainer called to active military service shall:
  - 1. Submit a written notice of renewal extension to the Department that includes:
    - a. The trainer's:
      - i. Name,
      - ii. Address,
      - iii. E-mail address, and
      - iv. Telephone number;
    - b. A statement stating the reason for the notice of renewal extension;
    - c. The trainer's signature, including date of signature; and
    - d. A copy of the trainer's deployment documentation;
  - 2. Retain trainer certificate of completion for the term of service or deployment plus 180 calendar days;
  - 3. Defer the requirement for completing the continuing education specified in R9-13-112 for the term of service or deployment plus 180 calendar days; and
  - 4. Submit a renewal request according to R9-13-112 after the term of service or deployment plus 180 calendar days.

**Historical Note**

Effective 4-72. Amended effective November 18, 1976 (Supp. 76-5). Section R9-13-113 renumbered and amended as Section R9-13-107 effective February 18, 1986 (Supp. 86-1). New Section made by final rulemaking at 25 A.A.R. 1827, effective July 2, 2019 (Supp. 19-3).

**R9-13-114. Requesting a Change**

A trainer requesting a change to personal information shall submit to the Department in a Department-provided format a written notice stating the information to be changed and indicating the new information within 30 calendar days after the effective date of the change.

**Historical Note**

Effective 4-72. Amended effective November 18, 1976 (Supp. 76-5). Repealed effective February 18, 1986 (Supp. 86-1). New Section made by final rulemaking at 25 A.A.R. 1827, effective July 2, 2019 (Supp. 19-3).

**R9-13-115. Requirement for Screener or Trainer Certificate of Completion Issued Before Article Effective Date**

- A. If a screener's certificate of completion expires before June 30, 2020, the screener whose certificate of completion includes pure tone audiometry or OAE and wishes to retain screener certificate of completion, shall complete training, examination, and assessment specified in R9-13-108 prior to the certificate's date of expiration.
- B. If a screener's certificate of completion expires after June 30, 2020, the screener whose certificate of completion includes pure tone audiometry or OAE and wishes to retain screener certificate of completion, shall complete training, examination, and assessment specified in R9-13-108 prior to June 30, 2020.
- C. A screener, whose certificate of completion includes both pure tone audiometry and OAE, shall renew current certificate of completion within 30 days prior to the expiration date of the certificate.
- D. A trainer, who wishes to retain trainer certificate of completion and whose certificate of completion was issued before the effective date of this Article, shall submit a certificate of completion request specified in R9-13-110 no later than 30 days prior to November 2019.

**Historical Note**

Effective 4-72. Amended effective November 18, 1976 (Supp. 76-5). Repealed effective February 18, 1986 (Supp. 86-1). New Section made by final rulemaking at 25 A.A.R. 1827, effective July 2, 2019 (Supp. 19-3).

**R9-13-116. Renumbered****Historical Note**

Effective 4-72. Correction, Section R9-13-116 omitted in Supp. 76-5 (Supp. 77-5). Section R9-13-116 renumbered and amended as Section R9-13-109 effective February 18, 1986 (Supp. 86-1).

**R9-13-117. Renumbered****Historical Note**

Effective 4-72. Correction, Section R9-13-117 omitted in Supp. 76-5 (Supp. 77-5). Section R9-13-117 renumbered and amended as Section R9-13-110 effective February 18, 1986 (Supp. 86-1).



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**Table 13.1 Hearing Screening Population (students)**

<b>A. Students Included in Hearing Screening Population</b>	
1. All grades, including preschool and kindergarten	<p>Every student:</p> <ol style="list-style-type: none"> <li>Who is enrolled in special education, as required by A.R.S. Title 15, Chapter 7, Article 4 and A.A.C. R7-2-401;</li> <li>Who did not pass a hearing re-screening given to the student during the previous school year;</li> <li>For whom the school does not have any documentation that the student has previously had a hearing screening;</li> <li>Who is repeating a grade; and</li> <li>For whom one of the following requests a hearing screening: <ol style="list-style-type: none"> <li>The student;</li> <li>The student's parent;</li> <li>A teacher;</li> <li>A school nurse;</li> <li>A school psychologist, licensed according to A.R.S. Title 32, Chapter 19.1;</li> <li>An audiologist, licensed according to A.R.S. § 36-1901;</li> <li>A specialist;</li> <li>A speech-language pathologist, licensed according to A.R.S. § 36-1901;</li> <li>A medical physician, licensed according to A.R.S. Title 32, Chapter 13;</li> <li>An osteopathic physician licensed according to A.R.S. Title 32, Chapter 17; and</li> <li>The Department.</li> </ol> </li> </ol>
2. Preschool	Every enrolled student
3. Kindergarten	Every enrolled student
4. Grade 1	Every enrolled student
5. Grade 2	<p>Every enrolled student for whom the school does not have:</p> <ol style="list-style-type: none"> <li>Documentation that the student received and passed a hearing screening in or after grade 1, or</li> <li>Documentation that meets the requirements in subsection (B).</li> </ol>
6. Grade 3	Every enrolled student
7. Grade 4	<p>Every enrolled student for whom the school does not have:</p> <ol style="list-style-type: none"> <li>Documentation that the student received and passed a hearing screening in or after grade 3, or</li> <li>Documentation that meets the requirements in subsection (B).</li> </ol>
8. Grade 5	Every enrolled student
9. Grade 6	<p>Every enrolled student for whom the school does not have:</p> <ol style="list-style-type: none"> <li>Documentation that the student received and passed a hearing screening in or after grade 5, or</li> <li>Documentation that meets the requirements in subsection (B).</li> </ol>
10. Grade 7	Every enrolled student
11. Grade 8	<p>Every enrolled student for whom the school does not have:</p> <ol style="list-style-type: none"> <li>Documentation that the student received and passed a hearing screening in or after grade 7, or</li> <li>Documentation that meets the requirements in subsection (B).</li> </ol>
12. Grade 9	Every enrolled student
13. Grades 10, 11, and 12	<p>Every enrolled student for whom the school does not have:</p> <ol style="list-style-type: none"> <li>Documentation that the student received and passed a hearing screening in or after grade 9, or</li> <li>Documentation that meets the requirements in subsection (B).</li> </ol>
<b>B. Students Not Included in Hearing Screening Population</b>	
<ol style="list-style-type: none"> <li>A student who is at least 16 years of age and has requested not to receive a hearing screening according to A.R.S. § 36-899.01.</li> <li>A student enrolled in a child care facility regulated pursuant to A.R.S. Title 36, Chapter 7.1, Child Care Programs.</li> </ol>	

**Historical Note**

Table 13.1 made by final rulemaking at 25 A.A.R. 1827, effective July 2, 2019 (Supp. 19-3).

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**ARTICLE 2. NEWBORN AND INFANT SCREENING****R9-13-201. Definitions**

In this Article, unless otherwise specified:

1. "Abnormal result" means an outcome that deviates from the range of values established by:
  - a. The Department for an analysis performed as part of a bloodspot test or for a hearing test, or
  - b. A health care facility or health care provider for critical congenital heart defect screening.
2. "Admission" or "admitted" means the same as in A.A.C. R9-10-101.
3. "AHCCCS" means the Arizona Health Care Cost Containment System.
4. "Argininosuccinic acidemia" means a congenital disorder characterized by an inability to metabolize the amino acid argininosuccinic acid due to defective argininosuccinate lyase activity.
5. "Arizona State Laboratory" means the entity operated according to A.R.S. § 36-251.
6. "Audiological equipment" means an instrument used to help determine the presence, type, or degree of hearing loss by:
  - a. Providing ear-specific and frequency-specific stimuli to an individual; or
  - b. Measuring an individual's physiological response to stimuli.
7. "Audiologist" means the same as in A.R.S. § 36-1901.
8. "Beta-ketothiolase deficiency" means a congenital disorder characterized by an inability to metabolize 2-methylacetoacetyl-CoA due to defective mitochondrial acetoacetyl-CoA thiolase activity.
9. "Biotinidase deficiency" means a congenital disorder characterized by defective biotinidase activity that causes abnormal biotin metabolism.
10. "Birth center" means a health care facility that is not a hospital and is organized for the purpose of delivering newborns.
11. "Blood sample" means capillary or venous blood, but not cord blood, applied to the filter paper of a specimen collection kit.
12. "Bloodspot test" means multiple laboratory analyses performed on a blood sample to screen for the presence of congenital disorders listed in R9-13-203.
13. "Carnitine uptake defect" means a congenital disorder characterized by a decrease in the amount of free carnitine due to defective sodium ion-dependent carnitine transporter OCTN2 activity.
14. "Citrullinemia" means a congenital disorder characterized by an inability to convert the amino acid citrulline and aspartic acid into argininosuccinic acid due to defective argininosuccinate synthetase activity.
15. "Classic galactosemia" means a congenital disorder characterized by abnormal galactose metabolism due to defective galactose-1-phosphate uridylyltransferase activity.
16. "Congenital adrenal hyperplasia" means a congenital disorder characterized by decreased cortisol production and increased androgen production due to defective 21-hydroxylase activity.
17. "Congenital disorder" means an abnormal condition present at birth, as a result of heredity or environmental factors, that impairs normal physiological functioning of a human body.
18. "Congenital hypothyroidism" means a congenital disorder characterized by deficient thyroid hormone production.
19. "Critical congenital heart defect" means a heart abnormality or condition present at birth that places a newborn or infant at significant risk of disability or death if not diagnosed soon after birth.
20. "Cystic fibrosis" means a congenital disorder caused by defective functioning of a transmembrane regulator protein and characterized by damage to and dysfunction of various organs, such as the lungs, pancreas, and reproductive organs.
21. "Department" means the Arizona Department of Health Services.
22. "Diagnostic evaluation" means a hearing test performed by an audiologist or a physician to determine whether hearing loss exists, and, if applicable, determine the type or degree of hearing loss.
23. "Discharge" means the termination of inpatient services to a newborn or an infant.
24. "Disorder" means a disease or medical condition that may be identified by a laboratory analysis.
25. "Document" means to establish and maintain information in written, photographic, electronic, or other permanent form.
26. "Educational materials" means printed or electronic information provided by the Department, explaining newborn and infant screening, any of the congenital disorders listed in R9-13-203, hearing loss, or critical congenital heart defect.
27. "Electronic" means the same as in A.R.S. § 44-7002.
28. "First specimen" means the initial specimen that is collected from a newborn who is less than five days of age and sent to the Arizona State Laboratory for testing and recording of demographic information.
29. "Glutaric acidemia type I" means a congenital disorder characterized by an accumulation of glutaric acid due to defective glutaryl-CoA dehydrogenase activity.
30. "Guardian" means an individual appointed by a court under A.R.S. Title 14, Chapter 5, Article 2.
31. "Health care facility" means a health care institution defined in A.R.S. § 36-401 where obstetrical care or newborn care is provided.
32. "Health care provider" means a physician, physician assistant, registered nurse practitioner, or midwife.
33. "Health-related services" means the same as in A.R.S. § 36-401.
34. "Hearing screening" means a hearing test to determine the likelihood of hearing loss in a newborn or infant.
35. "Hearing test" means an evaluation of each of a newborn's or an infant's ears, using audiological equipment to:
  - a. Screen the newborn or infant for a possible hearing loss;
  - b. Determine that the newborn or infant does not have a hearing loss; or
  - c. Diagnose a hearing loss in the newborn or infant, including determining the type or degree of hearing loss.
36. "Hemoglobin S/Beta-thalassemia" means a sickle cell disease in which an individual has one sickle cell gene and one gene for beta thalassemia, another inherited hemoglobinopathy.
37. "Hemoglobin S/C disease" means a sickle cell disease in which an individual has one sickle cell gene and one gene for another inherited hemoglobinopathy called hemoglobin C.

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38. "Hemoglobinopathy" means a congenital disorder characterized by abnormal production, structure, or functioning of hemoglobin.
39. "Home birth" means delivery of a newborn, outside a health care facility, when the newborn is not hospitalized within 72 hours of delivery.
40. "Homocystinuria" means a congenital disorder characterized by abnormal methionine and homocysteine metabolism due to defective cystathione- $\beta$ -synthase activity.
41. "Hospital" means the same as in A.A.C. R9-10-101.
42. "Hospital services" means the same as in A.A.C. R9-10-201.
43. "3-Hydroxy-3-methylglutaric aciduria" means a congenital disorder characterized by the accumulation of 3-hydroxy-3-methylglutaric acid due to a defective 3-hydroxy-3-methylglutaryl-CoA lyase activity.
44. "Identification code" means a unique set of numbers or letters, or a unique set of both numbers and letters, assigned by the Department to a health care facility, a health care provider, an audiologist, or another person submitting specimen collection kits to the Arizona State Laboratory or hearing test results to the Department.
45. "Infant" means the same as in A.R.S. § 36-694.
46. "Inpatient" means an individual who:
  - a. Is admitted to a hospital,
  - b. Receives hospital services for 24 consecutive hours, or
  - c. Is admitted to a birth center.
47. "Inpatient services" means medical services, nursing services, or other health-related services provided to an inpatient in a health care facility.
48. "Isovaleric acidemia" means a congenital disorder characterized by an accumulation of isovaleric acid due to defective isovaleryl-CoA dehydrogenase activity.
49. "Long-chain 3-hydroxy acyl-CoA dehydrogenase deficiency" means a congenital disorder characterized by an inability to metabolize fatty acids that are 12 to 16 carbon atoms in length due to defective long-chain 3-hydroxy acyl-CoA dehydrogenase activity.
50. "Maple syrup urine disease" means a congenital disorder of branched chain amino acid metabolism due to defective branched chain-keto acid dehydrogenase activity.
51. "Medical services" means the same as in A.R.S. § 36-401.
52. "Medium chain acyl-CoA dehydrogenase deficiency" means a congenital disorder characterized by an inability to metabolize fatty acids that are 6 to 10 carbon atoms in length due to defective medium-chain acyl-CoA dehydrogenase activity.
53. "3-Methylcrotonyl-CoA carboxylase deficiency" means a congenital disorder characterized by an accumulation of 3-methylcrotonyl-glycine due to defective 3-methylcrotonyl-CoA carboxylase activity.
54. "Methylmalonic acidemia (Cbl A,B)" means a congenital disorder characterized by an accumulation of methylmalonic acid due to defective activity of methylmalonyl-CoA racemase or adenosylcobalamin synthetase.
55. "Methylmalonic acidemia (mutase deficiency)" means a congenital disorder characterized by an accumulation of methylmalonic acid due to defective methylmalonyl-CoA mutase activity.
56. "Midwife" means an individual licensed under A.R.S. Title 36, Chapter 6, Article 7, or certified under A.R.S. Title 32, Chapter 15.
57. "Multiple carboxylase deficiency" means a congenital disorder characterized by an inability to transport or metabolize biotin that leads to defective activity of propionyl-CoA carboxylase, beta-methylcrotonyl-CoA carboxylase, and pyruvate carboxylase.
58. "Newborn" means the same as in A.R.S. § 36-694.
59. "Newborn care" means medical services, nursing services, and health-related services provided to a newborn.
60. "Nursing services" means the same as in A.R.S. § 36-401.
61. "Obstetrical care" means medical services, nursing services, and health-related services provided to a woman throughout her pregnancy, labor, delivery, and postpartum.
62. "Organ" means a somewhat independent part of a human body, such as a salivary gland, kidney, or pancreas, which performs a specific function.
63. "Parent" means a natural, adoptive, or custodial mother or father of a newborn or an infant.
64. "Parenteral nutrition" means the feeding of an individual intravenously through the administration of a formula containing glucose, amino acids, lipids, vitamins, and minerals.
65. "Person" means the state, a municipality, district, or other political subdivision, a cooperative, institution, corporation, company, firm, partnership, individual, or other legal entity.
66. "Phenylketonuria" means a congenital disorder characterized by abnormal phenylalanine metabolism due to defective phenylalanine hydroxylase activity.
67. "Physician" means an individual licensed under A.R.S. Title 32, Chapters 13, 14, 17, or 29.
68. "Physician assistant" means an individual licensed under A.R.S. Title 32, Chapter 25.
69. "Propionic acidemia" means a congenital disorder characterized by an accumulation of glycine and 3-hydroxypropionic acid due to defective propionyl-CoA carboxylase activity.
70. "Pulse oximetry" means a non-invasive method of measuring the percentage of hemoglobin in the blood that is saturated with oxygen using a device approved by the U.S. Food and Drug Administration for use with newborns or infants less than six weeks of age.
71. "Registered nurse practitioner" means the same as in A.R.S. § 32-1601.
72. "Second specimen" means a specimen that is sent to the Arizona State Laboratory for testing and recording of demographic information, after being collected:
  - a. From a newborn after a first specimen; or
  - b. From an individual at least five days and not older than one year of age, regardless of whether a first specimen was collected.
73. "Severe combined immunodeficiency" means a congenital disorder usually characterized by a defect in both the T- and B-lymphocyte systems, which typically results in the onset of one or more serious infections within the first few months of life.
74. "Sickle cell anemia" means a sickle cell disease in which an individual has two sickle cell genes.
75. "Sickle cell disease" means a hemoglobinopathy characterized by an abnormally shaped red blood cell resulting from the abnormal structure of the protein hemoglobin.
76. "Sickle cell gene" means a unit of inheritance that is involved in producing an abnormal type of the protein hemoglobin, in which the amino acid valine is substituted for the amino acid glutamic acid at a specific location in the hemoglobin.

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77. "Specimen" means a blood sample obtained from and demographic information about a newborn or an infant.
78. "Specimen collection kit" means a strip of filter paper for collecting a blood sample attached to a form for obtaining the information specified in R9-13-203(B)(3) about a newborn or an infant.
79. "Spinal muscular atrophy" means a congenital disorder characterized by the loss of nerve cells in the spinal cord that control muscle movement due to the deletion of exon 7 in the survival motor neuron 1 (SMN1) gene.
80. "Transfer" means a health care facility or health care provider discharging a newborn and sending the newborn to a hospital for inpatient medical services without the intent that the patient will be returned to the sending health care facility or health care provider.
81. "Transfusion" means the infusion of blood or blood products into the body of an individual.
82. "Trifunctional protein deficiency" means a congenital disorder characterized by an inability to metabolize fatty acids that are 12 to 18 carbon atoms in length due to defective mitochondrial trifunctional protein activity.
83. "Tyrosinemia type I" means a congenital disorder characterized by an accumulation of the amino acid tyrosine due to defective fumarylacetoacetate hydrolase activity.
84. "Verify" means to confirm by obtaining information through a source such as the newborn screening program, a health care provider, a health care facility, or a documented record.
85. "Very long-chain acyl-CoA dehydrogenase deficiency" means a congenital disorder characterized by an inability to metabolize fatty acids that are 14 to 18 carbon atoms in length due to defective very long-chain acyl-CoA dehydrogenase activity.
86. "Working day" means 8:00 a.m. through 5:00 p.m. Monday through Friday, excluding state holidays.
87. "X-linked adrenoleukodystrophy" means a congenital disorder characterized by the build-up in the body of very long-chain fatty acids due to a deficiency in the amount of adrenoleukodystrophy protein, caused by a defective ABCD1 gene.

**Historical Note**

Amended effective October 26, 1977 (Supp. 77-5).  
 Former Section R9-13-201 repealed, new Section R9-13-201 adopted effective July 16, 1981 (Supp. 81-4).  
 Amended as an emergency effective September 21, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-5). Emergency expired. Permanent rule adopted effective March 22, 1983 (Supp. 83-2). Amended by adding paragraphs (3), (5) and (7) and renumbering remaining paragraphs effective November 23, 1983. Amended as an emergency, by adding paragraphs (32) and (42) and renumbering remaining paragraphs, effective November 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Emergency amendment expired. Permanent amendment, adding paragraphs (32) and (42) and renumbering remaining paragraphs adopted effective March 19, 1984 (Supp. 84-2). Amended as an emergency effective November 6, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-4). Emergency expired. Readopted as an emergency effective February 7, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-1). Re-adopted as an emergency with changes effective May 7, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-2). Readopted as an emergency with changes effective August 6, 1990, pursuant to A.R.S. §

41-1026, valid for only 90 days (Supp. 90-3). Readopted as an emergency without change effective October 31, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4). Readopted as an emergency with changes effective January 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-1). Readopted as an emergency without change effective April 11, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency amendments permanently adopted with changes effective July 3, 1991 (Supp. 91-3). Amended effective December 16, 1996 (Supp. 96-4). Section automatically repealed by final rulemaking at 3 A.A.R. 146, effective September 24, 1998 (Supp. 99-1). New Section recodified from R9-14-501 at 11 A.A.R. 3577, effective August 31, 2005 (Supp. 05-3). Amended by final rulemaking at 12 A.A.R. 1166, effective April 4, 2006 (Supp. 06-2). Amended by final rulemaking at 20 A.A.R. 953, effective April 1, 2014 (Supp. 14-2). Amended by final exempt rulemaking at 21 A.A.R. 1083, effective July 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 3262, effective November 7, 2017 (Supp. 17-4). Amended by final expedited rulemaking at 28 A.A.R. 226 (January 21, 2022), with an immediate effective date of December 30, 2021 (Supp. 21-4).

**R9-13-202. Newborn and Infant Critical Congenital Heart Defect Screening**

- A. A health care facility's designee, a health care provider, or a health care provider's designee shall order critical congenital heart defect screening using pulse oximetry for a newborn to be performed:
  1. Between 24 and 48 hours after birth according to the health care facility's or health care provider's policies and procedures, or
  2. As late as possible before discharge according to the health care facility's or health care provider's policies and procedures if the newborn is discharged earlier than 24 hours after birth.
- B. Before critical congenital heart defect screening is performed on a newborn, a health care facility's designee, a health care provider, or a health care provider's designee shall provide educational materials to the newborn's parent or guardian.
- C. When critical congenital heart defect screening is ordered for a newborn, a health care facility's designee, a health care provider, or a health care provider's designee shall submit, in a format specified by the Department, the following information:
  1. The newborn's name, gender, race, ethnicity, medical record number, and, if applicable, AHCCCS identification number;
  2. Whether the newborn is from a single or multiple birth;
  3. If the newborn is from a multiple birth, the birth order of the newborn;
  4. The date and time of birth, and the newborn's weight at birth;
  5. The identification code or the name and address of the health care facility or health care provider submitting the information;
  6. Except as provided in subsection (C)(7), the mother's first and last names, date of birth, name before first marriage, mailing address, telephone number, and, if applicable, AHCCCS identification number;
  7. If the newborn's mother does not have physical custody of the newborn, the first and last names, mailing address, and telephone number of the person who has physical custody of the newborn;

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8. The date, time, and result of the critical congenital heart defect screening;
  9. If critical congenital heart defect screening was not performed, the reason critical congenital heart defect screening was not performed;
  10. If the newborn was transferred to another health care facility or health care provider before the critical congenital heart defect screening was performed, the name, address, and telephone number of the health care facility or health care provider to which the newborn was transferred; and
  11. Whether the newborn has a medical condition that may affect the critical congenital heart defect screening results.
- D.** In addition to the information in subsection (C), if the reported result of critical congenital heart defect screening for a newborn or infant is abnormal, a health care facility's designee, a health care provider, or a health care provider's designee shall submit to the Department, upon request and in a format specified by the Department, the following information:
1. The dates, times, values of all critical congenital heart defect screening results;
  2. The dates, times, and results of any subsequent tests performed as a result of critical congenital heart defect screening;
  3. The name, address, and telephone number of the contact person for the health care facility, health care provider, or other person performing the subsequent tests; and
  4. If a medical condition is found as a result of critical congenital heart defect screening or subsequent tests, the type of medical condition found and the name of the health care provider who will be responsible for the coordination of medical services for the newborn or infant after the newborn or infant is discharged.
- Historical Note**
- Amended effective October 26, 1977 (Supp. 77-5).  
Former Section R9-13-202 repealed, new Section R9-13-202 adopted effective July 16, 1981 (Supp. 81-4).  
Repealed by emergency effective November 6, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-4). Emergency expired. Emergency repeal readopted effective February 7, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-1).  
Emergency repeal readopted effective May 7, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-2). Emergency repeal readopted effective August 6, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-3). Emergency repeal readopted effective October 31, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4). Emergency repeal readopted effective January 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-1).  
Emergency repeal readopted effective April 11, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Repealed permanently effective July 3, 1991 (Supp. 91-3). New Section recodified from R9-14-502 at 11 A.A.R. 3577, effective August 31, 2005 (Supp. 05-3). Section repealed; new Section made by final rulemaking at 12 A.A.R. 1166, effective April 4, 2006 (Supp. 06-2). Amended by final rulemaking at 20 A.A.R. 953, effective April 1, 2014 (Supp. 14-2).  
Amended by final exempt rulemaking at 21 A.A.R. 1083, effective July 1, 2015 (Supp. 15-2).
- R9-13-203. Newborn and Infant Bloodspot Tests**
- A.** A bloodspot test shall screen for the following congenital disorders:
1. 3-Hydroxy-3-methylglutaric aciduria,
  2. 3-Methylcrotonyl-CoA carboxylase deficiency,
  3. Argininosuccinic acidemia,
  4. Beta-ketothiolase deficiency,
  5. Biotinidase deficiency,
  6. Carnitine uptake defect,
  7. Citrullinemia,
  8. Classic galactosemia,
  9. Congenital adrenal hyperplasia,
  10. Congenital hypothyroidism,
  11. Cystic fibrosis,
  12. Glutaric acidemia type I,
  13. Hemoglobin S/Beta-thalassemia,
  14. Hemoglobin S/C disease,
  15. Homocystinuria,
  16. Isovaleric acidemia,
  17. Long-chain 3-hydroxy acyl-CoA dehydrogenase deficiency,
  18. Maple syrup urine disease,
  19. Medium chain acyl-CoA dehydrogenase deficiency,
  20. Methylmalonic acidemia (Cbl A,B),
  21. Methylmalonic acidemia (mutase deficiency),
  22. Multiple carboxylase deficiency,
  23. Phenylketonuria,
  24. Propionic acidemia,
  25. Severe combined immunodeficiency,
  26. Sickle cell anemia,
  27. Spinal muscular atrophy,
  28. Trifunctional protein deficiency,
  29. Tyrosinemia type I,
  30. Very long-chain acyl-CoA dehydrogenase deficiency, and
  31. X-linked adrenoleukodystrophy.
- B.** When a bloodspot test is ordered for a newborn or an infant, a health care facility's designee, a health care provider, or the health care provider's designee shall:
1. Only use a specimen collection kit supplied by the Department;
  2. Collect a blood sample from the newborn or infant on a specimen collection kit;
  3. Complete the following information on the specimen collection kit:
    - a. The newborn's or infant's name, gender, race, ethnicity, medical record number, and, if applicable, AHCCCS identification number;
    - b. The newborn's or infant's type of food or food source;
    - c. Whether the newborn or infant is from a single or multiple birth;
    - d. If the newborn or infant is from a multiple birth, the birth order of the newborn or infant;
    - e. Whether the newborn or infant has a medical condition that may affect the bloodspot test results;
    - f. Whether the newborn or infant received a blood transfusion and, if applicable, the date of the last blood transfusion;
    - g. The date and time of birth, and the newborn's or infant's weight at birth;
    - h. The date and time of blood sample collection, and the newborn's or infant's weight when the blood sample is collected;
    - i. The identification code or the name and address of the health care facility or health care provider submitting the specimen collection kit;

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- j. The name, address, and telephone number or the identification code of the health care provider responsible for the management of medical services provided to the newborn or infant;
  - k. Except as provided in subsection (B)(3)(l), the mother's first and last names, date of birth, name before first marriage, mailing address, telephone number, and if applicable, AHCCCS identification number; and
  - l. If the newborn's or infant's mother does not have physical custody of the newborn or infant, the first and last names, mailing address, and telephone number of the person who has physical custody of the newborn or infant; and
4. Submit the specimen collection kit to the Arizona State Laboratory no later than 24 hours or the next working day after the blood sample is collected.
- C. A health care facility or a health care provider submitting a first specimen to the Arizona State Laboratory shall pay the Department the fee in R9-13-208(A).
- D. A person who submits a second specimen to the Arizona State Laboratory shall:
- 1. Pay the fee in R9-13-208(B) to the Department, or
  - 2. Provide the following information to the Arizona State Laboratory for billing purposes:
    - a. The name, mailing address, and telephone number of the newborn's or infant's parent or the individual responsible for paying, if not the parent; and
    - b. If the individual responsible for paying has health care insurance for the newborn or infant, information about the health care insurance, including:
      - i. The policyholder's name;
      - ii. The name and billing address of the health care insurance company;
      - iii. The member identification number;
      - iv. The group number, if applicable; and
      - v. The effective date of the health care insurance; or
    - c. That the individual responsible for paying has no health care insurance for the newborn or infant.
- E. When a health care insurance company or an individual responsible for paying is identified as specified in subsection (D)(2), the health care insurance company or the individual responsible for paying shall pay the Department the fee in R9-13-208(B).
- F. When a home birth not attended by a health care provider is reported to a local registrar, a deputy local registrar, or the state registrar under A.R.S. § 36-333:
- 1. The local registrar, deputy local registrar, or state registrar shall notify the local health department of the county where the birth occurred; and
  - 2. The local health department's designee shall collect a specimen from the newborn or infant according to the requirements in R9-13-204(A)(2) or R9-13-205(C).
- G. A health care facility's designee, a health care provider, or the health care provider's designee shall ensure that:
- 1. Educational materials are provided to the parent or guardian of a newborn or an infant for whom a bloodspot test is ordered, and
  - 2. The newborn's or infant's parent or guardian is informed of the requirement for a second specimen if the second specimen has not been collected.
- H. For a home birth, a health care provider or the health care provider's designee shall provide educational materials to the parent or guardian of a newborn or an infant for whom a bloodspot test is ordered.

**Historical Note**

Effective 11-74; Former Section R9-13-203 repealed, new Section R9-13-203 adopted effective July 16, 1981 (Supp. 81-4). Amended effective December 16, 1996 (Supp. 96-4). Section automatically repealed by final rulemaking at 3 A.A.R. 146, effective September 24, 1998 (Supp. 99-1). New Section recodified from R9-14-503 at 11 A.A.R. 3577, effective August 31, 2005 (Supp. 05-3). Section repealed; new Section made by final rulemaking at 12 A.A.R. 1166, effective April 4, 2006 (Supp. 06-2). Amended by final rulemaking at 20 A.A.R. 953, effective April 1, 2014 (Supp. 14-2). Amended by final exempt rulemaking at 21 A.A.R. 1083, effective July 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 3262, effective November 7, 2017 (Supp. 17-4). Amended by final expedited rulemaking at 28 A.A.R. 226 (January 21, 2022), with an immediate effective date of December 30, 2021 (Supp. 21-4).

**R9-13-204. First Specimen Collection**

- A. When a newborn is born in a hospital, the hospital's designee shall collect a first specimen from the newborn according to whichever of the following occurs first:
- 1. Unless specified otherwise by a physician, physician assistant, or registered nurse practitioner, before administering a transfusion or parenteral nutrition;
  - 2. When the newborn is at least 24 but not more than 72 hours old; or
  - 3. Before the newborn is discharged, unless the newborn:
    - a. Is transferred to another hospital before the newborn is 48 hours old; or
    - b. Dies before the newborn is 72 hours old.
- B. If a newborn is admitted or transferred to a hospital before the newborn is 48 hours old, the receiving hospital's designee shall:
- 1. Verify that the first specimen was collected before admission or transfer, or
  - 2. Collect a first specimen from the newborn according to the requirements in subsection (A).
- C. When a newborn is born in a birth center, the birth center's designee shall collect a first specimen from the newborn according to subsections (A)(1) or (A)(2).
- D. For a home birth attended by a health care provider, the health care provider or the health care provider's designee shall collect a first specimen from the newborn according to the requirements in subsection (A)(2).

**Historical Note**

Effective 11-74; Former Section R9-13-204 repealed, new Section R9-13-204 adopted effective July 16, 1981 (Supp. 81-4). Amended effective December 6, 1996 (Supp. 96-4). Section automatically repealed by final rulemaking at 3 A.A.R. 146, effective September 24, 1998 (Supp. 99-1). New Section recodified from R9-14-504 at 11 A.A.R. 3577, effective August 31, 2005 (Supp. 05-3). Section repealed; new Section made by final rulemaking at 12 A.A.R. 1166, effective April 4, 2006 (Supp. 06-2). Amended by final rulemaking at 20 A.A.R. 953, effective April 1, 2014 (Supp. 14-2).

**R9-13-205. Second Specimen Collection**

- A. After a newborn's or an infant's discharge from a health care facility or after a home birth, a health care provider or the health care provider's designee shall:
- 1. Collect a second specimen from the newborn or infant not older than one year of age at the time of the newborn's or infant's first visit to the health care provider, or

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2. Verify that a health care facility or different health care provider has collected a second specimen from the newborn or infant.
- B. If a newborn is an inpatient of a health care facility at 5 days of age, the health care facility's designee shall collect a second specimen from the newborn:
  1. When the newborn is at least 5 but not more than 10 days old; or
  2. If the newborn is discharged from the health care facility when the newborn is at least 5 but not more than 10 days old, before discharge.
- C. For a home birth that is not attended by a health care provider, a local health department's designee shall collect a specimen from a newborn or an infant if the local health department's designee has not verified that a second specimen has already been collected from the newborn or infant.

**Historical Note**

Effective 11-74; Former Section R9-13-205 repealed, new Section R9-13-205 adopted effective July 16, 1981 (Supp. 81-4). Amended effective December 6, 1996 (Supp. 96-4). Section automatically repealed by final rulemaking at 3 A.A.R. 146, effective September 24, 1998 (Supp. 99-1). New Section recodified from R9-14-505 at 11 A.A.R. 3577, effective August 31, 2005 (Supp. 05-3). Section repealed; new Section made by final rulemaking at 12 A.A.R. 1166, effective April 4, 2006 (Supp. 06-2). Amended by final rulemaking at 20 A.A.R. 953, effective April 1, 2014 (Supp. 14-2).

**R9-13-206. Reporting Requirements for Specimens**

- A. The Arizona State Laboratory shall report, in written or electronic format, to the health care provider and, if applicable, health care facility identified on a specimen collection kit:
  1. The results of a bloodspot test on a specimen; or
  2. For a specimen that does not meet quality standards established by the Arizona State Laboratory in compliance with 42 CFR § 493.1200:
    - a. That a bloodspot test was not performed on the specimen; and
    - b. The reason the bloodspot test was not performed.
- B. A health care facility's designee, a health care provider, or the health care provider's designee, who orders a subsequent test on a newborn or an infant in response to an abnormal result on a bloodspot test, shall send the results of the subsequent test in writing to the Department, if the subsequent test is not performed by the Arizona State Laboratory.
- C. Bloodspot test results are confidential subject to the disclosure provisions of 9 A.A.C. 1, Article 3, and A.R.S. §§ 12-2801 and 12-2802.

**Historical Note**

Effective 11-74; Repealed effective July 16, 1981 (Supp. 81-4). Adopted as an emergency effective November 6, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-4). Emergency expired. Readopted as an emergency effective February 7, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-1). Emergency expired. Readopted as an emergency with changes effective May 7, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-2). Readopted as an emergency with changes effective August 6, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-3). Readopted as an emergency without change effective October 31, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4). Readopted as an emergency without change effective January 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days

(Supp. 91-1). Readopted as an emergency without change effective April 11, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency rule permanently adopted with changes effective July 3, 1991 (Supp. 91-3). Amended effective December 16, 1996 (Supp. 96-4). Section automatically repealed by final rulemaking at 3 A.A.R. 146, effective September 24, 1998 (Supp. 99-1). New Section made by final rulemaking at 12 A.A.R. 1166, effective April 4, 2006 (Supp. 06-2). Amended by final rulemaking at 20 A.A.R. 953, effective April 1, 2014 (Supp. 14-2).

**R9-13-207. Newborn and Infant Hearing Tests**

- A. Before a hearing test is performed on a newborn or infant, a health care facility's designee, a health care provider, or the health care provider's designee shall provide educational materials to the newborn's or infant's parent or guardian.
- B. A health care facility's designee, a health care provider, or the health care provider's designee shall order hearing testing for a newborn or infant to be performed according to the health care facility's or health care provider's policies and procedures that includes:
  1. An initial hearing screening ordered to be performed within 30 days after birth or before discharge;
  2. A second hearing screening ordered to be performed within 30 days after birth if an abnormal result is obtained in one or both of a newborn's or infant's ears on the initial hearing screening; and
  3. Diagnostic evaluation ordered to be performed:
    - a. If a newborn or infant has an abnormal result in one or both ears on the second hearing screening;
    - b. If a newborn or infant has been admitted to the Neonatal Intensive Care Unit for five days or more and has an abnormal initial hearing screening;
    - c. If a newborn or infant has a medical condition that makes diagnostic evaluation more appropriate; or
    - d. As clinically indicated.
- C. When an initial hearing test is performed on a newborn or infant, a health care facility's designee, a health care provider, or the health care provider's designee shall submit to the Department, as specified in subsection (G), the following information:
  1. The newborn's or infant's name, date of birth, gender, and medical record number;
  2. Whether the newborn or infant is from a single or multiple birth;
  3. If the newborn or infant is from a multiple birth, the birth order of the newborn or infant;
  4. The first and last names and date of birth of the newborn's or infant's mother;
  5. The name and identification code of the health care facility of birth;
  6. The name and identification code of the health care facility where the initial hearing test was performed or of the health care provider who performed the initial hearing test;
  7. The date of the initial hearing test;
  8. Whether or not the initial hearing test was performed when the newborn or infant was an inpatient;
  9. The audiological equipment used for the initial hearing test and the type of initial hearing test performed; and
  10. The initial hearing test result for each of the newborn's or infant's ears.
- D. In addition to the information in subsection (C), if the reported results of an initial hearing test on a newborn or infant include an abnormal result, a health care facility's designee, a health care provider, or the health care provider's designee shall sub-

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mit to the Department, as specified in subsection (G), the following information:

1. Except as provided in subsection (D)(2), the mother's name before first marriage, mailing address, and telephone number;
  2. If the newborn's or infant's mother does not have physical custody of the newborn or infant, the first and last names, mailing address, and telephone number of the person who has physical custody of the newborn or infant;
  3. The name of the health care provider who will be responsible for the coordination of medical services for the newborn or infant after the newborn or infant is discharged from the health care facility;
  4. The name and telephone number of the person to whom the newborn's or infant's mother or other person who has physical custody of the newborn or infant was referred for a subsequent hearing test;
  5. The date of the appointment for a subsequent hearing test, if available; and
  6. The health care facility where a subsequent hearing test is scheduled to be performed or the name and address of the health care provider who is scheduled to perform the subsequent test, if available.
- E.** When a subsequent hearing test is performed on a newborn or an infant after an initial hearing test, the designee of the health care facility, health care provider, or other person that performs the subsequent hearing test shall submit to the Department, as specified in subsection (G), the following information:
1. The newborn's or infant's name, date of birth, and gender;
  2. Whether the newborn or infant is from a single or multiple birth;
  3. If the newborn or infant is from a multiple birth, the birth order of the newborn or infant;
  4. The first and last names and date of birth of the newborn's or infant's mother;
  5. The name of the health care facility of birth, if known;
  6. The name of the health care facility where the subsequent hearing test was performed, or the name and address of the health care provider who performed the subsequent hearing test;
  7. The date of the subsequent hearing test;
  8. The audiological equipment used for the subsequent hearing test and type of hearing test performed;
  9. The result, including a quantitative result if applicable, for each of the newborn's or infant's ears on the subsequent hearing test;
  10. The name, address and telephone number of the contact person for the health care facility, health care provider, or other person that performed the subsequent hearing test, if different from the person specified in subsection (E)(6); and
  11. If the subsequent hearing test was a diagnostic evaluation:
    - a. Whether the newborn or infant has a hearing loss and, if so, the type and degree of hearing loss;
    - b. A copy of the narrative that describes the hearing test performed on the newborn or infant to determine that the newborn or infant does not have a hearing loss or diagnose a hearing loss in the newborn or infant, the results of the hearing test, and the analysis of the hearing test results by the audiologist or physician who performed the hearing test;
    - c. Whether the newborn or infant has a medical condition that may affect the hearing test results; and
- d.** Whether the newborn or infant has been referred to early intervention services, including a date of referral.
- F.** In addition to the information in subsection (E), if the reported results of a subsequent hearing test on a newborn or infant include an abnormal result, the person submitting the report on the subsequent hearing test shall submit to the Department, as specified in subsection (G), the following information:
1. Except as provided in subsection (F)(2), the mailing address and telephone number of the newborn's or infant's mother;
  2. If the newborn's or infant's mother does not have physical custody of the newborn or infant, the first and last names, mailing address, and telephone number of the person who has physical custody of the newborn or infant;
  3. The name of the health care provider who is responsible for the coordination of medical services for the newborn or infant; and
  4. If applicable, the name and phone telephone number of the person to whom the newborn's or infant's parent was referred for further hearing tests, evaluation services, specialty care, or early intervention.
- G.** A health care facility's designee, health care provider, health care provider's designee, or other person required to report under subsections (C), (D), (E), or (F) shall submit, in an electronic format specified by the Department, the information specified in subsections (C), (D), (E), or (F) for hearing tests performed each week by the sixth day of the subsequent week.

**Historical Note**

Effective 11-74; Repealed effective July 16, 1981 (Supp. 81-4). New Section made by final rulemaking at 12 A.A.R. 1166, effective April 4, 2006 (Supp. 06-2). Amended by final rulemaking at 20 A.A.R. 953, effective April 1, 2014 (Supp. 14-2). Amended by final exempt rulemaking at 21 A.A.R. 1083, effective July 1, 2015 (Supp. 15-2).

**R9-13-208. Fees**

- A.** The fee for a first specimen is \$36.00.  
**B.** The fee for a second specimen is \$65.00.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 1166, effective April 4, 2006 (Supp. 06-2). Amended by final rulemaking at 20 A.A.R. 953, effective April 1, 2014 (Supp. 14-2). Amended by final rulemaking at 23 A.A.R. 3262, effective November 7, 2017 (Supp. 17-4).

**ARTICLE 3. REPEALED****R9-13-301. Repealed****Historical Note**

Effective 11-74; Former Section R9-13-301 repealed, new Section R9-13-301 adopted effective July 16, 1981 (Supp. 81-4). Amended effective December 16, 1996 (Supp. 96-4). Section automatically repealed by final rulemaking at 3 A.A.R. 146, effective September 10, 1997 (Supp. 99-1).

**R9-13-302. Repealed****Historical Note**

Effective 11-74; Former Section R9-13-302 repealed, new Section R9-13-302 adopted effective July 16, 1981 (Supp. 81-4). Amended effective December 16, 1996 (Supp. 96-4). Section automatically repealed by final



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rulemaking at 3 A.A.R. 146, effective September 10, 1997 (Supp. 99-1).

**R9-13-303. Repealed****Historical Note**

Effective 11-74; Former Section R9-13-303 repealed, new Section R9-13-303 adopted effective July 16, 1981 (Supp. 81-4). Repealed effective December 16, 1996 (Supp. 96-4).

**R9-13-304. Repealed****Historical Note**

Effective 11-74; Former Section R9-13-304 repealed, new Section R9-13-304 adopted effective July 16, 1981 (Supp. 81-4). Amended effective December 16, 1996 (Supp. 96-4). Section automatically repealed by final rulemaking at 3 A.A.R. 146, effective September 10, 1997 (Supp. 99-1).

**R9-13-305. Repealed****Historical Note**

Effective 11-74; Repealed effective July 16, 1981 (Supp. 81-4).

**R9-13-306. Repealed****Historical Note**

Effective 11-74; Repealed effective July 16, 1981 (Supp. 81-4).

**ARTICLE 4. REPEALED****R9-13-401. Repealed****Historical Note**

Effective 11-74; Former Section R9-13-401 repealed, new Section R9-13-401 adopted effective July 16, 1981 (Supp. 81-4). Repealed effective December 16, 1996 (Supp. 96-4).

**R9-13-402. Repealed****Historical Note**

Effective 11-74; Former Section R9-13-402 repealed, new Section R9-13-402 adopted effective July 16, 1981 (Supp. 81-4). Repealed effective December 16, 1996 (Supp. 96-4).

**R9-13-403. Repealed****Historical Note**

Effective 11-74; Former Section R9-13-403 repealed, new Section R9-13-403 adopted effective July 16, 1981 (Supp. 81-4). Repealed effective December 16, 1996 (Supp. 96-4).

**R9-13-404. Repealed****Historical Note**

Effective 11-74; Former Section R9-13-404 repealed, new Section R9-13-404 adopted effective July 16, 1981 (Supp. 81-4). Repealed effective December 16, 1996 (Supp. 96-4).

**R9-13-405. Repealed****Historical Note**

Effective 11-74; Former Section R9-13-405 repealed, new Section R9-13-405 adopted effective July 16, 1981

(Supp. 81-4). Repealed effective December 16, 1996 (Supp. 96-4).

**R9-13-406. Repealed****Historical Note**

Effective 11-74; Former Section R9-13-406 repealed, new Section R9-13-406 adopted effective July 16, 1981 (Supp. 81-4). Repealed effective December 16, 1996 (Supp. 96-4).

**R9-13-407. Repealed****Historical Note**

Effective 11-74; Repealed effective July 16, 1981 (Supp. 81-4).

**ARTICLE 5. REPEALED****R9-13-501. Repealed****Historical Note**

Adopted effective October 26, 1977 (Supp. 77-5). Former Section R9-13-501 repealed, new Section R9-13-501 adopted effective July 16, 1981 (Supp. 81-4). Amended effective December 16, 1996 (Supp. 96-4). Section automatically repealed by final rulemaking at 3 A.A.R. 146, effective March 23, 1997 (Supp. 99-1).

**R9-13-502. Repealed****Historical Note**

Adopted effective October 26, 1977 (Supp. 77-5). Former Section R9-13-502 repealed, new Section R9-13-502 adopted effective July 16, 1981 (Supp. 81-4). Amended effective December 16, 1996 (Supp. 96-4). Section automatically repealed by final rulemaking at 3 A.A.R. 146, effective March 23, 1997 (Supp. 99-1).

**R9-13-503. Repealed****Historical Note**

Adopted effective October 26, 1977 (Supp. 77-5). Former Section R9-13-503 repealed, new Section R9-13-503 adopted effective July 16, 1981 (Supp. 81-4). Repealed effective December 16, 1996 (Supp. 96-4).

**R9-13-504. Repealed****Historical Note**

Adopted effective October 26, 1977 (Supp. 77-5). Former Section R9-13-504 repealed, new Section R9-13-504 adopted effective July 16, 1981 (Supp. 81-4). Amended effective December 16, 1996 (Supp. 96-4). Section automatically repealed by final rulemaking at 3 A.A.R. 146, effective March 23, 1997 (Supp. 99-1).

**R9-13-505. Repealed****Historical Note**

Adopted effective 1977 (Supp. 77-5). Repealed effective July 16, 1981 (Supp. 81-4).

**R9-13-506. Repealed****Historical Note**

Adopted effective 1977 (Supp. 77-5). Repealed effective July 16, 1981 (Supp. 81-4).

**R9-13-507. Repealed**

## CHAPTER 13. DEPARTMENT OF HEALTH SERVICES - HEALTH PROGRAMS SERVICES

**Historical Note**

Adopted effective 1977 (Supp. 77-5). Repealed effective July 16, 1981 (Supp. 81-4).

**R9-13-508. Repealed****Historical Note**

Adopted effective 1977 (Supp. 77-5). Repealed effective July 16, 1981 (Supp. 81-4).

**R9-13-509. Repealed****Historical Note**

Adopted effective 1977 (Supp. 77-5). Repealed effective July 16, 1981 (Supp. 81-4).

**R9-13-510. Repealed****Historical Note**

Adopted effective 1977 (Supp. 77-5). Repealed effective July 16, 1981 (Supp. 81-4).

**R9-13-511. Repealed****Historical Note**

Adopted effective 1977 (Supp. 77-5). Repealed effective July 16, 1981 (Supp. 81-4).

**ARTICLE 6. REPEALED****R9-13-601. Repealed****Historical Note**

Adopted effective October 26, 1977 (Supp. 77-5). Former Section R9-13-601 repealed, new Section R9-13-601 adopted effective July 16, 1981 (Supp. 81-4). Repealed effective December 16, 1996 (Supp. 96-4).

**R9-13-602. Repealed****Historical Note**

Adopted effective October 26, 1977 (Supp. 77-5). Former Section R9-13-602 repealed, new Section R9-13-602 adopted effective July 16, 1981 (Supp. 81-4). Amended effective July 3, 1991 (Supp. 91-3). Repealed effective December 16, 1996 (Supp. 96-4).

**R9-13-603. Repealed****Historical Note**

Adopted effective October 26, 1977 (Supp. 77-5). Former Section R9-13-603 repealed, new Section R9-13-603 adopted effective July 16, 1981 (Supp. 81-4). Repealed effective December 16, 1996 (Supp. 96-4).

**R9-13-604. Repealed****Historical Note**

Adopted effective October 26, 1977 (Supp. 77-5). Former Section R9-13-604 repealed, new Section R9-13-604 adopted effective July 16, 1981 (Supp. 81-4). Repealed effective December 16, 1996 (Supp. 96-4).

**R9-13-605. Repealed****Historical Note**

Adopted effective October 26, 1977 (Supp. 77-5). Former Section R9-13-605 repealed, new Section R9-13-605 adopted effective July 16, 1981 (Supp. 81-4). Amended effective July 3, 1991 (Supp. 91-3). Repealed effective December 16, 1996 (Supp. 96-4).

**R9-13-606. Repealed****Historical Note**

Adopted effective July 16, 1981 (Supp. 81-4). Repealed effective December 16, 1996 (Supp. 96-4).

**ARTICLE 7. REPEALED****R9-13-701. Repealed****Historical Note**

Adopted effective July 16, 1981 (Supp. 81-4). Amended effective December 16, 1996 (Supp. 96-4). Section automatically repealed by final rulemaking at 3 A.A.R. 146, effective June 1, 1997 (Supp. 99-1).

**R9-13-702. Repealed****Historical Note**

Adopted effective July 16, 1981 (Supp. 81-4). Amended effective December 16, 1996 (Supp. 96-4). Section automatically repealed by final rulemaking at 3 A.A.R. 146, effective June 1, 1997 (Supp. 99-1).

**R9-13-703. Repealed****Historical Note**

Adopted effective July 16, 1981 (Supp. 81-4). Repealed effective December 16, 1996 (Supp. 96-4).

**R9-13-704. Repealed****Historical Note**

Adopted effective July 16, 1981 (Supp. 81-4). Amended effective December 16, 1996 (Supp. 96-4). Section automatically repealed by final rulemaking at 3 A.A.R. 146, effective June 1, 1997 (Supp. 99-1).

**ARTICLE 8. REPEALED****R9-13-801. Repealed****Historical Note**

Adopted effective July 16, 1981 (Supp. 81-4). Amended effective December 16, 1996 (Supp. 96-4). Section automatically repealed June 1, 2000 (Supp. 01-1).

**R9-13-802. Repealed****Historical Note**

Adopted effective July 16, 1981 (Supp. 81-4). Amended by emergency effective November 6, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-4). Emergency expired, Readopted as an emergency effective February 7, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-1). Emergency expired. Readopted as an emergency with changes effective May 7, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-2). Readopted as an emergency with changes effective August 6, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-3). Readopted as an emergency without change effective October 31, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4). Readopted as an emergency without change effective January 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-1). Readopted as an emergency without change effective April 11, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency rule permanently adopted effective July 3, 1991 (Supp. 91-3). Amended effective December 16, 1996 (Supp. 96-4). Section automatically repealed June 1, 2000 (Supp. 01-1).

**R9-13-803. Repealed**

## CHAPTER 13. DEPARTMENT OF HEALTH SERVICES - HEALTH PROGRAMS SERVICES

**Historical Note**

Adopted effective July 16, 1981 (Supp. 81-4). Repealed effective December 16, 1996 (Supp. 96-4).

**R9-13-804. Repealed****Historical Note**

Adopted effective July 16, 1981 (Supp. 81-4). Repealed effective December 16, 1996 (Supp. 96-4).

**R9-13-805. Repealed****Historical Note**

Adopted effective July 16, 1981 (Supp. 81-4). Amended effective July 3, 1991 (Supp. 91-3). Amended effective December 16, 1996 (Supp. 96-4). Section automatically repealed by final rulemaking at 3 A.A.R. 146, effective June 30, 1998 (Supp. 99-1).

**R9-13-806. Repealed****Historical Note**

Adopted effective July 16, 1981 (Supp. 81-4). Amended effective December 16, 1996 (Supp. 96-4). Section automatically repealed June 1, 2000 (Supp. 01-1).

**ARTICLE 9. REPEALED****R9-13-901. Repealed****Historical Note**

Adopted as an emergency effective April 6, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-2). Former Section R9-13-901 expired, new Section R9-13-901 adopted as a permanent rule effective October 13, 1982 (Supp. 82-5). Section repealed by final rulemaking at 7 A.A.R. 1082, effective February 13, 2001 (Supp. 01-1).

**R9-13-902. Emergency expired****Historical Note**

Adopted as an emergency effective April 6, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-2). Former Section R9-13-902 expired (Supp. 82-5).

**ARTICLE 10. REPEALED****R9-13-1001. Repealed****Historical Note**

Adopted as an emergency effective September 21, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-5). Emergency expired. Permanent rule adopted effective March 22, 1983 (Supp. 83-2). Section repealed by final rulemaking at 12 A.A.R. 649, effective April 8, 2006 (Supp. 06-1).

**R9-13-1002. Repealed****Historical Note**

Adopted as an emergency effective September 21, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-5). Emergency expired. Permanent rule adopted effective March 22, 1983 (Supp. 83-2). Section repealed by final rulemaking at 12 A.A.R. 649, effective April 8, 2006 (Supp. 06-1).

**R9-13-1003. Repealed****Historical Note**

Adopted as an emergency effective September 21, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-5). Emergency expired. Permanent rule

adopted effective March 22, 1983 (Supp. 83-2). Section repealed by final rulemaking at 12 A.A.R. 649, effective April 8, 2006 (Supp. 06-1).

**R9-13-1004. Repealed****Historical Note**

Adopted as an emergency effective September 21, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-5). Emergency expired. Permanent rule adopted effective March 22, 1983 (Supp. 83-2). Section repealed by final rulemaking at 7 A.A.R. 1082, effective February 13, 2001 (Supp. 01-1).

**ARTICLE 11. REPEALED****R9-13-1101. Repealed****Historical Note**

Adopted as an emergency effective September 21, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-5). Emergency expired. Permanent rule adopted effective March 22, 1983 (Supp. 83-2). Section repealed by final rulemaking at 12 A.A.R. 649, effective April 8, 2006 (Supp. 06-1).

**R9-13-1102. Repealed****Historical Note**

Adopted as an emergency effective September 21, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-5). Emergency expired. Permanent rule adopted effective March 22, 1983 (Supp. 83-2). Section repealed by final rulemaking at 12 A.A.R. 649, effective April 8, 2006 (Supp. 06-1).

**R9-13-1103. Repealed****Historical Note**

Adopted as an emergency effective September 21, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-5). Emergency expired. Permanent rule adopted effective March 22, 1983 (Supp. 83-2). Section repealed by final rulemaking at 7 A.A.R. 1082, effective February 13, 2001 (Supp. 01-1).

**R9-13-1104. Repealed****Historical Note**

Adopted as an emergency effective September 21, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-5). Emergency expired. Permanent rule adopted effective March 22, 1983 (Supp. 83-2). Section repealed by final rulemaking at 12 A.A.R. 649, effective April 8, 2006 (Supp. 06-1).

**R9-13-1105. Repealed****Historical Note**

Adopted as an emergency effective September 21, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-5). Emergency expired. Permanent rule adopted effective March 22, 1983 (Supp. 83-2). Section repealed by final rulemaking at 7 A.A.R. 1082, effective February 13, 2001 (Supp. 01-1). New Section made by final rulemaking at 8 A.A.R. 2323, effective May 9, 2002 (Supp. 02-2). Section repealed by final rulemaking at 12 A.A.R. 649, effective April 8, 2006 (Supp. 06-1).

**ARTICLE 12. REPEALED****R9-13-1201. Repealed**

## CHAPTER 13. DEPARTMENT OF HEALTH SERVICES - HEALTH PROGRAMS SERVICES

**Historical Note**

Adopted as an emergency effective September 21, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-5). Emergency expired. Permanent rule adopted effective March 22, 1983 (Supp. 83-2). Section repealed by final rulemaking at 12 A.A.R. 649, effective April 8, 2006 (Supp. 06-1).

**R9-13-1202. Emergency expired****Historical Note**

Adopted as an emergency effective September 21, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-5). Emergency expired (Supp. 83-2).

**ARTICLE 13. REPEALED****R9-13-1301. Repealed****Historical Note**

Adopted effective November 23, 1983 (Supp. 83-6). Section repealed by final rulemaking at 7 A.A.R. 1082, effective February 13, 2001 (Supp. 01-1).

**R9-13-1302. Repealed****Historical Note**

Adopted effective November 23, 1983 (Supp. 83-6). Section repealed by final rulemaking at 7 A.A.R. 1082, effective February 13, 2001 (Supp. 01-1).

**R9-13-1303. Repealed****Historical Note**

Adopted effective November 23, 1983 (Supp. 83-6). Section repealed by final rulemaking at 7 A.A.R. 1082, effective February 13, 2001 (Supp. 01-1).

**ARTICLE 14. REPEALED****R9-13-1401. Repealed****Historical Note**

Adopted as an emergency effective November 29, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Emergency expired. Former Section R9-13-1403 renumbered and amended as permanent rule R9-13-1401 effective March 19, 1984 (Supp. 84-2). Section repealed by final rulemaking at 7 A.A.R. 1082, effective February 13, 2001 (Supp. 01-1).

**R9-13-1402. Repealed****Historical Note**

Adopted as an emergency effective November 29, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Emergency expired. Former Section R9-13-1404 renumbered and amended as permanent rule R9-13-1402 effective March 19, 1984 (Supp. 84-2). Section repealed by final rulemaking at 7 A.A.R. 1082, effective February 13, 2001 (Supp. 01-1).

**R9-13-1403. Repealed****Historical Note**

Adopted as an emergency effective November 29, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Emergency expired. Former Section R9-13-1405 renumbered as permanent rule R9-13-1403 effective March 19, 1984 (Supp. 84-2). Section repealed by final rulemaking at 7 A.A.R. 1082, effective February 13, 2001 (Supp. 01-1).

**R9-13-1404. Repealed****Historical Note**

Adopted as an emergency effective November 29, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Emergency expired. Former Section R9-13-1406 renumbered and amended as permanent rule R9-13-1404 without change effective March 19, 1984 (Supp. 84-2). Section repealed by final rulemaking at 7 A.A.R. 1082, effective February 13, 2001 (Supp. 01-1).

**R9-13-1405. Repealed****Historical Note**

Adopted as an emergency effective November 29, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Emergency expired. Former Section R9-13-1407 renumbered and amended as permanent rule R9-13-1405 effective March 19, 1984 (Supp. 84-2). Section repealed by final rulemaking at 7 A.A.R. 1082, effective February 13, 2001 (Supp. 01-1).

**R9-13-1406. Repealed****Historical Note**

Adopted as an emergency effective November 29, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Emergency expired. Former Section R9-13-1408 renumbered and amended as permanent rule R9-13-1406 effective March 19, 1984 (Supp. 84-2). Section repealed by final rulemaking at 7 A.A.R. 1082, effective February 13, 2001 (Supp. 01-1).

**R9-13-1407. Repealed****Historical Note**

Adopted as an emergency effective November 29, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Emergency expired. Former Section R9-13-1409 renumbered and amended as permanent rule R9-13-1407 effective March 19, 1984 (Supp. 84-2). Section repealed by final rulemaking at 7 A.A.R. 1082, effective February 13, 2001 (Supp. 01-1).

**R9-13-1408. Repealed****Historical Note**

Adopted as an emergency effective November 29, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Emergency expired. Former Section R9-13-1410 renumbered and amended as permanent rule R9-13-1408 effective March 19, 1984 (Supp. 84-2). Section repealed by final rulemaking at 7 A.A.R. 1082, effective February 13, 2001 (Supp. 01-1).

**R9-13-1409. Repealed****Historical Note**

Adopted as an emergency effective November 29, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Emergency expired. Former Section R9-13-1411 renumbered and amended as permanent rule R9-13-1409 effective March 19, 1984 (Supp. 84-2). Section repealed by final rulemaking at 7 A.A.R. 1082, effective February 13, 2001 (Supp. 01-1).

**R9-13-1410. Repealed****Historical Note**

Adopted as an emergency effective November 29, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Emergency expired. Former Section R9-13-1412 renumbered and amended as permanent rule R9-13-1410 effective March 19, 1984 (Supp. 84-2). Section

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repealed by final rulemaking at 7 A.A.R. 1082, effective February 13, 2001 (Supp. 01-1).

**R9-13-1411. Repealed****Historical Note**

Adopted as an emergency effective November 29, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Emergency expired. Former Section R9-13-1413 renumbered and amended as permanent rule R9-13-1411 effective March 19, 1984 (Supp. 84-2). Section repealed by final rulemaking at 7 A.A.R. 1082, effective February 13, 2001 (Supp. 01-1).

**R9-13-1412. Repealed****Historical Note**

Adopted as an emergency effective November 29, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Emergency expired. Former Section R9-13-1414 renumbered and amended as permanent rule R9-13-1412 effective March 19, 1984 (Supp. 84-2). Section repealed by final rulemaking at 7 A.A.R. 1082, effective February 13, 2001 (Supp. 01-1).

**R9-13-1413. Repealed****Historical Note**

Adopted as an emergency effective November 29, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Emergency expired. Former Section R9-13-1415 renumbered and amended as permanent rule R9-13-1413 effective March 19, 1984 (Supp. 84-2). Section repealed by final rulemaking at 7 A.A.R. 1082, effective February 13, 2001 (Supp. 01-1).

**R9-13-1414. Repealed****Historical Note**

Adopted as an emergency effective November 29, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Emergency expired. Former Section R9-13-1416 renumbered and amended as permanent rule R9-13-1414 effective March 19, 1984 (Supp. 84-2). Section repealed by final rulemaking at 7 A.A.R. 1082, effective February 13, 2001 (Supp. 01-1).

**R9-13-1415. Repealed****Historical Note**

Adopted as an emergency effective November 29, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Emergency expired. Former Section R9-13-1417 renumbered and amended as permanent rule R9-13-1415 effective March 19, 1984 (Supp. 84-2). Correction in subsection (C)(2) to insert the word 'not' which was inadvertently omitted (Supp. 94-2). Section repealed by final rulemaking at 7 A.A.R. 1082, effective February 13, 2001 (Supp. 01-1).

**R9-13-1416. Emergency expired****Historical Note**

Adopted as an emergency effective November 29, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Emergency expired. Former Section R9-13-1416 renumbered and amended as permanent rule R9-13-1414 effective March 19, 1984 (Supp. 84-2).

**R9-13-1417. Emergency expired****Historical Note**

Adopted as an emergency effective November 29, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Emergency expired. Former Section R9-13-1417 renumbered and amended as permanent rule R9-13-1414 effective March 19, 1984 (Supp. 84-2).

*Editor's Note: Article 15 was recodified to 9 A.A.C. 25, Article 8 (Supp. 98-1).*

*Editor's Note: Former Article 15 contained Sections and Exhibits which were adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 36-2205(C). Exemption from A.R.S. Title 41, Chapter 6 means that the Department of Health Services did not submit these rules to the Governor's Regulatory Review Council for review; the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**ARTICLE 15. RECODIFIED****R9-13-1501. Recodified****Historical Note**

Adopted effective July 11, 1994; received by the Office of the Secretary of State August 4, 1994, under an exemption from the provisions of the Administrative Procedure Act pursuant to A.R.S. § 36-2005(C) (Supp. 94-3). Former Section R9-13-1501 recodified to A.A.C. R9-25-801 (Supp. 98-1).

**R9-13-1502. Recodified****Historical Note**

Adopted effective October 12, 1994; received by the Office of the Secretary of State October 24, 1994, under an exemption from the provisions of the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C) (Supp. 94-4). Former Section R9-13-1502 recodified to A.A.C. R9-25-802 (Supp. 98-1).

**Exhibit 1. Recodified****Historical Note**

Adopted effective July 11, 1994; received by the Office of the Secretary of State August 4, 1994, under an exemption from the provisions of the Administrative Procedure Act pursuant to A.R.S. § 36-2005(C) (Supp. 94-3). Former R9-13-1502, Exhibit 1 recodified to A.A.C. R9-25-802, Exhibit 1 (Supp. 98-1).

**Exhibit 2. Recodified****Historical Note**

Adopted effective July 11, 1994; received by the Office of the Secretary of State August 4, 1994, under an exemption from the provisions of the Administrative Procedure Act pursuant to A.R.S. § 36-2005(C) (Supp. 94-3). Former R9-13-1502, Exhibit 2 recodified to A.A.C. R9-25-802, Exhibit 2 (Supp. 98-1).

**Exhibit 3. Recodified****Historical Note**

Adopted effective July 11, 1994; received by the Office of the Secretary of State August 4, 1994, under an exemption from the provisions of the Administrative Procedure Act pursuant to A.R.S. § 36-2005(C) (Supp. 94-3).

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94-3). Former R9-13-1502, Exhibit 3 recodified to A.A.C. R9-25-802, Exhibit 3 (Supp. 98-1).

**Exhibit 4. Recodified****Historical Note**

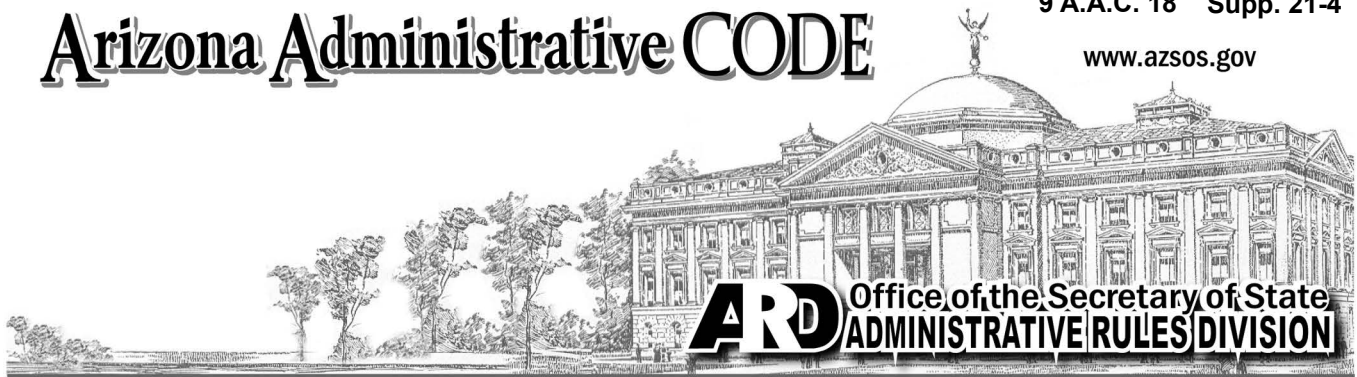
Adopted effective July 11, 1994; received by the Office of the Secretary of State August 4, 1994, under an exemption from the provisions of the Administrative Procedure Act pursuant to A.R.S. § 36-2005(C) (Supp. 94-3). Former R9-13-1502, Exhibit 4 recodified to A.A.C. R9-25-802, Exhibit 4 (Supp. 98-1).

**R9-13-1503. Recodified****Historical Note**

Adopted effective November 27, 1995, under an exemption from the provisions of the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C) (Supp. 95-4). Former Section R9-13-1503 recodified to A.A.C. R9-25-803 (Supp. 98-1).

**Exhibit 1. Recodified****Historical Note**

Adopted effective November 27, 1995, under an exemption from the provisions of the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C) (Supp. 95-4). Former R9-13-1503, Exhibit 1 recodified to A.A.C. R9-25-803, Exhibit 1 (Supp. 98-1).



## TITLE 9. HEALTH SERVICES

### CHAPTER 18. DEPARTMENT OF HEALTH SERVICES - ADULT-USE MARIJUANA PROGRAM

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
October 1, 2021 through December 31, 2021

<a href="#">R9-18-102.</a>	<a href="#">Fees .....</a>	<a href="#">3</a>	<a href="#">R9-18-303.</a>	<a href="#">Applying for an Initial Marijuana Establishment</a>
<a href="#">Table 1.1.</a>	<a href="#">Time-frames .....</a>	<a href="#">4</a>		<a href="#">License .....</a>
				<a href="#">7</a>

#### Questions about these rules? Contact:

Department: Arizona Department of Health Services  
Public Health Licensing Services  
Address: 150 N. 18th Ave., Suite 400  
Phoenix, AZ 85007  
Website: <https://www.azdhs.gov/licensing/marijuana/adult-use-marijuana/>  
Name: Thomas Salow, Branch Chief  
Telephone: (602) 364-1935  
Fax: (602) 364-3808  
E-mail: [Thomas.Salow@azdhs.gov](mailto:Thomas.Salow@azdhs.gov)

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

#### The release of this Chapter in Supp. 21-4 replaces Supp. 21-2, 1-31 pages

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

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### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

First Quarter: January 1 - March 31  
Second Quarter: April 1 - June 30  
Third Quarter: July 1 - September 30  
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2021 is cited as Supp. 21-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

### RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

### AUTHENTICATION OF PDF CODE CHAPTERS

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

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, [www.azsos.gov](http://www.azsos.gov) under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

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

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

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

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

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

### PERSONAL USE/COMMERCIAL USE

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





## Administrative Rules Division

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

## TITLE 9. HEALTH SERVICES

## CHAPTER 18. DEPARTMENT OF HEALTH SERVICES - ADULT-USE MARIJUANA PROGRAM

Authorizing statutes: A.R.S. §§ 36-136(G) and 36-2854

Implementing statutes: A.R.S. §§ 36-2854, 36-2855, 36-2858, 36-2859, 36-2860, 36-2864 and 36-2865

## Supp. 21-4

**Editor's Note:** The rules under the Chapter name Department of Health Services - Local Health Department Services, Article 1, Sections R9-18-101 through R9-18-107 were recodified to 9 A.A.C. 1, Article 6, Sections R9-1-601 through R9-1-607, at 26 A.A.R. 3319, with an immediate effective date of December 7, 2020. A new Chapter named Department of Health Services - Adult-Use Marijuana Program was adopted by exempt rulemaking at 27 A.A.R. 140 with rules made effective January 15, 2021. Although exempt from the regular rulemaking process under Proposition 207 § 8, the Department was required to accept public comments on the exempt rulemaking. To assist with compliance of these rules, the Administrative Rules Division has expedited the publication of this Chapter and released it in Supp. 20-4.

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- b. Assesses the acceptability of the testing results generated by a marijuana facility agent of a marijuana testing facility from the samples with known characteristics during proficiency testing.
- 24. "Retail site" means the single location at which a marijuana establishment may sell marijuana and marijuana products to consumers, cultivate marijuana, and manufacture marijuana products.
- 25. "Sample" means:
  - a. A representative portion of a larger quantity marijuana or a marijuana product,
  - b. A specific quantity of a substance or set of substances to be used for testing purposes, or
  - c. To collect the representative portion in subsection (25)(a).
- 26. "Working day" means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a state holiday or a state-wide furlough day.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2).

**R9-18-102. Fees**

- A. An applicant submitting an application to the Department shall submit the following nonrefundable fees:
  - 1. Except as specified in subsection (B), for a marijuana facility agent license:
    - a. For an initial license for an applicant submitting the applicant's fingerprints on a fingerprint card, \$300;
    - b. For renewal of a license for an applicant submitting the applicant's fingerprints on a fingerprint card, \$300;
    - c. For an initial license for an applicant submitting a copy of the applicant's current level 1 fingerprint clearance card issued according to A.R.S. § 41-1758.07, \$150; and
    - d. For renewal of a license for an applicant submitting a copy of the applicant's current level 1 fingerprint clearance card issued according to A.R.S. § 41-1758.07, \$150;
  - 2. For changing information on a marijuana facility agent's license, \$10;
  - 3. For requesting a replacement marijuana facility agent license, \$10;
  - 4. Except as specified in subsection (C), for a marijuana establishment license:
    - a. An application fee for an initial license, \$25,000; and
    - b. A license fee for license renewal, \$5,000;
  - 5. For applying for an approval to operate, \$2,500;
  - 6. To change the location of a marijuana establishment's retail site, cultivation site, or manufacturing site, \$2,500;
  - 7. To add a cultivation site or manufacturing site, \$2,500;
  - 8. To change the approved activities for a marijuana establishment's retail site, cultivation site, or manufacturing site, \$2,500; and
  - 9. For a marijuana testing facility license:
    - a. For an initial license, \$25,000; and
    - b. For license renewal, \$5,000.
- B. An applicant for an initial marijuana facility agent license is not required to submit the applicable fee in subsection (A)(1) if the applicant, as part of the application packet in R9-18-201, submits an attestation that the applicant meets the criteria for waiver of licensing fees in A.R.S. § 41-1080.01.

- C. An applicant submitting an application to the Department for an initial marijuana establishment license under A.R.S. § 36-2854(A)(1)(f) shall submit a nonrefundable application fee of \$4,000.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 27 A.A.R. 897, effective June 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 27 A.A.R. 2604, with an immediate effective date of October 13, 2021 (Supp. 21-4).

**R9-18-103. Time-frames**

- A. Within the administrative completeness review time-frame for each type of approval in Table 1.1 Time-frames, the Department shall:
  - 1. Issue:
    - a. A marijuana facility agent license;
    - b. An initial marijuana establishment license;
    - c. Renewal of a marijuana establishment license;
    - d. An approval to operate a marijuana establishment;
    - e. An approval to change the location of a marijuana establishment's retail site;
    - f. An approval to add or change the location of a marijuana establishment's cultivation site or manufacturing site;
    - g. An approval to change the activities that a licensee may do at the marijuana establishment's retail site, cultivation site, or manufacturing site;
    - h. An initial marijuana testing facility license;
    - i. Renewal of a marijuana testing facility license;
    - j. An approval for testing; or
    - k. An approval to add a parameter;
  - 2. Provide a notice of administrative completeness to an applicant; or
  - 3. Provide a notice of deficiencies to an applicant, including a list of the information or documents needed to complete the application.
- B. An application for approval to operate a marijuana establishment is not complete until the date the applicant states on a written notice provided to the Department according to R9-18-304 that the marijuana establishment is ready for an inspection by the Department.
- C. An application for approval to make a change to a marijuana establishment license is not complete until the date the applicant states on a written notice provided to the Department according to R9-18-306 that the marijuana establishment is ready for an inspection by the Department.
- D. A marijuana testing facility's application for approval for testing is not complete until the date the applicant states on a written notice provided to the Department according to R9-18-403 that the marijuana testing facility is ready for an inspection by the Department.
- E. If the Department provides a notice of deficiencies to an applicant:
  - 1. The administrative completeness review time-frame and the overall time-frame are suspended from the date of the notice of deficiencies until the date the Department receives the missing information or documents from the applicant, and
  - 2. The Department shall consider the application withdrawn if the applicant does not submit the missing information or documents to the Department within the time-frame in Table 1.1 Time-frames.
- F. Within the substantive review time-frame for each type of approval in Table 1.1 Time-frames, the Department:

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1. According to subsection (H), shall issue or deny:
    - a. A marijuana facility agent license, marijuana establishment license renewal, or marijuana testing facility license; or
    - b. Approval to operate a marijuana establishment, approval to make a change to the marijuana establishment license, approval for testing, or approval to add a parameter;
  2. Shall notify an applicant for an initial marijuana establishment license according to subsection (H)(3)(b)(i) or (4), as applicable;
  3. May complete an inspection that may require more than one visit to a marijuana establishment;
  4. May complete an inspection that may require more than one visit to a marijuana testing facility; and
  5. May make one written comprehensive request for more information, unless the Department and the applicant agree in writing to allow the Department to submit supplemental requests for information.
- G.** If the Department issues a written comprehensive request or a supplemental request for information:
1. The substantive review time-frame and the overall time-frame are suspended from the date of the written comprehensive request or the supplemental request for information until the date the Department receives all of the information requested, and
  2. The applicant shall submit to the Department all of the information and documents listed in the written comprehensive request or supplemental request for information within 10 working days after the date of the comprehensive written request or supplemental request for information.
- H.** The Department shall issue:
1. The following, as applicable, if the Department determines that the applicant complies with A.R.S. Title 36, Chapter 28.2, and this Chapter:
    - a. A marijuana facility agent license;
    - b. Renewal of a marijuana establishment license;
    - c. An approval to operate a marijuana establishment;
    - d. An approval to change the location of a marijuana establishment's retail site;
    - e. An approval to add or change the location of a marijuana establishment's cultivation site or manufacturing site;
    - f. An approval to change an activity that a licensee may do at the marijuana establishment's retail site, cultivation site, or manufacturing site;
    - g. An initial marijuana testing facility license;
    - h. Renewal of a marijuana testing facility license;
    - i. An approval for testing; or
    - j. An approval to add a parameter;
  2. For an applicant for a marijuana facility agent license, a denial that includes the reason for the denial and the process for requesting review if:
    - a. The Department determines that the applicant does not comply with A.R.S. Title 36, Chapter 28.2, or this Chapter; or
    - b. The applicant does not submit all of the information and documents listed in the written comprehensive request or supplemental request for information within 10 working days after the date of the comprehensive written request or supplemental request for information;
3. For an applicant for an initial marijuana establishment license, if the Department determines that the marijuana establishment license application complies with A.R.S. Title 36, Chapter 28.2, and this Chapter:
    - a. A marijuana establishment license, if not all available marijuana establishment licenses have been allocated according to the criteria and processes in R9-18-302; or
    - b. Written notice that:
      - i. The marijuana establishment license application complies with A.R.S. Title 36, Chapter 28.2, and this Chapter;
      - ii. The applicant was not allocated a marijuana establishment license according to the criteria and processes in R9-18-302 because all available marijuana establishment licenses have been allocated according to the criteria and processes in R9-18-302; and
      - iii. The written notice is not a denial and is not considered a final decision of the Department subject to administrative review; or
  4. For an applicant for a marijuana establishment license, an approval to operate, an approval to change the location of a marijuana establishment's retail site, an approval to add or change the location of a marijuana establishment's cultivation site or manufacturing site, an approval to change an activity, a marijuana testing facility license, an approval for testing, or an approval to add a parameter, a denial that includes the reason for the denial and the process for administrative review if:
    - a. The Department determines that the applicant does not comply with A.R.S. Title 36, Chapter 28.2, or this Chapter; or
    - b. The applicant does not submit all of the information and documents listed in the written comprehensive request or supplemental request for information within 10 working days after the date of the comprehensive written request or supplemental request for information.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2).

**Table 1.1. Time-frames**

Type of approval	Authority (A.R.S. § or A.A.C.)	Overall Time-frame (in working days)	Time-frame for applicant to complete application (in working days)	Administrative Completeness Time-frame (in working days)	Substantive Review Time-frame (in working days)
Applying for a marijuana facility agent license	§ 36-2855 R9-18-201	15	30	5	10
Renewing a marijuana facility agent license	§ 36-2855 R9-18-202	15	15	5	10

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Applying for a marijuana establishment license	§ 36-2854 R9-18-303	90	10	30	60
Applying for approval to operate a marijuana establishment	§ 36-2854 R9-18-304	90	90	30	60
Changing the location of a marijuana establishment's retail site or adding or changing a marijuana establishment's cultivation site or manufacturing site location	§ 36-2854 R9-18-306	90	90	30	60
Requesting approval to change an activity	§ 36-2854 R9-18-306	90	90	30	60
Renewing a marijuana establishment license	§ 36-2854 R9-18-307	15	15	5	10
Applying for a marijuana testing facility license	§ 36-2854	90	90	30	60
Applying for approval for testing	§ 36-2854	90	90	30	60
Renewing a marijuana testing facility license	§ 36-2854	15	15	5	10
Applying to add a parameter	§ 36-2854	90	90	30	60

**Historical Note**

Table 1. Time-frames made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 27 A.A.R. 2604, with an immediate effective date of October 13, 2021 (Supp. 21-4).

**ARTICLE 2. MARIJUANA FACILITY AGENTS****R9-18-201. Initial Application for a Marijuana Facility Agent License**

To apply for a marijuana facility agent license, an applicant who is at least 21 years of age shall submit to the Department in a Department-provided format:

1. The following:
  - a. The applicant's first name, middle initial if applicable, last name, and suffix if applicable;
  - b. The applicant's date of birth;
  - c. The applicant's residence address and Arizona mailing address;
  - d. The county where the applicant resides;
  - e. The identifying number on the applicable card or document in subsection (2); and
  - f. The signature of the individual and the date the individual signed;
2. A copy of the applicant's:
  - a. Arizona driver's license issued on or after October 1, 1996;
  - b. Arizona identification card issued on or after October 1, 1996;
  - c. Arizona registry identification card issued according to 9 A.A.C. 17;
  - d. Marijuana facility agent license;
  - e. Photograph page in the applicant's U.S. passport, showing the signature; or
  - f. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the applicant:
    - i. Birth certificate verifying U.S. citizenship,
    - ii. U.S. Certificate of Naturalization, or
    - iii. U.S. Certificate of Citizenship;
3. A current photograph of the applicant;
4. For the Department's criminal records check authorized in A.R.S. § 36-2855(B)(2):

- a. The applicant's fingerprints on a fingerprint card that includes:
    - i. The applicant's first name; middle initial, if applicable; and last name;
    - ii. The applicant's signature;
    - iii. If different from the applicant, the signature of another individual physically rolling the applicant's fingerprints;
    - iv. The applicant's address;
    - v. If applicable, the applicant's surname before marriage and any names previously used by the applicant;
    - vi. The applicant's date of birth;
    - vii. The applicant's Social Security number;
    - viii. The applicant's citizenship status;
    - ix. The applicant's gender;
    - x. The applicant's race;
    - xi. The applicant's height;
    - xii. The applicant's weight;
    - xiii. The applicant's hair color;
    - xiv. The applicant's eye color; and
    - xv. The applicant's place of birth; or
  - b. Documentation that the applicant has a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07;
5. An attestation that the applicant has not been convicted of an excluded felony offense;
  6. An attestation that the information provided in the application is true and correct; and
  7. The applicable fee in R9-18-102 for applying for an initial license as a marijuana facility agent.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4).

**R9-18-202. Application to Renew a Marijuana Facility Agent License**

## CHAPTER 18. DEPARTMENT OF HEALTH SERVICES - ADULT-USE MARIJUANA PROGRAM

To renew a license as a marijuana facility agent, an applicant shall submit to the Department, at least 30 calendar days before the expiration of the license as a marijuana facility agent and in a Department-provided format:

1. The applicant's license number on the marijuana facility agent license;
2. A current photograph of the applicant;
3. For the Department's criminal records check authorized in A.R.S. § 36-2855(B)(2):
  - a. The applicant's fingerprints on a fingerprint card that includes:
    - i. The applicant's first name; middle initial, if applicable; and last name;
    - ii. The applicant's signature;
    - iii. If different from the applicant, the signature of another individual physically rolling the applicant's fingerprints;
    - iv. The applicant's address;
    - v. If applicable, the applicant's surname before marriage and any names previously used by the applicant;
    - vi. The applicant's date of birth;
    - vii. The applicant's Social Security number;
    - viii. The applicant's citizenship status;
    - ix. The applicant's gender;
    - x. The applicant's race;
    - xi. The applicant's height;
    - xii. The applicant's weight;
    - xiii. The applicant's hair color;
    - xiv. The applicant's eye color; and
    - xv. The applicant's place of birth; or
  - b. Documentation that the applicant has a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07;
4. An attestation that the applicant has not been convicted of an excluded felony offense;
5. An attestation that the information provided in the application is true and correct; and
6. The applicable fee in R9-18-102 for renewal of a license as a marijuana facility agent.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4).

**R9-18-203. Updating Information for a Marijuana Facility Agent**

- A. A marijuana facility agent shall:
  1. Notify the Department, in a Department-provided format and within 10 working days, if any of the following information submitted to the Department changes:
    - a. The marijuana facility agent's name,
    - b. The marijuana facility agent's residential address or mailing address, or
    - c. The marijuana facility agent's e-mail address; and
  2. Submit to the Department, in a Department-provided format:
    - a. For a change in the marijuana facility agent's name, one of the following with the marijuana facility agent's new name:
      - i. An Arizona driver's license,
      - ii. An Arizona identification card, or
      - iii. The photograph page in the marijuana facility agent's U.S. passport;
    - b. For a change in address, the new address and the county where the new address is located;

- c. For a change in e-mail address, the new e-mail address;
- d. The effective date of the marijuana facility agent's new name or address; and
- e. The fee in R9-18-102 for changing marijuana facility agent information.

- B. A marijuana facility agent shall notify the Department within 48 hours after the following:
  1. Beginning employment or other association with a marijuana establishment or marijuana testing facility, or
  2. Ending employment or other association with a marijuana establishment or marijuana testing facility.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4).

**R9-18-204. Requesting a Replacement Marijuana Facility Agent License**

To request a replacement marijuana facility agent license for a license that has been lost, stolen, or destroyed, a marijuana facility agent shall submit to the Department, in a Department-provided format and within 10 working days after the marijuana facility agent license was lost, stolen, or destroyed, a request for a replacement marijuana facility agent license that includes:

1. The marijuana facility agent's name and date of birth;
2. If known, the license number on the lost, stolen, or destroyed marijuana facility agent license;
3. If the marijuana facility agent cannot provide the license number on the lost, stolen, or destroyed marijuana facility agent license, a copy of one of the following documents that the marijuana facility agent submitted with an application for the license or to renew the license:
  - a. Arizona driver's license,
  - b. Arizona identification card, or
  - c. Photograph page in the marijuana facility agent's U.S. passport; and
4. The fee in R9-18-102 for requesting a replacement marijuana facility agent license.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4).

**R9-18-205. Denial, Suspension, or Revocation of a Marijuana Facility Agent License**

- A. The Department shall deny an application for or renewal of a marijuana facility agent license if a marijuana facility agent:
  1. Does not meet the definition "marijuana facility agent" in A.R.S. § 36-2850; or
  2. Previously had a registry identification card issued according to 9 A.A.C. 17 or marijuana facility agent license revoked for not complying with, as applicable, A.R.S. Title 36, Chapter 28.1 or Chapter 28.2, or rules in 9 A.A.C. 17 or this Chapter.
- B. The Department may deny an application for or renewal of a license of a marijuana facility agent if the marijuana facility agent provides false or misleading information to the Department.
- C. The Department may suspend or revoke the license of a marijuana facility agent and may assess a civil penalty if the marijuana facility agent:
  1. Diverts marijuana to an individual who or entity that is not allowed to possess marijuana, pursuant to A.R.S. Title 36, Chapter 28.1 or 28.2;
  2. Has been convicted of an excluded felony offense;
  3. Provides false or misleading information to the Department; or

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4. Knowingly violates A.R.S. Title 36, Chapter 28.2, or this Chapter.
- D. If the Department denies, suspends, or revokes the license of a marijuana facility agent, the Department shall provide notice to a marijuana facility agent that includes:
  1. The specific reason or reasons for the denial, suspension, or revocation; and
  2. The process for requesting a review of the Department's decision pursuant to A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4).

**ARTICLE 3. MARIJUANA ESTABLISHMENTS****R9-18-301. Principal Officers and Board Members**

- A. For the purposes of this Chapter, in addition to the individual or individuals identified in the marijuana establishment's by-laws or other organizational governing documents as principal officers of the marijuana establishment, if applicable, the following individuals are considered principal officers:
  1. If a corporation is applying for a marijuana establishment license, two individuals who are officers of the corporation, including, but not limited to, the president or chief executive officer and those individuals serving in the positions of secretary and treasurer;
  2. If a partnership is applying for a marijuana establishment license, all individuals who are general partners and the principal officers of any entity general partner;
  3. If a limited liability company is applying for a marijuana establishment license, all managers of a manager-managed limited liability company, all members of a member-managed limited liability company, and the principal officers of an entity manager or member;
  4. If an association or cooperative is applying for a marijuana establishment license, the chief executive officer, executive director, or other comparable leader of the association or cooperative; and
  5. If a business organization type other than those described in subsections (A)(1) through (4) is applying for a marijuana establishment license, two individuals who occupy the top leadership positions of the business organization.
- B. For purposes of this Chapter, in addition to the individual or individuals identified in the marijuana establishment's by-laws or other organizational governing documents as board members of the marijuana establishment, if applicable, the following individuals are considered board members:
  1. If a corporation is applying for a marijuana establishment license, the members of the board of directors of the corporation;
  2. If a partnership is applying for a marijuana establishment license, the partners who are not limited partners;
  3. If a limited liability company is applying for a marijuana establishment license, the principal officers of the limited liability company;
  4. If an association or cooperative is applying for a marijuana establishment license, the principal officers of the association or cooperative; and
  5. If a business organization type other than the types of business organizations in subsections (B)(1) through (4), the principal officers of the business organization.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4).

**R9-18-302. Marijuana Establishment License Allocation****Process for Applicants Who Submit an Application under A.R.S. § 36-2854(A)(1)(f)**

- A. If the Department receives more marijuana establishment license applications according to R9-18-303 that are complete and compliant with A.R.S. Title 36, Chapter 28.2, and this Chapter to participate in the allocation process than the number of licenses the Department is allowed to issue, the Department shall allocate the marijuana establishment licenses based on random drawing.
- B. If an entity is allocated a marijuana establishment license under subsection (A), the entity shall ensure that each principal officer and each board member, specified according to R9-18-301, obtains a marijuana facility agent license according to R9-18-201 before the entity submits an application for an approval to operate according to R9-18-304.
- C. If the Department does not allocate a marijuana establishment license to an applicant that had submitted a marijuana establishment license application according to R9-18-303 that the Department determined was complete and compliant with A.R.S. Title 36, Chapter 28.2, and this Chapter to participate in the allocation process, the Department shall provide a written notice to the applicant that states that, although the applicant's marijuana establishment license application was complete and compliant with A.R.S. Title 36, Chapter 28.2, and this Chapter, the Department did not allocate the applicant a marijuana establishment license under the processes in this Section.
- D. If the Department receives a marijuana establishment license application at a time other than the time stated in R9-18-303(A), the Department shall return the application, including the application fee, to the entity that submitted the application.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 27 A.A.R. 897, effective June 1, 2021 (Supp. 21-2).

**R9-18-303. Applying for an Initial Marijuana Establishment License**

- A. To apply for an initial marijuana establishment license under A.R.S. § 36-2854(A)(1)(f), an applicant shall electronically submit to the Department, during the application period beginning on December 1, 2021, and ending on December 14, 2021:
  1. The following information in a Department-provided format:
    - a. The legal name of the proposed marijuana establishment;
    - b. The following information for the applicant:
      - i. Name of the entity applying,
      - ii. Type of business organization,
      - iii. Arizona mailing address,
      - iv. Telephone number, and
      - v. E-mail address;
    - c. The name, residence address, and date of birth of each principal officer and each board member, according to R9-18-301;
    - d. The name, residence address, and, if applicable, date of birth of any person who is entitled to 10% or more of the profits of the proposed marijuana establishment;
    - e. Whether the applicant agrees to allow the Department to submit supplemental requests for information;
    - f. An attestation that, if the applicant is issued a marijuana establishment license, the proposed marijuana establishment will not operate until the proposed

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- marijuana establishment is inspected and obtains an approval to operate from the Department;
- g. An attestation that the applicant understands and will comply with the requirements in A.R.S. Title 36, Chapter 28.2, and this Chapter;
  - h. An attestation that information provided to the Department to apply for a marijuana establishment license is true and correct; and
  - i. The signatures of each principal officer and each board member of the proposed marijuana establishment according to R9-18-301 and the date signed;
2. Documentation that the applicant is in good standing with the Arizona Corporation Commission;
  3. Documentation that the applicant is eligible to apply under A.R.S. § 36-2854(A)(9), as specified in subsection (B);
  4. For each principal officer and each board member listed according to subsection (A)(1)(c), documentation of the principal officer's or board member's marijuana facility agent license;
  5. An attestation from each principal officer and each board member listed according to subsection (A)(1)(c) that, neither the principal officer or board member nor the applicant have, directly or indirectly, entered or promised to enter into any agreements for a change in "ownership" as defined in subsection (E), that will cause the applicant to no longer qualify for a marijuana establishment license under subsection (B).
  6. An attestation from each principal officer and each board member listed according to subsection (A)(1)(c) that the principal officer or board member does not have an excluded felony offense, as defined in A.R.S. § 36-2801;
  7. An attestation from each principal officer and each board member listed according to subsection (A)(1)(c) that the applicant is eligible to apply under A.R.S. § 36-2854(A)(9), as specified in subsection (B);
  8. An attestation from each principal officer and each board member listed according to subsection (A)(1)(c) that each principal officer or board member who meets the criteria in subsections (B)(1) and (2) cannot be removed from the principal officer's or board member's position without:
    - a. The written consent of the principal officer or board member, or
    - b. A court order for removal of the principal officer or board member; and
  9. The application fee in R9-18-102(C) for a marijuana establishment license.
- B.** An applicant is eligible to apply for a marijuana establishment license under subsection (A) if:
1. Each principal officer and each board member according to R9-18-301, by November 17, 2021, has created a facility licensing portal account and accessed the Department-provided educational training course, and, by November 24, 2021, completed the Department-provided educational training course, through the Department's portal system, focusing on:
    - a. Forming and registering a business in Arizona, which may include:
      - i. Identifying potential exploitive or predatory offers,
      - ii. Benefits and drawbacks of different types of business structures,
      - iii. Purposes and importance of business documents,
      - iv. Having legal review of potential contracts and documents, and
    - v. Registering a business with the Arizona Corporation Commission and Arizona Department of Revenue;
  - b. Obtaining financial backing, which may include:
    - i. Fundraising and investors,
    - ii. Financial modeling to estimate past and potential revenue and expenses, and
    - iii. Creating an executive summary of a business plan;
  - c. The application and licensing process, which may include:
    - i. Eligibility,
    - ii. Application portal,
    - iii. Required documentation and fees,
    - iv. Availability of assistance with preparing applications,
    - v. Review of state laws and rules related to the operation of a marijuana establishment, and
    - vi. Ensuring compliance with state laws and rules related to the operation of a marijuana establishment; and
  - d. Information relevant to an applicant that is successful in obtaining a license for a marijuana establishment, which may include:
    - i. Identifying and obtaining an appropriate location;
    - ii. Location considerations specific to marijuana establishments;
    - iii. Employment-related information and considerations;
    - iv. Marketing, trademarks, and branding; and
    - v. Other information related to operating a marijuana establishment;
2. One or more of the principal officers or board members of the applying entity holds at least 51% ownership in the entity;
3. Each individual specified according to subsection (B)(2) as being one or more of the principal officers or board members of the applying entity holding an aggregate of at least 51% ownership in the entity meets at least three of the following four criteria:
  - a. Had an annual household income, as defined in A.A.C. R9-6-401, in at least three of the years 2016 through 2020 that, for the respective year, was less than 400% of the poverty level, as defined in A.A.C. R9-6-401, as shown by:
    - i. A copy of the applicable portion of an income tax return submitted to the U.S. Internal Revenue Service by the individual or an adult in the individual's household, as defined for the individual in A.A.C. R9-6-401, for the applicable tax year;
    - ii. If a copy of the applicable portion of an income tax return specified in subsection (B)(3)(a)(i) is not available, a transcript of the income tax return from the U.S. Internal Revenue Service; or
    - iii. If neither the individual nor an adult in the individual's household, as defined for the individual in A.A.C. R9-6-401, was required to file an income tax return for an applicable year, documentation showing the amount and source of all monetary payments received by the individual and each adult in the individual's household for the applicable tax year;



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- b. Has been adversely affected by the enforcement of previous marijuana laws because the individual:
    - i. Has been granted expungement pursuant to A.R.S. § 36-2862, as demonstrated by a copy of the expungement issued by the prosecuting state or jurisdiction; or
    - ii. Was convicted in Arizona of a violation of federal or state law related to marijuana or marijuana paraphernalia, as demonstrated by a copy of the court's conviction document issued by the prosecuting state or jurisdiction;
  - c. Has been adversely affected by the enforcement of previous marijuana laws because the individual is or was related during the time-frame specified to another individual who:
    - i. Was convicted in Arizona of a violation of federal or state laws related to marijuana or marijuana paraphernalia, or is or was eligible for expungement pursuant to A.R.S. § 36-2862, as demonstrated by court documents for the other individual issued by the prosecuting state or jurisdiction; and
    - ii. Is one of the following, as demonstrated by applicable documentation, specified by the Department, verifying the individual's relationship to the other individual on the date of application or at the time of conviction or the event making the other individual eligible for expungement pursuant to A.R.S. § 36-2862:
      - (1) Spouse, defined as an individual who is currently married to the other individual;
      - (2) Surviving spouse, defined as an individual to whom a deceased other individual was married at the time of the deceased other individual's death;
      - (3) Parent, defined as a biological, an adoptive, or a foster mother or father, including a stepmother or stepfather, whose parental rights are not terminated under A.R.S. Title 8, Chapter 4, Article 5;
      - (4) Child, defined as a parent's biological, adoptive, or foster child, including step-child;
      - (5) Sibling, defined as a full- or half-, biological, adoptive, or foster sister or brother, including a stepsister or stepbrother; or
      - (6) Legal guardian, defined as a person appointed by a court of competent jurisdiction under A.R.S. Title 8, Chapter 4, Article 12; A.R.S. Title 14, Chapter 5; or another state's laws for the protection of minors and incapacitated persons; or
  - d. Has lived for at least three of the years 2016 through 2020 at one or more physical addresses each in an area that has been identified by the Department as being disproportionately affected by the enforcement of Arizona's previous marijuana laws, as demonstrated by applicable documentation specified by the Department; and
4. No individual listed according to (A)(1)(c) or (d) has entered into any pre-arranged, tentative, or final agreement or promise to sell or otherwise limit the ownership or interest of any individual listed according to (A)(1)(c) or (d) in the proposed marijuana establishment.
- C. An applicant shall ensure that no principal officer, or board member of the applying entity is on more than one other marijuana establishment license application as a principal officer or board member of the other applying entity, for a total of no more than two marijuana establishment license applications, submitted according to subsection (A).
- D. Before an entity with a marijuana establishment license begins operating a marijuana establishment, the entity shall apply for and obtain an approval to operate a marijuana establishment from the Department.
- E. For purposes of subsection (B), "ownership" means that an individual has an interest in an applying entity that:
- 1. Entitles the individual to at least that portion of distributed profits of the applying entity that is proportional to the percentage of the individual's interest in the applying entity;
  - 2. Ensures that the individual has a percentage of the voting rights in the applying entity that is proportional to the percentage of the individual's interest in the applying entity; and
  - 3. Is not subject to restrictions or assignments of voting rights or other arrangements that cause or may cause benefits derived from the individual's interest in the applying entity to go to another individual due to any circumstance other than voluntary sale of the interest or the individual's death or incapacity.
- Historical Note**
- New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 27 A.A.R. 897, effective June 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 27 A.A.R. 2604 (November 5, 2021), with an immediate effective date of October 13, 2021; amended by exempt rulemaking at 27 A.A.R. 2764 (November 26, 2021) with an immediate effective date of November 5, 2021; amended by exempt rulemaking at 27 A.A.R. 2862 (December 10, 2021) with an effective date of November 5, 2021. Refer to Register publication dates to view versioning of amendments of this Section in the fourth quarter of 2021 (Supp. 21-4).
- R9-18-304. Applying for Approval to Operate a Marijuana Establishment**
- A. To apply for approval to operate a marijuana establishment, a principal officer or board member of the entity holding a marijuana establishment license shall electronically submit to the Department, within 18 months after the marijuana establishment license was issued:
- 1. The following information in a Department-provided format:
    - a. The name and license number of the marijuana establishment;
    - b. The physical address of the marijuana establishment's retail site;
    - c. The county in which the marijuana establishment's retail site is located;
    - d. The marijuana establishment's Transaction Privilege Tax Number issued by the Arizona Department of Revenue;
    - e. The marijuana establishment's proposed hours of operation;
    - f. Whether the marijuana establishment agrees to allow the Department to submit supplemental requests for information;
    - g. Whether the marijuana establishment's retail site is ready for an inspection by the Department;
    - h. If the marijuana establishment's retail site is not ready for an inspection by the Department, the date

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the marijuana establishment's retail site will be ready for an inspection by the Department;

- i. An attestation that the information provided to the Department to apply for approval to operate a marijuana establishment is true and correct; and
  - j. The signature of each principal officer and each board member of the marijuana establishment according to R9-18-301 and the date signed;
2. A copy of documentation issued by the local jurisdiction to the marijuana establishment authorizing occupancy of the building as a marijuana establishment's retail site, such as a certificate of occupancy, a special use permit, or a conditional use permit;
  3. Documentation, in a Department-provided format, of:
    - a. Ownership of the physical address of the marijuana establishment's retail location, signed and dated within 60 calendar days before the date of application; or
    - b. Permission from the owner of the physical address of the marijuana establishment's retail location for the applicant to operate a marijuana establishment at the physical address, signed, notarized, and dated within 60 calendar days before the date of application;
  4. A list of which of the following activities the marijuana establishment is requesting approval to provide at the retail site:
    - a. Cultivation,
    - b. Manufacturing of marijuana products, or
    - c. Manufacturing of edible marijuana products;
  5. If requesting approval to manufacture edible marijuana products, a copy of the marijuana establishment's license or permit of the location as a food establishment, issued under 9 A.A.C. 8, Article 1;
  6. A site plan drawn to scale of the marijuana establishment's retail site showing streets, property lines of the contiguous premises, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains;
  7. A floor plan drawn to scale of the building where the marijuana establishment's retail site is located showing the:
    - a. Layout and dimensions of each room,
    - b. Name and function of each room,
    - c. Location of each hand washing sink,
    - d. Location of each toilet room,
    - e. Means of egress,
    - f. Location of each video camera,
    - g. Location of each panic button, and
    - h. Location of natural and artificial lighting sources;
  8. Beginning March 1, 2022, a certificate of completion of the Department-provided educational training course focusing on the operation of a marijuana establishment for each principal officer and each board member according to R9-18-301;
  9. Documentation of the marijuana facility agent license for each principal officer and each board member according to R9-18-301; and
  10. The applicable fee in R9-18-102 for applying for an approval to operate.
- B.** The Department shall process, as provided in R9-18-103, a request submitted according to subsection (A) for approval to operate a marijuana establishment.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended

by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 27 A.A.R. 897, effective June 1, 2021 (Supp. 21-2).

**R9-18-305. Changes to a Marijuana Establishment License**

- A.** A marijuana establishment that is a dual licensee may not separately transfer or assign the dispensary registration certificate or the marijuana establishment license.
- B.** Except as provided in subsection (C), a marijuana establishment may change the location of the marijuana establishment's retail site, manufacturing site, or cultivation site to another location in the state.
- C.** For a marijuana establishment that received a marijuana establishment license under A.R.S. § 36-2854(A)(1)(c), the marijuana establishment may only change the location of the marijuana establishment's retail site to another location in the same county for which the original marijuana establishment license was issued.
- D.** A marijuana establishment shall not cultivate, manufacture, distribute, dispense, or sell marijuana or a marijuana product at a new location of the marijuana establishment's retail site, manufacturing site, or cultivation site or make a change in the activities conducted at a current location until the marijuana establishment:
  1. Submits an application for a change in R9-18-306; and
  2. Receives from the Department an amended marijuana establishment license or an approval for:
    - a. The new location of the marijuana establishment's retail site, manufacturing site, or cultivation site; or
    - b. The requested change in the activities conducted at a current location.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 27 A.A.R. 897, effective June 1, 2021 (Supp. 21-2).

**R9-18-306. Applying to Change a Marijuana Establishment License**

- A.** On or after April 1, 2021, a marijuana establishment may submit an application to the Department according to subsections (B) and (C) to request any of the following:
  1. To change the location of the marijuana establishment's retail site, manufacturing site, or cultivation site;
  2. To add a manufacturing site or cultivation site; or
  3. To change what the marijuana establishment is approved to do at the retail site, cultivation site, or manufacturing site.
- B.** A marijuana establishment shall submit a separate application to the Department for each request for one of the possible changes in subsection (A).
- C.** To request any of the changes specified in subsection (A), a marijuana establishment shall submit to the Department:
  1. The following information in a Department-provided format:
    - a. The legal name of the marijuana establishment;
    - b. The marijuana establishment license number for the marijuana establishment;
    - c. Whether the request is for a change in the location of the marijuana establishment's:
      - i. Retail site,
      - ii. Cultivation site, or
      - iii. Manufacturing site;
    - d. As applicable, the anticipated date of the change of location;
    - e. Whether the marijuana establishment is requesting to add a:

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- i. Cultivation site and, if so, the physical address of the proposed cultivation site; or
  - ii. Manufacturing site and, if so, the physical address of the proposed cultivation site;
  - f. The current physical address of the marijuana establishment's retail site, cultivation site, or manufacturing site, as applicable to the request;
  - g. Whether the proposed marijuana establishment's retail site or the marijuana establishment's proposed cultivation site or manufacturing site, as applicable, is ready for an inspection by the Department;
  - h. If the proposed marijuana establishment's retail site or the marijuana establishment's proposed cultivation site or manufacturing site, as applicable, is not ready for an inspection by the Department, the date the marijuana establishment's retail site or the marijuana establishment's proposed cultivation site or manufacturing site will be ready for an inspection by the Department;
  - i. Whether the marijuana establishment is requesting approval for a change in any of the following activities and, if so, whether the activity is planned to occur at the retail site or cultivation site:
    - i. On-site cultivation,
    - ii. Manufacturing of marijuana products on-site, or
    - iii. Preparation of edible marijuana products;
  - j. Whether the marijuana establishment is requesting approval for a change in any of the following activities at the manufacturing site:
    - i. Packaging and storing marijuana or marijuana products,
    - ii. Manufacturing of marijuana products on-site, or
    - iii. Preparation of edible marijuana products;
  - k. An attestation that the information provided to the Department as part of the application is true and correct; and
1. The signatures of each principal officer and each board member of the marijuana establishment according to R9-18-301 and the date signed;
  2. A copy of documentation issued by the local jurisdiction to the marijuana establishment authorizing occupancy, as applicable, of the building as a marijuana establishment's proposed retail site or of the location as the marijuana establishment's proposed cultivation site or manufacturing site, such as a certificate of occupancy, a special use permit, or a conditional use permit;
  3. If requesting to change the location of a marijuana establishment's retail site, cultivation site, or manufacturing site, or when requesting to add a cultivation site or manufacturing site, documentation, in a Department-provided format, of:
    - a. Ownership of the physical address of the proposed marijuana establishment location, signed and dated within 60 calendar days before the days of application; or
    - b. Permission from the owner of the physical address of the proposed location for the marijuana establishment to operate a retail site, cultivation site, or manufacturing site, as applicable, at the physical address, signed, notarized, and dated within 60 calendar days before the days of application;
  4. A site plan drawn to scale of the proposed marijuana establishment location showing streets, property lines of the contiguous premises, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains;
5. A floor plan drawn to scale of the building of the proposed retail site, cultivation site, or manufacturing site, as applicable, showing the:
    - a. Layout and dimensions of each room;
    - b. Name and function of each room;
    - c. Location of each hand washing sink;
    - d. Location of each toilet room;
    - e. Means of egress;
    - f. Location of each video camera;
    - g. Location of each panic button; and
    - h. Location of natural and artificial lighting sources, as applicable;
  6. If requesting approval to prepare edible marijuana products, a copy of the marijuana establishment's license or permit of the location as a food establishment, issued under 9 A.A.C. 8, Article 1; and
  7. The applicable fee in R9-18-102 for applying for:
    - a. A change in location,
    - b. The addition of a cultivation site or manufacturing site, or
    - c. A change in approved activities at a location.
- D.** If the information and documents submitted by the marijuana establishment comply with A.R.S. Title 36, Chapter 28.2, and this Chapter, the Department shall issue an amended marijuana establishment license that includes the new address of the new location or amended approved activities, as applicable, and retains the expiration date of the previous marijuana establishment license.
- E.** An application to request any of the possible changes in subsection (A) may not be combined with an application for renewing a marijuana establishment license. A separate application is required for each change, and the Department shall process each application separately according to the applicable time-frame established in R9-18-103 and Table 1.1 Time-frames.
- F.** A marijuana establishment shall submit written notification to the Department when the marijuana establishment no longer uses a previously approved cultivation site or manufacturing site.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2).

**R9-18-307. Renewing a Marijuana Establishment License**

To renew a marijuana establishment license, a marijuana establishment that has an approval to operate a marijuana establishment issued by the Department shall submit to the Department, at least 30 calendar days before the expiration date of the marijuana establishment's current marijuana establishment license, the following:

1. An application in a Department-provided format that includes:
  - a. The legal name of the marijuana establishment,
  - b. The marijuana establishment license number for the marijuana establishment,
  - c. An attestation that the information provided to the Department to renew the marijuana establishment license is true and correct, and
  - d. The signature of each principal officer and each board member of the marijuana establishment according to R9-18-301 and the date signed; and
2. The license fee in R9-18-102 for applying to renew a marijuana establishment license.

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**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4).

**R9-18-308. Administration****A.** A marijuana establishment shall:

1. Ensure that the marijuana establishment's retail site is operating and available to provide marijuana and marijuana products to consumers:
  - a. At least 30 hours weekly between the hours of 7:00 a.m. and 10:00 p.m.; and
  - b. Within 18 months after receiving the marijuana establishment license;
2. Develop, document, and implement policies and procedures regarding:
  - a. Job descriptions and employment contracts, including:
    - i. Personnel duties, authority, responsibilities, and qualifications; and
    - ii. Supervision;
  - b. Training of marijuana facility agents, including the requirements of A.R.S. Title 36, Chapter 28.2, and this Chapter;
  - c. Inventory control, including:
    - i. Tracking;
    - ii. Packaging;
    - iii. Acquiring marijuana or marijuana products from a dispensary or another marijuana establishment;
    - iv. Providing marijuana or marijuana products to another marijuana establishment or a dispensary; and
    - v. Either:
      - (1) Providing samples of marijuana or marijuana products to a marijuana testing facility for testing; or
      - (2) Allowing a marijuana facility agent associated with a marijuana testing facility access to marijuana or marijuana product to collect samples;
  - d. For a marijuana establishment that received the marijuana establishment license under A.R.S. § 36-2854(A)(1)(f), how the marijuana establishment will provide a benefit to one or more communities disproportionately affected by the enforcement of Arizona's previous marijuana laws, such as through:
    - i. Specific hiring or interning practices; or
    - ii. Donation of a percentage of gross profits to one or more non-profit, community-based organizations, not affiliated directly or indirectly with the marijuana establishment, that focus on social or health inequities in a community; and
  - e. Advertising that comply with the requirements in A.R.S. § 36-2859;
3. Maintain copies of the policies and procedures at the marijuana establishment's retail site and provide copies to the Department for review upon request;
4. Review marijuana establishment policies and procedures at least once every 12 months from the issue date of the marijuana establishment license and update as needed;
5. Ensure that all principal officers, board members, employees and volunteers providing services for the marijuana establishment maintain valid marijuana facility agent licenses with the Department and that the marijuana facility agent licenses are linked to the marijuana establishment through the Department's electronic system;

6. Ensure that each marijuana facility agent has the marijuana facility agent's license in the marijuana facility agent's immediate possession when the marijuana facility agent is:
  - a. Working or providing volunteer services at the marijuana establishment's retail site or the marijuana establishment's cultivation site or manufacturing site, or
  - b. Transporting marijuana for the marijuana establishment;
7. Not allow an individual who does not possess a marijuana facility agent license or who does not meet the requirements in A.R.S. § 36-2855(E) to:
  - a. Serve as a principal officer or board member for the marijuana establishment,
  - b. Be employed by the marijuana establishment, or
  - c. Provide volunteer services at or on behalf of the marijuana establishment;
8. Provide written notice to the Department, including the date of the event, within 10 working days after the date, when a marijuana facility agent no longer:
  - a. Serves as a principal officer or board member for the marijuana establishment,
  - b. Is employed by the marijuana establishment, or
  - c. Provides volunteer services at or on behalf of the marijuana establishment;
9. Document and report any loss or theft of marijuana or a marijuana product from the marijuana establishment's retail site, cultivation site, or manufacturing site to the appropriate law enforcement agency;
10. Maintain copies of any documentation required in this Chapter for at least 12 months after the date on the documentation and provide copies of the documentation to the Department for review upon request; and
11. Post the following information in a place that can be viewed by individuals entering the marijuana establishment's retail site:
  - a. If applicable, the marijuana establishment's approval to operate;
  - b. The marijuana establishment license;
  - c. A sign in a Department-provided format that contains the following language:
    - i. "WARNING: There may be potential dangers to fetuses caused by smoking or ingesting marijuana while pregnant or to infants while breastfeeding," and
    - ii. "WARNING: Use of marijuana during pregnancy may result in a risk of being reported to the Department of Child Safety during pregnancy or at the birth of the child by persons who are required to report;" and
  - d. The hours of operation during which the marijuana establishment will sell or otherwise transfer marijuana or a marijuana product to a consumer.
- B.** If a marijuana establishment cultivates marijuana, the marijuana establishment shall cultivate the marijuana in a secure location according to R9-18-312.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 27 A.A.R. 897, effective June 1, 2021 (Supp. 21-2).

**R9-18-309. Selling or Otherwise Transferring Marijuana or a Marijuana Product**

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- A. Before a marijuana facility agent of a marijuana establishment sells or otherwise transfers marijuana or a marijuana product to a consumer, the marijuana facility agent shall:
  1. Verify the consumer's age through one of the documents in A.R.S. § 4-241(K);
  2. Make available the results of testing of the marijuana or marijuana product required in R9-18-311, if requested by the consumer; and
  3. Ensure that the amount of marijuana or marijuana product to be sold or otherwise transferred to the consumer does not exceed one ounce of marijuana, with not more than five grams being in the form of a marijuana concentrate.
- B. A marijuana establishment shall ensure that marijuana or a marijuana product provided by the marijuana establishment to a consumer is sold or otherwise transferred in a container made of material that will not react with or leach into the marijuana or marijuana product.
- C. A marijuana establishment shall ensure that any marijuana or marijuana products sold to a consumer meets the requirements in A.A.C. R9-17-317.01.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4).

**R9-18-310. Product Labeling and Packaging**

- A. A marijuana establishment shall ensure that marijuana or a marijuana product provided by the marijuana establishment's retail site to a consumer:
  1. Complies with packaging and labeling requirements in A.R.S. § 36-2860(A);
  2. Is labeled with:
    - a. The marijuana establishment license number;
    - b. The amount, strain, and batch number of the marijuana or marijuana product;
    - c. The form of the marijuana or marijuana product;
    - d. As applicable, the weight of the marijuana or marijuana product;
    - e. In compliance with Table 3.1 Analytes, the potency of the marijuana or marijuana product, based on the results of testing by a marijuana testing facility, including the number of milligrams per designated unit or percentage of:
      - i. Total tetrahydrocannabinol, reported according to R9-18-408(F)(2)(a);
      - ii. Total cannabidiol, reported according to R9-18-408(F)(2)(b); and
      - iii. Any other cannabinoid for which the marijuana establishment is making a claim related to the effect of the cannabinoid on the human body;
    - f. The following statement: "ARIZONA DEPARTMENT OF HEALTH SERVICES' WARNING: Marijuana use can be addictive and can impair an individual's ability to drive a motor vehicle or operate heavy machinery. Marijuana smoke contains carcinogens and can lead to an increased risk for cancer, tachycardia, hypertension, heart attack, and lung infection. KEEP OUT OF REACH OF CHILDREN";
    - g. If not cultivated by the marijuana establishment, whether the marijuana was obtained from another marijuana establishment or a dispensary;
    - h. If not infused or prepared for sale by the marijuana establishment, whether the marijuana product was obtained from another marijuana establishment or a dispensary;

- i. For a marijuana product, the ingredients in order of abundance; and
  - j. The date of manufacture, harvest, or sale; and
3. Is placed in child-resistant packaging on exit from the marijuana establishment.

- B. If a marijuana establishment provides marijuana cultivated, or a marijuana product infused or prepared for sale, by the marijuana establishment to another marijuana establishment or to a dispensary, the marijuana establishment shall ensure that:
  1. The marijuana or marijuana product is labeled with:
    - a. The marijuana establishment license number;
    - b. The amount, strain, and batch number of the marijuana or marijuana product; and
    - c. The date of harvest or sale; and
  2. A copy of results of testing by a marijuana testing facility for the marijuana or marijuana product is provided to the receiving marijuana establishment or dispensary.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2).

**R9-18-311. Analysis of Marijuana or a Marijuana Product**

- A. Before offering a batch of marijuana or of a marijuana product for sale or otherwise transferring marijuana or a marijuana product to a consumer, a marijuana establishment shall ensure that:
  1. Except as provided in subsection (A)(2), each batch of marijuana is tested in compliance with requirements in R9-18-408 and Table 3.1 Analytes; and
  2. Each batch of a marijuana product is tested according to requirements in R9-18-408 and Table 3.1 Analytes for, as applicable:
    - a. At least potency and microbial contaminants other than mycotoxins if the marijuana product was prepared from another marijuana product, such as a marijuana concentrate or tincture, that is in compliance with requirements in R9-18-408 and Table 3.1 Analytes, using none of the following:
      - i. A temperature above which any analyte could chemically decompose or react with a component of the marijuana product;
      - ii. A pressure above which any analyte could chemically decompose or react with a component of the marijuana product;
      - iii. A process by which any analyte in the marijuana product that is in compliance with requirements in R9-18-408 and Table 3.1 Analytes may be further concentrated; or
      - v. A solvent other than water; or
    - b. All analytes except ethanol if the marijuana product is intended to contain ethanol.
- B. A marijuana establishment shall ensure that:
  1. Until testing of the marijuana or marijuana product has been completed and testing results received by the marijuana establishment that comply with requirements in R9-18-408 and Table 3.1 Analytes, a batch of marijuana or of a marijuana product is stored in a location away from marijuana and marijuana products offered for sale or transfer;
  2. Only one sample of each batch of marijuana or marijuana product is collected according to ANSI/ASQ Standard Z1.4 (2018), General Inspection Level II, incorporated by reference, including no future editions, and available at <https://asq.org/quality-resources/z14-z19>, including:

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- a. Use, as applicable, of one of the following sampling methods:
    - i. Top, middle, and bottom sampling using a sample thief, a device consisting of two nested tubes with one or more aligned slots through which a sample may be collected and then sealed into the inner tube by rotating the outer tube;
    - ii. Star pattern sampling from the top, middle, and bottom of each storage container;
    - iii. Collecting discrete incremental units of a batch, such as every tenth unit or every twentieth drop; or
    - iv. Quartering until the sample reaches the size specified in subsection (B)(3); and
  - b. For sampling methods specified in subsections (B)(2)(a)(i) through (iii), quartering the volume of the aggregated portions collected to obtain the sample size specified in subsection (B)(3);
  3. The size of the sample provided to a marijuana testing facility is sufficient for testing and, if necessary, retesting;
  4. Each sample in subsection (B)(3) is packaged in a container made of:
    - a. The same material that would be used for sale or transfer, or
    - b. Another material that will not react with or leach into the sample;
  5. Each packaged sample is labeled with the:
    - a. The marijuana establishment's license number;
    - b. The amount, strain, and batch number of the marijuana or marijuana product;
    - c. The storage temperature for the marijuana or marijuana product; and
    - d. The date of sampling;
  6. A packaged sample in subsection (B)(4) is submitted to a marijuana testing facility that:
    - a. Has a marijuana testing facility license issued by the Department, and
    - b. Is approved for testing by the Department for each analyte for which testing is being requested;
  7. Except as specified in subsections (A)(2) and (C)(1) or (3)(b), as applicable, the samples in subsection (B)(4) are tested for each analyte specified in Table 3.1 Analytes by a marijuana testing facility that is approved by the Department for testing the analyte;
  8. Only batches of marijuana or marijuana products for which testing results in subsection (B)(7) are in compliance with the requirements in R9-18-408 and Table 3.1 Analytes are offered for sale or transfer; and
  9. Except as provided in subsection (C), any batch of marijuana or marijuana product that does not comply with the requirements in R9-18-408 and Table 3.1 Analytes is remediated, if applicable, or destroyed according to policies and procedures.
- C.** If a marijuana establishment receives a final report of testing, specified in R9-18-410(B)(3), from a marijuana testing facility that indicates that a batch of marijuana or marijuana product does not comply with the requirements in R9-18-408 and Table 3.1 Analytes, the marijuana establishment:
1. Within seven days after receiving the final report of testing, may request retesting of the remaining portion of the sample in subsection (B)(4) for all analytes that do not comply with the requirements in R9-18-408 and Table 3.1 Analytes by a second, independent marijuana testing facility that is approved by the Department for testing the analytes;
  2. If the final report of testing from the second, independent marijuana testing facility indicates that any analyte tested for according to subsection (C)(1) does not comply with the requirements in R9-18-408 and Table 3.1 Analytes, shall remediate, if applicable, or destroy the batch of marijuana or marijuana product according to policies and procedures;
  3. If the final report of testing from the second, independent marijuana testing facility indicates that all analytes tested for according to subsection (C)(1) comply with the requirements in R9-18-408 and Table 3.1 Analytes:
    - a. Shall ensure that the batch of marijuana or marijuana product is not offered for sale or transfer; and
    - b. May request retesting of the remaining portion of the sample in subsection (B)(4) for the analytes that do not comply with the requirements in R9-18-408 and Table 3.1 Analytes by a third, independent marijuana testing facility that is approved by the Department for testing the analytes; and
  4. If the marijuana establishment requested retesting of the remaining portion of the sample in subsection (B)(4) for an analyte by a third, independent marijuana testing facility according to subsection (C)(3)(b):
    - a. If the final report of testing from the third, independent marijuana testing facility indicates that the analyte tested for according to subsection (C)(3) complies with the requirements in R9-18-408 and Table 3.1 Analytes, may offer the batch of marijuana or marijuana product for sale or transfer; and
    - b. If the final report of testing from the third, independent marijuana testing facility indicates that an analyte tested for according to subsection (C)(3) does not comply with the requirements in R9-18-408 and Table 3.1 Analytes, shall remediate, if applicable, or destroy the batch of marijuana or marijuana product according to policies and procedures.
- D.** A marijuana establishment shall ensure that remediation of a batch of marijuana or of a marijuana product that has undergone testing and does not comply with the requirements in R9-18-408 and Table 3.1 Analytes:
1. Is performed according to policies and procedures,
  2. Uses a method that is appropriate to address an analyte not in compliance with Table 3.1 Analytes, and
  3. Does not introduce or produce a substance in a concentration that is known to be harmful to humans.
- E.** If a batch of marijuana or a marijuana product is remediated, a marijuana establishment shall submit samples from the remediated batch for testing according to subsection (B).
- F.** A marijuana establishment shall provide to the Department upon request a sample of the marijuana establishment's inventory of marijuana or a marijuana product of sufficient quantity to enable the Department to conduct an analysis of the marijuana or marijuana product.

**Historical Note**

Section reserved by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2).

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**Table 3.1 Analytes**

Key:

CAS Number = Chemical Abstract Services Registry number

CFU = Colony-forming unit, a method to estimate the number of viable bacteria or fungal cells in a sample

\* = Required for marijuana products only

<b>A. Microbial Contaminants</b>		
<b>Analyte</b>	<b>Maximum Allowable Contaminants</b>	<b>Required Action</b>
<i>Escherichia coli</i>	100 CFU/g	Remediate and retest, or Destroy
<i>Salmonella spp.</i>	Detectable in 1 gram	Destroy
Mycotoxins: Aflatoxin B1, B2, G1, and G2 Ochratoxin A	Marijuana product, except a marijuana product intended for topical application, prepared from an extract or concentrate of marijuana: 20 µg/kg (ppb) of total aflatoxins 20 µg/kg (ppb) of ochratoxin	Destroy

<b>B. Heavy Metals</b>		
<b>Analyte</b>	<b>Maximum Allowable Contaminants</b>	<b>Required Action</b>
Arsenic	0.4 ppm	Remediate and retest, or Destroy
Cadmium	0.4 ppm	
Lead	1.0 ppm	
Mercury	1.2 ppm	

<b>C. *Residual Solvents</b>			
<b>Analyte</b>	<b>CAS Number</b>	<b>Maximum Allowable Concentration</b>	<b>Required Action</b>
Acetone	67-64-1	1,000 ppm	Remediate and retest, or Destroy
Acetonitrile	75-05-8	410 ppm	
Benzene	71-43-2	2 ppm	
Butanes (measured as the cumulative residue of n-butane and iso-butane)	106-97-8 and 75-28-5, respectively	5,000 ppm	
Chloroform	67-66-3	60 ppm	
Dichloromethane	75-09-2	600 ppm	
Ethanol	64-17-5	5,000 ppm	
Ethyl Acetate	141-78-6	5,000 ppm	
Ethyl Ether	60-29-7	5,000 ppm	
Heptane	142-82-5	5,000 ppm	
Hexanes (measured as the cumulative residue of n-hexane, 2-methylpentane, 3-methylpentane, 2,2-dimethylbutane, and 2,3-dimethylbutane)	110-54-3, 107-83-5, 96-14-0, 75-83-2, and 79-29-8, respectively	290 ppm	
Isopropyl Acetate	108-21-4	5,000 ppm	
Methanol	67-56-1	3,000 ppm	
Pentanes (measured as the cumulative residue of n-pentane, iso-pentane, and neo-pentane)	109-66-0, 78-78-4, and 463-82-1, respectively	5,000 ppm	
2-Propanol (IPA)	67-63-0	5,000 ppm	
Propane	74-98-6	5,000 ppm	
Toluene	108-88-3	890 ppm	
Xylenes (measured as the cumulative residue of 1,2-dimethylbenzene, 1,3-dimethylbenzene, and 1,4-dimethylbenzene, and the non-xylene, ethyl benzene)	1330-20-7 (95-47-6, 108-38-3, and 106-42-3, respectively, and 100-41-4)	2,170 ppm	

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<b>D. Pesticides, Fungicides, Growth Regulators</b>			
<b>Analyte</b>	<b>CAS Number</b>	<b>Maximum Allowable Concentration</b>	<b>Required Action</b>
Abamectin	71751-41-2	0.5 ppm	Remediate and retest, or Destroy
Acephate	30560-19-1	0.4 ppm	
Acequinocyl	57960-19-7	2.0 ppm	
Acetamiprid	135410-20-7	0.2 ppm	
Aldicarb	116-06-3	0.4 ppm	
Azoxystrobin	131860-33-8	0.2 ppm	
Bifenazate	149877-41-8	0.2 ppm	
Bifenthrin	82657-04-3	0.2 ppm	
Boscalid	188425-85-6	0.4 ppm	
Carbaryl	63-25-2	0.2 ppm	
Carbofuran	1563-66-2	0.2 ppm	
Chlorantraniliprole	500008-45-7	0.2 ppm	
Chlorfenapyr	122453-73-0	1.0 ppm	
Chlorpyrifos	2921-88-2	0.2 ppm	
Clofentezine	74115-24-5	0.2 ppm	
Cyfluthrin	68359-37-5	1.0 ppm	
Cypermethrin	52315-07-8	1.0 ppm	
Daminozide	1596-84-5	1.0 ppm	
DDVP (Dichlorvos)	62-73-7	0.1 ppm	
Diazinon	333-41-5	0.2 ppm	
Dimethoate	60-51-5	0.2 ppm	
Ethoprophos	13194-48-4	0.2 ppm	
Etofenprox	80844-07-1	0.4 ppm	
Etoxazole	153233-91-1	0.2 ppm	
Fenoxycarb	72490-01-8	0.2 ppm	
Fenpyroximate	134098-61-6	0.4 ppm	
Fipronil	120068-37-3	0.4 ppm	
Flonicamid	158062-67-0	1.0 ppm	
Fludioxonil	131341-86-1	0.4 ppm	
Hexythiazox	78587-05-0	1.0 ppm	
Imazalil	35554-44-0	0.2 ppm	
Imidacloprid	138261-41-3	0.4 ppm	
Kresoxim-methyl	143390-89-0	0.4 ppm	
Malathion	121-75-5	0.2 ppm	
Metalaxyl	57837-19-1	0.2 ppm	
Methiocarb	2032-65-7	0.2 ppm	
Methomyl	16752-77-5	0.4 ppm	
Myclobutanil	88671-89-0	0.2 ppm	
Naled	300-76-5	0.5 ppm	
Oxamyl	23135-22-0	1.0 ppm	
Paclobutrazol	76738-62-0	0.4 ppm	



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Permethrins (measured as the cumulative residue of cis- and trans- isomers)	52645-53-1 (54774-45-7 and 51877-74-8)	0.2 ppm
Phosmet	732-11-6	0.2 ppm
Piperonyl_butoxide	51-03-6	2.0 ppm
Prallethrin	23031-36-9	0.2 ppm
Propiconazole	60207-90-1	0.4 ppm
Propoxur	114-26-1	0.2 ppm
Pyrethrins (measured as the cumulative residue of pyrethrin 1, cinerin 1 and jas-molin 1)	8003-34-7 (121-21-1, 25402-06-6, and 4466-14-2)	1.0 ppm
Pyridaben	96489-71-3	0.2 ppm
Spinosad	168316-95-8	0.2 ppm
Spiromesifen	283594-90-1	0.2 ppm
Spirotetramat	203313-25-1	0.2 ppm
Spiroxamine	118134-30-8	0.4 ppm
Tebuconazole	107534-96-3	0.4 ppm
Thiacloprid	111988-49-9	0.2 ppm
Thiamethoxam	153719-23-4	0.2 ppm
Trifloxystrobin	141517-21-7	0.2 ppm

E. Potency		
Analyte	Labeling	Required Action
Tetrahydrocannabinolic acid (THC-A)	Label claim is not within +/- 20% of tested value	Revise label as necessary
Delta-9-tetrahydrocannabinol ( $\Delta$ 9-THC)		
Cannabidiolic acid (CBD-A)		
Cannabidiol (CBD)		

**Historical Note**

New Table 3.1 Analytes made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2).

**R9-18-312. Security**

- A.** A marijuana establishment shall ensure that, if the marijuana establishment cultivates marijuana:
1. If cultivation takes place indoors, the marijuana is cultivated in a closed, locked room; and
  2. If cultivation takes place outdoors, the location:
    - a. Is surrounded by solid, 10-foot walls that are constructed of metal, concrete, or stone that prevent viewing of the marijuana plants; and
    - b. Has a one-inch thick metal gate.
- B.** A marijuana establishment shall ensure that access to the marijuana establishment's cultivation site or manufacturing site or to the portion of the marijuana establishment's retail site where marijuana is cultivated, processed, manufactured, or stored is limited to the marijuana establishment's principal officers, board members, and authorized marijuana facility agents, unless the individual is supervised by a marijuana facility agent associated with the marijuana establishment.
- C.** A marijuana facility agent may transport marijuana, marijuana plants, marijuana products, and marijuana paraphernalia between the marijuana establishment and:
1. The marijuana establishment's cultivation site or manufacturing site,
  2. Another marijuana establishment,
  3. A dispensary, and
4. A marijuana testing facility that has a marijuana testing facility license issued by the Department.
- D.** Before transportation, a marijuana facility agent of a marijuana establishment shall:
1. Complete a trip plan that includes:
    - a. The name of the marijuana facility agent in charge of transporting the marijuana;
    - b. The date and start time of the trip;
    - c. A description of the marijuana, marijuana plants, marijuana products, or marijuana paraphernalia being transported;
    - d. Any anticipated stops during the trip, including the locations of the stop; and
    - e. The anticipated route of transportation; and
  2. Provide a copy of the trip plan in subsection (D)(1) to the marijuana establishment.
- E.** During transportation, a marijuana facility agent shall:
1. Carry a copy of the trip plan in subsection (D)(1) with the marijuana facility agent for the duration of the trip;
  2. Use a vehicle:
    - a. Without any marijuana identification,
    - b. Equipped with a global positioning system or other means of tracking the location of the vehicle,
    - c. With operational video surveillance and recording equipment that is turned on for the duration of a trip, and

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- d. With a locked compartment in which any marijuana or marijuana products being transported may be stored during a trip;
  - 3. Have a means of communication with the marijuana establishment;
  - 4. Note the arrival and departure time for each stop; and
  - 5. Ensure that the marijuana, marijuana plants, marijuana products, or marijuana paraphernalia are not visible.
  - F. After transportation, a marijuana facility agent shall enter the end time of the trip and any changes to the trip plan on the trip plan required in subsection (D)(1).
  - G. A marijuana establishment shall:
    - 1. Maintain the documents required in subsection (D)(2) and (F) for at least two years after the date of the documentation;
    - 2. If transporting a sample to a marijuana testing facility for testing, provide a copy of the trip plan in subsection (D)(1) to the marijuana testing facility; and
    - 3. Provide a copy of the documents required in subsection (D)(2) and (F) to the Department for review upon request.
  - H. A marijuana establishment shall not transport marijuana, marijuana plants, marijuana products, or marijuana paraphernalia to a consumer.
  - I. To prevent unauthorized access to marijuana or a marijuana product at the marijuana establishment's retail site and, if applicable, the marijuana establishment's cultivation site or manufacturing site, the marijuana establishment shall have the following:
    - 1. Security equipment to deter and prevent unauthorized entrance into limited access areas that include:
      - a. Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular, private radio signals, or other mechanical or electronic device;
      - b. Exterior lighting to facilitate surveillance;
      - c. Electronic monitoring including:
        - i. At least one 19-inch or greater call-up monitor;
        - ii. A printer capable of immediately producing a clear still photo from any video camera image;
        - iii. Video cameras:
          - (1) Providing coverage of all entrances to and exits from limited access areas and all entrances to and exits from the building, capable of identifying any activity occurring in or adjacent to the building; and
          - (2) Having a recording resolution of at least 704 x 480 or the equivalent;
        - iv. A video camera at each point of sale location allowing for the identification of any consumer purchasing marijuana or a marijuana product;
        - v. A video camera in each grow room capable of identifying any activity occurring within the grow room in low light conditions;
        - vi. Storage of video recordings from the video cameras for at least 30 calendar days;
        - vii. A failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system; and
        - viii. Sufficient battery backup for video cameras and recording equipment to support at least five minutes of recording in the event of a power outage; and
      - d. Panic buttons in the interior of each building; and
    - 2. Policies and procedures:
      - a. That deter unauthorized removal of marijuana or marijuana products from the premises, including:
        - i. Restricting access to the areas of the marijuana establishment's retail site where marijuana is cultivated, processed or stored and, if applicable, the marijuana establishment's cultivation site or manufacturing site; and
        - ii. Ensuring that an individual other than a principal officer, board member, or marijuana facility agent associated with the marijuana facility is supervised by a marijuana facility agent associated with the marijuana establishment when in an area specified in subsection (I)(2)(a)(i);
      - b. That provide for the identification of authorized individuals;
      - c. That prevent loitering;
      - d. For conducting electronic monitoring; and
      - e. For the use of a panic button.
- Historical Note**  
New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2).
- R9-18-313. Edible Food Products**
- A. A marijuana establishment that prepares, sells, or otherwise transfers marijuana-infused edible food products shall:
    - 1. Before preparing, selling, or otherwise transferring a marijuana-infused edible food product obtain a license or permit as a food establishment under 9 A.A.C. 8, Article 1;
    - 2. If the marijuana establishment prepares the marijuana-infused edible food products, ensure that the marijuana-infused edible food products are prepared according to the applicable requirements in 9 A.A.C. 8, Article 1;
    - 3. If the marijuana-infused edible food products are not prepared at the marijuana establishment, ensure that the other marijuana establishment or dispensary that prepares the marijuana-infused edible products for the marijuana establishment has a current license or permit as a food establishment under 9 A.A.C. 8, Article 1, to prepare marijuana-infused edible food products; and
    - 4. If a marijuana establishment sells or otherwise transfers marijuana-infused edible food products, ensure that the marijuana-infused edible food products:
      - a. Are sold or otherwise transferred according to applicable requirements in 9 A.A.C. 8, Article 1;
      - b. In compliance with A.R.S. § 36-2854(A)(7), contain no more total tetrahydrocannabinol than:
        - i. 10 mg of per serving; or
        - ii. 100 mg per package; and
      - c. If packaged as more than one serving, are:
        - i. Scored or otherwise delineated into standard serving size, and
        - ii. Of homogeneous consistency to ensure uniform disbursement of total tetrahydrocannabinol throughout the edible food product.
  - B. A marijuana establishment is responsible for the content and quality of any edible food product sold or dispensed by the marijuana establishment.
- Historical Note**  
New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4).
- R9-18-314. Cleaning and Sanitation**
- A. A marijuana establishment shall ensure that:

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1. Any building or equipment used by a marijuana establishment for the cultivation, harvest, preparation, packaging, storage, infusion, or sale of marijuana or marijuana products is maintained in a clean and sanitary condition;
  2. Marijuana or marijuana products, in the process of production, preparation, manufacture, packing, storage, sale, distribution, or transportation, are protected from flies, dust, dirt, and all other contamination;
  3. Refuse or waste products incident to the manufacture, preparation, packing, selling, distributing, or transportation of marijuana or marijuana products are removed from the building used as a marijuana establishment's retail site and, if applicable, a building at the marijuana establishment's cultivation site or manufacturing site at least once every 24 hours or more often as necessary to maintain a clean condition;
  4. All trucks, trays, buckets, other receptacles, platforms, racks, tables, shelves, knives, saws, cleavers, other utensils, or the machinery used in moving, handling, cutting, chopping, mixing, canning, packaging, or other processes are cleaned daily;
  5. Any equipment used in the preparation of marijuana products is clean, in good repair, and, if applicable, calibrated according to the manufacturer's recommendations;
  6. Any supplies used in the preparation of marijuana products, including flammable or volatile chemicals, are stored in a manner to avoid a hazardous condition from occurring; and
  7. All stored marijuana products are securely covered.
- B.** A marijuana establishment shall ensure that a marijuana facility agent at the marijuana establishment or the marijuana establishment's cultivation site or manufacturing site:
1. Cleans the marijuana facility agent's hands and exposed portions of the marijuana facility agent's arms in a hand washing sink:
    - a. Before preparing marijuana or marijuana products, including working with food, equipment, and utensils;
    - b. During preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks;
    - c. After handling soiled equipment or utensils;
    - d. After touching bare human body parts other than the marijuana facility agent's clean hands and exposed portions of arms; and
    - e. After using the toilet room;
  2. If working directly with the preparation of marijuana or the infusion of marijuana into non-edible products:
    - a. Keeps the marijuana facility agent's fingernails trimmed, filed, and maintained so that the edges and surfaces are cleanable;
    - b. Unless wearing intact gloves in good repair, does not have fingernail polish or artificial fingernails on the marijuana facility agent's fingernails; and
    - c. Wears protective apparel such as coats, aprons, gowns, or gloves to prevent contamination;
  3. Wears clean clothing appropriate to assigned tasks;
  4. Reports to the marijuana establishment, according to policies and procedures, any health condition experienced by the marijuana facility agent that may adversely affect the safety or quality of any marijuana or marijuana products with which the marijuana facility agent may come into contact; and
  5. If, according to the marijuana establishment's policies and procedures, a marijuana facility agent has a health condition that may adversely affect the safety or quality

of the marijuana or marijuana products, the marijuana facility agent is prohibited from direct contact with any marijuana, marijuana products, or equipment or materials for processing marijuana or manufacturing marijuana products until the marijuana facility agent's health condition will not adversely affect the medical marijuana or marijuana products.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4).

**R9-18-315. Physical Plant**

- A.** A marijuana establishment shall ensure that the licensed premises are maintained free from hazards.
- B.** A marijuana establishment shall provide onsite parking or parking adjacent to the building used as the marijuana establishment's retail site.
- C.** A building used as a marijuana establishment's retail site or the location used as a marijuana establishment's cultivation site or manufacturing site shall have:
1. At least one toilet room;
  2. Each toilet room shall contain:
    - a. A flushable toilet;
    - b. Mounted toilet tissue;
    - c. A sink with running water;
    - d. Soap contained in a dispenser; and
    - e. Disposable, single-use paper towels in a mounted dispenser or a mechanical air hand dryer;
  3. At least one hand washing sink not located in a toilet room;
  4. Designated storage areas for marijuana or materials used in direct contact with marijuana, separate from storage areas for toxic or flammable materials; and
  5. If preparation or packaging of marijuana is done in the building, a designated area for the preparation or packaging that:
    - a. Includes work space that can be sanitized, and
    - b. Is only used for the preparation or packaging of marijuana.
- D.** For each commercial device used at a marijuana establishment retail site, cultivation site, or manufacturing site, the marijuana establishment shall:
1. Ensure that the commercial device is licensed or certified pursuant to A.R.S. § 3-3451,
  2. Maintain documentation of the commercial device's license or certification, and
  3. Provide a copy of the commercial device's license or certification to the Department for review upon request.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4).

**R9-18-316. Denial, Suspension, or Revocation of a Marijuana Establishment License**

- A.** The Department shall deny an application for a marijuana establishment license or a renewal if:
1. A principal officer or board member:
    - a. Has been convicted of an excluded felony offense, or
    - b. Is under 21 years of age; or
  2. The application or the marijuana establishment does not comply with the requirements in A.R.S. Title 36, Chapter 28.2, and this Chapter.
- B.** The Department may deny an application for or renewal of a marijuana establishment license if a principal officer or board

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member of the marijuana establishment provides false or misleading information to the Department.

- C. The Department may suspend or revoke a marijuana establishment license if:
1. The marijuana establishment:
    - a. Provides false or misleading information to the Department;
    - b. Operates before obtaining approval to operate a marijuana establishment from the Department;
    - c. Diverts marijuana to an individual who or entity that is not allowed to possess marijuana, pursuant to A.R.S. Title 36, Chapter 28.1 or 28.2; or
    - d. Acquires marijuana from an individual who or entity that is not allowed to possess marijuana, pursuant to A.R.S. Title 36, Chapter 28.1 or 28.2;
  2. A principal officer or board member:
    - a. Has been convicted of an excluded felony offense, or
    - b. Provides false or misleading information to the Department; or
  3. The marijuana establishment does not:
    - a. Comply with the requirements in A.R.S. Title 36, Chapter 28.2, and this Chapter; or
    - b. Implement the policies and procedures or comply with the statements provided to the Department with the marijuana establishment's application.
- D. If the Department denies a marijuana establishment license application, the Department shall provide notice to the applicant that includes:
1. The specific reason or reasons for the denial, and
  2. All other information required by A.R.S. § 41-1076.
- E. If the Department suspends or revokes a marijuana establishment license, the Department shall provide notice to the marijuana establishment that includes:
1. The specific reason or reasons for the suspension or revocation; and
  2. The process for requesting a review of the Department's decision pursuant to A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4).

**ARTICLE 4. MARIJUANA TESTING FACILITIES****R9-18-401. Owner**

- A. For the purposes of this Article the following individuals are considered owners:
1. If an individual is applying for a marijuana testing facility license, the individual;
  2. If a corporation is applying for a marijuana testing facility license, two individuals who are officers of the corporation;
  3. If a partnership is applying for a marijuana testing facility license, two of the individuals who are partners;
  4. If a limited liability company is applying for a marijuana testing facility license, a manager or, if the limited liability company does not have a manager, an individual who is a member of the limited liability company;
  5. If an association or cooperative is applying for a marijuana testing facility license, two individuals who are members of the governing board of the association or cooperative; and
  6. If a business organization type other than those described in subsections (A)(2) through (5) is applying for a marijuana testing facility license, two individuals who are members of the business organization.

- B. When a marijuana testing facility is required by this Chapter to provide information, sign documents, or ensure actions are taken, the individual or individuals in subsection (A) shall comply with the requirement on behalf of the marijuana testing facility.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2).

**R9-18-402. Applying for a Marijuana Testing Facility License**

- A. To apply for a marijuana testing facility license, an applicant that does not have a current laboratory registration certificate issued under 9 A.A.C. 17, Article 4, shall submit to the Department the following:
1. An application in a Department-provided format that includes:
    - a. The following information for the applicant:
      - i. The legal name of the proposed marijuana testing facility,
      - ii. Type of business organization,
      - iii. Arizona mailing address,
      - iv. Telephone number, and
      - v. E-mail address;
    - b. The physical address of the proposed marijuana testing facility;
    - c. The county in which the proposed marijuana testing facility is located;
    - d. For a business organization that is not a publicly traded corporation, the name, residence address, and date of birth of each owner;
    - e. For a business organization that is a publicly traded corporation, the name, residence address, and date of birth of each owner who is entitled to 10% or more of the profits of the proposed marijuana testing facility;
    - f. The name, residence address, and date of birth of the technical laboratory director designated according to R9-18-405(3);
    - g. Whether the applicant agrees to allow the Department to submit supplemental requests for information;
    - h. A statement that, if the applicant is issued a marijuana testing facility license, the marijuana testing facility will not begin testing marijuana pursuant to R9-18-311 until the marijuana testing facility has been inspected and issued an approval for testing by the Department;
    - i. An attestation that the applicant understands and will comply with the requirements in A.R.S. Title 36, Chapter 28.2 and this Chapter;
    - j. An attestation that the information provided to the Department to apply for a marijuana testing facility license is true and correct; and
    - k. The signatures of the owner of the proposed marijuana testing facility, according to R9-18-401(A), and the technical laboratory director and the date each signed;
  2. Policies and procedures that comply with the requirements in this Chapter that contain:
    - a. Inventory control;
    - b. A chain of custody and sample requirement process;
    - c. A records retention process;
    - d. A secure method to transfer the portion of a sample remaining after testing to another marijuana testing

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- facility with an approval for testing issued by the Department:
- i. For testing of parameters or analytes that the marijuana testing facility receiving the sample from a marijuana establishment is not approved by the Department to conduct, or
  - ii. For retesting at the request of a marijuana establishment according to R9-18-311(C);
- e. Security; and
  - f. A process for disposal of marijuana or marijuana products that are submitted to the marijuana testing facility for testing;
3. If the applicant is one of the business organizations in R9-18-401(A)(2) through (6), a copy of the business organization's articles of incorporation, articles of organization, or partnership documents that include:
    - a. The name of the business organization,
    - b. The type of business organization, and
    - c. The names and titles of the individuals in R9-18-401(A);
  4. A statement, in a Department-provided format, signed and dated within 60 calendar days before the date of the application by a representative of the local jurisdiction:
    - a. Certifying that the proposed marijuana testing facility is in compliance with any local zoning restrictions; and
    - b. Including:
      - i. Information identifying the local jurisdiction and the local jurisdiction's representative,
      - ii. The legal name of the proposed marijuana testing facility, and
      - iii. The physical address of the proposed marijuana testing facility as specified according to subsection (A)(1)(b);
  5. A copy of documentation issued by the local jurisdiction to the applicant authorizing occupancy of the building as a marijuana testing facility, such as a certificate of occupancy, a special use permit, or a conditional use permit;
  6. A site plan drawn to scale of the location of the proposed marijuana testing facility showing streets, property lines of the contiguous premises, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains;
  7. A building plan drawn to scale of the building where the proposed marijuana testing facility is located showing the:
    - a. Layout and dimensions of each room;
    - b. Name and function of each room;
    - c. Fire ratings of the materials used for ceilings, walls, doors, and floors of rooms used to store flammable substances;
    - d. Location of each fire protection device;
    - e. Layout of heating, air conditioning, exhaust, and ventilation systems;
    - f. Location and layout of refrigerated rooms or freezer rooms;
    - g. Location of each sink, safety shower, other water supply, or plumbing fixture;
    - h. Location of fixed or movable equipment and instruments that require dedicated electrical, water, vacuum, gas, or other building systems;
    - i. Location of security measures or equipment to protect from diversion of marijuana or marijuana products; and
    - j. Means of egress;
  8. Documentation of accreditation of the location specified according to subsection (A)(1)(b) for which the applicant is applying for a marijuana testing facility license;
  9. The applicant's Transaction Privilege Tax Number issued by the Arizona Department of Revenue, if applicable; and
  10. The fee in R9-18-102 for applying for a marijuana testing facility license.
- B.** An entity holding a valid laboratory registration certificate issued by the Department under 9 A.A.C. 17, Article 4, may apply for an initial marijuana testing facility license by electronically submitting to the Department, in a Department-provided format:
    1. An attestation from each owner listed according to subsection (A)(1)(d) approving the application for a marijuana testing facility license;
    2. The license number on the applicant's laboratory registration certificate; and
    3. The applicable fee in R9-18-102 for applying for a marijuana testing facility license.
  - C.** A change in location of the marijuana testing facility's physical address or ownership requires a new application to be submitted according to subsection (A).
  - D.** A separate marijuana testing facility license is required for each noncontiguous portion of a marijuana testing facility.
  - E.** A marijuana testing facility license is valid for two years after the original date of issuance.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2).

**R9-18-403. Applying for Approval for Testing**

- A.** Except as provided in subsection (C), to apply for approval for testing, an applicant shall submit to the Department, at least 60 calendar days before the expiration of the applicant's initial marijuana testing facility license, the following:
  1. An application in a Department-provided format that includes:
    - a. The name and license number of the marijuana testing facility;
    - b. The physical address of the marijuana testing facility;
    - c. The name of the applicant;
    - d. The name of the technical laboratory director designated according to R9-18-405(3);
    - e. For each parameter for which approval for testing is being requested:
      - i. The analyte to be tested for,
      - ii. The instruments and equipment to be used for testing, and
      - iii. The software to be used at the marijuana testing facility for instrument control and data reduction interpretation;
    - f. The marijuana testing facility's proposed hours of operation;
    - g. Whether the marijuana testing facility agrees to allow the Department to submit supplemental requests for information;
    - h. Whether the marijuana testing facility is ready for an inspection by the Department;
    - i. If the marijuana testing facility is not ready for an inspection by the Department, the date the marijuana testing facility will be ready for an inspection by the Department;
    - j. An attestation that the information provided to the Department to apply for approval for testing is true and correct; and

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- k. The signatures of the owner of the marijuana testing facility, according to R9-18-401(A), and the technical laboratory director and the date each signed;
    2. For each parameter and analyte listed according to subsection (A)(1)(e):
      - a. The limit of quantitation;
      - b. A copy of a proficiency testing report, if applicable, or accuracy testing documentation; and
      - c. A copy of the standard operating procedure;
    3. Policies and procedures that comply with the requirements in this Chapter that include:
      - a. A quality assurance program and standards,
      - b. A process to ensure marijuana or marijuana products testing results are accurate, precise, and scientifically valid before reporting the results; and
      - c. A process to compile testing results into a single report to be provided to a marijuana establishment; and
    4. If different from the building plan submitted according to R9-18-402(A)(7), a building plan drawn to scale of the building where the marijuana testing facility is located showing the:
      - a. Layout and dimensions of each room;
      - b. Name and function of each room;
      - c. Fire ratings of the materials used for ceilings, walls, doors, and floors of rooms used to store flammable substances;
      - d. Location of each fire protection device;
      - e. Layout of heating, air conditioning, exhaust, and ventilation systems;
      - f. Location and layout of refrigerated rooms or freezer rooms;
      - g. Location of each sink, safety shower, other water supply, or plumbing fixture;
      - h. Location of fixed or movable equipment and instruments that require dedicated electrical, water, vacuum, gas, or other building systems;
      - i. Location of security equipment to protect from diversion of marijuana or marijuana products; and
      - j. Means of egress.
  - B. The Department shall process, as provided in R9-18-103, a request submitted according to subsection (A) for approval to test.
  - C. If an entity receives a marijuana testing facility license according to R9-18-402(B), the entity may begin testing marijuana pursuant to R9-18-311 for any parameters for which the Department has given the entity an approval for testing under A.A.C. R9-17-402.01.
  - D. A marijuana testing facility's approval for testing shall have the same expiration date as the marijuana testing facility license associated with the marijuana testing facility's approval to test.
- c. The name of each owner;
  - d. The name of the technical laboratory director designated according to R9-18-405(3);
  - e. Whether the marijuana testing facility agrees to allow the Department to submit supplemental requests for information;
  - f. An attestation that the information provided to the Department to renew the marijuana testing facility license is true and correct; and
  - g. The signatures of the owner of the marijuana testing facility, according to R9-18-401(A), and the technical laboratory director and the date each signed;
  2. For each current parameter and analyte, documentation of current accreditation;
  3. If a change has been made to the standard operating procedure for a current parameter, a copy of the revised standard operating procedure;
  4. If a change has been made in the quality assurance plan, required in R9-18-409(B), for a current parameter, a copy of the revised quality assurance plan; and
  5. The fee in R9-18-102 for applying to renew a marijuana testing facility license.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2).

**R9-18-405. Administration**

An owner of a marijuana testing facility shall:

1. Comply with the:
  - a. Quality assurance requirements in R9-18-409,
  - b. Operation requirements in R9-18-410, and
  - c. Laboratory records and reports requirements in R9-18-410(B) and (C);
2. Maintain accreditation for each approved parameter and analyte;
3. Designate in writing a technical laboratory director who:
  - a. Has knowledge and experience in overseeing a marijuana testing facility as documented by:
    - i. A doctoral degree in chemistry, biochemistry, microbiology, or a similar laboratory science;
    - ii. A master's degree in chemistry, biochemistry, microbiology, or a similar laboratory science and at least two years of experience working in a laboratory and providing testing; or
    - iii. A bachelor's degree in chemistry, biochemistry, microbiology, or a similar laboratory science and at least four years of experience working in a laboratory and providing testing; and
  - b. Is responsible for:
    - i. Ensuring that all services and tests provided by the marijuana testing facility are performed in compliance with the requirements in this Article;
    - ii. Directing and supervising services and tests provided by the marijuana testing facility;
    - iii. Overseeing the work of all personnel in the marijuana testing facility;
    - iv. Providing ongoing training to marijuana facility agents, as applicable to the functions performed by a marijuana facility agent; and
    - v. Ensuring safety and hazardous substance control in the marijuana testing facility;
4. Notify the Department in writing within 20 business working days after any change in the technical laboratory director, providing the name and contact information for the new technical laboratory director;

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2).

**R9-18-404. Renewing a Marijuana Testing Facility License**

To renew a marijuana testing facility license, an applicant shall submit to the Department, at least 30 calendar days before the expiration date of the current marijuana testing facility license, but no more than 90 days before the expiration date of the current marijuana testing facility license, the following:

1. An application in a Department-provided format that includes:
  - a. The legal name of the marijuana testing facility;
  - b. The marijuana testing facility license number;

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5. Develop, document, and implement policies and procedures regarding:
  - a. Job descriptions and employment contracts, including:
    - i. Personnel duties, authority, responsibilities, and qualifications;
    - ii. Personnel supervision;
    - iii. Ongoing training, applicable to the functions performed by a marijuana facility agent;
    - iv. Training in and adherence to confidentiality requirements;
    - v. Periodic performance evaluations, including proficiency testing or accuracy testing, as applicable, on a rotating basis among all marijuana facility agent performing similar functions; and
    - vi. Disciplinary actions;
  - b. Business records, such as manual or computerized records of assets and liabilities, monetary transactions, journals, ledgers, and supporting documents, including agreements, checks, invoices, and vouchers;
  - c. Inventory control, including:
    - i. Tracking;
    - ii. Accepting marijuana or marijuana products for testing;
    - iii. Transferring a portion of a sample to another marijuana testing facility for testing of parameters or analytes that the marijuana testing facility is not approved by the Department to conduct;
    - iv. Testing marijuana and marijuana products;
    - v. Providing the remaining sample of tested marijuana or a marijuana product to another marijuana testing facility with an approval for testing issued by the Department at the request of a marijuana establishment according to R9-18-311(C);
    - vi. Retaining the residual portion of a sample accepted for testing from a marijuana establishment for at least 14 days after sending the final report of testing required in R9-18-410(B)(3) to the marijuana establishment; and
    - vii. Disposing of marijuana or a marijuana product such that the marijuana or marijuana product is unrecognizable or cannot otherwise be used and documenting:
      - (1) The method of disposal;
      - (2) Whether the marijuana or marijuana product was tested;
      - (3) If not tested, the reason for not testing;
      - (4) The marijuana facility agent overseeing the disposal; and
      - (5) The date of disposal;
  - d. Standard operating procedures, including:
    - i. The review and updating of standard operating procedures;
    - ii. Requirements for a marijuana facility agent to review current, new, or updated standard operating procedures applicable to the functions performed by the marijuana facility agent; and
    - iii. Documenting the review of standard operating procedures by applicable marijuana facility agents;
  - e. Marijuana testing facility records, including:
    - i. Maintenance and monitoring of instruments and equipment;
    - ii. Acceptance of marijuana and marijuana products for testing;
    - iii. The chain of custody for a sample accepted by the marijuana testing facility for testing;
    - iv. The storage of a submitted sample prior to testing to maintain the integrity of the sample and analyte;
    - v. The process for selecting a homogeneous portion of a submitted sample for testing;
    - vi. Ensuring testing results are accurate, precise, and scientifically valid before reporting the results;
    - vii. Reporting of testing results, including:
      - (1) Testing results obtained from another marijuana testing facility for testing of parameters or analytes that the marijuana testing facility is not approved by the Department to conduct, or
      - (2) Testing results provided to another marijuana testing facility from which the marijuana testing facility had received a portion of a sample for testing of parameters or analytes that the other marijuana testing facility is not approved by the Department to conduct;
    - viii. If applicable, transfer of a portion of a sample to another marijuana testing facility with an approval for testing issued by the Department for testing of parameters or analytes that the marijuana testing facility is not approved by the Department to conduct, including:
      - (1) The name and marijuana establishment license number of the marijuana establishment from which the sample was obtained,
      - (2) The name and marijuana testing facility license number of the marijuana testing facility to which the portion of the sample is being transferred,
      - (3) The date of the transfer,
      - (4) The amount of sample being transferred,
      - (5) The name and marijuana facility agent license number of the marijuana facility agent receiving the marijuana or marijuana products on behalf of the other marijuana testing facility;
      - (6) The parameters or analytes being tested by the other marijuana testing facility, and
      - (7) The testing results obtained from the other marijuana testing facility;
    - ix. If applicable, transfer of the portion of a sample remaining after testing to another marijuana testing facility with an applicable approval for testing issued by the Department at the request of a marijuana establishment according to R9-18-311(C), including:
      - (1) The name and marijuana establishment license number of the marijuana establishment,
      - (2) The name and marijuana facility agent license number of the marijuana facility agent requesting the transfer on behalf of the marijuana establishment,
      - (3) The date of the request,

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- (4) The amount of sample being transferred,
- (5) The name and marijuana testing facility license number of the other marijuana testing facility, and
- (6) The name and marijuana facility agent license number of the marijuana facility agent receiving the marijuana or marijuana products on behalf of the receiving marijuana testing facility;
  - x. Confidentiality; and
  - xi. Retention;
- f. A quality assurance program and standards;
- g. A records retention process; and
- h. Security;
- 6. Review and document the review of marijuana testing facility policies and procedures at least once every 12 months after the issue date of the marijuana testing facility license and update as needed;
- 7. Ensure that each marijuana facility agent has the marijuana facility agent's license in the marijuana facility agent's immediate possession when the marijuana facility agent is working or providing volunteer services related to marijuana or marijuana products testing at the marijuana testing facility;
- 8. Ensure that a marijuana facility agent accompanies any individual other than another marijuana facility agent associated with the marijuana testing facility when the individual is present in the area of the marijuana testing facility where marijuana or marijuana products are being tested or stored for testing;
- 9. Not allow an individual who does not possess a marijuana facility agent license to:
  - a. Serve as an owner for the marijuana testing facility,
  - b. Be employed by the marijuana testing facility, or
  - c. Provide volunteer services at or on behalf of the marijuana testing facility;
- 10. Provide written notice to the Department, including the date of the event, within 10 working days after the date, when a marijuana facility agent no longer:
  - a. Serves as an owner for the marijuana testing facility,
  - b. Is employed by the marijuana testing facility, or
  - c. Provides volunteer services at or on behalf of the marijuana testing facility; and
- 11. Unless otherwise specified, maintain copies of any documentation required in this Chapter for at least two years after the date on the documentation and provide copies of the documentation to the Department for review upon request.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2).

**R9-18-406. Compliance Monitoring**

- A. Submission of an application for a marijuana testing facility license constitutes permission for:
  - 1. The Department's entry to and inspection of the marijuana testing facility, and
  - 2. The Department to conduct proficiency testing according to R9-18-407.
- B. The Department shall conduct:
  - 1. Except for a marijuana testing facility licensed pursuant to R9-18-402(B), an initial marijuana testing facility inspection; and
  - 2. A follow-up marijuana testing facility inspection, at least annually.

- C. The Department shall comply with A.R.S. § 41-1009 in conducting a marijuana testing facility inspection or investigation.
- D. The Department shall not accept allegations of a marijuana testing facility's noncompliance with A.R.S. Title 36, Chapter 28.2 or this Chapter from an anonymous source.
- E. If the Department receives an allegation of a marijuana testing facility's noncompliance with A.R.S. Title 36, Chapter 28.2 or this Chapter, the Department may conduct an unannounced inspection of the marijuana testing facility.
- F. If the Department determines that a marijuana testing facility is not in compliance with the requirements of A.R.S. Title 36, Chapter 28.2, or this Chapter, the Department:
  - 1. Shall provide the owner, according to R9-18-401(A), and technical laboratory director with a written notice that includes the specific rule or statute that was violated; and
  - 2. May:
    - a. Take an enforcement action as described in R9-18-415; or
    - b. Require that the technical laboratory director submit to the Department, within 30 calendar days after written notice from the Department, a corrective action plan to address issues of compliance that do not directly affect the health or safety of a consumer or marijuana facility agent that:
      - i. Describes how each identified instance of noncompliance will be corrected and reoccurrence prevented, and
      - ii. Includes a date for correcting each instance of noncompliance that is appropriate to the actions necessary to correct the instance of noncompliance.
- G. Under A.R.S. § 41-1009(G) and (I), the Department's decision regarding whether a technical laboratory director may submit a corrective action plan on behalf of a marijuana testing facility or whether a deficiency has been corrected or has been corrected within a reasonable period of time is not an appealable agency action as defined by A.R.S. § 41-1092.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2).

**R9-18-407. Proficiency Testing: Accuracy Testing**

- A. At least once in each 12-month period, and more often if requested by the Department, a technical laboratory director shall have at least one marijuana facility agent, selected according to policies and procedures, participate in proficiency testing provided by the Department or a proficiency testing service that:
  - 1. Includes at least one proficiency testing sample for each parameter and analyte for which the marijuana testing facility has been approved or is requesting approval and for which proficiency testing samples are available;
  - 2. Demonstrates the marijuana facility agent's competence in testing for the parameter; and
  - 3. If the marijuana testing facility has been approved or has requested approval to test an analyte by different methods, may use the same proficiency testing sample for each method.
- B. If a proficiency testing sample is not available for a specific parameter and analyte, a technical laboratory director shall have at least one marijuana facility agent, selected according to policies and procedures, participate in accuracy testing for the parameter.
- C. To demonstrate competence in testing for a parameter, testing results reported for the parameter shall be within acceptance



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limits established by the Department, according to R9-18-408, or the proficiency testing service, as applicable.

**D.** A technical laboratory director shall ensure that:

1. Each sample for proficiency testing accepted at the marijuana testing facility is analyzed at the marijuana testing facility;
2. Each sample for accuracy testing is analyzed at the marijuana testing facility;
3. Each sample for proficiency testing or accuracy testing is tested according to R9-18-408, using the same procedures and techniques employed for routine sample testing;
4. A proficiency testing service provides the results for each proficiency testing sample directly to the marijuana testing facility and the Department;
5. If proficiency testing is provided by the Department, the marijuana testing facility submits to the Department payment for the actual costs of the materials for proficiency testing; and
6. If proficiency testing is not provided by the Department, the marijuana testing facility selects a proficiency testing service and contracts with and pays the proficiency testing service directly for proficiency testing.

**E.** The Department may submit blind proficiency testing samples to a marijuana testing facility at any time during the certification period.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2).

**R9-18-408. Method Criteria and References for Laboratory Analyses**

- A.** In addition to the definitions in A.R.S. § 36-2850 and R9-18-101, the definitions in A.A.C. R9-17-404.03(A) apply in this Section unless otherwise stated.
- B.** A technical laboratory director shall ensure that the marijuana testing facility complies with the requirements in A.A.C. R9-17-404.03(B) through (O) when using chemical analytical methods for any of the analytes in Table 3.1 Analytes.
- C.** A technical laboratory director may release testing results that are scientifically valid and defensible from analyses using chemical analytical methods, according to R9-18-410(B)(3) and (C), with the following data qualifier notations if:
  1. The target analyte detected in the calibration blank required in A.A.C. R9-17-404.03(F)(1)(c) or the method blank specified in A.A.C. R9-17-404.03(K)(1) is at or above the limit of quantitation, but the sample result:
    - a. For potency testing, is below the limit of quantitation – B1; or
    - b. When testing for pesticides, fungicides, herbicides, growth regulators, heavy metals, or residual solvents, is below the maximum allowable concentration in Table 3.1 for the analyte – B2;
  2. The limit of quantitation and the sample results were adjusted to reflect sample dilution – D1;
  3. The relative intensity of a characteristic ion in a sample analyte exceeded the acceptance criteria in A.A.C. R9-17-404.03(L)(1) with respect to the reference spectra, indicating interference – I1;
  4. When testing for pesticides, fungicides, herbicides, growth regulators, heavy metals, or residual solvents, the percent recovery of a laboratory control sample is greater than the acceptance limits in A.A.C. R9-17-404.03(K)(2)(c), but the sample's target analytes were not detected above the maximum allowable concentrations in Table 3.1 Analytes for the analytes in the sample – L1;

5. The recovery from the matrix spike in A.A.C. R9-17-404.03(K)(4) was:

- a. High, but the recovery from the laboratory control sample in A.A.C. R9-17-404.03(K)(2) was within acceptance criteria – M1,
  - b. Low, but the recovery from the laboratory control sample in A.A.C. R9-17-404.03(K)(2) was within acceptance criteria – M2, or
  - c. Unusable because the analyte concentration was disproportionate to the spike level, but the recovery from the laboratory control sample in A.A.C. R9-17-404.03(K)(2) was within acceptance criteria – M3;
6. The analysis of a spiked sample required a dilution such that the spike recovery calculation does not provide useful information, but the recovery from the associated laboratory control sample in A.A.C. R9-17-404.03(K)(2) was within acceptance criteria – M4;
  7. The analyte concentration was determined by the method of standard addition, in which the standard is added directly to the aliquots of the analyzed sample – M5;
  8. A description of the variance is described in the final report of testing according to R9-18-410(B)(3) and (C) – N1;
  9. The relative percent difference for the laboratory control sample and duplicate exceeded the limit in A.A.C. R9-17-404.03(K)(3), but the recovery in A.A.C. R9-17-404.03(K)(2)(c) was within acceptance criteria – R1;
  10. The relative percent difference for a sample and duplicate exceeded the limit in A.A.C. R9-17-404.03(O) – R2; or
  11. The recovery from continuing calibration verification standards exceeded the acceptance limits in A.A.C. R9-17-404.03(J)(1)(b), but the sample's target analytes were not detected above the maximum allowable concentrations in Table 3.1 for the analytes in the sample – V1.

**D.** A technical laboratory director shall include in the final report of testing from analyses using chemical analytical methods, according to R9-18-410(B)(3) and (C), the following data qualifier notations if:

1. Sample integrity was not maintained – Q1;
2. The sample is heterogeneous, and sample homogeneity could not be readily achieved using routine laboratory practices – Q2; or
3. Testing result is for informational purposes only and cannot be used to satisfy marijuana establishment testing requirements in R9-18-311(A) or labeling requirements in R9-18-310 – Q3.

**E.** For batch analysis of samples to determine potency, a technical laboratory director may check precision by using either a duplicate laboratory control sample or a duplicate sample prepared from the marijuana or marijuana product being tested, according to requirements in A.A.C. R9-17-404.03(K)(2) and (3).

**F.** A technical laboratory director shall ensure that the reporting units for:

1. Pesticides, fungicides, growth regulators, heavy metals, or residual solvents is in parts per million (ppm); and
2. Potency is in percent (w/w) relative to the bulk plant material or marijuana product, as applicable, and, for:
  - a. Total tetrahydrocannabinol, the sum of tetrahydrocannabinolic acid (THC-A), multiplied by 0.877, and delta-9-tetrahydrocannabinol ( $\Delta^9$ -THC); and
  - b. Total cannabidiol, the sum of cannabidiolic acid (CBD-A), multiplied by 0.877, and cannabidiol (CBD).

**G.** To perform testing for the microbial contaminants in Table 3.1, a marijuana testing facility shall use an applicable method

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described in A.A.C. R9-17-404.04(A)(1) and validated according to A.A.C. R9-17-404.04(A)(2).

- H. A technical laboratory director shall ensure that the marijuana testing facility complies with the requirements in A.A.C. R9-17-404.04(B) through (F) and (G)(2) when performing testing for the microbial contaminants in Table 3.1.
- I. A technical laboratory director shall include in the final report of testing for the microbial contaminants in Table 3.1, according to R9-18-410(B)(3) and (C), the following data qualifier notations if:
  1. The limit of quantitation and the sample results were adjusted to reflect sample dilution - D1;
  2. A description of the variance is described in the final report of testing according to A.A.C. R9-17-410(B)(3) and (C) - N1;
  3. Sample integrity was not maintained - Q1;
  4. The sample is heterogeneous, and sample homogeneity could not be readily achieved using routine laboratory practices - Q2; or
  5. Testing result is for informational purposes only and cannot be used to satisfy marijuana establishment testing requirements R9-18-311(A) or labeling requirements in R9-18-310 - Q3.
- J. A technical laboratory director shall ensure that:
  1. The reporting units for *Escherichia coli* are colony forming units per gram (CFU/g);
  2. Reporting for *Salmonella* is "Detected" or "Not detected" in one gram; and
  3. Reporting for mycotoxins includes:
    - a. Total aflatoxins in units of micrograms per kilogram ( $\mu\text{g/kg}$ ), and
    - b. Ochratoxin A in units of micrograms per kilogram ( $\mu\text{g/kg}$ ).

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2).

**R9-18-409. Quality Assurance**

- A. An owner of a marijuana testing facility or applicant shall ensure that the analytical data produced at the owner's or applicant's marijuana testing facility are of known and acceptable precision and accuracy, as prescribed by the method criteria for each analyte in R9-18-408, and are scientifically valid and defensible.
- B. An owner holding a marijuana testing facility license or applicant shall establish, implement, and comply with a written quality assurance plan that contains the following and is available at the marijuana testing facility for Department review:
  1. A title page identifying the marijuana testing facility and date of review and including the technical laboratory director's signature of approval;
  2. A table of contents;
  3. An organization chart or list of the marijuana testing facility personnel, including names, lines of authority, and identification of principal quality assurance personnel;
  4. A copy of the current marijuana testing facility license and a list of approved parameters;
  5. A statement of quality assurance objectives, including data quality objectives with precision and accuracy goals and the criteria for determining the acceptability of each testing;
  6. Specifications for the preservation of samples;
  7. A procedure for documenting receipt of samples by the marijuana testing facility and tracking of samples during testing;
- 8. A procedure for analytical instrument calibration, including frequency of calibration and complying with the requirements for calibration in subsection (D);
- 9. A procedure for testing data reduction and validation and reporting of final results, including the identification and treatment of data outliers, the determination of the accuracy of data transcription, and all calculations;
- 10. If using control limits derived by the marijuana testing facility as a basis for determining acceptance of a testing result, a procedure to ensure that the control limits are:
  - a. Statistically significant, valid, and defensible; and
  - b. Updated at least every 12 months;
- 11. A statement of the frequency of all quality control checks;
- 12. A statement of the acceptance criteria for all quality control checks;
- 13. Preventive maintenance procedures and schedules;
- 14. Assessment procedures for data acceptability, including appropriate procedures for manual integration of chromatograms and when manual integration is inappropriate;
- 15. Corrective action procedures to be taken when results from analytical quality control checks are unacceptable, including steps to demonstrate the presence of any interference if the precision, accuracy, or limit of quantitation of the reported testing result is affected by the interference; and
- 16. Procedures for chain-of-custody documentation, including procedures for the documentation and reporting of any deviation from the sample handling or preservation requirements.
- C. An owner holding a marijuana testing facility license or applicant shall ensure that the written quality assurance plan is a separate document available at the marijuana testing facility and includes all of the components required in subsection (B), but an owner or applicant may satisfy the components required in subsections (B)(3) through (15) through incorporating by reference provisions in separate documents, such as standard operating procedures.
- D. An owner holding a marijuana testing facility license or applicant shall:
  1. Have available at the marijuana testing facility all methods, equipment, reagents, and supplies necessary for the testing for which the owner or applicant is approved or is requesting approval;
  2. Use only reagents of a grade equal to or greater than that required by the applicable method criteria in R9-18-408, and document the use of the reagents;
  3. Maintain and require each marijuana facility agent performing testing on marijuana or a marijuana product to comply with a complete and current standard operating procedure that meets the requirements for each method, as specified in R9-18-408, which shall include at least:
    - a. A description of all procedures to be followed when the method is performed;
    - b. A list of the concentrations for calibration standards, check standards, and spikes;
    - c. Requirements for instrumental conditions and set up;
    - d. A requirement for frequency of calibration;
    - e. The quantitative methods to be used to calculate the final concentration of an analyte in samples, including any factors used in the calculations and the calibration algorithm used; and
    - f. Requirements for preventative maintenance;

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4. Calibrate each instrument as required by the standard operating procedure, as specified in R9-18-408, for which the equipment is used;
  5. Maintain calibration documentation, including documentation that demonstrates the calculations performed using each calibration model;
  6. Develop, document, and maintain a current limit of quantitation, as specified in R9-18-408, for each compliance parameter for each instrument;
  7. For each parameter and analyte tested at the marijuana testing facility, use the quality control acceptance criteria specified according to R9-18-408 and Table 3.1;
  8. Discard or segregate all expired standards or reagents;
  9. Maintain a record showing the traceability of reagents; and
  10. Ensure that a calibration model is not used or changed to avoid necessary instrument maintenance.
- E.** Except as provided in subsection (F), an owner holding a marijuana testing facility license or applicant shall ensure that each standard operating procedure is a separate document available at the marijuana testing facility and includes all of the components required in subsection (D)(3).
- F.** An owner holding a marijuana testing facility license or applicant may satisfy the components required in subsections (D)(3)(e) and (f) through incorporating by reference provisions in separate documents, such as other standard operating procedures.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2).

**R9-18-410. Operations**

- A.** A technical laboratory director shall ensure that:
1. A sample of marijuana or a marijuana product accepted at the technical laboratory director's marijuana testing facility is analyzed:
    - a. Either:
      - i. At the marijuana testing facility, or
      - ii. For testing of parameters or analytes that the marijuana testing facility is not approved by the Department to conduct, at another marijuana testing facility with an approval for testing issued by the Department;
    - b. As received; and
    - c. Within 10 calendar days after receipt;
  2. If an instrument or equipment used for testing marijuana or a marijuana product has a mechanism to track any changes made to testing results, the tracking mechanism is installed and activated;
  3. The facility and utilities required to operate equipment and perform testing of marijuana or marijuana products are maintained;
  4. Environmental controls are maintained within the marijuana testing facility to ensure that marijuana testing facility environmental conditions do not affect analytical results beyond quality control limits established for the methods performed at the marijuana testing facility;
  5. Storage, handling, and disposal of hazardous materials at the marijuana testing facility are in accordance with all state and federal regulations;
  6. The marijuana testing facility complies with all applicable federal, state, and local occupational safety and health regulations; and
  7. The following information is maintained for all marijuana facility agents providing supervisory, quality assurance, or analytical functions related to testing of marijuana or a marijuana product:
    - a. A summary of each marijuana facility agent's education and professional experience;
    - b. Documentation of each marijuana facility agent's applicable certifications and specialized training;
    - c. Information related to the marijuana facility agent's license;
    - d. Documentation of each marijuana facility agent's review of the quality assurance plan required under R9-18-409(B) and the methods and standard operating procedures for all testing of marijuana or marijuana products performed by the marijuana facility agent or for which the marijuana testing facility agent has supervisory or quality assurance responsibility;
    - e. Documentation of each marijuana facility agent's completion of training on the use of equipment and of proper laboratory technique, including the name of the marijuana facility agent, the name of the instructor, the duration of the training, and the date of completion of the training;
    - f. Documentation of each marijuana facility agent's completion of training classes, continuing education courses, seminars, and conferences that relate to the testing procedures used by the marijuana facility agent for testing of marijuana or marijuana products;
    - g. Documentation of each marijuana facility agent's completion of initial demonstration of capability, as required according to R9-18-408, for each approved method performed by the marijuana facility agent;
    - h. Documentation of each marijuana facility agent's performance of proficiency testing or accuracy testing, as applicable; and
    - i. Documentation of each marijuana facility agent's completion of training related to instrument calibration that includes:
      - i. Instruction on each calibration model that the marijuana facility agent will use or for which the marijuana facility agent will review data;
      - ii. For each calibration model in subsection (A)(7)(i)(i), description of the specific aspects of the calibration model that might compromise the data quality, such as detector saturation, lack of detector sensitivity, the calibration model's not accurately reflecting the calibration points, inappropriate extension of the calibration range, weighting factors, and dropping of mid-level calibration points without justification; and
      - iii. Instruction that a calibration model shall not be used or changed to avoid necessary instrument maintenance.
- B.** A technical laboratory director shall ensure that:
1. A testing record for marijuana or marijuana products contains:
    - a. Sample information, including the following:
      - i. A unique sample identification assigned at the marijuana testing facility;
      - ii. A description of the marijuana or marijuana product from which the submitted sample was taken, including the amount, strain, and batch number;
      - iii. The sample collection date and time; and
      - iv. The type of testing to be performed, including whether the testing is to satisfy the requirement

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- in R9-18-311(A) or for a marijuana establishment's information only;
  - b. A picture of the sample as submitted;
  - c. The name and one of the following, as applicable, for the marijuana establishment or individual submitting the sample to the marijuana testing facility:
    - i. The marijuana establishment license number, or
    - ii. The number on the document used to identify the individual;
  - d. If applicable, name and the marijuana facility agent license number of the marijuana facility agent submitting the sample to the marijuana testing facility on behalf of a marijuana establishment;
  - e. The date and time of receipt of the sample at the marijuana testing facility;
  - f. The name and registry identification number of the marijuana facility agent who received the sample at the marijuana testing facility;
  - g. The dates and times of testing, including the date and time of each critical step;
  - h. Whether testing results related to a sample were changed;
  - i. If testing results related to a sample were changed, what was changed, the name of the marijuana facility agent who changed the testing results, the time and date the data were changed, and why the testing results were changed;
  - j. If testing results were changed due to retesting:
    - i. What was used or done to the sample, and
    - ii. The original and changed testing results;
  - k. The actual results of testing, including all raw data, work sheets, and calculations performed;
  - l. The actual results of quality control data validating the testing results, including the calibration and calculations performed;
  - m. The name of each marijuana facility agent who performed the testing; and
  - n. A copy of the final report;
2. A testing result for marijuana or a marijuana product that is known to be inaccurate is not reported; and
  3. Except as specified in subsection (C), a final report of testing of marijuana or marijuana products contains:
    - a. The name, address, and telephone number of the marijuana testing facility;
    - b. The marijuana testing facility license number issued by the Department;
    - c. Actual scientifically valid and defensible results of testing of a sample of marijuana or a marijuana product in appropriate units of measure, obtained in accordance with R9-18-408, and the quality assurance plan;
    - d. As applicable:
      - i. A statement that testing results were obtained according to requirements in the quality assurance plan in R9-18-409(B), in the applicable standard operating procedure, and in R9-18-408;
      - ii. A description of any variances from the requirements in the quality assurance plan in R9-18-409(B), the applicable standard operating procedure, or R9-18-408 made to ensure scientifically valid and defensible testing results, and the reason for the variance; or
      - iii. A qualifier according to R9-18-408(C), (D), or (I), as applicable;
    - e. A list of each method used to obtain the reported results;
    - f. Sample information, including the following:
      - i. The unique sample identification assigned at the marijuana testing facility;
      - ii. A picture of the sample as submitted;
      - iii. A description of the marijuana or marijuana product from which the submitted sample was taken, including the amount, strain and batch number;
      - iv. The sample collection date and time;
      - v. The name and identifying number recorded for the marijuana establishment or individual submitting the sample to the marijuana testing facility according to subsection (B)(1)(c); and
      - vi. If applicable, name and marijuana facility agent license number of the marijuana facility agent submitting the sample to the marijuana testing facility on behalf of a marijuana establishment;
    - g. The date of testing for each parameter reported;
    - h. The date of the final report; and
    - i. The technical laboratory director's or designee's signature.
- C.** If a sample of marijuana or a marijuana product accepted at a marijuana testing facility is analyzed at another marijuana testing facility, as allowed according to subsection (A)(1)(a)(ii), a technical laboratory director shall ensure that the final report of testing required in subsection (B)(3) includes a copy of the final report of testing from each marijuana testing facility to which the marijuana testing facility accepting the sample from a marijuana establishment sent a portion of the sample for testing of parameters or analytes that the marijuana testing facility is not approved by the Department to conduct.
- D.** For a sample of marijuana or a marijuana product accepted at the technical laboratory director's marijuana testing facility, a technical laboratory director shall ensure that the final report of testing in subsection (B)(3):
1. For a sample received from a marijuana establishment, is sent to the marijuana establishment within 10 calendar days after receipt of the sample;
  2. For a sample received from a marijuana testing facility according to subsection (A)(1)(a)(ii), is sent to the marijuana testing facility from which the sample was sent within seven calendar days after receipt of the sample;
  3. For a sample received from a marijuana testing facility according to R9-18-311(C), to the marijuana establishment within seven calendar days after receipt of the sample; and
  4. For a sample received from an individual as recorded according to subsection (B)(1)(c), is sent to the individual within 10 calendar days after receipt of the sample.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2).

**R9-18-411. Adding or Removing Parameters for Testing**

- A.** During the term of a marijuana testing facility license, an owner may request to have one or more parameters:
1. Added to the marijuana testing facility license, or
  2. Removed from the marijuana testing facility license.
- B.** To request a change to one or more parameters, an applicant shall submit to the Department:
1. The following information in a Department-provided format:
    - a. The name, address, and telephone number of the applicant;

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- b. The name, address, and telephone number of the marijuana testing facility for which the change is requested;
  - c. If requesting the removal of a parameter, identification of the parameter to be removed;
  - d. If requesting the addition of a parameter:
    - i. The analyte to be tested for,
    - ii. The instruments and equipment to be used for testing,
    - iii. The software to be used at the marijuana testing facility for instrument control and data reduction interpretation, and
    - iv. The limit of quantitation, if applicable;
  - e. An attestation that the information provided to the Department to apply for the addition of a parameter is true and correct; and
  - f. The signatures of the owner of the marijuana testing facility, according to R9-18-401(A), and the technical laboratory director and the date each signed;
2. The following for each parameter requested to be added:
    - a. A copy of current accreditation;
    - b. A copy of a proficiency testing report, if applicable, or accuracy testing documentation; and
    - c. A copy of the standard operating procedure; and
  3. If applicable, any changes to the quality assurance plan in R9-18-409(B) made due to the addition or removal of the parameter.
- C.** The Department may conduct an inspection of the marijuana testing facility during the substantive review period for a request to have one or more parameters added to a marijuana testing facility license.
- D.** The Department shall process a request to have one or more parameters added to a marijuana testing facility license as provided in R9-18-103.
- Historical Note**
- New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2).
- R9-18-412. Inventory Control System**
- A.** A marijuana testing facility shall not accept submissions of marijuana or marijuana products for testing from an individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1 or Chapter 28.2.
- B.** A technical laboratory director shall designate in writing a marijuana facility agent who has oversight of the marijuana testing facility's inventory control system.
- C.** A technical laboratory director shall establish and implement an inventory control system for the marijuana testing facility's marijuana and marijuana products that documents:
1. The following amounts in appropriate units:
    - a. Each day's beginning inventory of marijuana and marijuana products,
    - b. Marijuana and marijuana products accepted for testing,
    - c. The portions of a sample of marijuana or a marijuana product removed for testing with the name of the marijuana facility agent removing each portion,
    - d. Marijuana and marijuana products transferred to or from another marijuana testing facility for testing of parameters or analytes that the marijuana testing facility receiving a sample from a marijuana establishment is not approved by the Department to conduct,
    - e. Marijuana and marijuana products transferred to another marijuana testing facility at the request of a marijuana establishment according to R9-18-311(C),
    - f. Marijuana or marijuana products that were disposed of, and
    - g. The day's ending marijuana and marijuana products inventory;
  2. The chain of custody for each sample of marijuana or a marijuana product submitted to the marijuana testing facility for testing;
  3. Any damage to a sample's container or possible tampering;
  4. As applicable, for submissions of marijuana and marijuana products for testing:
    - a. A description of the submitted marijuana or marijuana products including the amount, strain and batch number;
    - b. The name and marijuana establishment license number of the marijuana establishment that submitted the marijuana or marijuana products;
    - c. The name and marijuana facility agent license number of the marijuana facility agent that submitted the marijuana or marijuana products;
    - d. The name and identifying number recorded for the individual that submitted the marijuana or marijuana products according to R9-18-410(B)(1)(c);
    - e. The name and marijuana facility agent license number of the marijuana facility agent receiving the marijuana or marijuana products on behalf of the marijuana testing facility;
    - f. The date of acquisition;
    - g. The date of each test; and
    - h. The testing results; and
  5. For disposal of the remaining sample of marijuana or a marijuana product after testing:
    - a. The amount and description of the marijuana or marijuana product being disposed of;
    - b. The name and marijuana establishment license number of the marijuana establishment submitting the sample,
    - c. Date of disposal;
    - d. Method of disposal; and
    - e. Name and marijuana facility agent license number of the marijuana facility agent responsible for the disposal.
- D.** The individual designated in subsection (B) shall conduct and document an audit of the marijuana testing facility's inventory that is accounted for according to generally accepted accounting principles at least once every 30 calendar days.
1. If the audit identifies a reduction in the amount of marijuana or marijuana products in the marijuana testing facility's inventory not due to documented causes, the technical laboratory director shall determine where the loss has occurred and take and document corrective action.
  2. If the reduction in the amount of marijuana or marijuana products in the marijuana testing facility's inventory is due to suspected criminal activity by a marijuana facility agent, the technical laboratory director shall report the marijuana facility agent to the Department and to the local law enforcement authorities and document the report.
- E.** A marijuana testing facility shall:
1. Maintain the documentation required in subsections (C) and (D) at the marijuana testing facility for at least five years after the date on the document, and
  2. Provide the documentation required in subsections (C) and (D) to the Department for review upon request.

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**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R.  
696, effective May 1, 2021 (Supp. 21-2).

**R9-18-413. Security**

- A.** Except as provided in R9-18-405(8), a marijuana testing facility shall ensure that access to the area of the marijuana testing facility where marijuana or marijuana products are being tested or stored for testing is limited to a marijuana testing facility's owners and authorized marijuana facility agents.
- B.** A marijuana facility agent associated with a marijuana testing facility may transport marijuana or marijuana products submitted for testing to the marijuana testing facility.
- C.** Before transportation to a marijuana testing facility, a marijuana facility agent associated with the marijuana testing facility shall:
  1. Complete a trip plan that includes:
    - a. The name of the marijuana facility agent in charge of transporting the marijuana or marijuana products;
    - b. The date and start time of the trip;
    - c. A description of the marijuana or marijuana products being transported;
    - d. Any anticipated stops during the trip, including the locations of the stops; and
    - e. The anticipated route of transportation; and
  2. Provide a copy of the trip plan in subsection (C)(1) to the marijuana testing facility.
- D.** During transportation to the marijuana testing facility, a marijuana facility agent associated with the marijuana testing facility shall:
  1. Carry a copy of the trip plan in subsection (C)(1) with the marijuana facility agent for the duration of the trip;
  2. Use a vehicle:
    - a. Without any marijuana identification,
    - b. Equipped with a global positioning system or other means of tracking the location of the vehicle,
    - c. With operational video surveillance and recording equipment that is turned on for the duration of a trip, and
    - d. With a locked compartment in which any marijuana or marijuana products being transported may be stored during a trip;
  3. Have a means of communication with the marijuana testing facility;
  4. Note the arrival and departure time for each stop; and
  5. Ensure that the marijuana or marijuana products are stored in the locked compartment specified in subsection (D)(2)(d) and are not visible.
- E.** After transportation, a marijuana facility agent associated with a marijuana testing facility shall enter the end time of the trip and any changes to the trip plan on the trip plan required in subsection (C)(1).
- F.** If a marijuana facility agent associated with a marijuana establishment transports marijuana or a marijuana product to a marijuana testing facility for testing, the marijuana testing facility shall require that a copy of the trip plan be provided by the marijuana establishment before accepting the marijuana or marijuana product for testing.
- G.** A marijuana testing facility shall:
  1. Maintain the documents required in subsections (C)(2), (E), and (F); and
  2. Provide a copy of the documents required in subsections (C)(2), (E), and (F) to the Department for review upon request.
- H.** To prevent unauthorized access to marijuana or marijuana products at the marijuana testing facility for testing, the marijuana testing facility shall have the following:

1. Security equipment to deter and prevent unauthorized entrance into limited access areas that include:
  - a. Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular, private radio signals, or other mechanical or electronic device;
  - b. Exterior lighting to facilitate surveillance;
  - c. Electronic monitoring including:
    - i. At least one 19-inch or greater call-up monitor;
    - ii. A printer capable of immediately producing a clear still photo from any video camera image;
    - iii. Video cameras:
      - (1) Providing coverage of all entrances to and exits from limited access areas and all entrances to and exits from the building, capable of identifying any activity occurring in or adjacent to the building; and
      - (2) Having a recording resolution of at least 704 x 480 or the equivalent;
    - iv. A video camera in each area of the marijuana testing facility where marijuana or marijuana products are being tested or stored for testing capable of identifying any activity occurring within the area in low light conditions;
    - v. Storage of video recordings from the video cameras for at least 30 calendar days;
    - vi. A failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system; and
    - vii. Sufficient battery backup for video cameras and recording equipment to support at least five minutes of recording in the event of a power outage; and
  - d. Panic buttons in the interior of each building; and
2. Policies and procedures that:
  - a. Restrict access to the areas of the marijuana testing facility that contain marijuana or marijuana products and, if applicable, to authorized individuals only;
  - b. Provide for the identification of authorized individuals; and
  - c. Prevent loitering.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R.  
696, effective May 1, 2021 (Supp. 21-2).

**R9-18-414. Physical Plant**

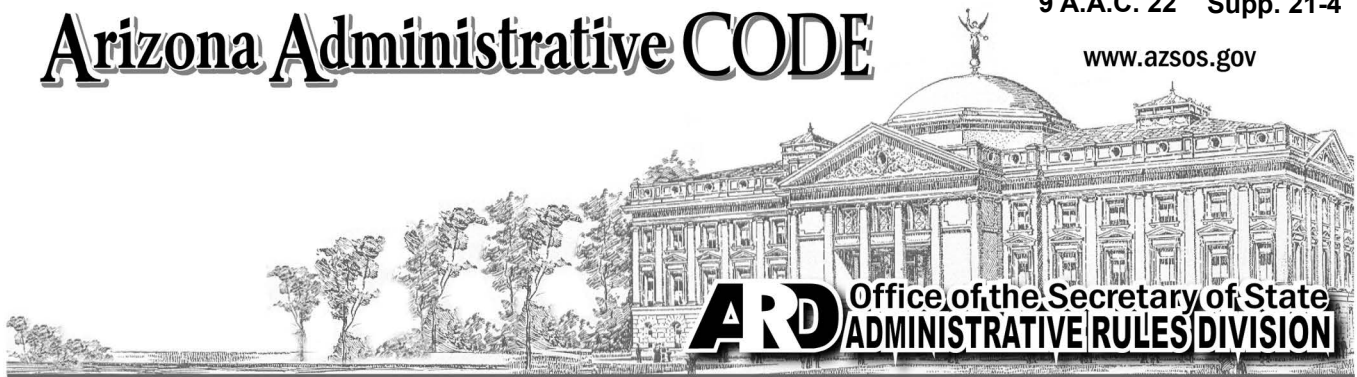
- A.** A marijuana testing facility shall ensure that designated storage areas for marijuana or marijuana products or materials used in direct contact with marijuana or marijuana products are:
  1. Separate from storage areas for toxic or flammable materials; and
  2. Maintained in a manner to prevent:
    - a. Microbial contamination and proliferation, and
    - b. Contamination or infestation by insects or rodents.
- B.** A marijuana testing facility shall ensure that:
  1. Storage areas are designated for:
    - a. Marijuana and marijuana products awaiting testing;
    - b. Reagents, standards, and other testing related chemicals or materials; and
    - c. The remaining portions of tested marijuana and marijuana products retained according to R9-18-405(5)(c)(vi);
  2. Designated storage areas are monitored to ensure that a:

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- a. Room temperature storage area is maintained between 20°C and 28°C,
    - b. Refrigerated storage area is maintained between 2°C and 8°C, and
    - c. Freezer storage area is maintained at less than - 20°C;
  - 3. A storage area for the storage of marijuana or marijuana product awaiting testing is labeled to indicate the temperature range and types of marijuana or marijuana products to be stored in the storage area;
  - 4. Marijuana or a marijuana product awaiting testing is stored at an appropriate temperature, as specified on the packaged sample;
  - 5. Reagents, standards, and other testing relates chemicals or materials are stored according to manufacturer's directions; and
  - 6. The remaining portions of tested marijuana and marijuana products are stored in a refrigerated storage area or a freezer storage area to reduce microbial proliferation.
  - C. A marijuana testing facility shall ensure that a designated area for testing marijuana or a marijuana product for microbial contaminants is maintained in a manner to prevent exposure of the marijuana or marijuana product to external microbial contaminants.
  - D. A marijuana testing facility shall ensure that a designated area for testing marijuana or a marijuana product for pesticides, fungicides, herbicides, growth regulators, heavy metals, or residual solvents is maintained in a manner to prevent exposure of the marijuana or marijuana product to external contamination.
- Historical Note**  
New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2).
- R9-18-415. Denial, Suspension, or Revocation of a Marijuana Testing Facility License**
- A. The Department shall deny an application for or renewal of a marijuana testing facility license if:
    - 1. An owner:
      - a. Has been convicted of an excluded felony offense, or
      - b. Is under 21 years of age; or
    - 2. The application or the marijuana testing facility does not comply with the requirements in A.R.S. Title 36, Chapter 28.2 and this Chapter.
  - B. The Department may deny an application for or renewal of a marijuana testing facility license if an owner of the marijuana testing facility provides false or misleading information to the Department.
  - C. The Department may suspend or revoke a marijuana testing facility license if:
    - 1. The marijuana testing facility:
      - a. Provides false or misleading information to the Department;
      - b. Begins testing marijuana to satisfy requirements in R9-18-311 before obtaining approval for testing from the Department;
      - c. Diverts marijuana to an individual who or entity that is not allowed to possess marijuana, pursuant to A.R.S. Title 36, Chapter 28.1 or 28.2; or
      - d. Acquires marijuana from an individual who or entity that is not allowed to possess marijuana, pursuant to A.R.S. Title 36, Chapter 28.1 or 28.2;
    - 2. An owner:
      - a. Has been convicted of an excluded felony offense, or
      - b. Provides false or misleading information to the Department; or
    - 3. The marijuana testing facility does not:
      - a. Comply with the requirements in A.R.S. Title 36, Chapter 28.2, and this Chapter; or
      - b. Implement the policies and procedures or comply with the statements provided to the Department with the marijuana testing facility's application.
  - D. If the Department denies a marijuana testing facility license application, the Department shall provide notice to the applicant that includes:
    - 1. The specific reason or reasons for the denial, and
    - 2. All other information required by A.R.S. § 41-1076.
  - E. If the Department suspends or revokes a marijuana testing facility license, the Department shall provide notice to the marijuana testing facility that includes:
    - 1. The specific reason or reasons for the revocation; and
    - 2. The process for requesting a review of the Department's decision pursuant to A.R.S. Title 41, Chapter 6, Article 10.
- Historical Note**  
New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2).

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## TITLE 9. HEALTH SERVICES

### CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM - ADMINISTRATION

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
October 1, 2021 through December 31, 2021

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#### Questions about these rules? Contact:

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**The release of this Chapter in Supp. 21-4 replaces Supp. 21-3, 1-131 pages**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

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### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

First Quarter: January 1 - March 31  
Second Quarter: April 1 - June 30  
Third Quarter: July 1 - September 30  
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2021 is cited as Supp. 21-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

### RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

### AUTHENTICATION OF PDF CODE CHAPTERS

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

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, [www.azsos.gov](http://www.azsos.gov) under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

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

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

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

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

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

### PERSONAL USE/COMMERCIAL USE

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



## Administrative Rules Division

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

## TITLE 9. HEALTH SERVICES

## CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM - ADMINISTRATION

Authority: A.R.S. §§ 36-2901.08

## Supp. 21-4

**Editor's Note:** Historical notes for Sections made, repealed or amended in Supp. 14-1 were updated to reflect the effective date as immediate per the original notice filed by the agency. A number of other publication errors have been corrected in Supplement 20-4 that should have been made in Supp. 14-1. These include: adding new Sections R9-22-301 and R9-22-301; correcting a punctuation error in R2-22-1401; repealing Sections R2-22-1407 and R22-22-1443; and the amending of R9-22-1501 (Supp. 20-4).

**Editor's Note:** The Office of the Secretary of State prints all Code Chapters on white paper (Supp 01-3).

**Editor's Note:** This Chapter contains rules which were adopted or amended under an exemption from the Arizona Administrative Procedure Act (A.R.S. Title 41, Chapter 6), under Laws 1992, Ch. 301, § 61 and Ch. 302, § 13, and Laws 1993, Ch. 6, § 34. Exemption from A.R.S. Title 41, Chapter 6 means that AHCCCS did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Governor's Regulatory Review Council did not review these rules; AHCCCS was not required to hold public hearings on these rules; and the Attorney General did not certify these rules. Because this Chapter contains rules which are exempt from the regular rulemaking process, the Chapter is printed on blue paper.

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*Article 22, consisting of Sections R9-22-901 through R9-22-909, repealed by final rulemaking at 12 A.A.R. 4484, January 6, 2007 (Supp. 06-4).*

*Article 22, consisting of Sections R9-22-901 through R9-22-908, adopted effective August 29, 1985.*

*Former Article 22, consisting of Section R9-22-901, repealed effective October 1, 1983.*

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*Article 10, consisting of Section R9-22-1001 through R9-22-1002, repealed effective November 7, 1997 (Supp. 97-4).*

*Article 10 consisting of Sections R9-22-1001 and R9-22-1002 adopted effective October 1, 1985.*

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*Article 13, consisting of Sections R9-22-1301 through R9-22-1306, made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3).*

*Article 13, consisting of Sections R9-22-1301 through R9-22-1306, made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Exemption to promulgate rules repealed under Laws 2012, Chapter 299, Section 7 (Supp. 13-3).*

*Article 13, consisting of Sections R9-22-1301 through R9-22-1309, repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004. The subject matter of Article 13 is now in 9 A.A.C. 34 (Supp. 04-1).*

*Article 13, consisting of Sections R9-22-1301 through R9-22-1309, adopted effective September 9, 1998 (Supp. 98-3).*

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*Article 14, consisting of Sections R9-22-1401 through R9-22-1436, repealed; new Article 14, consisting of Sections R9-22-1401 through R9-22-1433 made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).*

*Article 14, consisting of Sections R9-22-1401 through R9-22-1436, adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).*

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*Article 15, consisting of Sections R9-22-1501 through R9-22-1508, repealed; new Article 15, consisting of Sections R9-22-1501 through R9-22-1505 made by exempt rulemaking at 7 A.A.R. 4593,*

*effective October 1, 2001 (Supp. 01-3).*

*Article 15, consisting of Sections R9-22-1501 through R9-22-1508, adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).*

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*Article 16, consisting of Section R9-22-1601 made by final rulemaking at 20 A.A.R. 3436, effective January 1, 2015 (Supp. 14-4).*

*Article 16, consisting of Sections R9-22-1601 through R9-22-1612, R9-22-1614 through R9-22-1616, and R9-22-1618 through R9-22-1619, expired at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).*

*Article 16, consisting of Sections R9-22-1601 through R9-22-1636, repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).*

*Article 16, consisting of Sections R9-22-1601 through R9-22-1613, R9-22-1615 through R9-22-1620, R9-22-1622 through R9-22-1631, R9-22-1633, R9-22-1634, and R9-22-1636, adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).*

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*Article 17, consisting of Sections R9-22-1701 through R9-22-1704, adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).*

## Section

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## Section

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## Section

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## CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM - ADMINISTRATION

## ARTICLE 1. DEFINITIONS

**R9-22-101. Location of Definitions**

A. Location of definitions. Definitions applicable to this Chapter are found in the following:

Definition	Section or Citation
"Accommodation"	R9-22-701
"Active treatment"	R9-22-1301
"ADHS"	R9-22-101
"Administration"	A.R.S. § 36-2901
"Adult behavioral health therapeutic home"	9 A.A.C. 10, Article 1
"Adverse action"	R9-22-101
"Affiliated corporate organization"	R9-22-101
"Aged"	42 U.S.C. 1382c(a)(1)(A) and R9-22-1501
"Agency"	R9-22-1201
"Aggregate"	R9-22-701
"AHCCCS"	R9-22-101
"AHCCCS inpatient hospital day or days of care"	R9-22-701
"AHCCCS registered provider"	R9-22-101
"Ambulance"	A.R.S. § 36-2201
"Ancillary service"	R9-22-101
"Anticipatory guidance"	R9-22-201
"Annual enrollment choice"	R9-22-1701
"APC"	R9-22-701
"Applicant"	R9-22-101 or R9-22-301
"Application"	R9-22-101
"Assessment"	R9-22-1101 or R9-22-1201
"Assignment"	R9-22-101
"Attending physician"	R9-22-101 or R9-22-202
"Authorized representative"	R9-22-101
"Authorization"	R9-22-202
"Auto-assignment algorithm"	R9-22-1701
"AZ-NBCCEDP"	R9-22-2001
"Behavior management services"	R9-22-1201
"Behavioral health therapeutic home care services"	R9-22-1201
"Behavioral health paraprofessional"	R9-22-101
"Behavioral health professional"	R9-22-101
"Behavioral health recipient"	R9-22-201
"Behavioral health services"	R9-22-1201
"Behavioral health technician"	R9-22-1201
"Benefit year"	R9-22-201
"BHS"	R9-22-301
"Billed charges"	R9-22-701
"Blind"	R9-22-1501
"Burial plot"	R9-22-1401
"Business agent"	R9-22-701
"Calculated inpatient costs"	R9-22-712.07
"Capital costs"	R9-22-701
"Capped fee-for-service"	R9-22-101
"Caretaker relative"	R9-22-1401
"Case management"	R9-22-1201
"Case record"	R9-22-101
"Cash assistance"	R9-22-1401
"Certified psychiatric nurse practitioner"	R9-22-1201
"Charge master"	R9-22-712
"Child"	R9-22-1503
"Children's Rehabilitative Services" or "CRS"	R9-22-101 or R9-22-301
"Chronic"	R9-22-1301
"Claim"	R9-22-1101
"Claims paid amount"	R9-22-712.07
"Clean claim"	A.R.S. § 36-2904
"Clinical oversight"	9 A.A.C. 10
"CMDP"	R9-22-1701
"CMS"	R9-22-101
"Continuous stay"	R9-22-101
"Contract"	R9-22-101
"Contract year"	R9-22-101
"Contractor"	A.R.S. § 36-2901 or R9-22-210.01
"Copayment"	R9-22-701
"Cost avoid"	R9-22-1201
"Cost-To-Charge Ratio" or "CCR"	R9-22-701 or R9-22-712

"Court-ordered evaluation"	R9-22-1201
"Court-ordered pre-petition screening"	R9-22-1201
"Court-ordered treatment"	R9-22-1201
"Covered charges"	R9-22-701
"Covered services"	R9-22-101
"CPT"	R9-22-701
"Creditable coverage"	R9-22-2003 and 42 U.S.C. 300gg(c)
"Crisis services"	R9-22-1201
"Critical Access Hospital"	R9-22-701
"CRS application"	R9-22-1301
"CRS condition"	R9-22-1301
"CRS provider"	R9-22-1301
"Cryotherapy"	R9-22-2001
"Customized DME"	R9-22-212
"Day"	R9-22-101 and R9-22-1101
"Date of the Notice of Adverse Action"	R9-22-1441
"DBHS"	R9-22-101
"DCSS"	R9-22-301
"Department"	A.R.S. § 36-2901
"Dependent child"	A.R.S. § 46-101 or R9-22-1401
"DES"	R9-22-101
"Diagnostic services"	R9-22-101
"Direct graduate medical education costs" or "direct program costs"	R9-22-701
"Direct supervision"	R9-22-1201
"Director"	R9-22-101
"Disabled"	R9-22-1501
"Discussion"	R9-22-101
"Disenrollment"	R9-22-1701
"DME"	R9-22-101
"DRI inflation factor"	R9-22-701
"E.P.S.D.T. services"	42 CFR 440.40(b)
"Eligibility posting"	R9-22-701
"Eligible person"	A.R.S. § 36-2901
"Emergency behavioral health condition for a non-FES member"	R9-22-201
"Emergency behavioral health services for a non-FES member"	R9-22-201
"Emergency medical condition for a non-FES member"	R9-22-201
"Emergency medical services for a non-FES member"	R9-22-201
"Emergency medical services provider"	R9-22-1201
"Emergency medical or behavioral health condition for a FES member"	R9-22-217
"Emergency services costs"	A.R.S. § 36-2903.07
"Emergency services for a FES member"	R9-22-217
"Encounter"	R9-22-701
"Enrollment"	R9-22-1701
"Equity"	R9-22-101
"Experimental services"	R9-22-203
"Existing outpatient service"	R9-22-701
"Expansion funds"	R9-22-701
"FAA"	R9-22-301
"Facility"	R9-22-101
"Factor"	R9-22-701 and 42 CFR 447.10
"FBR"	R9-22-101
"Federal financial participation" or "FFP"	42 CFR 400.203
"Federal poverty level" or "FPL"	A.R.S. § 36-2981
"Fee-For-Service" or "FFS"	R9-22-101
"FES member"	R9-22-101
"FESP"	R9-22-101
"First-party liability"	R9-22-1001
"File"	R9-22-1101
"Fiscal agent"	R9-22-210
"Fiscal intermediary"	R9-22-701
"Foster care maintenance payment"	42 U.S.C. 675(4)(A)
"FQHC"	R9-22-101
"Freestanding Children's Hospital"	R9-22-701
"Functionally limiting"	R9-22-1301
"Fund"	R9-22-712.07
"Graduate medical education (GME) program"	R9-22-701
"GME program approved by the Administration" or "approved GME program"	R9-22-701

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"Grievance"	A.A.C. Chapter 34	"Physical therapy"	R9-22-201
"GSA"	R9-22-101	"Physician"	R9-22-101
"HCAC"	R9-22-701	"Physician assistant"	R9-22-1201
"HCPCS"	R9-22-701	"Post-stabilization services"	R9-22-201 or 42 CFR 422.113
"Health care institution"	A.R.S. § 36-401	"PPS bed"	R9-22-701
"Health care practitioner"	R9-22-1201	"Practitioner"	R9-22-101
"Hearing aid"	R9-22-201	"Pre-enrollment process"	R9-22-301
"HIPAA"	R9-22-701	"Prescription"	R9-22-101
"Home health services"	R9-22-201	"Primary care provider" or "PCP"	R9-22-101
"Hospital"	R9-22-101	"Primary care provider services"	R9-22-201
"ICU"	R9-22-701	"Prior authorization"	R9-22-101
"IHS"	R9-22-101	"Prior period coverage" or "PPC"	R9-22-101
"IHS enrolled" or "enrolled with IHS"	R9-22-708	"Procedure code"	R9-22-701
"IMD" or "Institution for Mental Diseases"	42 CFR 435.1010 and R9-22-101	"Procurement file"	R9-22-601
"Income"	R9-22-301	"Proposal"	R9-22-101
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**B. General definitions.** In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Chapter have the following meanings unless the context explicitly requires another meaning:

"ADHS" means the Arizona Department of Health Services.

"Adverse action" means an action taken by the Department or Administration to deny, discontinue, or reduce medical assistance.

"Affiliated corporate organization" means any organization that has ownership or control interests as defined in 42 CFR 455.101, and includes a parent and subsidiary corporation.

"AHCCCS" means the Arizona Health Care Cost Containment System, which is composed of the Administration, contractors, and other arrangements through which health care services are provided to a member.

"AHCCCS registered provider" means a provider or non-contracting provider who:

Enters into a provider agreement with the Administration under R9-22-703(A), and

Meets license or certification requirements to provide covered services.

"Ancillary service" means all hospital services for patient care other than room and board and nursing services, including but not limited to, laboratory, radiology, drugs, delivery room (including maternity labor room), operating room (including postanesthesia and postoperative recovery rooms), and therapy services (physical, speech, and occupational).

"Applicant" means a person who submits or whose authorized representative submits a written, signed, and dated application for AHCCCS benefits.

"Application" means an official request for AHCCCS medical coverage made under this Chapter.

"Assignment" means enrollment of a member with a contractor by the Administration.

"Attending physician" means a licensed allopathic or osteopathic doctor of medicine who has primary responsibility for providing or directing preventive and treatment services for a Fee-For-Service member.

"Authorized representative" means a person who is authorized to apply for medical assistance or act on behalf of another person.

"Behavioral health paraprofessional" means an individual who is not a behavioral health professional who provides

behavioral health services at or for a health care institution according to the health care institution's policies and procedures that:

If the behavioral health services were provided in a setting other than a licensed health care institution,

If the individual would be required to be licensed as a behavioral professional under A.R.S. Title 32, Chapter 33,

If the behavioral health services were provided in a setting other than a licensed health care institution; and

Are provided under supervision by a behavioral health professional R9-10-101.

"Behavioral Health Professional" has the same meaning as defined A.A.C. R9-10-101 excluding subsection (g).

"Capped fee-for-service" means the payment mechanism by which a provider of care is reimbursed upon submission of a valid claim for a specific covered service or equipment provided to a member. A payment is made in accordance with an upper or capped limit established by the Director. This capped limit can either be a specific dollar amount or a percentage of billed charges.

"Case record" means an individual or family file retained by the Department that contains all pertinent eligibility information, including electronically stored data.

"Children's Rehabilitative Services" or "CRS" means the program that provides covered medical services and covered support services in accordance with A.R.S. § 36-261.

"CMS" means the Centers for Medicare and Medicaid Services.

"Continuous stay" means a period during which a member receives inpatient hospital services without interruption beginning with the date of admission and ending with the date of discharge or date of death.

"Contract" means a written agreement entered into between a person, an organization, or other entity and the Administration to provide health care services to a member under A.R.S. Title 36, Chapter 29, and this Chapter.

"Contract year" means the period beginning on October 1 of a year and continuing until September 30 of the following year.

"Covered services" means the health and medical services described in Articles 2 and 12 of this Chapter as being eligible for reimbursement by AHCCCS.

"Day" means a calendar day unless otherwise specified.

"DBHS" means the Division of Behavioral Health Services within the Arizona Department of Health Services.

"DES" means the Department of Economic Security.

"Diagnostic services" means services provided for the purpose of determining the nature and cause of a condition, illness, or injury.

"Director" means the Director of the Administration or the Director's designee.

"Discussion" means an oral or written exchange of information or any form of negotiation.

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“DME” means durable medical equipment, which is an item or appliance that can withstand repeated use, is designed to serve a medical purpose, and is not generally useful to a person in the absence of a medical condition, illness, or injury.

“Equity” means the county assessor full cash value or market value of a resource minus valid liens, encumbrances, or both.

“Facility” means a building or portion of a building licensed or certified by the Arizona Department of Health Services as a health care institution under A.R.S. Title 36, Chapter 4, to provide a medical service, a nursing service, or other health care or health-related service.

“FBR” means Federal Benefit Rate, the maximum monthly Supplemental Security Income payment rate for a member or a married couple.

“Fee-For-Service” or “FFS” means a method of payment by the AHCCCS Administration to a registered provider on an amount-per-service basis for a member not enrolled with a contractor.

“FES member” means a person who is eligible to receive emergency medical and behavioral health services through the FESP under R9-22-217.

“FESP” means the federal emergency services program under R9-22-217 which covers services to treat an emergency medical or behavioral health condition for a member who is determined eligible under A.R.S. § 36-2903.03(D).

“FQHC” means federally qualified health center.

“GSA” means a geographical service area designated by the Administration within which a contractor provides, directly or through a subcontract, a covered health care service to a member enrolled with the contractor.

“Hospital” means a health care institution that is licensed as a hospital by the Arizona Department of Health Services under A.R.S. Title 36, Chapter 4, Article 2, and certified as a provider under Title XVIII of the Social Security Act, as amended, or is currently determined, by the Arizona Department of Health Services as the CMS designee, to meet the requirements of certification.

“IHS” means Indian Health Service.

“IMD” or “Institution for Mental Diseases” means an Institution for Mental Diseases as described in 42 CFR 435.1010 that is licensed by ADHS.

“Legal representative” means a custodial parent of a child under 18, a guardian, or a conservator.

“License” or “licensure” means a nontransferable authorization that is granted based on established standards in law by a state or a county regulatory agency or board and allows a health care provider to lawfully render a health care service.

“Mailing date” when used in reference to a document sent first class, postage prepaid, through the United States mail, means the date:

Shown on the postmark;

Shown on the postage meter mark of the envelope, if no postmark; or

Entered as the date on the document, if there is no legible postmark or postage meter mark.

“Medical record” means a document that relates to medical or behavioral health services provided to a member by a physician or other licensed practitioner of the healing arts and that is kept at the site of the provider.

“Medical supplies” means consumable items that are designed specifically to meet a medical purpose.

“Medically necessary” means a covered service is provided by a physician or other licensed practitioner of the healing arts within the scope of practice under state law to prevent disease, disability, or other adverse health conditions or their progression, or to prolong life.

“Medicare claim” means a claim for Medicare-covered services for a member with Medicare coverage.

“Non-FES member” means an eligible person who is entitled to full AHCCCS services.

“Offeror” means an individual or entity that submits a proposal to the Administration in response to an RFP.

“Physician” means a person licensed as an allopathic or osteopathic physician under A.R.S. Title 32, Chapter 13 or Chapter 17.

“Practitioner” means a physician assistant licensed under A.R.S. Title 32, Chapter 25, or a registered nurse practitioner certified under A.R.S. Title 32, Chapter 15.

“Prescription” means an order to provide covered services that is signed or transmitted by a provider authorized to prescribe the services.

“Primary care provider” or “PCP” means an individual who meets the requirements of A.R.S. § 36-2901 (14), and who is responsible for the management of a member’s health care.

“Prior authorization” means the process by which the Administration or contractor, whichever is applicable, authorizes, in advance, the delivery of covered services based on factors including but not limited to medical necessity, cost effectiveness, compliance with this Article and any applicable contract provisions. Prior authorization is not a guarantee of payment.

“Prior period coverage” means the period prior to the member’s enrollment during which a member is eligible for covered services. PPC begins on the first day of the month of application or the first eligible month, whichever is later, and continues until the day the member is enrolled with a contractor.

“Proposal” means all documents, including best and final offers, submitted by an offeror in response to an RFP by the Administration.

“Radiology” means professional and technical services rendered to provide medical imaging, radiation oncology, and radioisotope services.

“Referral” means the process by which a member is directed by a primary care provider or an attending physician to another appropriate provider or resource for diagnosis or treatment.

“Rehabilitation services” means physical, occupational, and speech therapies, and items to assist in improving or restoring a person’s functional level.

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“Responsible offeror” means an individual or entity that has the capability to perform the requirements of a contract and that ensures good faith performance.

“Responsive offeror” means an individual or entity that submits a proposal that conforms in all material respects to an RFP.

“Review” means a review of all factors affecting a member’s eligibility.

“Review month” means the month in which the individual’s or family’s circumstances and case record are reviewed.

“RFP” means Request for Proposals, including all documents, whether attached or incorporated by reference, that are used by the Administration for soliciting a proposal under 9 A.A.C. 22, Article 6.

“Service location” means a location at which a member obtains a covered service provided by a physician or other licensed practitioner of the healing arts under the terms of a contract.

“Service site” means a location designated by a contractor as the location at which a member is to receive covered services.

“S.O.B.R.A.” means Section 9401 of the Sixth Omnibus Budget Reconciliation Act, 1986, amended by the Medicare Catastrophic Coverage Act of 1988, 42 U.S.C. 1396a(a)(10)(A)(i)(IV), 42 U.S.C. 1396a(a)(10)(A)(i)(VI), and 42 U.S.C. 1396a(a)(10)(A)(i)(VII).

“Specialist” means a Board-eligible or certified physician who declares himself or herself as a specialist and practices a specific medical specialty. For the purposes of this definition, Board-eligible means a physician who meets all the requirements for certification but has not tested for or has not been issued certification.

“Spouse” means a person who has entered into a contract of marriage recognized as valid by this state.

“SSN” means Social Security number.

“Standard of care” means a medical procedure or process that is accepted as treatment for a specific illness, injury, or medical condition through custom, peer review, or consensus by the professional medical community.

“Subcontract” means an agreement entered into by a contractor with any of the following:

A provider of health care services who agrees to furnish covered services to a member,

A marketing organization, or

Any other organization or person that agrees to perform any administrative function or service for the contractor specifically related to securing or fulfilling the contractor’s obligation to the Administration under the terms of a contract.

“Taxi” is as defined in A.R.S. § 28-101(53).

#### Historical Note

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-101 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-101 repealed, former Sections R9-22-102 and R9-22-301

renumbered as Section R9-22-101 and amended effective October 1, 1983 (Supp. 83-5). Adopted as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended as an emergency by adding new paragraphs (24), (46), (84) and (91) and renumbering accordingly effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Amended as an emergency by adding new paragraphs (2) and (15) and renumbering accordingly effective October 25, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-5). Emergency expired. Permanent amendment added paragraphs (2) and (15) and renumbered accordingly effective February 1, 1985 (Supp. 85-1). Amended effective October 1, 1985 (Supp. 85-5). Amended paragraphs (10) and (15) effective October 1, 1986 (Supp. 86-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective October 1, 1987; amended effective December 22, 1987 (Supp. 87-4). Amended by deleting paragraphs (39) and (62) and renumbering accordingly effective July 1, 1988 (Supp. 88-3). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Amended effective December 13, 1993 (Supp. 93-4). Amended effective January 14, 1997 (Supp. 97-1). Section repealed; new Section adopted effective December 8, 1997 (Supp. 97-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by final rulemaking at 5 A.A.R. 607, effective February 5, 1999 (Supp. 99-1). Amended by final rulemaking at 5 A.A.R. 867, effective March 4, 1999 (Supp. 99-1). Amended by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by exempt rulemaking at 7 A.A.R. 5701, effective December 1, 2001 (Supp. 01-4). Amended by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Amended by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). Amended by exempt rulemaking at 9 A.A.R. 4001, effective October 19, 2003 (Supp. 03-3). Amended by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 3830, effective November 12, 2005 (Supp. 05-3). Amended by final rulemaking at 11 A.A.R. 5467, effective December 6, 2005 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 13 A.A.R. 3351, effective November 10, 2007 (Supp. 07-3). Amended by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008

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(Supp. 08-2). Amended by exempt rulemaking at 16 A.A.R. 1638, effective October 1, 2010 (Supp. 10-3). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by exempt rulemaking at 18 A.A.R. 461, effective April 1, 2012 (Supp. 12-1). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

**R9-22-102. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-102 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1992 (Supp. 82-4). Former Section R9-22-102 renumbered together with former Section R9-22-301 as Section R9-22-101 and amended effective October 1, 1983 (Supp. 83-5). New Section adopted effective December 8, 1997 (Supp. 97-4). Amended by exempt rulemaking at 7 A.A.R. 5701, effective December 1, 2001 (Supp. 01-4). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 11 A.A.R. 5467, effective December 6, 2005 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Section repealed by final rulemaking at 13 A.A.R. 3351, effective November 10, 2007 (Supp. 07-3).

**R9-22-103. Repealed****Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-104. Reserved****R9-22-105. Repealed****Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Section repealed by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4).

**R9-22-106. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 607, effective February 5, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Section repealed by final rulemaking at 11 A.A.R. 5467, effective December 6, 2005 (Supp. 05-4).

**R9-22-107. Repealed****Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). Section repealed by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2).

**R9-22-108. Repealed****Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 3317, effective

August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1).

**R9-22-109. Repealed****Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. effective 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-110. Repealed****Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Section repealed by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1).

**R9-22-111. Reserved****R9-22-112. Repealed****Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Repealed by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1).

**R9-22-113. Reserved****R9-22-114. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 11 A.A.R. 5467, effective December 6, 2005 (Supp. 05-4).

**R9-22-115. Repealed****Historical Note**

Final Section adopted at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 11 A.A.R. 5467, effective December 6, 2005 (Supp. 05-4).

**R9-22-116. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-117. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by

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exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2).

**R9-22-118. Reserved**

**R9-22-119. Reserved**

**R9-22-120. Repealed**

### Historical Note

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

## ARTICLE 2. SCOPE OF SERVICES

### R9-22-201. Scope of Services-related Definitions

In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Chapter have the following meanings unless the context explicitly requires another meaning:

“Anticipatory guidance” means a person responsible for a child receives information and guidance of what the person should expect of the child’s development and how to help the child stay healthy.

“Behavioral health recipient” means a Title XIX or Title XXI acute care member who is eligible for, and is receiving, behavioral health services through ADHS/DBHS.

“Benefit year” means a one-year time period of October 1st through September 30th.

“Emergency behavioral health condition for a non-FES member” means a condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect the absence of immediate medical attention to result in:

Placing the health of the person, including mental health, in serious jeopardy;

Serious impairment to bodily functions;

Serious dysfunction of any bodily organ or part; or

Serious physical harm to another person.

“Emergency behavioral health services for a non-FES member” means those behavioral health services provided for the treatment of an emergency behavioral health condition.

“Emergency medical condition for a non-FES member” means treatment for a medical condition, including labor and delivery, which manifests itself by acute symptoms of sufficient severity, including severe pain, such that a prudent layperson who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in:

Placing the member’s health in serious jeopardy,

Serious impairment to bodily functions, or

Serious dysfunction of any bodily organ or part.

“Emergency medical services for a non-FES member” means services provided for the treatment of an emergency medical condition.

“Hearing aid” means an instrument or device designed for, or represented by the supplier as aiding or compensating for

impaired or defective human hearing, and includes any parts, attachments, or accessories of the instrument or device.

“Home health services” means services and supplies that are provided by a home health agency that coordinates in-home intermittent services for curative, habilitative care, including home-health aide services, licensed nurse services, and medical supplies, equipment, and appliances.

“Occupational therapy” means medically prescribed treatment provided by or under the supervision of a licensed occupational therapist, to restore or improve an individual’s ability to perform tasks required for independent functioning.

“Pharmaceutical service” means medically necessary medications that are prescribed by a physician, practitioner, or dentist under R9-22-209.

“Physical therapy” means treatment services to restore or improve muscle tone, joint mobility, or physical function provided by or under the supervision of a registered physical therapist.

“Post-stabilization services” means covered services related to an emergency medical or behavioral health condition provided after the condition is stabilized.

“Primary care provider services” means healthcare services provided by and within the scope of practice, as defined by law, of a licensed physician, certified nurse practitioner, or licensed physician assistant.

“Psychosocial rehabilitation services” means services that provide education, coaching, and training to address or prevent residual functional deficits and may include services that may assist a member to secure and maintain employment. Psychosocial rehabilitation services may include:

Living skills training,

Cognitive rehabilitation,

Health promotion,

Supported employment, and

Other services that increase social and communication skills to maximize a member’s ability to participate in the community and function independently.

“RBHA” or “Regional Behavioral Health Authority” means the same as in A.R.S. § 36-3401.

“Residual functional deficit” means a member’s inability to return to a previous level of functioning, usually after experiencing a severe psychotic break or state of decompensation.

“Respiratory therapy” means treatment services to restore, maintain, or improve respiratory functions that are provided by, or under the supervision of, a respiratory therapist licensed according to A.R.S. Title 32, Chapter 35.

“Scope of services” means the covered, limited, and excluded services under Articles 2 and 12 of this Chapter.

“Speech therapy” means medically prescribed diagnostic and treatment services provided by or under the supervision of a certified speech therapist.

“Sterilization” means a medically necessary procedure, not for the purpose of family planning, to render an eligible person or member barren in order to:

Prevent the progression of disease, disability, or adverse health conditions; or

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Prolong life and promote physical health.

“Substance abuse” means the chronic, habitual, or compulsive use of any chemical matter that, when introduced into the body, is capable of altering human behavior or mental functioning and, with extended use, may cause psychological dependence and impaired mental, social or educational functioning. Nicotine addiction is not considered substance abuse for adults who are 21 years of age or older

#### Historical Note

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-201 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (B) effective May 30, 1989 (Supp. 89-2). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 3217, effective October 1, 2005 (Supp. 05-3). Section repealed; new Section made by final rulemaking at 13 A.A.R. 3351, effective November 10, 2007 (Supp. 07-3). Amended by exempt rulemaking at 16 A.A.R. 1638, effective October 1, 2010 (Supp. 10-3). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by exempt rulemaking at 17 A.A.R. 1707, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 2747, effective October 8, 2013 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

#### R9-22-202. General Requirements

- A. For the purposes of this Article, the following definitions apply:
  1. “Authorization” means written, verbal, or electronic authorization by:
    - a. The Administration for services rendered to a fee-for-service member, or
    - b. The contractor for services rendered to a prepaid capitated member.
  2. Use of the phrase “attending physician” applies only to the fee-for-service population.
- B. In addition to other requirements and limitations specified in this Chapter, the following general requirements apply:
  1. Only medically necessary, cost effective, and federally-reimbursable and state-reimbursable services are covered services.
  2. Covered services for the federal emergency services program (FESP) are under R9-22-217.
  3. The Administration or a contractor may waive the covered services referral requirements of this Article.
  4. Except as authorized by the Administration or a contractor, a primary care provider, attending physician, practitioner, or a dentist shall provide or direct the member’s covered services. Delegation of the provision of care to a practitioner does not diminish the role or responsibility of the primary care provider.
  5. A contractor shall offer a female member direct access to preventive and routine services from gynecology provid-

ers within the contractor’s network without a referral from a primary care provider.

6. A member may receive physical and behavioral health services as specified in Articles 2 and 12.
7. The Administration or a contractor shall provide services under the Section 1115 Waiver as defined in A.R.S. § 36-2901.
8. An AHCCCS registered provider shall provide covered services within the provider’s scope of practice.
9. In addition to the specific exclusions and limitations otherwise specified under this Article, the following are not covered:
  - a. A service that is determined by the AHCCCS Chief Medical Officer to be experimental or provided primarily for the purpose of research;
  - b. Services or items furnished gratuitously, and
  - c. Personal care items except as specified under R9-22-212.
10. Medical or behavioral health services are not covered services if provided to:
  - a. An inmate of a public institution; or
  - b. A person who is in residence at an institution for the treatment of tuberculosis.
- C. The Administration or a contractor may deny payment of non-emergency services if prior authorization is not obtained as specified in this Article and Article 7 of this Chapter. The Administration or a contractor shall not provide prior authorization for services unless the provider submits documentation of the medical necessity of the treatment along with the prior authorization request.
- D. Services under A.R.S. § 36-2908 provided during the prior period coverage do not require prior authorization.
- E. Prior authorization is not required for services necessary to evaluate and stabilize an emergency medical condition. The Administration or a contractor shall not reimburse services that require prior authorization unless the provider documents the diagnosis and treatment.
- F. A service is not a covered service if provided outside the GSA unless one of the following applies:
  1. A member is referred by a primary care provider for medical specialty care outside the GSA. If a member is referred outside the GSA to receive an authorized medically necessary service, the contractor shall also provide all other medically necessary covered services for the member;
  2. There is a net savings in service delivery costs as a result of going outside the GSA that does not require undue travel time or hardship for a member or the member’s family;
  3. The contractor authorizes placement in a nursing facility located out of the GSA; or
  4. Services are provided during prior period coverage or during the prior quarter coverage.
- G. If a member is traveling or temporarily residing outside of the GSA, covered services are restricted to emergency care services, unless otherwise authorized by the contractor.
- H. A contractor shall provide at a minimum, directly or through subcontracts, the covered services specified in this Chapter and in contract.
- I. The Administration shall determine the circumstances under which a FFS member may receive services, other than emergency services, from service providers outside the member’s county of residence or outside the state. Criteria considered by the Administration in making this determination shall include availability and accessibility of appropriate care and cost effectiveness.



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**J.** The restrictions, limitations, and exclusions in this Article do not apply to a contractor electing to provide noncovered services.

1. The Administration shall not consider the costs of providing a noncovered service to a member in the development or negotiation of a capitation rate.
2. A contractor shall pay for noncovered services from administrative revenue or other contractor funds that are unrelated to the provision of services under this Chapter.
3. If a member requests a service that is not covered or is not authorized by a contractor, or the Administration, an AHCCCS-registered service provider may provide the service according to R9-22-702.

**K.** Subject to CMS approval, the restrictions, limitations, and exclusions specified in the following subsections do not apply to American Indians receiving services through IHS or a tribal health program operating under P.L. 93-638 when those services are eligible for 100 percent federal financial participation:

1. R9-22-205(A)(8),
2. R9-22-206,
3. R9-22-207,
4. R9-22-212(C),
5. R9-22-212(D),
6. R9-22-212(E)(8),
7. R9-22-215(C)(5), (C)(6), and
8. R9-22-215(C)(4).

#### Historical Note

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-202 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1987; amended effective December 22, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2).

Amended effective April 13, 1990 (Supp. 90-2).

Amended effective December 13, 1993 (Supp. 93-4).

Amended effective July 1, 1995, under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1994, Ch. 322, § 21; filed with the Office of the Secretary of State June 22, 1995 (Supp. 95-3). Amended effective January 1, 1996, under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1995, Third Special Session, Ch. 1, § 5; filed with the Office of the Secretary of State December 28, 1995 (Supp. 95-4). Section repealed effective September 22, 1997 (Supp. 97-3). New Section made by final rulemaking at 13 A.A.R. 3351, effective November 10, 2007 (Supp. 07-3). Amended by exempt rulemaking at 16 A.A.R. 1638, effective October 1, 2010 (Supp. 10-3). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 20 A.A.R. 1949, effective September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4). Amended by final rulemaking at 21 A.A.R. 1225, effective July 7, 2015 (Supp. 15-3).

#### R9-22-203. Experimental Services

**A.** Experimental services are not covered. A service is not experimental if:

1. It is generally and widely accepted as a standard of care in the practice of medicine in the United States and is a safe and effective treatment for the condition for which it is intended or used.

2. The service does not meet the standard in subsection (A)(1), but the service has been demonstrated to be safe and effective for the condition for which it is intended or used based on the weight of the evidence in peer-reviewed articles in medical journals published in the United States.

3. The service does not meet the standard in subsection (A)(2) because the condition for which the service is intended or used is rare, but the service has been demonstrated to be safe and effective for the condition for which it is intended or used based on the weight of opinions from specialists who provide the service or related services.

**B.** The following factors shall be considered when evaluating the weight of peer-reviewed articles or the opinions of specialists:

1. The mortality rate and survival rate of the service as compared to the rates for alternative non-experimental services.
2. The types, severity, and frequency of complications associated with the services as compared with the complications associated with alternative non-experimental services.
3. The frequency with which the service has been performed in the past.
4. Whether there is sufficient historical information regarding the service to provide reliable data regarding risks and benefits.
5. The reputation and experience of the authors and/or specialists and their record in related areas.
6. The extent to which medical science in the area develops rapidly and the probability that more definite data will be available in the foreseeable future.
7. Whether the peer reviewed article describes a random controlled trial or an anecdotal clinical case study.

#### Historical Note

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-203 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1987; amended effective December 22, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2).

Amended effective April 13, 1990 (Supp. 90-2).

Amended effective September 29, 1992 (Supp. 92-3).

Amended under an exemption from the provisions of the Administrative Procedure Act effective March 22, 1993; received in the Office of the Secretary of State March 24, 1993 (Supp. 93-1). Amended effective December 13, 1993 (Supp. 93-4). Section repealed effective September 22, 1997 (Supp. 97-3). New Section made by exempt rulemaking at 16 A.A.R. 1638, effective October 1, 2010 (Supp. 10-3). Section amended by final rulemaking at 20 A.A.R. 1956, effective September 6, 2014 (Supp. 14-3).

#### R9-22-204. Inpatient General Hospital Services

**A.** The following limitations apply to inpatient general hospital services that are provided by FFS providers.

1. Providers shall obtain prior authorization from the Administration for the following inpatient hospital services:
  - a. Nonemergency and elective admission, including psychiatric hospitalization;
  - b. Elective surgery; and

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- c. Services or items provided to cosmetically reconstruct or improve personal appearance after an illness or injury.
  2. The Administration or a contractor may deny a claim if a provider fails to obtain prior authorization.
  3. Providers are not required to obtain prior authorization from the Administration for the following inpatient hospital services:
    - a. Voluntary sterilization,
    - b. Dialysis shunt placement,
    - c. Arteriovenous graft placement for dialysis,
    - d. Angioplasties or thrombectomies of dialysis shunts,
    - e. Angioplasties or thrombectomies of arteriovenous graft for dialysis,
    - f. Hospitalization for vaginal delivery that does not exceed 48 hours,
    - g. Hospitalization for cesarean section delivery that does not exceed 96 hours, and
    - h. Other services identified by the Administration through the Provider Participation Agreement.
  4. The Administration may perform concurrent review for hospitalizations of non-FES members to determine whether there is medical necessity for the hospitalization. A provider shall notify the Administration no later than 72 hours after an emergency admission.
- C. Coverage of in-state and out-of-state inpatient hospital services is limited to 25 days per benefit year for members age 21 and older for claims with discharge dates on or before September 30, 2014. The limit applies for all inpatient hospital services with dates of service during the benefit year regardless of whether the member is enrolled in Fee for Service, is enrolled with one or more contractors, or both, during the benefit year.
  1. For purposes of calculating the limit:
    - a. Inpatient days are counted towards the limit if paid by the Administration or a contractor;
    - b. Inpatient days will be counted toward the limit in the order of the adjudication date of a paid claim;
    - c. Paid inpatient days are allocated to the benefit year in which the date of service occurs;
    - d. Each 24 hours of paid observation services is counted as one inpatient day if the patient is not admitted to the same hospital directly following the observation services,
    - e. Observation services, which are directly followed by an inpatient admission to the same hospital are not counted towards the inpatient limit; and
    - f. After 25 days of inpatient hospital services have been paid as provided for in this rule Section:
      - i. Outpatient services that are directly followed by an inpatient admission to the same hospital, including observation services, are not covered.
      - ii. Continuous periods of observation services of less than 24 hours that are not directly followed by an inpatient admission to the same hospital are covered.
      - iii. For continuous periods of observation services of 24 hours or more that are not directly followed by an inpatient admission to the same hospital, 23 hours of observations services are covered.
  2. The following inpatient days are not included in the inpatient hospital limitation described in this Section:
    - a. Days reimbursed under specialty contracts between AHCCCS and a transplant facility that are included within the component pricing referred to in the contract;
    - b. Days related to Behavioral Health:
      - i. Inpatient days that qualify for the psychiatric tier under R9-22-712.09 and reimbursed by the Administration or its contractors, or
      - ii. Inpatient days with a primary psychiatric diagnosis code reimbursed by the Administration or its contractors, or
      - iii. Inpatient days paid by the Arizona Department of Health Services Division of Behavioral Health Services or a RBHA or TRBHA.
    - c. Days related to treatment for burns and burn late effects at an American College of Surgeons verified burn center;
    - d. Same Day Admit Discharge services are excluded from the 25 day limit; and
    - e. Subject to approval by CMS, days for which the state claims 100% FFP, such as payments for days provided by IHS or 638 facilities.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-204 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (A) effective December 22, 1987 (Supp. 87-4). Amended effective December 13, 1993 (Supp. 93-4). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by exempt rulemaking at 17 A.A.R. 1707, effective October 1, 2011 (Supp. 11-3). Amended by exempt rulemaking at 18 A.A.R. 1745, effective October 1, 2012 (Supp. 12-2). Amended by final rulemaking at 19 A.A.R. 2747, effective October 8, 2013 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 1956, effective September 6, 2014 (Supp. 14-3).

**R9-22-205. Attending Physician, Practitioner, and Primary Care Provider Services**

- A. A primary care provider, attending physician, or practitioner shall provide primary care provider services within the provider's scope of practice under A.R.S. Title 32. A member may receive primary care provider services in an inpatient or outpatient setting including at a minimum:
  1. Periodic health examination and assessment;
  2. Evaluation and diagnostic workup;
  3. Medically necessary treatment;
  4. Prescriptions for medication and medically necessary supplies and equipment;
  5. Referral to a specialist or other health care professional if medically necessary;
  6. Patient education;
  7. Home visits if medically necessary; and
  8. Preventive health services, such as, well visits, immunizations, colonoscopies, mammograms and PAP smears.
- B. The following limitations and exclusions apply to attending physician and practitioner services and primary care provider services:

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1. Specialty care and other services provided to a member upon referral from a primary care provider, or to a member upon referral from the attending physician or practitioner are limited to the service or condition for which the referral is made, or for which authorization is given by the Administration or a contractor.
2. A member's physical examination is not covered if the sole purpose is to obtain documentation for one or more of the following:
  - a. Qualification for insurance,
  - b. Pre-employment physical evaluation,
  - c. Qualification for sports or physical exercise activities,
  - d. Pilot's examination for the Federal Aviation Administration,
  - e. Disability certification to establish any kind of periodic payments,
  - f. Evaluation to establish third-party liabilities, or
  - g. Physical ability to perform functions that have no relationship to primary objectives of the services listed in subsection (A).
3. Orthognathic surgery is covered only for a member who is less than 21 years of age;
4. The following services are excluded from AHCCCS coverage:
  - a. Infertility services, reversal of surgically induced infertility (sterilization), and gender reassignment surgeries;
  - b. Pregnancy termination counseling services;
  - c. Pregnancy terminations, unless required by state or federal law.
  - d. Services or items furnished solely for cosmetic purposes; and
  - e. Hysterectomies unless determined medically necessary.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-205 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (A), paragraph (15) and added paragraph (20) effective December 22, 1987 (Supp. 87-4). Amended subsection (C)(2) effective May 30, 1989 (Supp. 89-2). Amended under an exemption from the provisions of the Administrative Procedure Act effective March 22, 1993; received in the Office of the Secretary of State March 24, 1993 (Supp. 93-1). Amended effective December 13, 1993 (Supp. 93-4). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4). Amended by exempt rulemaking at 16 A.A.R. 1638, effective October 1, 2010 (Supp. 10-3). Amended by final rulemaking at 20 A.A.R. 1949, effective September 6, 2014 (Supp. 14-3).

**Editor's Note:** *The following Section was renumbered and a new Section adopted under an exemption from the provisions of the Administrative Procedure Act which means that this rule was not published as a proposed rule in the Arizona Administrative Register; the rule was not reviewed or approved by the Governor's Regulatory Review Council; and the agency was not required to*

*hold public hearings on the rule. This Section was subsequently amended through the regular rulemaking process.*

**R9-22-206. Organ and Tissue Transplant Services**

- A. Organ and tissue transplant services are covered for a member if prior authorized and coordinated with the member's contractor, or the Administration. Only the following transplants are covered for individuals 21 years of age or older:
  1. Heart, including transplants for the treatment of non-ischemic cardiomyopathy;
  2. Liver, including transplants for patients with hepatitis C;
  3. Kidney (cadaveric and live donor);
  4. Simultaneous Pancreas/Kidney (SPK);
  5. Autologous and Allogeneic related and unrelated Hematopoietic Cell transplants;
  6. Cornea;
  7. Bone;
  8. Lung; and
  9. Pancreas after a kidney transplant (PAK).
- B. The following transplants are not covered for members 21 years of age or older:
  1. Pancreas only transplants if it is not performed simultaneously with or following a kidney transplant. Partial pancreas transplants and autologous and allogeneic pancreas islet cell transplants are not covered even if performed simultaneously with or following a kidney transplant,
  2. Intestine transplants, and
  3. Any other type of transplant not specifically listed in subsection (A).
- C. When there is a transplant of multiple organs, reimbursement will only be made for those covered.
- D. Organ and tissue transplant services are not covered for non-qualified aliens or noncitizens members of FESP under A.R.S. § 36-2903.03(D).

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-206 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended effective December 13, 1993 (Supp. 93-4). Former Section R9-22-206 renumbered to R9-22-218, new Section R9-22-206 adopted effective January 1, 1996, under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1995, Third Special Session, Ch. 1, § 5; filed with the Office of the Secretary of State December 28, 1995 (Supp. 95-4). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by exempt rulemaking at 7 A.A.R. 5701, effective December 1, 2001 (Supp. 01-4). Amended by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4). Amended by exempt rulemaking at 16 A.A.R. 1386, effective July 15, 2010 (Supp. 10-3). Amended by exempt rulemaking at 16 A.A.R. 1638, effective October 1, 2010 (Supp. 10-3). Amended by exempt rulemaking at 17 A.A.R. 1122, April 1, 2011 (Supp. 11-2).

**R9-22-207. Dental Services**

- A. The Administration or a contractor shall cover dental services for a member less than 21 years of age under R9-22-213.
- B. For individuals age 21 years of age or older, the Administration or a contractor shall cover medical and surgical services furnished by a dentist only to the extent such services may be performed under state law either by a physician or by a dentist

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and such services would be considered a physician service if furnished by a physician.

1. Except as specified in subsection (C), such services must be related to the treatment of a medical condition such as acute pain, infection, or fracture of the jaw. Covered dental services include examination of the oral cavity, radiographs, complex oral surgical procedures such as treatment of maxillofacial fractures, administration of an appropriate level of anesthesia and the prescription of pain medication and antibiotics.
  2. Such services do not include services that physicians are not generally competent to perform such as dental cleanings, routine dental examinations, dental restorations including crowns and fillings, extractions, pulpotomies, root canals, and the construction or delivery of complete or partial dentures. Diagnosis and treatment of temporomandibular joint dysfunction are not covered except for the reduction of trauma.
- C. For the purposes of this subsection, simple restorations means silver amalgam or composite resin fillings, stainless steel crowns or preformed crowns. In addition, dental services for an individual 21 years of age or older include:
1. The elimination of oral infections and the treatment of oral disease, which includes dental cleanings, treatment of periodontal disease, medically necessary extractions and the provision of simple restorations as a medically necessary pre-requisite to covered transplantation; and
  2. Prophylactic extraction of teeth in preparation for covered radiation treatment of cancer of the jaw, neck or head.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-207 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-207 repealed, new Section R9-22-207 adopted effective October 1, 1985 (Supp. 85-5). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by exempt rulemaking at 16 A.A.R. 1638, effective October 1, 2010 (Supp. 10-3).

**R9-22-208. Laboratory, Radiology, and Medical Imaging Services**

Laboratory, radiology, and medical imaging services are covered services if:

1. Prescribed by the member's attending physician, practitioner, primary care provider or a dentist, or prescribed by a physician or practitioner upon referral from the primary care provider or dentist.
2. Provided by licensed health care providers in a:
  - a. Hospital,
  - b. Clinic,
  - c. Physician's office, or
  - d. Other health care facility.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-208 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-208 repealed, new Section R9-22-208 adopted effective October 1, 1985 (Supp. 85-5). Amended subsection (C) effective December 22, 1987 (Supp. 87-4). Amended

effective December 13, 1993 (Supp. 93-4). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2).

**R9-22-209. Pharmaceutical Services**

- A. An inpatient or outpatient provider, including a hospital, clinic, other appropriately licensed health care facility, and pharmacy may provide covered pharmaceutical services.
- B. The Administration or a contractor shall require a provider to make pharmaceutical services:
  1. Available during customary business hours, and
  2. Located within reasonable travel distance of a member's residence.
- C. Pharmaceutical services are covered if:
  1. Prescribed for a member by the member's primary care provider, attending physician, practitioner, or dentist;
  2. Prescribed by a specialist upon referral from the primary care provider or attending physician; or
  3. The contractor or its designee authorizes the service.
- D. The following limitations apply to pharmaceutical services:
  1. A medication personally dispensed by a physician, dentist, or a practitioner within the individual's scope of practice is not covered, except in geographically remote areas where there is no participating pharmacy or if accessible pharmacies are closed.
  2. A new prescription or refill in excess of a 30 day supply is not covered unless:
    - a. The member will be out of the provider's service area for an extended period of time and the prescription is limited to the extended time period, not to exceed a 90 day supply; or
    - b. The Contractor authorizes the prescription for an extended time period not to exceed a 90-day supply.
  3. An over-the-counter medication, in place of a covered prescription medication, is covered only if the over-the-counter medication is appropriate, equally effective, safe, and less costly than the covered prescription medication.
- E. A contractor shall monitor and ensure sufficient services to prevent any gap in the pharmaceutical regimen of a member who requires a continuing or complex regimen of pharmaceutical treatment to restore, improve, or maintain physical well being.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-209 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended effective September 24, 1986 (Supp. 86-5). Amended subsections (A) and (C) effective December 22, 1987 (Supp. 87-4). Amended subsection (C)(3), effective May 30, 1989 (Supp. 89-2). Amended under an exemption from the Administrative Procedure Act effective March 22, 1993; received in the Office of the Secretary of State March 24, 1993 (Supp. 93-1). Amended effective December 13, 1993 (Supp. 93-4). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 20 A.A.R. 1949, effective September 6, 2014 (Supp. 14-3).

**R9-22-210. Emergency Medical Services for Non-FES Members**

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- A. General provisions.**
1. **Applicability.** This Section applies to emergency medical services for non-FES members. Provisions regarding emergency behavioral health services for non-FES members are in R9-22-210.01. Provisions regarding emergency medical and behavioral health services for FES members are in R9-22-217.
  2. **Definitions.**
    - a. For the purposes of this Section, “contractor” has the same meaning as in A.R.S. § 36-2901. Contractor does not include ADHS/DBHS or a subcontractor of ADHS/DBHS.
    - b. For the purposes of this Section and R9-22-210.01, “fiscal agent” means a person who bills and accepts payment for a hospital or emergency room provider.
  3. **Verification.** A provider of emergency medical services shall verify a person’s eligibility status with AHCCCS, and if eligible, determine whether the person is enrolled with AHCCCS as non-FES FFS or is enrolled with a contractor.
  4. **Prior authorization.**
    - a. **Emergency medical services.** A provider is not required to obtain prior authorization for emergency medical services.
    - b. **Non-emergency medical services.** If a non-FES member’s medical condition does not require emergency medical services, the provider shall obtain prior authorization as required by the terms of the provider agreement under R9-22-714(A) or the provider’s subcontract with the contractor, whichever is applicable.
  5. **Prohibition against denial of payment.** Neither the Administration nor a contractor shall:
    - a. Limit what constitutes an emergency medical condition on the basis of lists of diagnoses or symptoms,
    - b. Deny or limit payment because the provider failed to obtain prior authorization for emergency services,
    - c. Deny or limit payment because the provider does not have a subcontract.
  6. **Grounds for denial.** The Administration and a contractor may deny payment for emergency medical services for reasons including but not limited to:
    - a. The claim was not a clean claim;
    - b. The claim was not submitted timely; and
    - c. The provider failed to provide timely notification under subsection (B)(4) to the contractor or the Administration, as appropriate, and the contractor does not have actual notice from any other source that the member has presented for services.
- B. Additional requirements for emergency medical services for non-FES members enrolled with a contractor.**
1. **Responsible entity.** A contractor is responsible for the provision of all emergency medical services to non-FES members enrolled with the contractor.
  2. **Prohibition against denial of payment.** A contractor shall not limit or deny payment for emergency medical services when an employee of the contractor instructs the member to obtain emergency medical services.
  3. **Contractor notification.** A contractor shall not deny payment to a hospital, emergency room provider, or fiscal agent for an emergency medical service rendered to a non-FES member based on the failure of the hospital, emergency room provider, or fiscal agent to notify the member’s contractor within 10 days from the day that the member presented for the emergency medical service.
  4. **Contractor notification.** A hospital, emergency room provider, or fiscal agent shall notify the contractor no later than the 11th day after presentation of the non-FES member for emergency inpatient medical services. A contractor may deny payment for a hospital’s, emergency room provider’s, or fiscal agent’s failure to provide timely notice, under this subsection.
- C. Post-stabilization services for non-FES members enrolled with a contractor.**
1. After the emergency medical condition of a member enrolled with a contractor is stabilized, a provider shall request prior authorization from the contractor for post-stabilization services.
  2. The contractor is financially responsible for medical post-stabilization services obtained within or outside the network that have been prior authorized by the contractor.
  3. The contractor is financially responsible for medical post-stabilization services obtained within or outside the network that are not prior authorized by the contractor, but are administered to maintain the member’s stabilized condition within one hour of a request to the contractor for prior authorization of further post-stabilization services;
  4. The contractor is financially responsible for medical post-stabilization services obtained within or outside the network that are not prior authorized by the contractor, but are administered to maintain, improve, or resolve the member’s stabilized condition if:
    - a. The contractor does not respond to a request for prior authorization within one hour;
    - b. The contractor authorized to give the prior authorization cannot be contacted; or
    - c. The contractor representative and the treating physician cannot reach an agreement concerning the member’s care and the contractor physician is not available for consultation. In this situation, the contractor shall give the treating physician the opportunity to consult with a contractor physician. The treating physician may continue with care of the member until the contractor physician is reached or:
      - i. A contractor physician with privileges at the treating hospital assumes responsibility for the member’s care,
      - ii. A contractor physician assumes responsibility for the member’s care through transfer,
      - iii. The contractor’s representative and the treating physician reach agreement concerning the member’s care, or
      - iv. The member is discharged.
  5. **Transfer or discharge.** The attending physician or practitioner actually treating the member for the emergency medical condition shall determine when the member is sufficiently stabilized for transfer or discharge and that decision shall be binding on the contractor.
- D. Additional requirements for FFS members.**
1. **Responsible entity.** The Administration is responsible for the provision of all emergency medical services to non-FES FFS members.
  2. **Grounds for denial.** The Administration may deny payment for emergency medical services if a provider fails to provide timely notice to the Administration.
  3. **Notification.** A provider shall notify the Administration no later than 72 hours after a FFS member receiving emergency medical services presents to a hospital for inpatient services. The Administration may deny payment for failure to provide timely notice.

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**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-210 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-210 repealed, new Section R9-22-210 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (B), paragraph (1) effective October 1, 1987 (Supp. 87-4).

Amended effective December 13, 1993 (Supp. 93-4).

Amended effective September 22, 1997 (Supp. 97-3).

Amended by final rulemaking at 5 A.A.R. 867, effective March 4, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002

(Supp. 02-2). Amended by final rulemaking at 11 A.A.R. 5480, effective December 6, 2005 (Supp. 05-4).

Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 20 A.A.R. 1949, effective September 6, 2014 (Supp. 14-3).

**R9-22-210.01. Emergency Behavioral Health Services for Non-FES Members**

**A. General provisions.**

1. Applicability. This Section applies to emergency behavioral health services for non-FES members. Provisions regarding emergency medical services for non-FES members are in R9-22-210. Provisions regarding emergency medical and behavioral health services for FES members are in R9-22-217.
2. Definition. For the purposes of this Section, "contractor" has the same meaning as in A.R.S. § 36-2901. Contractor does not include ADHS/DBHS, a subcontractor of ADHS/DBHS, or Children's Rehabilitative Services.
3. Responsible entity for inpatient emergency behavioral health services.
  - a. Members enrolled with a contractor. ADHS/DBHS, ADHS/DBHS or a subcontractor of ADHS/DBHS is responsible for providing all inpatient emergency behavioral health services to non-FES members with psychiatric or substance abuse diagnoses who are enrolled with the contractor.
  - b. FFS members. ADHS/DBHS or a subcontractor of ADHS/DBHS is responsible for providing all inpatient emergency behavioral health services for non-FES FFS members with psychiatric or substance abuse diagnoses unless services are provided in an IHS or tribally operated 638 facility.
4. Responsible entity for non-inpatient emergency behavioral health services for non-FES members. ADHS/DBHS or a subcontractor of ADHS/DBHS is responsible for providing all non-inpatient emergency behavioral health services for non-FES members.
5. Verification. A provider of emergency behavioral health services shall verify a person's eligibility status with AHCCCS, and if eligible, determine whether the person is a member enrolled with AHCCCS as non-FES FFS or is enrolled with a contractor, and determine whether the member is a behavioral health recipient as defined in R9-22-201.
6. Prior authorization.

- a. Emergency behavioral health services. A provider is not required to obtain prior authorization for emergency behavioral health services.
  - b. Non-emergency behavioral health services. When a non-FES member's behavioral health condition is determined by the provider not to require emergency behavioral health services, the provider shall follow the prior authorization requirements of a contractor and ADHS/DBHS or a subcontractor of ADHS/DBHS.
7. Prohibition against limitation or denial of payment. A contractor, TRBHA, the Administration, ADHS/DBHS, or a subcontractor of ADHS/DBHS shall not limit or deny payment to an emergency behavioral health provider for emergency behavioral health services to a non-FES member for the following reasons:
    - a. On the basis of lists of diagnoses or symptoms;
    - b. Prior authorization was not obtained;
    - c. The provider does not have a contract;
    - d. An employee of the contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS instructs the member to obtain emergency behavioral health services; or
    - e. The failure of a hospital, emergency room provider, or fiscal agent to notify the member's contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS within 10 days from the day the member presented for the emergency service.
  8. Grounds for denial. A contractor, the Administration, ADHS/DBHS, or a subcontractor of ADHS/DBHS may deny payment for emergency behavioral health services for reasons including but not limited to the following:
    - a. The claim was not a clean claim;
    - b. The claim was not submitted timely; or
    - c. The provider failed to provide timely notification under subsection (A)(9) to the contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS or the Administration.
  9. Notification.
    - a. A hospital, emergency room provider, or fiscal agent shall notify a contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS, whichever is appropriate, no later than the 11th day from presentation of the non-FES member for emergency inpatient behavioral health services.
    - b. A hospital, emergency room provider, or fiscal agent shall notify the Administration no later than 72 hours after a FFS member receiving emergency behavioral health services presents to a hospital for inpatient services.
  10. Transfer or discharge. The attending physician or the provider actually treating the non-FES member for the emergency behavioral health condition shall determine when the member is sufficiently stabilized for transfer or discharge and that decision shall be binding on the contractor and ADHS/DBHS or a subcontractor of ADHS/DBHS.
- B. Post-stabilization requirements for non-FES members.**
1. A contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS, as appropriate, is financially responsible for behavioral health post-stabilization services obtained within or outside the network that have been prior authorized by the contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS.
  2. The contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS, as appropriate, is financially responsible for behavioral health post-stabilization services obtained

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within or outside the network that are not prior authorized by the contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS, but are administered to maintain the member's stabilized condition within one hour of a request to the contractor, ADHS/DBHS, or a subcontractor for prior authorization of further post-stabilization services;

3. The contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS, as appropriate, is financially responsible for behavioral health post-stabilization services obtained within or outside the network that are not prior authorized by the contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS, but are administered to maintain, improve, or resolve the member's stabilized condition if:
  - a. The contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS, does not respond to a request for prior authorization within one hour;
  - b. The contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS authorized to give the prior authorization cannot be contacted; or
  - c. The representative of the contractor, ADHS/DBHS, or the subcontractor and the treating physician cannot reach an agreement concerning the member's care and the contractor's, ADHS/DBHS' or the subcontractor's physician, is not available for consultation. The treating physician may continue with care of the member until ADHS/DBHS', the contractor's, or the subcontractor's physician is reached, or:
    - i. A contracted physician with privileges at the treating hospital assumes responsibility for the member's care;
    - ii. ADHS/DBHS', a contractor's, or a subcontractor's physician assumes responsibility for the member's care through transfer;
    - iii. A representative of the contractor, ADHS/DBHS, or the subcontractor and the treating physician reach agreement concerning the member's care; or
    - iv. The member is discharged.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 5480, effective December 6, 2005 (Supp. 05-4).  
 Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

**R9-22-211. Transportation Services****A. Emergency ambulance services.**

1. A member shall receive medically necessary emergency transportation in a ground or air ambulance:
  - a. To the nearest appropriate provider or medical facility capable of meeting the member's medical needs, and
  - b. If no other appropriate means of transportation is available.
2. The Administration or a member's contractor shall reimburse a ground or air ambulance transport that originates in response to a 911 call or other emergency response system:
  - a. If the member's medical condition justifies the medical necessity of the type of ambulance transportation received,
  - b. The transport is to the nearest appropriate provider or medical facility capable of meeting the member's medical needs, and

c. No prior authorization is required for reimbursement of these transports.

3. The member's medical condition at the time of transport determines whether the transport is medically necessary.
  4. A ground or air ambulance provider furnishing transport in response to a 911 call or other emergency response system shall notify the member's contractor within 10 working days from the date of transport. Failure of the provider to provide notification is cause for denial.
  5. Notification to the Administration of emergency transportation provided to a FFS member is not required, but the provider shall submit documentation with the claim that justifies the service.
- B.** The Administration or a contractor covers air ambulance services only if at least one criterion in subsection (B)(1) is met and at least one criterion in subsection (B)(2), or the criterion in subsection (B)(3) is met. The criteria are:
1. The air ambulance transport is initiated at the request of:
    - a. An emergency response unit,
    - b. A law enforcement official,
    - c. A clinic or hospital medical staff member, or
    - d. A physician or practitioner, and
  2. The point of pickup:
    - a. Is inaccessible by ground ambulance, or
    - b. Is a great distance from the nearest hospital or other provider with appropriate facilities to treat the member's condition and ground ambulance service will not suffice, or
  3. The medical condition of the member requires immediate intervention from emergency ambulance personnel or providers with the appropriate facilities to treat the member's condition.
- C.** Coverage of medically necessary nonemergency transportation is limited to the cost of transporting the member to an appropriate provider capable of meeting the member's medical needs.
1. As specified in contract, a contractor shall arrange or provide medically necessary nonemergency transportation services for a member who is unable to arrange transportation to a service site or location.
  2. For a fee-for-service member, the Administration shall authorize medically necessary nonemergency transportation for a member who is unable to arrange transportation to a service site or location.
- D.** For the purposes of this subsection, an individual means a person who is not in the business of providing transportation services such as a family or household member, friend, or neighbor. The Administration or a contractor shall cover expenses for transportation in traveling to and returning from an approved and prior authorized health care service site provided by an individual if:
1. The transportation services are authorized by the Administration or the member's contractor or designee,
  2. The individual is an AHCCCS registered provider, and
  3. No other means of appropriate transportation is available.
- E.** The Administration or a contractor shall cover expenses for meals, lodging, and transportation for a member traveling to and returning from an approved health care service site outside of the member's service area or county of residence.
- F.** The Administration or a contractor shall cover the expense of meals, lodging, and transportation for:
1. A family member accompanying a member if:
    - a. The member is traveling to or returning from an approved health care service site outside of the member's service area or county of residence; and

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- b. The meals, lodging, and transportation services are authorized by the Administration or the member's contractor or designee.
  - 2. An escort who is not a family member as follows:
    - a. If the member is traveling to or returning from an approved and prior authorized health care service site, including an inpatient facility, outside of the member's service area or county of residence;
    - b. If the escort services are authorized by the Administration or the member's contractor or designee; and
    - c. Wage paid to an escort as reimbursement shall not exceed the federal minimum wage.
- G. A provider shall obtain prior authorization from the Administration for transportation services provided for a member for the following:
  - 1. Medically necessary nonemergency transportation services not originated through a 911 call or other emergency response system when the distance traveled exceeds 100 miles (whether one way or round trip); and
  - 2. All meals, lodging, and services of an escort accompanying the member under this Section.
- H. A charitable organization routinely providing transportation service at no cost to an ambulatory or chairbound person shall not charge or seek reimbursement from the Administration or a contractor for the provision of the service to a member but may enter into a subcontract with a contractor for medically necessary transportation services provided to a member.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-211 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (A) effective October 1, 1986 (Supp. 86-5). Amended effective December 13, 1993 (Supp. 93-4). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3).

**R9-22-212. Durable Medical Equipment, Orthotic and Prosthetic Devices, and Medical Supplies**

- A. Durable medical equipment, orthotic and prosthetic devices, and medical supplies, including incontinence briefs as specified in subsection (E), are covered services to the extent permitted in this Section if provided in compliance with requirements of this Chapter; and
  - 1. Prescribed by the primary care provider, attending physician, or practitioner; or
  - 2. Prescribed by a specialist upon referral from the primary care provider, attending physician, or practitioner; and
  - 3. Authorized as required by the Administration, contractor, or contractor's designee.
- B. Covered medical supplies are consumable items that are designed specifically to meet a medical purpose, are disposable, and are essential for the member's health.
- C. Covered DME is any item, appliance, or piece of equipment that is not a prosthetic or orthotic; and
  - 1. Is designed for a medical purpose, and is generally not useful to a person in the absence of an illness or injury, and
  - 2. Can withstand repeated use, and
  - 3. Is generally reusable by others.
- D. Prosthetics are devices prescribed by a physician or other licensed practitioner to artificially replace missing, deformed

or malfunctioning portion of the body. Only those prosthetics that are medically necessary for rehabilitation are covered, except as otherwise provided in R9-22-215.

**E. The following limitations on coverage apply:**

- 1. The DME is furnished on a rental or purchase basis, whichever is less expensive. The total expense of renting the DME does not exceed the cost of the DME if purchased.
- 2. Reasonable repair or adjustment of purchased DME is covered if necessary to make the DME serviceable and if the cost of repair or adjustment is less than the cost of renting or purchasing another unit.
- 3. A change in, or addition to, an original order for DME is covered if approved by the prescriber in subsection (A), or prior authorized by the Administration or contractor, and the change or addition is indicated clearly on the order and initialed by the vendor. No change or addition to the original order for DME may be made after a claim for services is submitted to the member's contractor, or the Administration, without prior written notification of the change or addition to the Administration or the contractor.
- 4. Reimbursement for rental fees shall terminate:
  - a. No later than the end of the month in which the prescriber in subsection (A) certifies that the member no longer needs the DME;
  - b. If the member is no longer eligible for AHCCCS services; or
  - c. If the member is no longer enrolled with a contractor, with the exception of transitions of care as specified in R9-22-509.
- 5. Except for incontinence briefs for persons over 3 years old and under 21 years old as provided in subsection (E)(6), personal care items including items for personal cleanliness, body hygiene, and grooming are not covered unless needed to treat a medical condition. Personal care items are not covered services if used solely for preventive purposes.
- 6. Incontinence briefs, including pull-ups are covered to prevent skin breakdown and enable participation in social, community, therapeutic and educational activities under the following circumstances:
  - a. The member is over 3 years old and under 21 years old;
  - b. The member is incontinent due to a documented disability that causes incontinence of bowel or bladder, or both;
  - c. The PCP or attending physician has issued a prescription ordering the incontinence briefs;
  - d. Incontinence briefs do not exceed 240 briefs per month unless the prescribing physician presents evidence of medical necessity for more than 240 briefs per month for a member diagnosed with chronic diarrhea or spastic bladder;
  - e. The member obtains incontinence briefs from providers in the contractor's network;
  - f. Prior authorization has been obtained as required by the Administration, contractor, or contractor's designee. Contractors may require a new prior authorization to be issued no more frequently than every 12 months. Prior authorization for a renewal of an existing prescription may be provided by the physician through telephone contact with the member rather than an in-person physician visit. Prior authorization will be permitted to ascertain that:
    - i. The member is over age 3 and under age 21;



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- ii. The member has a disability that causes incontinence of bladder or bowel, or both;
    - iii. A physician has prescribed incontinence briefs as medically necessary. A physician prescription supporting medical necessity may be required for specialty briefs or for briefs different from the standard briefs supplied by the contractor; and
    - iv. The prescription is for 240 briefs or fewer per month, unless evidence of medical necessity for over 240 briefs is provided.
  - 7. First aid supplies are not covered unless they are provided in accordance with a prescription.
  - 8. The following services are not covered for individuals 21 years of age or older:
    - a. Hearing aids;
    - b. Prescriptive lenses unless they are the sole visual prosthetic device used by the member after a cataract extraction;
    - c. Bone Anchor Hearing Aid (BAHA);
    - d. Cochlear implant;
    - e. Percussive vest;
    - f. Insulin pump;
    - g. Microprocessor-controlled lower limbs or microprocessor-controlled joints for lower limbs; and
    - h. Orthotics, which are defined as devices that are prescribed by a physician or other licensed practitioner of the healing arts to support a weak or deformed portion of the body.
  - F. Liability and ownership.
    - 1. Purchased DME that is provided to a member and no longer needed by the member may be disposed of in accordance with each contractor's policy.
    - 2. The Administration shall retain title to purchased DME provided to a member who becomes ineligible or no longer requires use of the DME.
    - 3. If customized DME is purchased by the Administration or contractor for a member, the equipment shall remain with the person during times of transition to a different contractor, or upon loss of eligibility. For purposes of this subsection, customized DME refers to equipment that is altered or built to specifications unique to a member's medical needs and that, most likely, cannot be used or reused to meet the needs of another individual.
    - 4. A member shall return DME obtained fraudulently to the Administration or the contractor.
- Historical Note**
- Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-212 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-212 repealed, new Section R9-22-212 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (B), paragraph (2), and deleted subsection (C) effective October 1, 1986 (Supp. 86-5). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 3272, effective September 11, 2007 (Supp. 07-3). Amended by exempt rulemaking at 16 A.A.R. 1638, effective October 1, 2010 (Supp. 10-3).
- R9-22-213. Early and Periodic Screening, Diagnosis, and Treatment Services (E.P.S.D.T.)**
- A. The following E.P.S.D.T. services are covered for a member less than 21 years of age:
    - 1. Screening services including:
      - a. Comprehensive health and developmental history;
      - b. Comprehensive unclothed physical examination;
      - c. Appropriate immunizations according to age and health history;
      - d. Laboratory tests; and
      - e. Health education, including anticipatory guidance;
    - 2. Vision services including:
      - a. Diagnosis and treatment for defects in vision;
      - b. Eye examinations for the provision of prescriptive lenses;
      - c. Prescriptive lenses; and
      - d. Frames.
    - 3. Hearing services including:
      - a. Diagnosis and treatment for defects in hearing;
      - b. Testing to determine hearing impairment; and
      - c. Hearing aids;
    - 4. Dental services including:
      - a. Emergency dental services as specified in R9-22-207;
      - b. Preventive services including screening, diagnosis, and treatment of dental disease; and
      - c. Therapeutic dental services including fillings, crowns, dentures, and other prosthetic devices;
    - 5. Orthognathic surgery;
    - 6. Medically necessary, nutritional assessment and nutritional therapy as specified in contract to provide complete daily dietary requirements or supplement a member's daily nutritional and caloric intake;
    - 7. Behavioral health services under 9 A.A.C. 22, Article 12;
    - 8. Hospice services do not include home-delivered meals or services provided and covered through Medicare. The following hospice services are covered:
      - a. Hospice services are covered only for a member who is in the final stages of a terminal illness and has a prognosis of death within six months;
      - b. Services available to a member receiving hospice care are limited to those allowable under 42 CFR 418.202, October 1, 2006, incorporated by reference and on file with the Administration. This incorporation by reference contains no future editions or amendments;
    - 9. Incontinence briefs as specified under R9-22-212; and
    - 10. Other necessary health care, diagnostic services, treatment, and measures required by 42 U.S.C. 1396d(r)(5).
  - B. Providers of E.P.S.D.T. services shall meet the following standards:
    - 1. Ensure that services are provided by or under the direction of the member's primary care provider, attending physician, practitioner, or dentist.
    - 2. Perform tests and examinations under 42 CFR 441 Subpart B, October 1, 2006, which is incorporated by reference and on file with the Administration. This incorporation by reference contains no future editions or amendments.
    - 3. Refer a member as necessary for dental diagnosis and treatment and necessary specialty care.
    - 4. Refer a member as necessary for behavioral health evaluation and treatment services.
  - C. Contractors shall meet other E.P.S.D.T. requirements as specified in contract.
  - D. A primary care provider, attending physician, or practitioner shall refer a member with special health care needs under R9-7-301 to CRS.

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**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-213 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-213 repealed, new Section R9-22-213 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985 (Supp. 85-5). Amended effective December 13, 1993 (Supp. 93-4). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 3272, effective September 11, 2007 (Supp. 07-3). Amended by final rulemaking at 20 A.A.R. 1949, effective September 6, 2014 (Supp. 14-3).

**R9-22-214. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-214 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-214 repealed, new Section R9-22-214 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (B), paragraph (4) and added subsection (C), paragraph (2) effective October 1, 1986 (Supp. 86-5). Correction to subsection (C), paragraph (2) (Supp. 87-4). Section repealed effective September 22, 1997 (Supp. 97-3).

**R9-22-215. Other Medical Professional Services**

- A.** The following medical professional services are covered services if a member receives these services in an inpatient, outpatient, or office:
1. Dialysis;
  2. The following family planning services if provided to delay or prevent pregnancy:
    - a. Medications,
    - b. Supplies,
    - c. Devices, and
    - d. Surgical procedures;
  3. Family planning services are limited to:
    - a. Contraceptive counseling, medications, supplies, and associated medical and laboratory examinations, including HIV blood screening as part of a package of sexually transmitted disease tests provided with a family planning service;
    - b. Sterilization; and
    - c. Natural family planning education or referral;
  4. Midwifery services provided by a certified nurse practitioner in midwifery;
  5. Midwifery services for low-risk pregnancies and home deliveries provided by a licensed midwife;
  6. Respiratory therapy;
  7. Ambulatory and outpatient surgery facilities services;
  8. Home health services under A.R.S. § 36-2907(D);
  9. Private or special duty nursing services;
  10. Rehabilitation services including physical therapy, occupational therapy, speech therapy, and audiology within limitations in subsection (C);
  11. Total parenteral nutrition services, which are the provision of total caloric needs by intravenous route for individuals with severe pathology of the alimentary tract; and
  12. Chemotherapy.

- B.** Prior authorization from the Administration for a member is required for services listed in subsections (A)(3)(b), and (A)(4) through (11); except for:
1. Voluntary sterilization;
  2. Dialysis shunt placement;
  3. Arteriovenous graft placement for dialysis;
  4. Angioplasties or thrombectomies of dialysis shunts;
  5. Angioplasties or thrombectomies of arteriovenous grafts for dialysis;
  6. Eye surgery for the treatment of diabetic retinopathy;
  7. Eye surgery for the treatment of glaucoma;
  8. Eye surgery for the treatment of macular degeneration;
  9. Home health visits following an acute hospitalization (limited up to five visits);
  10. Hysteroscopies (up to two, one before and one after) when associated with a family planning diagnosis code and done within 90 days of hysteroscopic sterilization;
  11. Physical therapy subject to the limitation in subsection (C);
  12. Facility services related to wound debridement;
  13. Apnea management and training for premature babies up to the age of 1; and
  14. Other services identified by the Administration through the Provider Participation Agreement.
- C.** The following are not covered services:
1. Occupational and speech therapies provided on an outpatient basis for a member age 21 or older;
  2. Abortion counseling;
  3. Services or items furnished solely for cosmetic purposes;
  4. Services provided by a podiatrist; or
  5. More than 15 outpatient physical therapy visits per benefit year for persons age 21 years or older for the purpose of restoring a skill or level of function and maintaining that skill or level of function once restored.
  6. More than 15 outpatient physical therapy visits per benefit year for persons age 21 years or older for the purpose of acquiring a new skill or a new level of function and maintaining that skill or level of function once acquired.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-215 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by exempt rulemaking at 16 A.A.R. 1638, effective October 1, 2010 (Supp. 10-3). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 20 A.A.R. 1949, effective September 6, 2014 (Supp. 14-3).

**R9-22-216. NF, Alternative HCBS Setting, or HCBS**

- A.** Services provided in a NF, including room and board, an alternative HCBS setting as defined in R9-28-101, or a HCBS as defined in A.R.S. § 36-2939 are covered for a maximum of 90 days per contract year if the member's medical condition would otherwise require hospitalization.
- B.** Except as otherwise provided in 9 A.A.C. 28, the following services are not itemized for separate billing if provided in a NF, alternative HCBS setting, or HCBS:
1. Nursing services, including:

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- a. Administering medication;
- b. Tube feedings;
- c. Personal care services, including but not limited to assistance with bathing and grooming;
- d. Routine testing of vital signs; and
- e. Maintenance of a catheter;
- 2. Basic patient care equipment and sickroom supplies, including:
  - a. First aid supplies such as bandages, tape, ointments, peroxide, alcohol, and over-the-counter remedies;
  - b. Bathing and grooming supplies;
  - c. Identification device;
  - d. Skin lotion;
  - e. Medication cup;
  - f. Alcohol wipes, cotton balls, and cotton rolls;
  - g. Rubber gloves (non-sterile);
  - h. Laxatives;
  - i. Bed and accessories;
  - j. Thermometer;
  - k. Ice bags;
  - l. Rubber sheeting;
  - m. Passive restraints;
  - n. Glycerin swabs;
  - o. Facial tissue;
  - p. Enemas;
  - q. Heating pad; and
  - r. Incontinence briefs.
- 3. Dietary services including preparation and administration of special diets, and adaptive tools for eating;
- 4. Any service that is included in a NF's room and board charge or a service that is required of the NF to meet a federal or state licensure standard or county certification requirement;
- 5. Physician visits made solely for the purpose of meeting state licensure standards or county certification requirements;
- 6. Physical therapy prescribed only as a maintenance regimen; and
- 7. Assistive devices and non-customized durable medical equipment.
- C. A provider shall obtain prior authorization from the Administration for a NF admission for a FFS member.

**Historical Note**

Adopted effective October 1, 1985 (Supp. 85-5). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Subsection (C) amended to correct a typographical error (Supp. 00-4). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 3272, effective September 11, 2007 (Supp. 07-3). Amended by final rulemaking at 13 A.A.R. 4122, effective November 6, 2007 (Supp. 07-4).

**R9-22-217. Services Included in the Federal Emergency Services Program**

- A. Definition. Notwithstanding the definition in R9-22-201, for the purposes of this Section, an emergency medical or behavioral health condition for a FES member means a medical condition or a behavioral health condition, including labor and delivery, manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:
  - 1. Placing the member's health in serious jeopardy,

- 2. Serious impairment to bodily functions,
- 3. Serious dysfunction of any bodily organ or part, or
- 4. Serious physical harm to another person.
- B. Services. "Emergency services for a FES member" mean those medical or behavioral health services provided for the treatment of an emergency condition. Emergency services include outpatient dialysis services for a FES member with End Stage Renal Disease (ESRD) where a treating physician has certified for the month in which services are received that in the physician's opinion the absence of receiving dialysis at least three times per week would reasonably be expected to result in:
  - 1. Placing the member's health in serious jeopardy, or
  - 2. Serious impairment of bodily function, or
  - 3. Serious dysfunction of a bodily organ or part.
- C. Covered services. Services are considered emergency services if all of the criteria specified in subsection (A) are satisfied at the time the services are rendered. The Administration shall determine whether an emergency condition exists on a case-by-case basis.
- D. Prior authorization. A provider is not required to obtain prior authorization for emergency services for FES members. Prior authorization for outpatient dialysis services is met when the treating physician has completed and signed a monthly certification as described in subsection (B).
- E. Services rendered through the Federal Emergency Services Program are subject to all exclusions and limitation on services in this Article including but not limited to the limitations on inpatient hospital services in R9-22-204.

**Historical Note**

Adopted under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by exempt rulemaking at 7 A.A.R. 5701, effective December 1, 2001 (Supp. 01-4). Amended by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 5480, effective December 6, 2005 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 3351, effective November 10, 2007 (Supp. 07-3). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by exempt rulemaking at 17 A.A.R. 1868, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 2747, effective October 8, 2013 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

**R9-22-218. Repealed****Historical Note**

Section R9-22-218 renumbered from R9-22-206 effective January 1, 1996, under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1995, Third Special Session, Ch. 1, § 5; filed with the Office of the Secretary of State December 28, 1995 (Supp. 95-4). Section repealed effective September 22, 1997 (Supp. 97-3).

**ARTICLE 3. GENERAL ELIGIBILITY REQUIREMENTS****R9-22-301. General Eligibility Definitions**

Definitions. In addition to definitions contained in R9-22-101 and A.R.S. § 36-2901, the words and phrases in this Article, Article 14 and Article 15 have the following meanings unless the context explicitly requires another meaning:

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“Applicant,” notwithstanding R9-22-101, means a person listed on an application for whom AHCCCS coverage is being sought.

“BHS” means the division of Behavioral Health Services within the Arizona Department of Health Services.

“CRS” means the program administered by the Administration or its designee that provides covered medical services and covered support services in accordance with A.R.S. 36-261.

“DCSS” means the Division of Child Support Services, which is the division within the Department that administers the Title IV-D program and includes a contract agent operating a child support enforcement program on behalf of the Department.

“FAA” means the Family Assistance Administration, the administration within the Department’s Division of Benefits and Medical Eligibility with responsibility for providing cash and food stamp assistance to a member and for determining eligibility for AHCCCS medical coverage.

“Income” means combined earned and unearned income.

“Medical support” means to provide health care coverage in the form of health insurance or court-ordered payment for medical care.

“Member” means an applicant who has been determined to qualify for AHCCCS coverage by the Administration or its designee.

“Pre-enrollment process” means the process that provides an applicant the opportunity to choose an AHCCCS health plan before the determination of eligibility is completed.

“Resources” means real and personal property, including liquid assets.

“Sponsor” means an individual who signs the USCIS I-864 Affidavit of Support agreeing to support a non-citizen as a condition of the non-citizen’s admission for permanent residence in the United States.

“Sponsor deemed income” means the unearned income deemed available to the applicant named on the USCIS I-864 Affidavit of Support.

“SVES” means the State Verification and Exchange System, a system through which the Department exchanges income and benefit information with the Internal Revenue Service, Social Security Administration, and State Wage and Unemployment Insurance Benefit data files.

“USCIS” means the United States Citizen and Immigration Services.

#### Historical Note

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-301 renumbered together with former Section R9-22-102 as Section R9-22-101 and amended effective October 1, 1983 (Supp. 83-5). New Section R9-22-301 adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5).

Amended subsection (B), paragraph (8), subsection (E), paragraph (3), and subsection (J), paragraph (5) effective October 1, 1986 (Supp. 86-5). Amended subsections (C) and (E) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsections (B) and (C) effective October 1, 1987; amended subsection (D) effective December 22, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective September 29, 1992 (Supp. 92-3). Amended effective December

13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section reserved by final rulemaking at 19 A.A.R. 3309, effective November 30, 2013 (Supp. 13-4). New

Section made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014; the adoption of this Section was slated to be codified in Supp. 14-1 but due to a clerical error, was not published. The new Section was published in Supp. 20-4 and no additional amendments have been made to this Section since January 7, 2014 (Supp. 20-4).

#### R9-22-302. AHCCCS Eligibility Application

##### Application Process

1. Right to apply. A person may apply for AHCCCS medical coverage by submitting an Administration-approved application to the Administration or its designee, an FAA office, or one of the following outstation locations:
  - a. A BHS site;
  - b. A Federally Qualified Health Center or disproportionate share hospital under 42 U.S.C. 1396r-4; or
  - c. Any other site, including a hospital, approved by the Administration or its designee.
2. Application. To initiate the application process, the Administration or its designee will accept an application from the applicant, an adult who is in the applicant’s household, as defined in 42 CFR 435.603(f), or family, as defined in section 36B(d)(1) of the Internal Revenue Service (IRS) Code, an authorized representative, or if the applicant is a minor or incapacitated, someone acting responsibly for the applicant by submitting a written or online application under 42 CFR 435.907.
  - a. A phone or written application must contain at least the following to be submitted to the Administration or its designee:
    - i. Applicant’s legible name,
    - ii. Address or location where the applicant can be reached,
    - iii. Signature of the person submitting the application,
    - iv. Date the application was signed.
    - v. The Administration or its designee shall require that a third party witness the signing and attest by signing the application if the individual signing the application signs with a mark.
  - b. An online application must be completed in full in order to be submitted to the Administration or its designee.
3. Incomplete application. If the application is incomplete, the Administration or its designee shall do at least one of the following:
  - a. Contact an applicant or an applicant’s representative by telephone or electronic medium to obtain the missing information required for an eligibility determination;
  - b. Mail a request for additional information to an applicant or an applicant’s representative, allowing 10 days from the date of the request to provide the required additional information; or
  - c. Meet with the applicant, representative, or household member.
4. Date of application. The date of application is the date application is received by the Administration or its designee either on-line or at a location listed in subsection (1).
5. Complete application form. The Administration or its designee shall consider an application complete when all questions are answered. The same person as listed under

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subsection (2) is the person that must sign the completed application. The application shall be witnessed and signed by a third party if the individual signing the application signs with a mark.

6. Assistance with application. The Administration or its designee shall allow a person of the applicant's choice to accompany, assist, and represent the applicant in the application process.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-302 repealed, new Section R9-22-302 adopted effective November 20, 1984 (Supp. 84-6). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section reserved by final rulemaking at 19 A.A.R. 3309, effective November 30, 2013 (Supp. 13-4). New Section made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014; the adoption of this Section was slated to be codified in Supp. 14-1 but due to a clerical error, was not published. The new Section was published in Supp. 20-4 and no additional amendments have been made to this Section since January 7, 2014 (Supp. 20-4).

**R9-22-303. Prior Quarter Eligibility**

- A. Subject to CMS approval, prior quarter coverage eligibility shall be limited to applicants who meet the requirements in subsection (B) and who also:
  1. Are eligible during any of the three months prior to application; and
  2. Received one or more covered services described in 9 A.A.C. 22, Article 2 and Article 12, and 9 A.A.C. 28, Article 2 during the month; and
  3. Would have qualified for Medicaid at the time services were received if the person had applied regardless of whether the person is alive when the application is made.
- B. Prior quarter coverage eligibility is limited to applicants who are:
  1. Under the age of 19, or
  2. Pregnant, or
  3. In the 60 day post-partum period beginning with the last day of the pregnancy.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-303 repealed, new Section R9-22-303 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (A) effective February 26, 1988 (Supp. 88-1). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section made by final rulemaking at 19 A.A.R. 3309, effective November 30, 2013 (Supp. 13-4). Amended by final rulemaking at 25 A.A.R. 1849, with an immediate effective date of July 1, 2019 (Supp. 19-3).

**R9-22-304. Verification of Eligibility Information**

- A. Except as provided in subsection (E), if information provided by or on behalf of an applicant or member on an application, renewal form or otherwise does not conflict with information obtained by the agency through an electronic data match, the

Administration or its designee shall determine or renew eligibility based on such information.

- B. The Administration or its designee shall not require an applicant, member, or representative to provide additional verification unless the verification cannot be obtained electronically or the verification obtained electronically conflicts with information provided by or on behalf of the applicant or member.
- C. If information provided by or on behalf of an applicant or member does conflict with information obtained through an electronic data match, the applicant or member shall provide the Administration or its designee with information or documentation necessary to verify eligibility, including evidence originating from an agency, organization, or an individual with actual knowledge of the information.
- D. Income information obtained through an electronic data match shall be considered reasonably compatible with income information provided by or on behalf of an individual if both meet or both exceed the applicable income limit.
- E. The Administration or its designee shall not accept the applicant's or member's statement by itself as verification of:
  1. SSN;
  2. Qualified alien status, except as described under 42 USC 1320b-7(d)(4)(A); or
  3. Citizenship, except as described under 42 USC 1396a(ee)(1).
- F. The Administration or its designee shall give an applicant or member at least 10 days from the date of a written or electronic request for information to provide required verification. The Administration or its designee may deny the application or discontinue eligibility if an applicant or a member does not provide the required information timely.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-304 repealed, new Section R9-22-304 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-304 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-305. Eligibility Requirements**

As a condition of eligibility, the Administration or its designee must require applicants, and members to do the following:

1. Take all necessary steps to obtain any annuities, pensions, retirement, disability benefits to which they are entitled, unless they can show good cause for not doing so.
2. Furnish a SSN under 42 CFR 435.910 and 435.920, or in the absence of an SSN, provide proof of a submitted application of SSN. The Administration or its designee will assist in obtaining or verifying the applicant's SSN under 42 CFR 435.910 if an applicant cannot recall the applicant's SSN or has not been issued a SSN. An applicant is not required to furnish an SSN if the applicant is not able to legally obtain a SSN. The Administration or its designee shall determine eligibility notwithstanding the applicant's lack of a SSN, if the applicant is cooperating with the Administration or its designee to obtain a SSN and obtain a SSN prior to the next scheduled review of eligibility.
3. Provide proof of residency of Arizona. An applicant or a member is not eligible unless the applicant or member is a resident of Arizona under 42 CFR 435.403 effective October 1, 2012, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732

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- N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.
4. A written declaration, signed under penalty of perjury, must be provided for each person for whom benefits are being sought stating whether the individual is a citizen or national of the United States, and, if that individual is not a citizen or national of the United States, that the individual is a qualified alien. The declaration must be provided by the individual for whom eligibility is being sought or an adult member of the individual's family or household.
  5. Each applicant who claims qualified alien status must provide either:
    - a. Alien registration documentation or other proof of immigration registration from the Immigration and Naturalization Service that contains the individual's alien admission number or alien file number (or numbers if the individual has more than one number), or
    - b. Other documents that the Administration or its designee accepts as evidence of immigration status, such as:
      - i. A Form I-94 Departure Record issued by the USCIS,
      - ii. A Foreign Passport,
      - iii. A USCIS Parole Notice,
      - iv. A Victim of Trafficking Certification or Eligibility Letter issued by the US DHHS Office of Refugee Resettlement,
      - v. Other documentation consistent with 42 CFR 435.406 or 435.407.
    - c. Sufficient information for the Administration or its designee to obtain electronic verification of immigration status from the USCIS.
  6. If a person for whom eligibility is being sought, states that they are an alien, that person is not required to comply with subsections (4) and (5); however, if they do not comply with those sections, and if they meet all other eligibility criteria, benefits will be limited to those necessary to treat an emergency medical condition.
  2. If an applicant dies while an application is pending, the Administration or its designee shall complete an eligibility determination for the deceased applicant.
  3. The Administration or its designee shall complete an eligibility determination on an application filed on behalf of a deceased applicant.
  4. During the application process the Administration or its designee shall provide information to the applicant or member explaining the requirements to:
    - a. Cooperate with DCSS in establishing paternity and enforcing medical support, except in circumstances when good cause under 42 CFR 433.147 exists for not cooperating;
    - b. Establish good cause for not cooperating with DCSS in establishing paternity and enforcing medical support, when applicable;
    - c. Report a change listed under subsection (B)(3)(c) no later than 10 days from the date the applicant or member knows of the change;
    - d. Send to the Administration or its designee any medical support payments resulting from a court order;
    - e. Cooperate with the Administration or its designee's assignment of rights and securing payments received from any liable party for a member's medical care.
  5. Offer to help the applicant or member to complete the application form and to obtain the required verification;
  6. Provide the applicant or member with information explaining:
    - a. The eligibility and verification requirements for AHCCCS medical coverage;
    - b. The requirement that the applicant or member obtain and provide a SSN to the Administration or its designee;
    - c. How the Administration or its designee uses the SSN;
  7. Explain to the applicant or member the practice of exchange of eligibility and income information through the electronic service established by the Secretary;
  8. Explain to the applicant and member the right to appeal an adverse action under R9-22-315;
  9. Use any information provided by the member to complete data matches with potentially liable parties;
  10. Explain the eligibility review process;
  11. Explain the AHCCCS pre-enrollment process;
  12. Use the Systematic Alien Verification for Entitlements (SAVE) process to verify qualified alien status;
  13. Provide information regarding the penalties for perjury and fraud on the application;
  14. Review any verification items provided by the applicant or member and inform the member of any additional verification items and time-frames within which the applicant or member shall provide information to the Administration or its designee;
  15. Explain to the applicant or member the applicant's and member's responsibilities under subsection (B);
  16. Transfer the applicant's information to other insurance affordability programs as described under 42 CFR 435.1200(e) when the applicant does not qualify for Medicaid;
  17. Attain a written record of a collateral contact: such as a verbal statement from a representative of an agency or organization, or an individual with actual knowledge of the information;
  18. Complete a review of eligibility:
    - a. Any time there is a change in a member's circumstance that may affect eligibility,

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-305 repealed, new Section R9-22-305 adopted effective November 20, 1984 (Supp. 84-6). Amended subsection (A) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (A) effective February 26, 1988 (Supp. 88-1). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-305 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-306. Administration, Administration's designee or Member Responsibilities**

- A. The Administration or its designee is responsible for the following:
1. The Administration or its designee shall determine eligibility within 90 days for an applicant applying on the basis of disability and 45 days for all other applicants, unless:
    - a. The agency cannot reach a decision because the applicant or an examining physician delays or fails to take a required action, or
    - b. When there is an administrative or other emergency beyond the agency's control.

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- b. For a member approved for the MED program under R9-22-1435 through R9-22-1440 before the end of the six-month eligibility period,
  - c. Of each member's continued eligibility for AHCCCS medical coverage once every 12 months;
- 19. The Administration or its designee shall discontinue eligibility and notify the member of the discontinuance under R9-22-307 if the member:
  - a. Fails to comply with the review of eligibility,
  - b. Fails to comply under 42 CFR 433.148 with the requirements and conditions of eligibility under this Article regarding assignment of rights and cooperation of establishing paternity and obtaining medical support, or
  - c. Does not meet the eligibility requirements; and
- 20. Redetermine eligibility for a person terminated from the SSI cash program.
  - a. Continuation of AHCCCS medical coverage. The Administration shall continue AHCCCS medical coverage for a person terminated from the SSI cash program until a redetermination of eligibility is completed.
  - b. Coverage group screening. Before terminating a person from the SSI cash program, the Administration shall determine if the person is eligible for coverage as a person described in A.R.S. §§ 36-2901(6)(a)(i) through (vi) or 36-2934.
  - c. Eligibility decision.
    - i. If a person is eligible under this Article or 9 A.A.C. 28, Article 4, the Administration shall send a notice informing the applicant that AHCCCS medical coverage is approved.
    - ii. If a person is ineligible, the Administration shall send a notice to deny AHCCCS medical coverage.
- B. Applicant and Member Responsibilities.**
  - 1. An applicant or a member shall authorize the Administration or its designee to obtain verification for initial eligibility or continuation of eligibility.
  - 2. As a condition of eligibility, an applicant or a member shall:
    - a. Provide the Administration or its designee with complete and truthful information. The Administration or its designee may deny an application or discontinue eligibility if:
      - i. The applicant or member fails to provide information necessary for initial or continuing eligibility;
      - ii. The applicant or member fails to provide the Administration or its designee with written authorization or electronic authorization to permit the Administration or its designee to obtain necessary initial or continuing eligibility verification;
      - iii. The applicant or member fails to provide verification under R9-22-304 after the Administration or its designee made an effort to obtain the necessary verification but has not obtained the necessary information; or
      - iv. The applicant or member does not assist the Administration or its designee in resolving incomplete, inconsistent, or unclear information that is necessary for initial or continuing eligibility;
    - b. Cooperate with the Division of Child Support Services (DCSS) in establishing paternity and enforcing medical support obligations when requested unless good cause exists for not cooperating under 42 CFR 433.147 as of October 1, 2012, which is incorporated by reference, on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol St., NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments. The Administration or its designee shall not deny AHCCCS eligibility to an applicant who would otherwise be eligible, is a minor child, and whose parent or legal representative does not cooperate with the medical support requirements or first- and third-party liability requirements under Article 10 of this Chapter; and
- c. Provide the information needed to pursue third party coverage for medical care, such as:
    - i. Name of policyholder,
    - ii. Policyholder's relationship to the applicant or member,
    - iii. Name and address of the insurance company, and
    - iv. Policy number.
- 3. A member or an applicant shall:
  - a. Send to the Administration or its designee any medical support payments received while the member is eligible that result from a medical support order;
  - b. Cooperate with the Administration or its designee regarding any issues arising as a result of Eligibility Quality Control described under A.R.S. § 36-2903.01; and
  - c. Inform the Administration or its designee of the following changes within 10 days from the date the applicant or member knows of a change:
    - i. In address;
    - ii. In the household's composition;
    - iii. In income;
    - iv. In resources, when required under the Medical Expense Deduction (MED) program;
    - v. In Arizona state residency;
    - vi. In citizenship or immigrant status;
    - vii. In first- or third-party liability that may contribute to the payment of all or a portion of the person's medical costs;
    - viii. That may affect the member's or applicant's eligibility, including a change in a woman's pregnancy status;
    - ix. Death;
    - x. Change in marital status; or
    - xi. Change in school attendance.
- 4. As a condition of eligibility, an applicant or a member shall cooperate with the assignment of rights as required by R9-22-311. If the applicant or member receives medical care and services for which a first or third party is or may be liable, the applicant or member shall cooperate with the Administration or its designee in assisting, identifying and providing information to assist the Administration or its designee in pursuing any first or third party who is or may be liable to pay for medical care and services.
- 5. A pregnant woman under A.R.S. § 36-2901(6)(a)(ii) is not required to provide the Administration or its designee with information regarding paternity or medical support from a father of a child born out of wedlock.
- C. Administration or its designee responsibilities at Eligibility Renewal.**

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1. The Administration or its designee shall renew eligibility without requiring information from the individual if able to do so based on reliable information available to the agency, including through an electronic data match. If able to renew eligibility based on such information, the Administration or its designee shall send the member notice of:
  - a. The eligibility determination; and
  - b. The member's requirement to notify the Administration or its designee if any of the information contained in the renewal notice is inaccurate.
2. If unable to renew eligibility, the Administration or its designee shall:
  - a. Send a pre-populated renewal form listing the information needed to renew eligibility,
  - b. Give the member 30 days from the date of the renewal form to submit the signed renewal form and the information needed,
  - c. Send the member notice of the renewal decision under R9-22-312 or R9-22-1413(B) as applicable.
4. The legal citations supporting the reason for the ineligibility,
5. The location where the applicant can review the legal citations,
6. The date of the application being denied; and
7. The applicant's right to appeal the decision and request a hearing.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Amended subsections (A) and (C), added subsection (G) and (H) effective October 1, 1983 (Supp. 83-5). Former Section R9-22-307 repealed, new Section R9-22-307 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (A) as an emergency effective December 4, 1985 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-6). Permanent amendment to subsection (A) effective February 5, 1986 (Supp. 86-1). Amended subsections (E) and (F) effective October 1, 1986 (Supp. 86-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (A) effective February 26, 1988 (Supp. 88-1). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 8, 1996; filed with the Office of the Secretary of State November 6, 1996 (Supp. 96-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-307 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**Historical Note**  
 Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-306 repealed, new Section R9-22-306 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (B), paragraphs (1) and (6) effective October 1, 1986 (Supp. 86-5). Amended subsection (B), paragraph (1) and added a new subsection (N) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (B) effective October 1, 1987; amended subsection (N) effective December 22, 1987 (Supp. 87-4). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-306 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-307. Approval or Denial of Eligibility**

- A.** Approval. If the applicant meets all the eligibility requirements and conditions of eligibility of this Article, the Administration or its designee shall approve the application and provide the applicant with an approval notice. The approval notice shall contain:
1. The name of each approved applicant,
  2. The effective date of eligibility for each approved applicant,
  3. The reason and the legal citations if a member is approved for only emergency medical services, and
  4. The applicant's right to appeal the decision.
- B.** Denial. If an applicant fails to meet the eligibility requirements or conditions of eligibility of this Article, the Administration or its designee shall deny the application and provide the applicant with a denial notice. The denial notice shall contain:
1. The name of each ineligible applicant,
  2. The specific reason why the applicant is ineligible,
  3. The income and resource calculations for the applicant compared to the income or resource standards for eligibility when the reason for the denial is due to the applicant's income or resources exceeding the applicable standard,

**R9-22-308. Reinstating Eligibility**

The Administration or its designee shall reopen an application or reinstate eligibility of a member when any of the following conditions are met:

1. The denial or discontinuance of eligibility was due to an administrative error,
2. The discontinuance of eligibility was due to noncompliance with a condition of eligibility and the applicant or member complies prior to the effective date of the discontinuance,
3. The member informs the Administration or its designee of a change of circumstances prior to the effective date of the discontinuance, that would allow for continued eligibility, or
4. Following a discontinuance, the member qualifies for continuation of medical coverage pending an appeal.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1983 (Supp. 83-5). Amended by adding subsection (C) effective March 2, 1984 (Supp. 84-2). Former Section R9-22-308 repealed, new Section R9-22-308 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Change in heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended under an exemption



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from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-308 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

#### **R9-22-309. Confidentiality and Safeguarding of Information**

The Administration or its designee shall maintain the confidentiality of an applicant or member's records and limit the release of safeguarded information under R9-22-512 and 6 A.A.C. 12, Article 1. In the event of a conflict between R9-22-512 and 6 A.A.C. 12, Article 1, R9-22-512 prevails.

##### **Historical Note**

Adopted effective August 30, 1984 (Supp. 82-4). Amended (D)(1)(d) effective October 1, 1983 (Supp. 83-5). Former Section R9-22-309 repealed, new Section R9-22-309 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5).

Amended effective October 1, 1986 (Supp. 86-5). Amended subsection (F) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsections (A), (B) and (C) effective October 1, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-309 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

#### **R9-22-310. Ineligible Person**

A person is not eligible for AHCCCS medical coverage if the person is:

1. An inmate of a public institution, or
2. Over age 64 and is residing in an Institution for Mental Disease under 42 CFR 435.1009 except as allowed in 42 USC 1396d(h) or as allowed under the Administration's Section 1115 waiver.

##### **Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Amended (B)(7) and added subsections (C) and (D) effective October 1, 1983 (Supp. 83-5). Former Section R9-22-310 repealed, new Section R9-22-310 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (B) and deleted subsection (C) effective October 1, 1986 (Supp. 86-5). Amended subsection (B), paragraph (7) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (B) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-310 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

#### **R9-22-311. Assignment of Rights Under Operation of Law**

By operation of law and under A.R.S. § 36-2903, a person determined eligible assigns rights to the system medical benefits to which the person is entitled.

##### **Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-311 repealed, new Section R9-22-311 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Change in heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective April 13, 1990 (Supp. 90-2). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-311 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

#### **R9-22-312. Member Notices**

- A.** Contents of notice. The Administration or its designee shall issue a notice by mail, personal delivery, or electronic means when an action is taken regarding a person's eligibility or premiums. The notice shall contain the following information:
  1. The date of the notice issued;
  2. A statement of the action being taken;
  3. The effective date of the action;
  4. The specific reason for the intended action;
  5. If eligibility is being discontinued due to income in excess of the income standards, the actual figures used in the eligibility determination and the amount by which the person exceeds income standards;
  6. If a premium is imposed or increased, the actual figures used in determining the premium amount;
  7. The specific law or regulation that supports the action, or a change in federal or state law that requires an action;
  8. An explanation of the member's rights to an appeal and continued benefits.
- B.** Advance notice of changes in eligibility or premiums. "Advance notice" means a notice that is issued to a person at least 10 days before the effective date of the change. Except as specified in subsection (C), advance notice shall be issued whenever the following adverse action is taken:
  1. To discontinue or suspend or reduce eligibility or covered services; or
  2. To impose a premium or increase a person's premium.
- C.** The Administration or its designee shall issue a Notice of Adverse Action to a member no later than the effective date of action if:
  1. The Administration or its designee receives a request to withdraw;
  2. A person provides information that requires termination of eligibility or an increase or imposition of the premium and the person signs a clear written statement waiving advance notice;
  3. A person cannot be located and mail sent to that person has been returned as undeliverable;
  4. A person has been admitted to a public institution where the person is ineligible under R9-22-310;
  5. A person has been approved for Medicaid or CHIP in another state; or
  6. The Administration or its designee has information that confirms the death of the person.

##### **Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Amended subsections (A) and (B), added subsection (D) effective October 1, 1983 (Supp. 83-5). Former Section

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R9-22-312 repealed, new Section R9-22-312 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (A) effective October 1, 1986 (Supp. 86-5). Change in heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (A) effective October 1, 1987 (Supp. 87-4). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-312 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-313. Withdrawal of Application**

- A. An applicant may withdraw an application at any time before the Administration or its designee completes an eligibility determination by making an oral or written request for withdrawal to the Administration or its designee and stating the reason for withdrawal.
- B. If an applicant orally requests withdrawal of the application, the Administration or its designee shall document the:
  1. Date of the request,
  2. Name of the applicant for whom the withdrawal applies, and
  3. Reason for the withdrawal.
- C. An applicant may withdraw an application in writing by:
  1. Completing an Administration-approved voluntary withdrawal form; or
  2. Submitting a written, signed, and dated request to withdraw the application.
- D. The effective date of the withdrawal is the date of the application.
- E. If an applicant requests to withdraw an application, the Administration or its designee shall:
  1. Deny the application, and
  2. Notify the applicant of the denial following the notice requirements under R9-22-307.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1983 (Supp. 83-5). Amended subsections (C) and (D) as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended subsections (D) and (E) as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-313 repealed, new Section R9-22-313 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Amended subsections (B), (C), (E) and (G) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsections (B) and (C) effective December 22, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Amended effective December 13, 1993 (Supp. 93-4). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 8, 1996;

filed with the Office of the Secretary of State November 6, 1996 (Supp. 96-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-313 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-314. Withdrawal from AHCCCS Medical Coverage**

- A. A member may withdraw from AHCCCS medical coverage at any time by giving oral or written notice of withdrawal to the Administration or its designee. The member or the member's legal or authorized representative shall provide the Administration or its designee with:
  1. The reason for the withdrawal,
  2. The date the notice is effective, and
  3. The name of the member for whom AHCCCS medical coverage is being withdrawn.
- B. If a notice of withdrawal does not identify specific members the Administration or its designee shall discontinue eligibility for any members that the person submitting the withdrawal has legal authority to act on behalf of.
- C. The Administration or its designee shall notify the member of the discontinuance as required by R9-22-312.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Amended subsection (A) and added subsection (F) as an emergency effective February 28, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Amended subsection (A) and added subsection (F) as a permanent rule effective May 16, 1983; text of the amended rule identical to the emergency (Supp. 83-3). Former Section R9-22-314 repealed, new Section R9-22-314 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective May 30, 1989 (Supp. 89-2). Amended effective September 29, 1992 (Supp. 92-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-314 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-315. Notice of Adverse Action**

- A. Adverse actions. An applicant or member may appeal, as described under Chapter 34, by requesting a hearing from the Administration or its designee concerning any of the following adverse actions:
  1. Complete or partial denial of eligibility under R9-22-307 and R9-22-313(E);
  2. Suspension, termination, or reduction of AHCCCS medical coverage under R9-22-307, R9-22-312 and R9-22-314;
  3. Delay in the eligibility determination beyond the timeframes under this Article;
  4. The imposition of or increase in a premium or copayment; or
  5. The effective date of eligibility.
- B. Notice of Adverse Action. The Administration or its designee shall personally deliver or send, by mail, or electronic means a Notice of Adverse Action to the person affected by the action. For the purpose of this Section, the date of the Notice of Adverse Action shall be the date of personal delivery to the applicant or the postmark date, if mailed.
- C. Automatic change and hearing rights.

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1. An applicant or a member is not entitled to a hearing if the sole issue is a federal or state law requiring an automatic change adversely affecting some or all recipients.
2. An applicant or a member is entitled to a hearing if a federal or state law requires an automatic change and the applicant or member timely files an appeal that alleges a misapplication of the facts to the law.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-315 repealed, new Section R9-22-315 adopted effective November 20, 1984 (Supp. 84-6). Repealed effective October 1, 1985 (Supp. 85-5). New Section R9-22-315 adopted effective February 5, 1986 (Supp. 86-1). Amended effective February 26, 1988 (Supp. 88-1). Amended effective April 13, 1990 (Supp. 90-2). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-315 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-316. Exemptions from Sponsor Deemed Income**

- A. An applicant shall provide proof to the Administration or its designee when claiming an exemption from sponsor deemed income.
- B. The Administration or its designee shall grant an exemption from deeming a sponsor's income for a Lawful Permanent Resident applicant if the applicant:
  1. Adjusted immigration status to Lawful Permanent Resident from status as a refugee or asylee;
  2. Is the spouse or dependent child of the sponsor and lives with the sponsor;
  3. Is indigent as specified in subsection (C);
  4. Is a victim of domestic violence or extreme cruelty as specified in subsection (D); or
  5. Has acquired 40 qualified quarters of work credit based on earnings as specified in subsection (E).
- C. Exemption from sponsor deeming based on indigence.
  1. The Administration or its designee shall consider the applicant indigent and grant an exemption from sponsor deemed income for an applicant, for a period of 12 months beginning with the first month of eligibility if all the following are met:
    - a. An applicant is indigent if all of the following are met:
      - i. The applicant does not reside with the applicant's sponsor;
      - ii. The applicant does not receive free room and board; and
      - iii. The applicant's total gross income including monies received from the sponsor and the value of any vendor payments received for food, utilities, or shelter does not exceed 100% of the FPL for the size of the income group.
  2. The Administration or its designee shall send a notice under 8 U.S.C. 1631(e)(2) to the Attorney General's Office when approving an applicant who is exempt from sponsor deemed income due to indigence.
- D. The Administration or its designee shall grant an exemption from sponsor deemed income for an applicant who is a victim of domestic violence or extreme cruelty under 8 CFR 204.2 for a period of 12 months beginning with the first month of eligibility. The Administration or its designee shall redetermine the exemption status at each renewal.
1. The Administration or its designee considers an applicant to be a victim of domestic violence or extreme cruelty when all of the following are met:
  - a. The applicant is the victim, the parent of a child victim, or the child of a parent victim;
  - b. The perpetrator of the domestic violence or extreme cruelty was the spouse or parent of the victim or other family member related by blood, marriage or adoption to the victim;
  - c. The perpetrator was residing in the same household as the victim when the abuse occurred;
  - d. The abuse occurred in the United States;
  - e. The applicant did not participate in the domestic violence or cruelty; and
  - f. The victim does not currently live with the perpetrator.
2. The applicant shall provide proof that the applicant or the applicant's child is a victim of domestic violence or extreme cruelty by presenting one of the following:
  - a. USCIS form I-360 Petition for Amerasian, Widow, or Special Immigrant;
  - b. USCIS form I-797 USCIS approval of the I-360 petition;
  - c. Reports or affidavits concerning the domestic violence or cruelty documented by police, judges, or other court officials, medical personnel, school officials, clergy, social workers, counseling or mental health personnel, or other social service agency personnel;
  - d. Legal documentation, such as an order of protection against the perpetrator or an order convicting the perpetrator of committing an act of domestic violence or extreme cruelty that chronicles the existence of domestic violence or extreme cruelty;
  - e. Evidence that indicates that the applicant sought safe haven in a battered women's shelter or similar refuge because of the domestic violence or extreme cruelty against the applicant or the applicant's child; or
  - f. Photographs of the applicant or applicant's child showing visible injury.
- E. The Administration or its designee shall grant an exemption from sponsor deemed income for an applicant who has reached 40 qualifying quarters of work credit.
  1. The Administration or its designee shall not count quarters credited after January 1, 1997 that were earned while the applicant was receiving any federal means-tested benefits.
  2. The Administration or its designee shall not count the 40 qualifying quarters of work credit unless the credited quarters are:
    - a. Quarters that the applicant worked;
    - b. Quarters worked by the applicant's spouse or deceased spouse during their marriage; or
    - c. Quarters worked by the applicant's parents when the applicant was under age 18.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-316 repealed, new Section R9-22-316 adopted as an emergency effective February 9, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Former Section R9-22-316 repealed, new Section R9-22-316 adopted as a permanent rule effective May 16, 1983; text of permanent rule identical to the emergency (Supp. 83-3). Amended effective October 1, 1983 (Supp. 83-5). Correction subsection (A), paragraph (1) amended

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effective October 1, 1983, (Supp. 83-6). Amended as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-316 repealed, new Section R9-22-316 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (C) effective October 1986 (Supp. 86-5). Change in heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective April 13, 1990 (Supp. 90-2). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-316 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-317. Sponsor Deemed Income**

- A.** The Administration or its designee shall use income of a USCIS sponsor to determine eligibility for a non-citizen applicant, whether or not the income is available, to the non-citizen applicant unless exempt under R9-22-316.
- B.** Counting the income from a sponsor.
  1. This Section applies to non-citizen applicants who:
    - a. Are Lawful Permanent Residents under 8 CFR 101.3;
    - b. Applied for Lawful Permanent Resident Status on or after December 19, 1997;
    - c. Are sponsored by an individual who signed a USCIS I-864 Affidavit of Support; and
    - d. Are eligible for full AHCCCS medical coverage.
  2. Sponsor deemed income shall be considered the income of the non-citizen applicant only.
  3. The Administration or its designee shall not use the provisions of this Section when:
    - a. The applicant becomes a naturalized U.S. citizen;
    - b. The applicant qualifies for an exemption listed in R9-22-316; or
    - c. The sponsor dies.
- C.** Determining income from a sponsor.
  1. For an applicant who is exempt from sponsor deeming under R9-22-316, only cash contributions actually received from the sponsor are countable income to the applicant.
  2. For an applicant to whom the sponsor's income is deemed, the Administration or its designee shall exclude any cash contributions received from the sponsor.
- D.** Calculation of income from a sponsor.
  1. The Administration or its designee shall include the total gross income of the sponsor and the sponsor's spouse, when living with the sponsor;
  2. The Administration or its designee shall subtract an amount equal to 100% of the FPL for the sponsor's household size from the total gross income under (D)(1); and
  3. The amount calculated under subsection (D)(2) is deemed as income to the applicant for purposes of determining eligibility.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-317 repealed, new Section R9-22-317 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1986 (Supp. 86-5). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-317

made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-318. Repealed****Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1983 (Supp. 83-5). Amended as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-318 repealed, new Section R9-22-318 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (A) and added subsection (C) effective October 1, 1986 (Supp. 86-5). Amended subsection (A) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (B) effective October 1, 1987; amended subsection (A) effective December 22, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended effective December 13, 1993 (Supp. 93-4). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 8, 1996; filed with the Office of the Secretary of State November 6, 1996 (Supp. 96-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-319. Repealed****Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Amended as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-319 repealed, new Section R9-22-319 adopted effective November 20, 1984 (Supp. 84-6). Amended effective May 30, 1989 (Supp. 89-2). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-320. Repealed****Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-320 repealed, new Section R9-22-320 adopted effective November 20, 1984 (Supp. 84-6). Amended effective April 13, 1990 (Supp. 90-2). Repealed effective December 13, 1993 (Supp. 93-4).

**R9-22-321. Repealed****Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-321 repealed, new Section R9-22-321 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsections (B) through (E) effective October 1, 1986 (Supp. 86-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective October 1, 1987 (Supp. 87-4). Amended subsec-

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tions (B) and (D) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-322. Repealed****Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Amended as an emergency effective May 27, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-3). Former Section R9-22-322 repealed, new Section R9-22-322 adopted effective October 1, 1983 (Supp. 83-5). Amended as an emergency effective May 18, 1984 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-322 repealed, new Section R9-22-322 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Change in heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective September 29, 1992 (Supp. 92-3). Amended December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-323. Repealed****Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-323 repealed, new Section R9-22-323 adopted effective October 1, 1983 (Supp. 83-5). Amended as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-323 repealed, new Section R9-22-323 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsections (B) through (D) effective October 1, 1986 (Supp. 86-5). Amended subsections (A), (B) and (D) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsections (B), (D) and (E) effective October 1, 1987 (Supp. 87-4). Amended subsections (B) and (D) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-324. Repealed****Historical Note**

Adopted as an emergency effective July 27, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R9-22-324 adopted as an emergency renumbered as Section R9-22-327. New Section R9-22-324 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-324 repealed, former Section R9-22-323 renumbered as Section R9-22-324 and adopted as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Former

Section R9-22-324 repealed, new Section R9-22-324 adopted as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-324 repealed, new Section R9-22-324 adopted effective November 20, 1984 (Supp. 84-6). Change in heading only effective October 1, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-325. Repealed****Historical Note**

Adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-325 repealed, new Section R9-22-325 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1987 (Supp. 87-4). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-326. Repealed****Historical Note**

Adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-326 repealed, new Section R9-22-326 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (A) effective October 1, 1986 (Supp. 86-5). Amended subsection (A) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Change in heading only effective October 1, 1987 (Supp. 87-4). Amended subsection (A) effective May 30, 1989 (Supp. 89-2). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-327. Repealed****Historical Note**

Former Section R9-22-324 adopted as an emergency effective July 27, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days renumbered as Section R9-22-327 and adopted as a permanent rule effective October 1, 1983 (Supp. 83-5). Former Section R9-22-327 repealed, new Section R9-22-327 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsections (A), (D), (E), (G), (H), and (I) effective October 1, 1986 (Supp. 86-5). Amended subsection (D) and added a new subsection (J) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsections (A) and (E) effective October 1, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-328. Repealed****Historical Note**

Adopted as an emergency effective October 6, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-5). Emergency Expired. New Section R9-22-328

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adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5).

Amended subsections (A) and (E) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (D) effective October 1, 1987 (Supp. 87-4).

Amended subsection (D) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2).

Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-329. Repealed****Historical Note**

Adopted as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Adopted as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. New Section R9-22-329 adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5).

Amended subsection (B) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-330. Repealed****Historical Note**

Adopted as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. New Section R9-22-330 adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5).

Amended subsection (A) effective October 1, 1986 (Supp. 86-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (A) effective October 1, 1987 (Supp. 87-4). Amended subsection (A) effective May 30, 1989 (Supp. 89-2).

Amended effective April 13, 1990 (Supp. 90-2). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-331. Repealed****Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5).

Amended effective October 1, 1986 (Supp. 86-5).

Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective October 1, 1987 (Supp. 87-4). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5

A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-332. Repealed****Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5).

Amended effective April 13, 1990 (Supp. 90-2).

Amended effective September 29, 1992 (Supp. 92-3).

Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-333. Repealed****Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5).

Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended under an exemption from

the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-334. Repealed****Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5).

Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-335. Repealed****Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5).

Amended by adding subsection (C) effective October 1, 1986 (Supp. 86-5). Amended subsection (B) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-336. Repealed****Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5).

Amended by adding subsection (C) effective September 16, 1987 (Supp. 87-3). Amended subsection (A) effective October 1, 1987 (Supp. 87-4). Amended effective April 13, 1990 (Supp. 90-2). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-337. Repealed****Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5).

Amended effective October 1, 1986 (Supp. 86-5).

Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Correction to subsection (B), paragraph (1) (Supp. 87-3). Amended subsection (C) effective December 22, 1987 (Supp. 87-4). Amended subsection (C) effective December 22, 1987 (Supp. 87-4). Amended effective April 13, 1990 (Supp. 90-2). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-338. Repealed****Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6).

Heading changed effective October 1, 1985 (Supp. 85-5).

Change in heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-339. Repealed****Historical Note**

Adopted effective October 1, 1985 (Supp. 85-5).

Amended effective October 1, 1986 (Supp. 86-5).

Amended subsection (B) effective October 1, 1987 (Supp. 87-4). Amended effective January 14, 1997 (Supp.

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97-1). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-340. Reserved****Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-341. Repealed****Historical Note**

Adopted effective March 1, 1987, filed December 31, 1986 (Supp. 86-6). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-342. Repealed****Historical Note**

Adopted effective September 29, 1992 (Supp. 92-3). Amended effective September 22, 1997 (Supp. 97-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-343. Repealed****Historical Note**

Adopted under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-344. Repealed****Historical Note**

Adopted under an exemption from the provisions of the Administrative Procedure Act, effective October 8, 1996; filed with the Office of the Secretary of State November 6, 1996 (Supp. 96-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**ARTICLE 4. PENALTY FOR OBTAINING ELIGIBILITY BY FRAUD****R9-22-401. Definitions**

Definitions. The following definitions apply specifically to terms used within this Article:

“Amounts incurred by the system” include capitation payments, costs incurred by any contractor in excess of capitation, reinsurance, and other administrative, legal or investigative costs associated with a person who obtained eligibility contrary to A.R.S. §§ 36-2905.04 and/or A.R.S. § 36-2991.

“Application for eligibility” means any request for benefits administered by AHCCCS under the authority of A.R.S. Title 36, Chapter 29, including applications for presumptive eligibility submitted to hospitals as described under Article 16 of this Chapter.

“Penalty” means an amount not to exceed the amounts incurred by the system during any time period that the person would have been ineligible for benefits but for the false or fraudulent information provided on the application for eligibility. A penalty does not include, and does not need to be reduced by, the amount of any overpayments that AHCCCS may be entitled to recoup from a person who violated A.R.S. § 36-2905.04 and/or A.R.S. § 36-2991.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-401 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective January 31, 1986 (Supp. 86-1). Amended effective January 31, 1997 (Supp. 97-1). Amended by final rulemaking at 5 A.A.R. 867, effective March 4, 1999 (Supp. 99-1). Section repealed by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). New Section made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016 (Supp. 16-4).

**R9-22-402. Determining the Amount of the Penalty**

- A. AHCCCS shall determine the amount of a penalty according to A.R.S. § 36-2905.04(B) or A.R.S. § 36-2991(B), whichever is applicable, and this Article.
- B. In addition to any penalty imposed pursuant to ARS §§ 36-2905.04 or 36-2991, and this Article, the Administration may also recoup from the person the amounts incurred by the system as a part of the notice and appeal process described in this Article.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-402 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective January 31, 1986 (Supp. 86-1). Amended effective January 14, 1997 (Supp. 97-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Section repealed by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). New Section made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016 (Supp. 16-4).

**R9-22-403. Mitigating and Aggravating Circumstances**

- A. AHCCCS shall consider any of the following to be mitigating circumstances when determining the amount of a penalty for obtaining eligibility by fraud.
  1. Degree of culpability. The degree of culpability of a person is a mitigating circumstance if the person did not intend to provide or cause to be provided false information on the application for eligibility but was negligent as to the truthfulness of the information provided.
  2. Prior Offenses. At the time of the submittal of the application the person:
    - a. Did not have any prior criminal convictions; and
    - b. Had not been held civilly liable for defrauding a public assistance program.
  3. Financial condition. The financial condition of a person who violates A.R.S. §§ 36-2905.04 or 36-2991 is a mitigating circumstance if the imposition of a penalty without reduction will render the person incapable of obtaining necessities of life such as food, clothing, and shelter. AHCCCS may consider the resources available to the person when determining the amount of the penalty.
  4. Other matters as justice may require. AHCCCS shall take into account other circumstances of a mitigating nature, if in the interest of justice; the circumstances require a reduction of the penalty.
- B. AHCCCS shall consider any of the following to be aggravating circumstances when determining the amount of a penalty for obtaining eligibility by fraud.
  1. Degree of culpability. The degree of culpability of a person who provides or causes to be provided false informa-

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tion on the application for eligibility is an aggravating circumstance if the person knows or had reason to know that the information provided on the application for eligibility was false, or the person failed to correct the false information prior to AHCCCS incurring a financial loss as a result of the application for eligibility.

2. Prior offenses. At any time before the submittal of the application for eligibility, the person was held criminally or civilly liable for committing any fraud, waste, or abuse against any public assistance program.
3. Financial Loss. The person's violation of A.R.S. §§ 36-2905.04 or 36-2991 caused a loss to the system equal to or exceeding \$5,000.00.
4. Other matters as justice may require. AHCCCS shall take into account other circumstances of an aggravating nature, if in the interest of justice; the circumstances require an increase of the penalty.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-403 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective January 31, 1986 (Supp. 86-1). Amended by adding subsection (C) effective October 1, 1987 (Supp. 87-4). Amended effective January 14, 1997 (Supp. 97-1). Section repealed by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). New Section made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016 (Supp. 16-4).

**R9-22-404. Notice of Intent**

- A. If AHCCCS imposes a penalty pursuant to this Article, AHCCCS shall hand deliver or send by certified mail, return receipt requested, or Federal Express to the person, a written Notice of Intent to impose a penalty.
- B. The Notice of Intent shall include:
  1. The legal and factual basis for AHCCCS' determination that there has been a violation of A.R.S. §§ 36-2905.04 and/or 36-2991;
  2. The penalty;
  3. The amounts incurred by the system as a result of the violation of A.R.S. §§ 36-2905.04 and/or 36-2991, if AHCCCS intends to recoup those amounts through this process; and
  4. The procedure for requesting a State Fair Hearing.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-404 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective January 31, 1986 (Supp. 86-1). Amended effective January 14, 1997 (Supp. 97-1). Section repealed by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). New Section made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016 (Supp. 16-4).

**R9-22-405. Failure to Respond to the Notice of Intent**

If a person fails to respond to the Notice of Intent within the time-frame described in A.A.C. § R9-22-406(A), AHCCCS shall uphold the penalty and recoupment amounts described in the Notice of Intent.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-405 adopted as an emergency

now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended as an emergency effective February 23, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Amended as a permanent rule effective May 16, 1983; text of the amended rule similar to the emergency (Supp. 83-3).

Amended effective January 31, 1986 (Supp. 86-1). Amended effective January 14, 1997 (Supp. 97-1). Section repealed by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). New Section made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016 (Supp. 16-4).

**R9-22-406. Request for State Fair Hearing**

- A. To dispute the agency action described in the Notice of Intent, the person shall file a written Request for State Fair Hearing with AHCCCS within sixty (60) days from the date of receipt of the Notice of Intent.
- B. If AHCCCS receives a timely request for a State Fair Hearing from the person, AHCCCS shall mail a Notice of Hearing pursuant to the Uniform Administrative Hearing Procedures described in A.R.S. Title 41, Chapter 6, Article 10.
- C. AHCCCS shall accept a written request for withdrawal of a hearing request if the written request for withdrawal is received from the person before AHCCCS mails a Notice of Hearing under the Uniform Administrative Hearing Procedures described in A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-406 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-406 repealed, new Section R9-22-406 adopted as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Former Section R9-22-316 repealed, new Section R9-22-316 adopted as a permanent rule effective May 16, 1983; text of the Section identical to the emergency (Supp. 83-3). Amended effective January 31, 1986 (Supp. 86-1). Amended effective January 14, 1997 (Supp. 97-1). Section repealed by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). New Section made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016 (Supp. 16-4).

**R9-22-407. Burden of Proof**

- A. In any State Fair Hearing conducted under this Article, AHCCCS shall prove a violation of A.R.S. §§ 36-2905.04 and/or 36-2991, and any aggravating circumstances by a preponderance of the evidence.
- B. AHCCCS does not have to prove any specific intent to defraud.
- C. A person shall bear the burden of producing and proving by a preponderance of the evidence any affirmative defense or any circumstance that would justify reducing the amount of the penalty.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016 (Supp. 16-4).

**R9-22-408. Rescission of the Notice of Intent**

AHCCCS may rescind the Notice of Intent at any time prior to the State Fair Hearing without prejudice.



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**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016 (Supp. 16-4).

**ARTICLE 5. GENERAL PROVISIONS AND STANDARDS****R9-22-501. General Provisions and Standards - Related Definitions**

In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Chapter have the following meanings unless the context explicitly requires another meaning:

“Quality management” means a process used by professional health personnel through a formal program involving multiple organizational components and committees to:

- Assess the degree to which services provided conform to desired medical standards and practices; and
- Quality improvement or maintenance of care and services.

“Quality Improvement” means a process designed to achieve, through ongoing measurements and intervention, significant improvement that is sustained over time, in the areas of clinical care and non-clinical care and is expected to have a favorable effect on health outcomes and member satisfaction. Quality Improvement includes focusing organizational efforts on improving performance and utilizing data to develop intervention strategies to improve performance and outcomes.

“Utilization management/review” means a methodology used by professional health personnel to assess the medical indications, appropriateness, and efficiency of care provided. Utilization management applies to a contractor’s process to evaluate and approve or deny the medical necessity, appropriateness, efficacy and efficiency of health care services, procedures, or settings. Utilization review includes processes for prior authorization, concurrent review, retrospective review, and case management.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-501 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-501 repealed, former Section R9-22-502 renumbered and adopted without change as Section R9-22-501 effective October 1, 1983 (Supp. 83-5). Former Section R9-22-501 repealed, former Section R9-22-526 renumbered and amended as Section R9-22-501 effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

**R9-22-502. Pre-existing Conditions**

- A. A contractor shall not impose a pre-existing condition exclusion with respect to covered services.
- B. A contractor or subcontractor shall not adopt or use any procedure to identify a person who has an existing or anticipated medical or psychiatric condition in order to discourage or exclude the person from enrolling in the contractor’s health plan or encourage the person to enroll in another health plan.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-502 adopted as an emergency now adopted as a permanent rule effective August 30,

1982 (Supp. 82-4). Former Section R9-22-502 renumbered without change as Section R9-22-501, former Section R9-22-503 renumbered and amended as Section R9-22-502 effective October 1, 1983 (Supp. 83-5). Former Section R9-22-502 repealed, new Section R9-22-502 adopted effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4). Amended by final rulemaking at 19 A.A.R. 3309, effective November 30, 2013 (Supp. 13-4).

**R9-22-503. Provider Requirements Regarding Records**

The provider shall maintain records that meet uniform accounting standards and generally accepted practices for maintenance of medical records, including detailed specification of all patient services delivered, the rationale for delivery, and the service date. A provider shall maintain and upon request, make available to a contractor and to the Administration, financial and medical records relating to payment for not less than five years from the date of final payment, or for records relating to costs and expenses to which the Administration has taken exception, five years after the date of final disposition or resolution of the exception. Providers shall provide one copy of a medical record at no cost if requested by the member.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-503 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-503 renumbered and amended as Section R9-22-502, new Section R9-22-503 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985 (Supp. 85-5). Amended effective May 30, 1986 (Supp. 86-3). Amended subsection (D) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsections (F) and (G) effective December 22, 1987 (Supp. 87-4). Amended subsection (I) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). New Section made by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

**R9-22-504. Marketing; Prohibition Against Inducements; Misrepresentations; Discrimination; Sanctions**

- A. A contractor or the contractor’s marketing representative shall not offer or give any form of compensation or reward, or engage in any behavior or activity that may be reasonably construed as coercive, to induce or procure AHCCCS enrollment with the contractor. Any marketing solicitation offering a benefit, good, or service in excess of the covered services in Article 2 is deemed an inducement.
- B. A marketing representative shall not misrepresent itself, the contracting health plan represented, or the AHCCCS program, through false advertising, false statements, or in any other manner to induce a member of another contractor to enroll in the represented health plan. Violations of this subsection include, but are not limited to, false or misleading claims, inferences, or representations such as:
  1. A member will lose benefits under the AHCCCS program or lose any other health or welfare benefits to which a

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member is legally entitled, if the member does not enroll in the represented contracting health plan;

2. Marketing representatives are employees of the state or representatives of the Administration, a county, or any health plan other than the health plan by which they are employed, or by which they are reimbursed; and
  3. The represented health plan is recommended or endorsed as superior to its competition by any state or county agency, or any organization, unless the organization has certified its endorsement in writing to the health plan and the Administration.
- C. A marketing representative shall not engage in any marketing or pre-enrollment practice that discriminates against a member because of race, creed, age, color, sex, religion, national origin, ancestry, marital status, sexual preference, physical or mental disability, or health status.
- D. The Administration shall hold a contractor responsible for a violation of this Section resulting from the performance of any marketing representative, subcontractor, agent, program, or process under the contractor's employ or direction and shall impose contract sanctions on the contractor as specified in contract.
- E. A contractor shall produce and distribute informational materials that are approved by the Administration to each enrolled member or designated representative after the contractor receives notification of enrollment from the Administration. The contractor shall ensure that the informational materials include, at a minimum:
1. A description of all covered services as specified in contract;
  2. An explanation of service limitations and exclusions;
  3. An explanation of the procedure for obtaining services;
  4. An explanation of the procedure for obtaining emergency services;
  5. An explanation of the procedure for filing a grievance and appeal; and
  6. An explanation of when plan changes may occur as specified in contract.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-504 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-504 repealed, former Section R9-22-505 renumbered and adopted without change as Section R9-22-504 effective October 1, 1983 (Supp. 83-5). Former Section R9-22-504 repealed, former Section R9-22-528 renumbered and amended as Section R9-22-504 effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

**R9-22-505. Standards, Licensure, and Certification for Providers of Hospital and Medical Services**

A provider shall not provide hospital or medical services to a member unless the provider is licensed by the Arizona Department of Health Services and meets the requirements in 42 CFR 441 and 482, as of October 1, 2007, and 42 CFR 456 Subpart C, as of October 1, 2007, incorporated by reference, on file with the Administration and available from the U.S. Government Printing Office, 732 N. Capitol St., N.W., Washington, D.C. 20401. This incorporation contains no future editions or amendments. An Indian Health Service (IHS) hospital and a Veterans Administration hospital shall not

provide services to a member unless accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-505 adopted as an emergency expired, former Section R9-22-506 adopted as an emergency now adopted, amended and renumbered as Section R9-22-505 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-505 renumbered without change as Section R9-22-504, new Section R9-22-505 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-505 renumbered and amended as Section R9-22-509, former Section R9-22-527 renumbered and amended as Section R9-22-505 effective October 1, 1985 (Supp. 85-5). Editorial correction, spelling of "paraphernalia" in subsection (A) (Supp. 87-4). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). New Section made by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

**R9-22-506. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-506 adopted as an emergency adopted, amended and renumbered as Section R9-22-505, former Section R9-22-507 adopted as an emergency now adopted, amended and renumbered as Section R9-22-506 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-506 repealed, new Section R9-22-506 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-506 repealed, new Section R9-22-506 adopted effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Amended subsection (D) effective December 22, 1987 (Supp. 87-4). Repealed effective April 13, 1990 (Supp. 90-2). New Section adopted effective December 13, 1993 (Supp. 93-4). Repealed effective December 8, 1997 (Supp. 97-4).

**R9-22-507. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-507 adopted as an emergency adopted, amended and renumbered as Section R9-22-506, former Section R9-22-508 adopted as an emergency now adopted, amended and renumbered as Section R9-22-507 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-507 repealed, new Section R9-22-507 adopted effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4).

**R9-22-508. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-508 adopted as an emergency adopted, amended and renumbered as Section R9-22-507, former Section R9-22-509 adopted as an emergency now

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adopted, amended and renumbered as Section R9-22-508 as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4).

**R9-22-509. Transition and Coordination of Member Care**

**A.** A contractor shall assist in the transition of members to and from other AHCCCS contractors.

1. Both the receiving and relinquishing contractor shall:
  - a. Coordinate with the other contractor to facilitate and schedule appointments for medically necessary services for the transitioned member within the Administration's timelines specified in the contract. If requested by the Administration, a contractor shall submit the policies and procedures regarding transition of members to the Administration for review and approval;
  - b. Assist in the referral of transitioned members to other community health agencies or county medical assistance programs for medically necessary services not covered by the Administration, as appropriate; and
  - c. Develop policies and procedures to be followed when transitioning members who have significant medical conditions; are receiving ongoing services; or have, at the time of the transition, received prior authorization or approval for undelivered, specific services.
2. The relinquishing contractor shall notify the receiving contractor of relevant information about the member's medical condition and current treatment regimens within the timelines defined in contract;
3. The relinquishing contractor shall forward medical records and other relevant materials to the receiving contractor. The relinquishing contractor shall bear the cost of reproducing and forwarding medical records and other relevant materials;
4. Within the timelines specified in contract, the receiving contractor shall ensure that the member selects or is assigned to a primary care provider, and provide the member with:
  - a. Information regarding the contractor's providers,
  - b. Emergency numbers, and
  - c. Instructions about how to obtain services.

**B.** A contractor shall not use a county or noncontracting provider health resource alternative to diminish the contractor's contractual responsibility or accountability for providing the full scope of covered services. The Administration may impose sanctions as described in contract if a contractor makes referrals to other agencies or programs to reduce expenses incurred by the contractor on behalf of its members.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-509 adopted as an emergency adopted, amended and renumbered as Section R9-22-508, former Section R9-22-510 adopted as an emergency now adopted and renumbered as Section R9-22-509 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-509 repealed, former Section R9-22-505 renumbered and amended as Section R9-22-509 effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 11 A.A.R. 4277, effective December 5,

2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

**R9-22-510. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-510 adopted as an emergency adopted and renumbered as Section R9-22-509, former Section R9-22-511 adopted as an emergency now adopted, amended and renumbered as Section R9-22-510 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-510 repealed, new Section R9-22-510 adopted effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4).

**R9-22-511. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-511 adopted as an emergency adopted, amended and renumbered as Section R9-22-510, former Section R9-22-512 adopted as an emergency now adopted, amended and renumbered as Section R9-22-511 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-511 repealed, new Section R9-22-511 adopted effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4).

**R9-22-512. Release of Safeguarded Information**

**A.** The Administration, contractors, providers, and noncontracting providers shall limit the release of safeguarded information to persons or agencies for the following purposes in accordance with 45 CFR 160 and 45 CFR 164, October 1, 2004, and 42 CFR 431.300 through 431.307, October 1, 2004, incorporated by reference, on file with the Administration and available from the U.S. Government Printing Office, 732 N. Capitol St., N.W., Washington, D.C. 20401. This incorporation by reference contains no future editions or amendments:

1. Official purposes directly related to the administration of the AHCCCS program including:
  - a. Establishing eligibility and post-eligibility treatment of income, as applicable;
  - b. Determining the amount of medical assistance;
  - c. Providing services for members;
  - d. Performing evaluations and analysis of AHCCCS operations;
  - e. Filing liens on property as applicable;
  - f. Filing claims on estates, as applicable; and
  - g. Filing, negotiating, and settling medical liens and claims.
2. Law enforcement. The Administration may release safeguarded information without the applicant's or member's written or verbal consent, for the purpose of conducting or assisting an investigation, prosecution, or criminal or civil proceeding related to the administration of the AHCCCS program.
3. The Administration may release safeguarded member information to a review committee in accordance with the provisions of A.R.S. § 36-2917, without the consent of the applicant or member.

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- B.** Except as provided in subsection (A), the Administration, contractors, providers, and noncontracting providers shall disclose safeguarded information only to:
1. An applicant;
  2. A member;
  3. An unemancipated minor, with written permission of a parent, custodial relative, or designated representative, if:
    - a. An Administration employee, authorized representative, or responsible caseworker is present during the examination of the safeguarded information; or
    - b. After written notification to the provider, and at a reasonable time and place.
  4. Persons authorized by the applicant or member; or
  5. A court order or subpoena compliant with 45 CFR 164.512(e), October 1, 2004, incorporated by reference, on file with the Administration and available from the U.S. Government Printing Office, 732 N. Capitol St., N.W., Washington, D.C. 20401. This incorporation by reference contains no future editions or amendments.
- C.** The Administration, contractors, providers, and noncontracting providers shall safeguard identifiable information, protected health information as specified in 45 CFR 160, and information obtained in the course of application for or re-determination of eligibility concerning an applicant or member, that includes, but is not limited to the following:
1. Name and address;
  2. Social Security number;
  3. Social and economic conditions or circumstances;
  4. Agency evaluation of personal information;
  5. Medical data and information concerning medical services received, including diagnosis and history of disease or disability;
  6. State Data Exchange (SDX) tapes, and other types of information received from outside sources for the purpose of verifying income eligibility and amount of medical assistance payments; and
  7. Any information received in connection with the identification of legally liable third-party resources.
- D.** The restriction upon disclosure of information in this Section does not apply to:
1. De-identified information as described by 45 CFR 164.514, October 1, 2004, incorporated by reference in subsection (A); or
  2. A disclosure, in response to a request for information, that complies with 45 CFR 160 and 45 CFR 164, October 1, 2004, and 42 CFR 431.300 through 431.307, October 1, 2004, incorporated by reference in subsection (A).
- E.** A provider shall furnish records requested by the Administration or a contractor to the Administration or the contractor at no charge.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-512 adopted as an emergency adopted, amended and renumbered as Section R9-22-511, former Section R9-22-513 adopted as an emergency now adopted and renumbered as Section R9-22-512 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-512 repealed, new Section R9-22-512 adopted effective October 1, 1985 (Supp. 85-5).

Amended effective December 13, 1993 (Supp. 93-4).

Amended effective December 8, 1997 (Supp. 97-4).

Amended by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). Amended by final

rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

**R9-22-513.****Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-513 adopted as an emergency adopted and renumbered as Section R9-22-512, former Section R9-22-514 adopted as an emergency now adopted, amended and renumbered as Section R9-22-513 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-513 repealed, former Section R9-22-526 renumbered and amended as Section R9-22-513 effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4).

**R9-22-514.****Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-514 adopted as an emergency adopted, amended and renumbered as Section R9-22-513, former Section R9-22-515 adopted as an emergency now adopted, amended and renumbered as Section R9-22-514 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-514 repealed, former Section R9-22-517 renumbered and amended as Section R9-22-514 effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4).

**R9-22-515.****Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-515 adopted as an emergency adopted, amended and renumbered as Section R9-22-514, former Section R9-22-517 adopted as an emergency now adopted, amended and renumbered as Section R9-22-515 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-515 repealed, former Section R9-22-522 renumbered and amended as Section R9-22-515 effective October 1, 1985 (Supp. 85-5). Repealed effective December 8, 1997 (Supp. 97-4).

**R9-22-516.****Renumbered****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-516 adopted as an emergency expired, former Section R9-22-518 adopted as an emergency now adopted, amended and renumbered as Section R9-22-516 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-516 renumbered as Section R9-22-513 effective October 1, 1985 (Supp. 85-5).

**R9-22-517.****Renumbered****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-517 adopted as an emergency

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adopted, amended and renumbered as Section R9-22-515, former Section R9-22-519 adopted as an emergency now adopted and renumbered and amended as Section R9-22-517 as a permanent rule effective August 30, 1982 (Supp. 82-4).

Former Section R9-22-517 renumbered and amended as Section R9-22-514 effective October 1, 1985 (Supp. 85-5).

**R9-22-518. Information to Enrolled Members**

- A. Each contractor shall produce and distribute printed informational materials to each member or family unit no later than 10 days of receipt of notification of enrollment from the Administration. The contractor shall ensure that the informational materials meet the requirements specified in the contractor's current contract.
- B. A contractor shall provide a member with the name, address, and telephone number of the member's primary care provider no later than 10 days from the date of enrollment. The contractor shall include information on how the member may change primary care providers.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-518 adopted as an emergency adopted, amended and renumbered as Section R9-22-516, former Section R9-22-520 adopted as an emergency now adopted, amended and renumbered as Section R9-22-518 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-518 repealed, new Section R9-22-518 adopted effective October 1, 1985 (Supp. 85-5).

Amended effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

**R9-22-519. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-519 adopted as an emergency adopted, amended and renumbered as Section R9-22-517, former Section R9-22-521 adopted as an emergency now adopted, amended and renumbered as Section R9-22-519 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-519 repealed, new Section R9-22-519 adopted effective October 1, 1985 (Supp. 85-5).

Repealed effective December 8, 1997 (Supp. 97-4).

**R9-22-520. Expired****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-520 adopted as an emergency adopted, amended and renumbered as Section R9-22-518, former Section R9-22-522 adopted as an emergency now adopted, amended and renumbered as Section R9-22-520 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-520 repealed, new Section R9-22-520 adopted effective October 1, 1985 (Supp. 85-5).

Amended effective December 13, 1993 (Supp. 93-4). Amended effective December 8, 1997 (Supp. 97-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4851, effective October 9, 2002 (Supp. 02-4).

**R9-22-521. Program Compliance Audits**

- A. The Administration shall conduct an onsite program compliance audit of a contractor at least once every three years during the term of the Administration's contract with the contractor. The Administration may conduct, without prior notice, inspections of contractor facilities or perform other elements of a program compliance audit.
- B. An audit team may perform any or all of the following procedures:
  1. Conduct private interviews and group conferences with members, physicians, other health professionals, and members of the contractor's administrative staff including, but not limited to, the contractor's principal management persons;
  2. Examine records, books, reports, and papers of the contractor and any management company, and all providers or subcontractors providing health care and other services. The examination may include, but need not be limited to: minutes of medical staff meetings, peer review and quality of care review records, duty rosters of medical personnel, appointment records, written procedures for the internal operation of the health plan, contracts and correspondence with members and with providers of health care services and other services to the plan, and additional documentation deemed necessary by the Administration to review the quality of medical care.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-521 adopted as an emergency adopted, amended and renumbered as Section R9-22-519, former Section R9-22-523 adopted as an emergency now adopted, amended and renumbered as Section R9-22-521 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-521 repealed, new Section R9-22-521 adopted effective October 1, 1985 (Supp. 85-5).

Amended effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

*Editor's Note: The following Section was amended under an exemption from the provisions of the Administrative Procedure Act which means that this rule was not reviewed by the Governor's Regulatory Review Council; the agency did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the agency was not required to hold public hearings on the rules; and the Attorney General has not certified this rule. This Section was subsequently amended through the regular rulemaking process.*

**R9-22-522. Quality Management/Utilization Management (QM/UM) Requirements**

- A. A contractor shall comply with Quality Management/Utilization Management (QM/UM) requirements specified in this Section and in contract. The contractor shall ensure compliance with QM/UM requirements that are accomplished through delegation or subcontract with another party.
- B. In addition to any requirements specified in contract, a contractor shall:
  1. Submit to the Administration a written QM/UM plan that includes a description of the systems, methodologies, protocols, and procedures to be used in:
    - a. Monitoring and evaluating the types of services provided,
    - b. Identifying the numbers and costs of services provided,

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- c. Assessing and improving the quality and appropriateness of care and services;
  - d. Evaluating the outcome of care provided to members, and
  - e. Determining the actions necessary to improve service delivery;
- 2. Submit the QM/UM plan to the Administration on an annual basis within timelines specified in contract. If the QM/UM plan is changed during the year, the contractor shall submit the revised plan to the Administration before implementation;
- 3. Receive approval from the Administration before implementing the initial or revised QM/UM plan;
- 4. Ensure that a QM/UM committee operates under the control of the contractor's medical director and includes representation from medical and executive management personnel. The committee shall:
  - a. Oversee the development, revision, and implementation of the QM/UM plan; and
  - b. Ensure that there are qualified QM/UM personnel and sufficient resources to implement the contractor's QM/UM activities; and
- 5. Ensure that the QM/UM activities include at least:
  - a. Prior authorization for non-emergency or scheduled hospital admissions;
  - b. Concurrent review of inpatient hospitalization;
  - c. Retrospective review of hospital claims;
  - d. Program and provider audits designed to detect over- or under-utilization, service delivery effectiveness, and outcome;
  - e. Medical records audits;
  - f. Surveys to determine satisfaction of members;
  - g. Assessment of the adequacy and qualifications of the contractor's provider network;
  - h. Review and analysis of QM/UM data;
  - i. Measurement of performance using objective quality indicators;
  - j. Ensuring individual and systemic quality of care;
  - k. Integrating quality throughout the organization;
  - l. Process improvement;
  - m. Credentialing a provider network;
  - n. Resolving quality of care grievances; and
  - o. Quality improvement activities focused on improving the quality of care and the efficient, cost-effective delivery and utilization of services.
- C. A member's primary care provider shall maintain medical records that:
  - 1. Conform to professional medical standards and practices for documentation of medical diagnostic and treatment data;
  - 2. Facilitate follow-up treatment; and
  - 3. Permit professional medical review and medical audit processes.
- D. Within 30 days following termination of the contract between a subcontractor and a contractor, the subcontractor or the subcontractor's designee shall forward to the primary care provider medical records or copies of medical records of all members assigned to the subcontractor or for whom the subcontractor has provided services.
- E. The Administration shall monitor each contractor and the contractor's providers to ensure compliance with Administration QM/UM requirements and adherence to the contractor's QM/UM plan.
  - 1. A contractor and the contractor's providers shall cooperate with the Administration in the performance of the Administration's QM/UM monitoring activities; and

- 2. A contractor and the contractor's providers shall develop and implement mechanisms for correcting deficiencies identified through the Administration's QM/UM monitoring.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-522 adopted as an emergency adopted, amended and renumbered as Section R9-22-520, former Section R9-22-524 adopted as an emergency now adopted and renumbered as Section R9-22-522 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-522 renumbered and amended as Section R9-22-515, new Section R9-22-522 adopted effective October 1, 1985 (Supp. 85-5). Amended under an exemption from the provisions of the Administrative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended effective December 13, 1993 (Supp. 93-4). Amended effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

**R9-22-523. Expired****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-523 adopted as an emergency adopted, amended and renumbered as Section R9-22-521, former Section R9-22-525 adopted as an emergency now adopted, amended and renumbered as Section R9-22-523 as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4851, effective October 9, 2002 (Supp. 02-4).

**R9-22-524. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-524 adopted as an emergency adopted and renumbered as Section R9-22-522, former Section R9-22-526 adopted as an emergency now adopted, amended and renumbered as Section R9-22-524 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-524 repealed, new Section R9-22-524 adopted effective October 1, 1985 (Supp. 85-4). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4).

**R9-22-525. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-525 adopted as an emergency adopted, amended and renumbered as Section R9-22-523, former Section R9-22-527 adopted as an emergency now adopted, amended and renumbered as Section R9-22-525 as a permanent rule effective August 30, 1982 (Supp. 82-4). Repealed effective October 1, 1985 (Supp. 85-5).

**R9-22-526. Renumbered**

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**Historical Note**

Adopted as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Adopted as a permanent rule effective May 16, 1983; text of the permanent rule identical to the emergency (Supp. 83-3). Former Section R9-22-526 repealed, new Section R9-22-526 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-526 renumbered and amended as Section R9-22-501 effective October 1, 1985 (Supp. 85-1).

**R9-22-527. Renumbered****Historical Note**

Adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-527 renumbered and amended as Section R9-22-505 effective October 1, 1985 (Supp. 85-5).

**R9-22-528. Renumbered****Historical Note**

Adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-528 renumbered and amended as Section R9-22-504 effective October 1, 1985 (Supp. 85-5).

**R9-22-529. Renumbered****Historical Note**

Adopted as Section R9-22-529 effective October 1, 1985, then renumbered as Section R9-22-1002 effective October 1, 1985 (Supp. 85-5).

**ARTICLE 6. RFP AND CONTRACT PROCESS****R9-22-601. General Provisions**

- A. The Director has full operational authority to adopt rules for the RFP process and the award of contracts under A.R.S. § 36-2906.
- B. This Article applies to the award of contracts under A.R.S. §§ 36-2904 and 36-2906 to provide services under A.R.S. § 36-2907 and the expenditure of public monies by the Administration pertaining to covered services when the procurement so states. The Administration shall establish conflict-of-interest safeguards for officers and employees of this state with responsibilities relating to contracts that comply with 42 U.S.C. 1396u-2(d)(3).
- C. The Administration is exempt from the procurement code under A.R.S. § 41-2501.
- D. The Administration and contractors shall retain all contract records for five years under A.R.S. § 36-2903 and dispose of the records under A.R.S. § 41-2550.
- E. The following terms are defined as related to this Article: "Procurement file" means the official records file of the Director whether located in the Office of the Director or at the public procurement unit. The procurement file shall include in electronic or paper form a list of notified vendors, final solicitation, solicitation amendments, bids/offers, final proposal revisions, clarifications, and final evaluation report.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-601 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Repealed effective October 1, 1983 (Supp. 83-5). Adopted effective July 16, 1985 (Supp. 85-4). Amended effective December 13, 1993 (Supp. 93-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 607, effective February 5, 1999 (Supp. 99-1). Amended by final rulemaking at 8 A.A.R. 424,

effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 18 A.A.R. 2340, effective November 11, 2012 (Supp. 12-3).

**R9-22-602. RFP**

- A. RFP content. The Administration shall include the following items in any RFP under this Article:
  1. Instructions and information to an offeror concerning the proposal submission including:
    - a. The deadline for submitting a proposal,
    - b. The address of the office at which a proposal is to be received,
    - c. The period during which the RFP remains open, and
    - d. Any special instructions and information;
  2. The scope of covered services under Article 2 of this Chapter and A.R.S. §§ 36-2906 and 36-2907, covered populations, geographic coverage, service and performance requirements, and a delivery or performance schedule;
  3. The contract terms and conditions, including bonding or other security requirements, if applicable;
  4. The factors used to evaluate a proposal;
  5. The location and method of obtaining documents that are incorporated by reference in the RFP;
  6. A requirement that the offeror acknowledge receipt of all RFP amendments issued by the Administration;
  7. The type of contract to be used and a copy of a proposed contract form or provisions;
  8. The length of the contract service;
  9. A requirement for cost or pricing data;
  10. The minimum RFP requirements; and
  11. A provision requiring an offeror to certify that a submitted proposal does not involve collusion or other anti-competitive practices.
- B. Proposal process.
  1. After the deadline for submitting proposals, the Administration may open a proposal publicly and announce and record the name of the offeror. The Administration shall keep all other information contained in a proposal confidential. The Administration shall open a proposal for public inspection after contract award unless the Administration determines that disclosure is not in the best interest of the state.
  2. The Administration shall evaluate a proposal based on the GSA and the evaluation factors listed in the RFP.
  3. The Administration may initiate discussions with a responsive and responsible offeror to clarify and assure full understanding of an offeror's proposal. The Administration shall provide an offeror fair treatment with respect to discussion and revision of a proposal. The Administration shall not disclose information derived from a proposal submitted by a competing offeror.
  4. The Administration shall allow for the adjustment of covered services by expansion, deletion, segregation, or combination in order to secure the most financially advantageous proposals for the state.
  5. The Administration may conduct an investigation of a person or organization who has ownership or management interests in corporate offerors or affiliated corporate organizations of an offeror.
  6. The Administration may issue a written request for best and final offers. The Administration shall state in the request the date, time, and place for the submission of best and final offers.
  7. The Administration shall not request best and final offers more than once unless the Administration determines that it is advantageous to the state to request additional best

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and final offers. The Administration shall state in the written request for best and final offers that if the offeror does not submit a notice of withdrawal or a best and final offer, the Administration shall take the most recent offer as the offeror's best and final offer.

**C. Proposal rejection.**

1. The Administration may reject an offeror's proposal if the offeror fails to supply the information requested by the Administration.
2. The offeror shall not disclose information pertaining to its proposal to any other offeror prior to contract award. The offeror may disclose proposal information to a person other than another offeror if the recipient agrees to keep the information confidential until contract award. Disclosure in violation of this subsection may be grounds for rejecting a proposal.
3. The Administration shall provide written notification to an offeror whose proposal is rejected. The rejection notice shall be part of the contract file and a public record.
4. If the Administration determines that it is in the best interest of the state, the Administration may reject any and all proposals, in whole or in part, under the RFP. The reasons for rejection shall be part of the contract file. An offeror shall have no right to damages for any claims against the state, the state's employees, or agents if a proposal is rejected in whole or in part.

- D. Proposal cancellation.** If the Administration determines that it is in the best interest of the state, the Administration may cancel a RFP. The reasons for cancellation shall be part of the contract file. An offeror shall have no right to damages for any claims against the state, the state's employees, or agents if a RFP is cancelled.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-602 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Repealed effective October 1, 1983 (Supp. 83-5). Adopted effective July 16, 1985 (Supp. 85-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 607, effective February 5, 1999 (Supp. 99-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1).

**R9-22-603. Contract Award**

The Administration shall award a contract to the responsible and responsive offeror whose proposal is determined most advantageous to the state under A.R.S. § 36-2906. If the Administration determines that multiple contracts are in the best interest of the state, the Administration may award multiple contracts. The contract file shall contain the basis on which the award is made.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-603 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Repealed effective October 1, 1983 (Supp. 83-5). Adopted effective July 16, 1985 (Supp. 85-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 607, effective February 5, 1999 (Supp. 99-1). Section repealed; new Section made by

final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1).

**R9-22-604. Contract or Proposal Protests; Appeals**

- A.** Disputes related to contract performance. This Section does not apply to a dispute related to contract performance. A contract performance dispute is governed by 9 A.A.C. 34.
- B.** Resolution of a proposal protest. The procurement officer issuing a RFP shall have the authority to resolve proposal protests. An appeal from the decision of the procurement officer shall be made to the Director.
- C. Filing of a protest.**
1. A person may file a protest with the procurement officer regarding:
    - a. A RFP issued by the Administration,
    - b. A proposed award, or
    - c. An award of a contract.
  2. A protester shall submit a written protest and include the following information:
    - a. The name, address, and telephone number of the protester;
    - b. The signature of the protester or protester's representative;
    - c. Identification of a RFP or contract number;
    - d. A detailed statement of the legal and factual grounds of the protest including copies of any relevant documents; and
    - e. The relief requested.
- D. Time for filing a protest.**
1. A protester filing a protest alleging improprieties in an RFP or an amendment to an RFP shall file the protest at least 14 days before the due date of receipt of proposals.
  2. Any protest alleging improprieties in an amendment issued 14 or fewer days before the due date of the proposal shall be filed before the due date for receipt of proposals.
  3. In cases other than those covered in subsections (D)(1) and (2), a protester shall file a protest no later than 10 days after the procurement officer makes the procurement file available for public inspection.
- E. Stay of procurement during the protest.** If a protester files a protest before the contract award, the procurement officer may issue a written stay of the contract award. In considering whether to issue a written stay of contract, the procurement officer shall consider but is not limited to considering whether:
1. A reasonable probability exists that the protest will be sustained, and
  2. The stay of the contract award is in the best interest of the state.
- F. Stay of contract award during an appeal to the Director.** The Director shall automatically continue the stay of a contract award if:
1. An appeal is filed before a contract award, and
  2. The procurement officer issues a stay of the contract award under subsection (E), unless
  3. The Director issues a written determination that the contract award is necessary to protect the best interest of the state.
- G. Decision by the procurement officer.**
1. The procurement officer shall issue a written decision no later than 14 days after a protest has been filed. The decision shall contain an explanation of the basis of the decision.
  2. The procurement officer shall furnish a copy of the decision to the protester by:
    - a. Certified mail, return receipt requested; or
    - b. Any other method that provides evidence of receipt.



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3. The Administration may extend, for good cause, the time-limit for decisions in subsection (G)(1) for a time not to exceed 30 days. The procurement officer shall notify the protester in writing that the time for the issuance of a decision has been extended and the date by which a decision shall be issued.
4. If the procurement officer fails to issue a decision within the time-limits in subsection (G)(1) or (G)(3), the protester may proceed as if the procurement officer issued an adverse decision.

**H. Remedies.**

1. If the procurement officer sustains the protest in whole or in part and determines that the RFP, proposed contract award, or contract award does not comply with applicable statutes and rules, the procurement officer shall order an appropriate remedy.
2. In determining an appropriate remedy, the procurement officer shall consider all the circumstances of the procurement or proposed procurement, including:
  - a. Seriousness of the procurement deficiency,
  - b. Degree of prejudice to other interested parties or to the integrity of the RFP process,
  - c. Good faith of the parties,
  - d. Extent of performance,
  - e. Costs to the state, and
  - f. Urgency of the procurement.
  - g. Best interest of the state.
3. An appropriate remedy may include one or more of the following:
  - a. Terminating the contract;
  - b. Reissuing the RFP;
  - c. Issuing a new RFP;
  - d. Awarding a contract consistent with statutes, rules, and the terms of the RFP; or
  - e. Any relief determined necessary to ensure compliance with applicable statutes and rules.

**I. Appeals to the Director.**

1. A person may file an appeal of a procurement officer's decision with both the Director and the procurement officer no later than five days from the date the decision is received. The date the decision is received shall be determined under subsection (G)(2).
2. The appeal shall contain:
  - a. The information required in subsection (C)(2),
  - b. A copy of the procurement officer's decision,
  - c. The alleged factual or legal error in the decision of the procurement officer on which the appeal to the Director is based, and
  - d. A request for hearing unless the person requests that the Director's decision be based solely upon the procurement file.

**J. Dismissal.** The Director shall not schedule a hearing and shall dismiss an appeal with a written determination if:

1. The appeal does not state a basis for protest,
2. The appeal is untimely under subsection (I)(1), or
3. The appeal is moot.

**K. Hearing.** Hearings under this Section shall be conducted using the Arizona Administrative Procedure Act under A.R.S. Title 41, Ch. 6.**Historical Note**

Adopted effective July 16, 1985 (Supp. 85-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 607, effective February 5, 1999 (Supp. 99-1). Amended by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Amended by final

rulemaking at 18 A.A.R. 2340, effective November 11, 2012 (Supp. 12-3).

**R9-22-605. Waiver of Contractor's Subcontract with Hospitals**

If a contractor is unable to obtain a subcontract with a hospital as contractually required, the contractor may request in writing a waiver from the Administration as allowed by A.R.S. § 36-2906. The contractor shall state in the request the reasons a waiver is believed to be necessary and all efforts the contractor has made to secure a subcontract.

**Historical Note**

Adopted effective January 31, 1986 (Supp. 86-1). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 607, effective February 5, 1999 (Supp. 99-1). New Section made by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 18 A.A.R. 2340, effective November 11, 2012 (Supp. 12-3).

**R9-22-606. Contract Compliance Sanction**

- A.** The Director may impose sanctions upon a contractor for violation of any provision of this Chapter or of a contract. Sanctions include but are not limited to:
  1. Suspension of any or all further member enrollment, by choice and/or assignment for a period of time.
  2. Imposition of a monetary sanction.
- B.** The Director shall consider the nature, severity, and length of the violation when determining a sanction.
- C.** The Director shall provide a contractor with written notice specifying grounds and terms for the sanction.
- D.** Nothing contained in this Section shall be construed to prevent the Administration from imposing sanctions as provided in contract under A.R.S. § 36-2903.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 18 A.A.R. 2340, effective November 11, 2012 (Supp. 12-3).

**ARTICLE 7. STANDARDS FOR PAYMENTS****R9-22-701. Standard for Payments Related Definitions**

In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Article have the following meanings unless the context explicitly requires another meaning:

"Accommodation" means room and board services provided to a patient during an inpatient hospital stay and includes all staffing, supplies, and equipment. The accommodation is semi-private except when the member must be isolated for medical reasons. Types of accommodation include hospital routine medical/surgical units, intensive care units, and any other specialty care unit in which room and board are provided.

"Aggregate" means the combined amount of hospital payments for covered services provided within and outside the GSA.

"AHCCCS inpatient hospital day or days of care" means each day of an inpatient stay for a member beginning with the day of admission and including the day of death, if applicable, but excluding the day of discharge, provided that all eligibility, medical necessity, and medical review requirements are met.

"Ancillary service" means all hospital services for patient care other than room and board and nursing services, including but not limited to, laboratory, radiology, drugs, delivery room

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(including maternity labor room), operating room (including postanesthesia and postoperative recovery rooms), and therapy services (physical, speech, and occupational).

“APC” means the Ambulatory Payment Classification system under 42 CFR 419.31 used by Medicare for grouping clinically and resource-similar procedures and services.

“Billed charges” means charges for services provided to a member that a hospital includes on a claim consistent with the rates and charges filed by the hospital with Arizona Department of Health Services (ADHS).

“Business agent” means a company such as a billing service or accounting firm that renders billing statements and receives payment in the name of a provider.

“Capital costs” means costs as reported by the hospital to CMS as required by 42 CFR 413.20.

“Copayment” means a monetary amount, specified by the Director, that a member pays directly to a contractor or provider at the time covered services are rendered.

“Cost-to-charge ratio” (CCR) means a hospital’s costs for providing covered services divided by the hospital’s charges for the same services. The CCR is the percentage derived from the cost and charge data for each revenue code provided to AHC-CCS by each hospital.

“Covered charges” means billed charges that represent medically necessary, reasonable, and customary items of expense for covered services that meet medical review criteria of AHC-CCS or a contractor.

“CPT” means Current Procedural Terminology, published and updated by the American Medical Association. CPT is a nationally-accepted listing of descriptive terms and identifying codes for reporting medical services and procedures performed by physicians that provide a uniform language to accurately designate medical, surgical, and diagnostic services.

“Critical Access Hospital” is a hospital certified by Medicare under 42 CFR 485 Subpart F and 42 CFR 440.170(g). “Direct graduate medical education costs” or “direct program costs” means the costs that are incurred by a hospital for the education activities of an approved graduate medical education program that are the proximate result of training medical residents in the hospital, including resident salaries and fringe benefits, the portion of teaching physician salaries and fringe benefits that are related to the time spent in teaching and supervision of residents, and other related GME overhead costs.

“DRI inflation factor” means Global Insights Prospective Hospital Market Basket.

“Eligibility posting” means the date a member’s eligibility information is entered into the AHCCCS Pre-paid Medical Management Information System (PMMIS).

“Encounter” means a record of a medically-related service rendered by an AHCCCS-registered provider to a member enrolled with a contractor on the date of service.

“Existing outpatient service” means a service provided by a hospital before the hospital files an increase in its charge master as defined in R9-22-712(G), regardless of whether the service was explicitly described in the hospital charge master before filing the increase or how the service was described in the charge master before filing the increase.

“Expansion funds” means funds appropriated to support GME program expansions as described under A.R.S. § 36-2903.01(G)(9)(b) and (c)(i).

“Factor” means a person or an organization, such as a collection agency or service bureau, that advances money to a provider for accounts receivable that the provider has assigned, sold, or transferred to the organization for an added fee or a deduction of a portion of the accounts receivable. Factor does not include a business agent.

“Fiscal intermediary” means an organization authorized by CMS to make determinations and payments for Part A and Part B provider services for a given region.

“Freestanding Children’s Hospital” means a separately standing hospital with at least 120 pediatric beds that is dedicated to provide the majority of the hospital’s services to children.

“GME program approved by the Administration” or “approved GME program” means a graduate medical education program that has been approved by a national organization as described in 42 CFR 415.152.

“Graduate medical education (GME) program” means an approved residency program that prepares a physician for independent practice of medicine by providing didactic and clinical education in a medical environment to a medical student who has completed a recognized undergraduate medical education program.

“HCAC” means a health care acquired condition described under 42 CFR 447.26 but does not include Deep Vein Thrombosis (DVT)/Pulmonary Embolism (PE) as related to total knee replacement or hip replacement surgery in pediatric and obstetric patients.

“HCPCS” means the Health Care Procedure Coding System, published and updated by Center for Medicare and Medicaid Services (CMS). HCPCS is a listing of codes and descriptive terminology used for reporting the provision of physician services, other health care services, and substances, equipment, supplies or other items used in health care services.

“HIPAA” means the Health Insurance Portability and Accountability Act of 1996, as specified under 45 CFR 162, that establishes standards and requirements for the electronic transmission of certain health information by defining code sets used for encoding data elements, such as tables of terms, medical concepts, medical diagnostic codes, or medical procedure codes.

“ICU” means the intensive care unit of a hospital.

“Indirect program costs” means the marginal increase in operating costs that a hospital experiences as a result of having an approved graduate medical education program and that is not accounted for by the hospital’s direct program costs.

“Intern and Resident Information System” means a software program used by teaching hospitals and the provider community for collecting and reporting information on resident training in hospital and non-hospital settings.

“Medical education costs” means direct hospital costs for intern and resident salaries, fringe benefits, program costs, nursing school education, and paramedical education, as described in the Medicare Provider Reimbursement Manual.

“Medical review” means a clinical evaluation of documentation conducted by AHCCCS or a contractor for purposes of prior authorization, concurrent review, post-payment review, or determining medical necessity. The criteria for medical

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review are established by AHCCCS or a contractor based on medical practice standards that are updated periodically to reflect changes in medical care.

“Medicare Urban or Rural Cost-to-Charge Ratio (CCR)” means statewide average capital cost-to-charge ratio published annually by CMS added to the urban or rural statewide average operating cost-to-charge ratio published annually by CMS.

“National Standard code sets” means codes that are accepted nationally in accordance with federal requirements under 45 CFR 160 and 45 CFR 164.

“New hospital” means a hospital for which Medicare Cost Report claim and encounter data are not available for the fiscal year used for initial rate setting or rebasing.

“NICU” means the neonatal intensive care unit of a hospital that is classified as a Level II or Level III perinatal center by the Arizona Perinatal Trust.

“Non-IHS Acute Hospital” means a hospital that is not run by Indian Health Services, is not a free-standing psychiatric hospital, such as an IMD, and is paid under ADHS rates.

“Observation day” means a physician-ordered evaluation period of less than 24 hours to determine whether a person needs treatment or needs to be admitted as an inpatient. Each observation day consists of a period of 24 hours or less.

“Operating costs” means AHCCCS-allowable accommodation costs and ancillary department hospital costs excluding capital and medical education costs.

“OPPC” means an Other Provider Preventable Condition that is: (1) a wrong surgical or other invasive procedure performed on a patient, (2) a surgical or other invasive procedure performed on the wrong body part, or (3) a surgical or other invasive procedure performed on the wrong patient.

“Organized health care delivery system” means a public or private organization that delivers health services. It includes, but is not limited to, a clinic, a group practice prepaid capitation plan, and a health maintenance organization.

“Outlier” means a hospital claim or encounter in which the operating costs per day for an AHCCCS inpatient hospital stay meet the criteria described under this Article and A.R.S. § 36-2903.01(G).

“Outpatient hospital service” means a service provided in an outpatient hospital setting that does not result in an admission.

“Ownership change” means a change in a hospital’s owner, lessor, or operator under 42 CFR 489.18(a).

“Participating institution” means an institution at which portions of a graduate medical education program are regularly conducted and to which residents rotate for an educational experience for at least one month.

“Peer group” means hospitals that share a common, stable, and independently definable characteristic or feature that significantly influences the cost of providing hospital services, including specialty hospitals that limit the provision of services to specific patient populations, such as rehabilitative patients or children.

“PPC” means prior period coverage. PPC is the period of time, prior to the member’s enrollment, during which a member is eligible for covered services. The time-frame is the first day of the month of application or the first eligible month, whichever is later, until the day a member is enrolled with a contractor.

“PPS bed” means Medicare-approved Prospective Payment beds for inpatient services as reported in the Medicare cost reports for the most recent fiscal year for which the Administration has a complete set of Medicare cost reports for every rural hospital as determined as of the first of February of each year.

“Procedure code” means the numeric or alphanumeric code listed in the CPT or HCPCS manual by which a procedure or service is identified.

“Prospective rates” means inpatient or outpatient hospital rates set by AHCCCS in advance of a payment period and representing full payment for covered services excluding any quick-pay discounts, slow-pay penalties, and first-and third-party payments regardless of billed charges or individual hospital costs.

“Public hospital” means a hospital that is owned and operated by county, state, or hospital health care district.

“Qualifying health information exchange organization” means a non-profit health information organization as defined in A.R.S. § 36-3801 that provides the statewide exchange of patient health information among disparate health care organizations and providers not owned, operated, or controlled by the health information exchange. A qualifying health information exchange organization must include representation by the administration on its board of directors, and have a significant number of health care participants, including hospitals, laboratories, payers, community physicians and Federally Qualified Health Centers.

“Rebase” means the process by which the most currently available and complete Medicare Cost Report data for a year and AHCCCS claim and encounter data for the same year are collected and analyzed to reset the Inpatient Hospital Tiered per diem rates, or the Outpatient Hospital Capped Fee-For-Service Schedule.

“Reinsurance” means a risk-sharing program provided by AHCCCS to contractors for the reimbursement of specified contract service costs incurred by a member beyond a certain monetary threshold.

“Remittance advice” means an electronic or paper document submitted to an AHCCCS-registered provider by AHCCCS to explain the disposition of a claim.

“Resident” means a physician engaged in postdoctoral training in an accredited graduate medical education program, including an intern and a physician who has completed the requirements for the physician’s eligibility for board certification.

“Revenue code” means a numeric code, that identifies a specific accommodation, ancillary service, or billing calculation, as defined by the National Uniform Billing committee for UB-04 forms.

“Sub-acute services” means inpatient care for a patient with an acute illness, injury or exacerbation of a disease process when the patient does not require acute inpatient hospitalization. Sub-acute care is rendered immediately after, or instead of, acute inpatient hospitalization.

“Specialty facility” means a facility where the service provided is limited to a specific population, such as rehabilitative services for children.

“Sponsoring institution” means the institution or entity that is recognized by the GME accrediting organization and designated as having ultimate responsibility for the assurance of

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academic quality and compliance with the terms of accreditation.

"Tier" means a grouping of inpatient hospital services into levels of care based on diagnosis, procedure, or revenue codes, peer group, NICU classification level, or any combination of these items.

"Tiered per diem" means an AHCCCS capped fee schedule in which payment is made on a per-day basis depending upon the tier (or tiers) into which an AHCCCS inpatient hospital day of care is assigned.

"Trip" means a one-way transport each time a taxi is called. If the taxi waits for the member then the transport continues to be part of the one-way trip. If the taxi leaves and is called to pick up the member, that is considered a new one-way trip.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-701 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-701 repealed, new Section R9-22-701 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985 (Supp. 85-5). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Section repealed; new Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2). Amended by final rulemaking at 12 A.A.R. 2188, effective June 6, 2006 (Supp. 06-2). Amended by final rulemaking at 13 A.A.R. 662, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 13 A.A.R. 1782, effective June 30, 2007 (Supp. 07-2). Amended by exempt rulemaking at 13 A.A.R. 3190, effective October 1, 2007 (Supp. 07-3). Amended by exempt rulemaking at 13 A.A.R. 4032, effective November 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 1956, effective September 6, 2014; amended by exempt rulemaking at 20 A.A.R. 2755, effective January 1, 2015 (Supp. 14-3). Amended by final rulemaking at 22 A.A.R. 2187, effective October 1, 2016 (Supp. 16-4).

**R9-22-701.01. Reserved**

**R9-22-701.02. Reserved**

**R9-22-701.03. Reserved**

**R9-22-701.04. Reserved**

**R9-22-701.05. Reserved**

**R9-22-701.06. Reserved**

**R9-22-701.07. Reserved**

**R9-22-701.08. Reserved**

**R9-22-701.09. Reserved**

**R9-22-701.10 Scope of the Administration's and Contractor's Liability**

The Administration shall bear no liability for providing covered services for any member beyond the date of termination of the member's eligibility or during the member's enrollment with a contractor. A contractor has no financial responsibility for services provided to a member beyond the last date of enrollment except as provided in Articles 2 and 5 of this Chapter and as specified in contract.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 662, effective April 7, 2007 (Supp. 07-1).

**R9-22-702. Charges to Members**

- A.** For purposes of this subsection, the term "member" includes the member's financially responsible representative as described under A.R.S. § 36-2903.01.
- B.** Registered providers must accept payment from the Administration or a contractor as payment in full.
- C.** Except as provided in subsection (D) a registered provider shall not request or collect payment from, refer to a collection agency, or report to a credit reporting agency an eligible person or a person claiming to be an eligible person.
- D.** An AHCCCS registered provider may charge, submit a claim to, or demand or collect payment from a member:
  1. To collect the copayment described in R9-22-711;
  2. To recover from a member that portion of a payment made by a third party to the member for an AHCCCS covered service if the member has not transferred the payment to the Administration or the contractor as required by the statutory assignment of rights to AHCCCS;
  3. To obtain payment from a member for medical expenses incurred during a period when the member intentionally withheld information or intentionally provided inaccurate information pertaining to the member's AHCCCS eligibility or enrollment that caused payment to the provider to be reduced or denied;
  4. For a service that is excluded by statute or rule, or provided in an amount that exceeds a limitation in statute or rule, if the member signs a document in advance of receiving the service stating that the member understands the service is excluded or is subject to a limit and that the member will be financially responsible for payment for the excluded service or for the services in excess of the limit;
  5. When the contractor or the Administration has denied authorization for a service if the member signs a document in advance of receiving the service stating that the member understands that authorization has been denied and that the member will be financially responsible for payment for the service;
  6. For services requested for a member enrolled with a contractor, and rendered by a noncontracting provider under circumstances where the member's contractor is not responsible for payment of "out of network" services under R9-22-705(A), if the member signs a document in advance of receiving the service stating that the member understands the provider is out of network, that the member's contractor is not responsible for payment, and that the member will be financially responsible for payment for the excluded service;
  7. For services rendered to a person eligible for the FESP if the provider submits a claim to the Administration in the reasonable belief that the service is for treatment of an emergency medical condition and the Administration denies the claim because the service does not meet the criteria of R9-22-217; or
  8. If the provider has received verification from the Administration that the person was not an eligible person on the date of service.
- E.** The signature requirement of subsections (D)(4), (D)(5), and (D)(6) do not apply if:
  1. The member is unable or incompetent to sign such a document, or

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2. When services are rendered for the purpose of treating an emergency medical condition as defined in R9-22-217 and a delay in providing treatment to obtain a signature would have a significant adverse affect on the member's health.
- F.** Except as provided for in this Section, registered providers shall not bill a member when the provider could have received reimbursement from the Administration or a contractor but for the provider's failure to file a claim in accordance with the requirements of AHCCCS statutes, rules, the provider agreement, or contract, such as, but not limited to, requirements to request and obtain prior authorization, timely filing, and clean claim requirements.
- Historical Note**
- Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-702 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Amended as a permanent rule effective May 16, 1983; text identical to the emergency (Supp. 83-3). Former Section R9-22-702 repealed, new Section R9-22-702 adopted effective October 1, 1983 (Supp. 83-5). Amended by adding subsection (B) effective October 1, 1985 (Supp. 85-5). Amended by adding subsection (C) effective October 1, 1987 (Supp. 87-4). Amended effective April 13, 1990 (Supp. 90-2). Amended effective December 13, 1993 (Supp. 93-4). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). Amended by final rulemaking at 11 A.A.R. 3217, effective October 1, 2005 (Supp. 05-3). Amended by exempt rulemaking at 17 A.A.R. 1707, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 2747, effective October 8, 2013 (Supp. 13-3).
- R9-22-703. Payments by the Administration**
- A.** General requirements. A provider shall enter into a provider agreement with the Administration that meets the requirements of A.R.S. § 36-2904 and 42 CFR 431.107(b) as of October 1, 2012, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.
- B.** Timely submission of claims.
1. Under A.R.S. § 36-2904, the Administration shall deem a paper claim to be submitted on the date that it is received by the Administration. An electronic claim is deemed received by the Administration when the claim enters the information processing system designated by the Administration for electronic claims in a form that is capable of being processed by the designated information processing system. The Administration shall do one or more of the following for each claim it receives:
    - a. Place a date stamp on the face of the claim,
    - b. Assign a system-generated claim reference number, or
    - c. Assign a system-generated date-specific number.
  2. Unless a shorter time period is specified in contract, the Administration shall not pay a claim for a covered service unless the claim is initially submitted within one of the following time limits, whichever is later:
    - a. Six months from the date of service or for an inpatient hospital claim, six months from the date of discharge; or
    - b. Six months from the date of eligibility posting.
  3. Unless a shorter time period is specified in contract, the Administration shall not pay a clean claim for a covered service unless the claim is submitted within one of the following time limits, whichever is later:
    - a. Twelve months from the date of service or for an inpatient hospital claim, 12 months from the date of discharge; or
    - b. Twelve months from the date of eligibility posting.
  4. Unless a shorter time period is specified in contract, the Administration shall not pay a claim submitted by an HIS or tribal facility for a covered service unless the claim is initially submitted within 12 months from the date of service, date of discharge, or eligibility posting, whichever is later.
- C.** Claims processing.
1. The Administration shall notify the AHCCCS-registered provider with a remittance advice when a claim is processed for payment.
  2. The Administration shall reimburse a hospital for inpatient hospital admissions and outpatient hospital services rendered on or after March 1, 1993, as follows and in the manner and at the rate described in A.R.S. § 36-2903.01:
    - a. If the hospital bill is paid within 30 days from the date of receipt, the claim is paid at 99 percent of the rate.
    - b. If the hospital bill is paid between 30 and 60 days from the date of receipt, the claim is paid at 100 percent of the rate.
    - c. If the hospital bill is paid after 60 days from the date of receipt, the claim is paid at 100 percent of the rate plus a fee of one percent per month for each month or portion of a month following the 60th day of receipt of the bill until date of payment.
  3. A claim is paid on the date indicated on the disbursement check.
  4. A claim is denied as of the date of the remittance advice.
  5. The Administration shall process a hospital claim under this Article.
- D.** Prior authorization.
1. An AHCCCS-registered provider shall:
    - a. Obtain prior authorization from the Administration for non-emergency hospital admissions, covered services as specified in Articles 2 and 12 of this Chapter, and for administrative days as described in R9-22-712.75,
    - b. Notify the Administration of hospital admissions under Article 2 of this Chapter, and
    - c. Make records available for review by the Administration upon request.
  2. The Administration may deny a claim if the provider fails to comply with subsection (D)(1).
  3. If the Administration issues prior authorization for an inpatient hospital admission, a specific service, or level of care but subsequent medical review indicates that the admission, the service, or level of care was not medically appropriate, the Administration shall adjust the claim payment.
- E.** Review of claims and coverage for hospital supplies.
1. The Administration may conduct prepayment and post-payment review of any claims, including but not limited to hospital claims.

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2. Personal care items supplied by a hospital, including but not limited to the following, are not covered services:
    - a. Patient care kit,
    - b. Toothbrush,
    - c. Toothpaste,
    - d. Petroleum jelly,
    - e. Deodorant,
    - f. Septi soap,
    - g. Razor or disposable razor,
    - h. Shaving cream,
    - i. Slippers,
    - j. Mouthwash,
    - k. Shampoo,
    - l. Powder,
    - m. Lotion,
    - n. Comb, and
    - o. Patient gown.
  3. The following hospital supplies and equipment, if medically necessary and used by the member, are covered services:
    - a. Arm board,
    - b. Diaper,
    - c. Underpad,
    - d. Special mattress and special bed,
    - e. Gloves,
    - f. Wrist restraint,
    - g. Limb holder,
    - h. Disposable item used instead of a durable item,
    - i. Universal precaution,
    - j. Stat charge, and
    - k. Portable charge.
  4. The Administration shall determine in a hospital claims review whether services rendered were:
    - a. Covered services as defined in Article 2;
    - b. Medically necessary;
    - c. Provided in the most appropriate, cost-effective, and least restrictive setting; and
    - d. For claims with dates of admission on and after March 1, 1993, substantiated by the minimum documentation specified in A.R.S. § 36-2903.01.
  5. If the Administration adjudicates a claim, a person may file a claim dispute challenging the adjudication under 9 A.A.C. 34.
- F. Overpayment for AHCCCS services.**
1. An AHCCCS-registered provider shall notify the Administration when the provider discovers the Administration made an overpayment.
  2. The Administration shall recoup an overpayment from a future claim cycle if an AHCCCS-registered provider fails to return the overpaid amount to the Administration.
  3. The Administration shall document any recoupment of an overpayment on a remittance advice.
  4. An AHCCCS-registered provider may file a claim dispute under 9 A.A.C. 34 if the AHCCCS-registered provider disagrees with a recoupment action.
- G. For services subject to limitations or exclusions such as the number of hours, days, or visits covered as described in Article 2 of this Chapter, once the limit is reached the Administration will not reimburse the services.**
- H. Prior quarter reimbursement. A provider shall:**
1. Bill the Administration for services provided during a prior quarter eligibility period upon verification of eligibility or upon notification from a member of AHCCCS eligibility.
  2. Reimburse a member when payment has been received from the Administration for covered services during a prior quarter eligibility period. All funds paid by the member shall be reimbursed.
3. Accept payment received by the Administration as payment in full.
- I. Payment for in-state inpatient hospital services for claims with discharge dates on or before September 30, 2014. The Administration shall reimburse an in-state provider of inpatient hospital services rendered with a discharge date on or before September 30, 2014, the prospective tiered-per-diem amount in A.R.S. § 36-2903.01 and this Article.**
- J. Payment for out-of-state inpatient hospital services for claims with discharge dates on or before September 30, 2014. The Administration shall reimburse an out-of-state provider of inpatient hospital services rendered with a discharge date on or before September 30, 2014, for covered inpatient services by multiplying covered charges by the most recent statewide urban cost-to-charge ratio as determined in R9-22-712.01(6)(b).**
- K. Payment for inpatient hospital services for claims with discharge dates on and after October 1, 2014 regardless of admission date. The Administration shall reimburse an in-state or out-of-state provider of inpatient hospital services rendered with a discharge date on or after October 1, 2014, the DRG rate established by the Administration.**
- L. The Administration may enter into contracts for the provisions of transplant services.**

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R-22-703 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-703 repealed, new Section R9-22-703 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Amended subsection (B), paragraph (1) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (A) effective September 16, 1987 (Supp. 87-3). Amended effective May 30, 1989 (Supp. 89-2). Amended effective September 29, 1992 (Supp. 92-3). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). Amended by final rulemaking at 11 A.A.R. 3222, effective October 1, 2005 (Supp. 05-3). Amended by final rulemaking at 13 A.A.R. 662, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by exempt rulemaking at 17 A.A.R. 1707, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 2747, effective October 8, 2013 (Supp. 13-3). Amended by final rulemaking at 19 A.A.R. 3309, November 30, 2013 (Supp. 13-4). Amended by final rulemaking at 20 A.A.R. 1556, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 27 A.A.R. 237, effective April 4, 2021 (Supp. 21-1).

**R9-22-704. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-704 adopted as an emergency now adopted and amended as a permanent rule effective August 30 1982 (Supp. 82-4). Amended effective October 1, 1983 (Supp. 83-5). Amended subsection A., Paragraph 2. effective October 1, 1985 (Supp. 85-5).

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Amended by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). Section repealed by final rulemaking at 13 A.A.R. 662, effective April 7, 2007 (Supp. 07-1).

**R9-22-705. Payments by Contractors**

- A. General requirements.** A contractor shall contract with providers to provide covered services to members enrolled with the contractor. The contractor is responsible for reimbursing providers and coordinating care for services provided to a member. Except as provided in subsection (A)(2), a contractor is not required to reimburse a noncontracting provider for services rendered to a member enrolled with the contractor.
1. Providers. A provider shall enter into a provider agreement with the Administration that meets the requirements of A.R.S. § 36-2904 and 42 CFR 431.107(b) as of March 6, 1992, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.
  2. A contractor shall reimburse a noncontracting provider for services rendered to a member enrolled with the contractor as specified in this Article if:
    - a. The contractor referred the member to the provider or authorized the provider to render the services and the claim is otherwise payable under this Chapter, or
    - b. The service is emergent under Article 2 of this Chapter.
- B. Timely submission of claims.**
1. Under A.R.S. § 36-2904, a contractor shall deem a paper or electronic claim as submitted on the date that the claim is received by the contractor. The contractor shall do one or more of the following for each claim the contractor receives:
    - a. Place a date stamp on the face of the claim,
    - b. Assign a system-generated claim reference number, or
    - c. Assign a system-generated date-specific number.
  2. Unless a shorter time period is specified in subcontract, a contractor shall not pay a claim for a covered service unless the claim is initially submitted within one of the following time limits, whichever is later:
    - a. Six months from the date of service or for an inpatient hospital claim, six months from the date of discharge; or
    - b. Six months from the date of eligibility posting.
  3. Unless a shorter time period is specified in subcontract, a contractor shall not pay a clean claim for a covered service unless the claim is submitted within one of the following time limits, whichever is later:
    - a. Twelve months from the date of service or for an inpatient hospital claim, 12 months from the date of discharge; or
    - b. Twelve months from the date of eligibility posting.
- C. Date of claim.**
1. A contractor's date of receipt of an inpatient or an outpatient hospital claim is the date the claim is received by the contractor as indicated by the date stamp on the claim, the system-generated claim reference number, or the system-generated date-specific number assigned by the contractor.
  2. A hospital claim is considered paid on the date indicated on the disbursement check.
  3. A denied hospital claim is considered adjudicated on the date of the claim's denial.
  4. For a claim that is pending for additional supporting documentation specified in A.R.S. § 36-2903.01 or 36-2904, the contractor shall assign a new date of receipt upon receipt of the additional documentation.
  5. For a claim that is pending for documentation other than the minimum required documentation specified in either A.R.S. § 36-2903.01 or 36-2904, the contractor shall not assign a new date of receipt.
  6. A contractor and a hospital may, through a contract approved as specified in R9-22-715, adopt a method for identifying, tracking, and adjudicating a claim that is different from the method described in this subsection.
- D. Payment for in-state inpatient hospital services for claims with discharge dates on or before September 30, 2014.** A contractor shall reimburse an in-state provider of inpatient hospital services rendered with a discharge date on or before September 30, 2014, at either a rate specified by subcontract or, in absence of the subcontract, the prospective tiered-per-diem amount in A.R.S. § 36-2903.01 and this Article. Subcontract rates, terms, and conditions are subject to review and approval or disapproval under A.R.S. § 36-2904 and R9-22-715. This subsection does not apply to an urban contractor as specified in R9-22-718 and A.R.S. § 36-2905.01.
- E. Payment for Inpatient out-of-state hospital payments for claims with discharge dates on or before September 30, 2014.** In the absence of a contract with an out-of-state hospital that specifies payment rates, a contractor shall reimburse out-of-state hospitals for covered inpatient services by multiplying covered charges by the most recent statewide urban cost-to-charge ratio as determined in R9-22-712.01(6)(b).
- F. Payment for inpatient hospital services for claims with discharge dates on and after October 1, 2014 regardless of admission date.** Subject to R9-22-718 and A.R.S. § 36-2905.01 regarding urban hospitals, a contractor shall reimburse an in-state or out-of-state provider of inpatient hospital services, at either a rate specified by subcontract or, in absence of a subcontract, the DRG rate established by the Administration and this Article. Subcontract rates, terms, and conditions are subject to review and approval or disapproval under A.R.S. § 36-2904 and R9-22-715.
- G. Payment for in-state outpatient hospital services.**  
A contractor shall reimburse an in-state provider of outpatient hospital services rendered on or after July 1, 2005, at either a rate specified by a subcontract or, in absence of a subcontract, as provided under R9-22-712.10, A.R.S. § 36-2903.01 and other Sections of this Article. The terms of the subcontract are subject to review and approval or disapproval under A.R.S. § 36-2904 and R9-22-715.
- H. Outpatient out-of-state hospital payments.** In the absence of a contract with an out-of-state hospital that specifies payment rates, a contractor shall reimburse out-of-state hospitals for covered outpatient services by applying the methodology described in R9-22-712.10 through R9-22-712.50. If the outpatient procedure is not assigned a fee schedule amount, the contractor shall pay the claim by multiplying the covered charges for the outpatient services by the statewide outpatient cost-to-charge ratio.
- I. Payment for observation days.** A contractor shall reimburse a provider and a noncontracting provider for the provision of observation days at either a rate specified by subcontract or, in the absence of a subcontract, as prescribed under R9-22-712, R9-22-712.10, and R9-22-712.45.
- J. Review of claims and coverage for hospital supplies.**
1. A contractor may conduct a review of any claims submitted and recoup any payments made in error.

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2. A hospital shall obtain prior authorization from the appropriate contractor for nonemergency admissions. When issuing prior authorization, a contractor shall consider the medical necessity of the service, and the availability and cost effectiveness of an alternative treatment. Failure to obtain prior authorization when required is cause for nonpayment or denial of a claim. A contractor shall not require prior authorization for medically necessary services provided during any prior period for which the contractor is responsible. If a contractor and a hospital agree to a subcontract, the parties shall abide by the terms of the subcontract regarding utilization control activities. A hospital shall cooperate with a contractor's reasonable activities necessary to perform concurrent review and shall make the hospital's medical records pertaining to a member enrolled with a contractor available for review.
3. Regardless of prior authorization or concurrent review activities, a contractor may make prepayment or post-payment review of all claims, including but not limited to a hospital claim. A contractor may recoup an erroneously paid claim. If prior authorization was given for an inpatient hospital admission, a specific service, or level of care but subsequent medical review indicates that the admission, the service, or level of care was not medically appropriate, the contractor shall adjust the claim payment.
4. A contractor and a hospital may enter into a subcontract that includes hospital claims review criteria and procedures if the subcontract meets the requirements of R9-22-715.
5. Personal care items supplied by a hospital, including but not limited to the following, are not covered services:
  - a. Patient care kit,
  - b. Toothbrush,
  - c. Toothpaste,
  - d. Petroleum jelly,
  - e. Deodorant,
  - f. Septi soap,
  - g. Razor,
  - h. Shaving cream,
  - i. Slippers,
  - j. Mouthwash,
  - k. Disposable razor,
  - l. Shampoo,
  - m. Powder,
  - n. Lotion,
  - o. Comb, and
  - p. Patient gown.
6. The following hospital supplies and equipment, if medically necessary and used by the member, are covered services:
  - a. Arm board,
  - b. Diaper,
  - c. Underpad,
  - d. Special mattress and special bed,
  - e. Gloves,
  - f. Wrist restraint,
  - g. Limb holder,
  - h. Disposable item used instead of a durable item,
  - i. Universal precaution,
  - j. Stat charge, and
  - k. Portable charge.
7. The contractor shall determine in a hospital claims review whether services rendered were:
  - a. Covered services as defined in R9-22-201;
  - b. Medically necessary;
  - c. Provided in the most appropriate, cost-effective, and least restrictive setting; and
  - d. For claims with dates of admission on and after March 1, 1993, substantiated by the minimum documentation specified in A.R.S. § 36-2904.
8. If a contractor adjudicates a claim or recoups payment for a claim, a person may file a claim dispute challenging the adjudication or recoupment as described under 9 A.A.C. 34.
- K. Non-hospital claims. A contractor shall pay claims for non-hospital services in accordance with contract, or in the absence of a contract, at a rate not less than the Administration's capped fee-for-service schedule or at a lower rate if negotiated between the two parties.
- L. Payments to hospitals. A contractor shall pay for inpatient hospital admissions and outpatient hospital services rendered on or after March 1, 1993, as follows and as described in A.R.S. § 36-2904:
  1. If the hospital bill is paid within 30 days from the date of receipt, the claim is paid at 99 percent of the rate.
  2. If the hospital bill is paid between 30 and 60 days from the date of receipt, the claim is paid at 100 percent of the rate.
  3. If the hospital bill is paid after 60 days from the date of receipt, the claim is paid at 100 percent of the rate plus a 1 percent penalty of the rate for each month or portion of the month following the 60th day of receipt of the bill until date of payment.
- M. Interest payment. In addition to the requirements in subsection (L), a contractor shall pay interest for late claims as defined by contract.
- N. For services subject to limitations or exclusions such as the number of hours, days, or visits covered as described in Article 2 of this Chapter, once the limit is reached the Administration will not reimburse the services.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-705 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Amended as a permanent rule effective May 16, 1983; text of the amended rule identical to emergency (Supp. 83-3). Former Section R9-22-705 repealed, new Section R9-22-705 adopted effective October 1, 1983 (Supp. 83-5). Amended as an emergency effective October 25, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-5). Emergency expired. Permanent amendment adopted effective February 1, 1985 (Supp. 85-1). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (C) effective October 1, 1986 (Supp. 86-5). Amended subsection (C) effective October 1, 1987; amended subsection (C) effective December 22, 1987 (Supp. 87-4). Amended subsections (A) and (C) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended under an exemption from the provisions of the Administrative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 5 A.A.R. 867, effective March 4, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp.



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99-4). Amended by final rulemaking at 11 A.A.R. 3222, effective October 1, 2005 (Supp. 05-3). Amended by final rulemaking at 13 A.A.R. 662, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 1439, effective May 31, 2008 (Supp. 08-2). Amended by exempt rulemaking at 17 A.A.R. 1707, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 2747, effective October 8, 2013 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-706. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-706 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-706 repealed, new Section R9-22-706 adopted effective October 1, 1983 (Supp. 83-5). Adopted as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Amended as an emergency effective October 25, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-5). Emergency expired. Permanent amendment adopted effective February 1, 1985 (Supp. 85-1). Amended effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Amended subsections (A), (D), (E), (F), and (G) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (F) effective December 22, 1987 (Supp. 87-4). Amended subsections (A) and (F) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended effective September 22, 1997 (Supp. 97-3). Section repealed by final rulemaking at 10 A.A.R. 4656, effective January 1, 2005 (Supp. 04-4).

**R9-22-707. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-707 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Repealed as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Repealed as a permanent action effective May 16, 1983 (Supp. 83-3). New Section R9-22-707 adopted effective October 1, 1983 (Supp. 83-5). Adopted as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Adopted as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Former Section R9-22-707 repealed, new Section R9-22-707 adopted effective October 1, 1985 (Supp. 85-5). Former Section R9-22-707 repealed, new Section R9-22-707 adopted effective October 1, 1986 (Supp. 86-5). Amended subsection (A) effective October 1, 1987 (Supp. 87-4). Amended effective September 29, 1992 (Supp. 92-3). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 3317, effective July 15,

2002 (Supp. 02-3). Section repealed by final rulemaking at 13 A.A.R. 856, effective May 5, 2007 (Supp. 07-1).

**R9-22-708. Payments for Services Provided to Eligible American Indians**

- A. For purposes of this Article “IHS enrolled” or “enrolled with IHS” means an American Indian who has elected to receive covered services through IHS instead of a contractor.
- B. For an American Indian who is enrolled with IHS, AHCCCS shall pay IHS the most recent all-inclusive inpatient, outpatient or ambulatory surgery rates published by Health and Human Services (HHS) in the *Federal Register*, or a separately contracted rate with IHS, for AHCCCS-covered services provided in an IHS facility. AHCCCS shall reimburse providers for the Medicare coinsurance and deductible amounts required to be paid by the Administration or contractor in A.A.C. Chapter 29, Article 3 of this Title.
- C. When IHS refers an American Indian enrolled with IHS to a provider other than an IHS or tribal facility, the provider to whom the referral is made shall obtain prior authorization from AHCCCS for services as required under Articles 2, 7 or 12 of this Chapter.
- D. For an American Indian enrolled with a contractor, AHCCCS shall pay the contractor a monthly capitation payment.
- E. Once an American Indian enrolls with a contractor, AHCCCS shall not reimburse any provider other than IHS or a Tribal facility.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-708 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-708 repealed, new Section R9-22-708 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-708 renumbered and amended as Section R9-22-709, new Section R9-22-708 adopted effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Amended by final rulemaking at 10 A.A.R. 4656, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-709. Contractor’s Liability to Hospitals for the Provision of Emergency and Post-stabilization Care**

A contractor is liable for emergency hospitalization and post-stabilization care as described in R9-22-210 and R9-22-210.01.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-709 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-709 repealed, new Section R9-22-709 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-709 renumbered and amended as Section R9-22-713, former Section R9-22-708 renumbered and amended as Section R9-22-709 effective October 1, 1985 (Supp. 85-5). Amended under an exemption from the provisions of the Administrative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 13 A.A.R. 856, effective May 5, 2007 (Supp. 07-1).

*Editor’s Note: The following Section was amended under an*

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*exemption from the provisions of the Administrative Procedure Act which means that this rule was not reviewed by the Governor's Regulatory Review Council; the agency did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the agency was not required to hold public hearings on the rules; and the Attorney General did not certify this rule. This Section was subsequently amended through the regular rulemaking process.*

**R9-22-710. Payments for Non-hospital Services**

**A.** Capped fee-for-service. The Administration shall provide notice of changes in methods and standards for setting payment rates for services in accordance with 42 CFR 447.205, December 19, 1983, incorporated by reference and on file with the Administration and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.

1. Non-contracted services. In the absence of a contract that specifies otherwise, a contractor shall reimburse a provider or noncontracting provider for non-hospital services according to the Administration's capped-fee-for-service schedule.
2. Procedure codes. The Administration shall maintain a current copy of the National Standard Code Sets mandated under 45 CFR 160 (October 1, 2004) and 45 CFR 162 (October 1, 2004), incorporated by reference and on file with the Administration and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.
  - a. A person shall submit an electronic claim consistent with 45 CFR 160 (October 1, 2004) and 45 CFR 162 (October 1, 2004).
  - b. A person shall submit a paper claim using the National Standard Code Sets as described under 45 CFR 160 (October 1, 2004) and 45 CFR 162 (October 1, 2004).
  - c. The Administration may deny a claim for failure to comply with subsection (A) (2) (a) or (b).
3. Fee schedule. The Administration shall pay providers, including noncontracting providers, at the lesser of billed charges or the capped fee-for-service rates specified in subsections (A)(3)(a) through (A)(3)(d) unless a different fee is specified in a contract between the Administration and the provider, or is otherwise required by law.
  - a. Physician services. Fee schedules for payment for physician services are on file at the central office of the Administration for reference use during customary business hours.
  - b. Dental services. Fee schedules for payment for dental services are on file at the central office of the Administration for reference use during customary business hours.
  - c. Transportation services. Fee schedules for payment for transportation services are on file at the central office of the Administration for reference use during customary business hours. For dates of service beginning:
    - i. October 1, 2012 through September 30, 2013, the Administration and its contractors shall reimburse ambulance services at 68.59 percent of the ADHS rates that are in effect as of August 2, 2012.
    - ii. October 1, 2013 through September 30, 2014, the Administration and its contractors

shall reimburse ambulance services at 68.59 percent of the ADHS rates that are in effect as of August 2, 2013.

- iii. October 1, 2014 through September 30, 2015, the Administration and its contractors shall reimburse ambulance services at 74.74 percent of the ADHS rates that are in effect as of August 2, 2014.
- d. Medical supplies and durable medical equipment (DME). Fee schedules for payment for medical supplies and DME are on file at the central office of the Administration for reference use during customary business hours. The Administration shall reimburse a provider once for purchase of DME during any two-year period, unless the Administration determines that DME replacement within that period is medically necessary for the member. Unless prior authorized by the Administration, no more than one repair and adjustment of DME shall be reimbursed during any two-year period.
- B.** Pharmacy services. The Administration shall not reimburse pharmacy services unless the services are provided by a pharmacy having a subcontract with a Pharmacy Benefit Manager (PBM) contracted with AHCCCS. Except as specified in subsection (C), the Administration shall reimburse pharmacy services according to the terms of the contract.
- C.** FQHC Pharmacy reimbursement.
  1. For purposes of this Section the following terms are defined:
    - a. "340B Drug Pricing Program" means the discount drug purchasing program described in 42 U.S.C 256b.
    - b. "340B Ceiling Price" means the maximum price that drug manufacturers can charge covered entities participating in the 340B Drug Pricing Program as reported by the drug manufacturer to HRSA.
    - c. "340B entity" means a covered entity, eligible to participate in the 340B Drug Pricing Program, as defined by the Health Resources and Human Services Administration.
    - d. "Actual Acquisition Cost (AAC)" means the purchase price of a drug paid by a pharmacy net of discounts, rebates, chargebacks and other adjustments to the price of the drug. The AAC excludes dispensing fees.
    - e. "Contracted Pharmacy" means an arrangement through which a 340B entity may contract with an outside pharmacy to provide comprehensive pharmacy services utilizing medications subject to 340B pricing.
    - f. "Dispensing Fee" means the amount paid for the professional services provided by the pharmacist for dispensing a prescription. The Dispensing Fee does not include any payment for the drugs being dispensed.
    - g. "Federally Qualified Health Center" means a public or private non-profit health care organization that has been identified by HRSA and certified by CMS as meeting the criteria under sections 1861(aa)(4) and 1905(l)(2)(B) of the Social Security Act and receives funds under section 330 of the Public Health Service Act.
    - h. "Federally Qualified Health Center Look-Alike" means a public or private non-profit health care organization that has been identified by HRSA and certified by CMS as meeting the definition of

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- “health center” under section 330 of the Public Health Service Act, but does not receive grant funding under section 330.
- i. “FQHC or FQHC Look-Alike pharmacy” means a pharmacy that dispenses drugs to FQHC or FQHC-LA patients and that is owned and/or operated by an FQHC/FQHC-LA or by an entity that reports the costs of an FQHC/FQHC-LA on its Medicare Cost Report, whether or not collocated with an FQHC or an FQHC Look-Alike.
2. Effective the later of February 1, 2012, or CMS approval of a State Plan Amendment, an FQHC or FQHC Look-Alike shall:
    - a. Notify the AHCCCS provider registration unit of its status as a 340B covered entity no later than:
      - i. 30 days after the effective date of this Section;
      - ii. 30 days after registration with the Health Resources and Services Administration (HRSA) for participation in the 340B program, or
      - iii. The time of application to become an AHCCCS provider.
    - b. Provide the 340B pricing file to the AHCCCS Administration upon request. The 340B pricing file shall be provided in the file format as defined by AHCCCS.
    - c. Identify 340B drug claims submitted to the AHCCCS FFS PBM or the Managed Care Contractors’ PBMs for reimbursement. The 340B drug claim identification and claims processing for a drug claim submission shall be consistent with claim instructions issued and required by AHCCCS to identify such claims.
  3. The FQHC and the FQHC Look-Alike pharmacies shall submit claims for AHCCCS members for drugs that are identified in the 340B pricing file, whether or not purchased under the 340B pricing file, with the lesser of:
    - a. The actual acquisition cost, or
    - b. The 340B ceiling price.
  4. The AHCCCS Fee-for-Service and Managed Care Contractors’ PBMs shall reimburse claims for drugs which are identified in the 340B pricing file dispensed by FQHC and FQHC Look -Alike pharmacies, whether or not purchased under the 340B pricing file, at the amount submitted under subsection (C)(3) plus a dispensing fee listed in the AHCCCS Capped Fee-For-Service Schedule unless a contract between the 340B entity and a Managed Care Contractor’s PBM specifies a different dispensing fee.
  5. Contracted pharmacies shall not submit claims for drugs dispensed under an agreement with the 340B entity as part of the 340B drug pricing program, and the AHCCCS Administration and Managed Care Contractors shall not reimburse such claims.
  6. The AHCCCS Administration and Managed Care Contractors shall reimburse contracted pharmacies for drugs not dispensed under an agreement with the 340B entity as part of the 340B program at the price and dispensing fee set forth in the contract between the contracted pharmacy and the AHCCCS or its Managed Care Contractors’ PBMs. Neither the Administration nor its Managed Care Contractors will reimburse a contracted pharmacy that does not have a contract with the Administration or MCO’s PBM.
  7. The AHCCCS Administration and its Managed Care Contractors shall reimburse FQHC and FQHC Look-

Alike pharmacies for drugs that are not eligible under the 340B Drug Pricing Program at the price and dispensing fee set forth in their contract with the AHCCCS or its Managed Care Contractors’ PBMs.

8. AHCCCS may periodically conduct audits to ensure compliance with this Section.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-710 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Amended as a permanent rule effective May 16, 1983; text of amended rule identical to emergency (Supp. 83-3). Former Section R9-22-710 repealed, new Section R9-22-710 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985. The capped fee-for-service schedules, deleted from Section R9-22-710, are now on file at the central office of the Administration (Supp. 85-5). Amended subsections (B) through (D) effective October 1, 1986 (Supp. 86-5). Amended subsection (B) effective July 1, 1988 (Supp. 88-3). Amended subsection (B) effective April 27, 1989 (Supp. 89-2). Amended under an exemption from the provisions of the Administrative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended effective December 13, 1993 (Supp. 93-4). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 11 A.A.R. 3830, effective November 12, 2005 (Supp. 05-3). Amended by exempt rulemaking at 18 A.A.R. 212, effective February 1, 2012 (Supp. 12-1). Amended by exempt rulemaking at 18 A.A.R. 1971, effective August 1, 2012 (Supp. 12-3). Amended by exempt rulemaking at 18 A.A.R. 2630, effective October 1, 2012 (Supp. 12-4). Amended by final rulemaking at 19 A.A.R. 1681, effective August 9, 2013 (Supp. 13-2). Amended by exempt rulemaking at 19 A.A.R. 3525, effective October 18, 2013 (Supp. 13-4)

**R9-22-711. Copayments**

- A. For purposes of this Article:
  1. A copayment is a monetary amount that a member pays directly to a provider at the time a covered service is rendered.
  2. An eligible individual is assigned to a hierarchy established in subsections (B) through (E), for the purposes of establishing a copayment amount.
  3. No refunds shall be made for a retroactive period if there is a change in an individual’s status that alters the amount of a copayment.
- B. The following services are exempt from AHCCCS copayments for all members:
  1. Family planning services and supplies,
  2. Services related to a pregnancy or any other medical condition that may complicate the pregnancy, including tobacco cessation treatment for a pregnant woman,
  3. Emergency services as described in 42 CFR 447.56(2)(i),
  4. All services paid on a fee-for-service basis,
  5. Preventive services, such as well visits, immunizations, pap smears, colonoscopies, and mammograms,
  6. Provider preventable services.
- C. The following individuals are exempt from AHCCCS copayments:
  1. An individual under age 19, including individuals eligible for the KidsCare Program in A.R.S. § 36-2982;

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2. An individual determined to be Seriously Mentally Ill (SMI) by the Arizona Department of Health Services;
  3. An individual eligible for the Arizona Long-Term Care Program in A.R.S. § 36-2931;
  4. An individual eligible for QMB under Chapter 29;
  5. An individual eligible for the Children's Rehabilitative Services program under A.R.S. § 36-2906(E);
  6. An individual receiving nursing facility or HCBS services under R9-22-216;
  7. An individual receiving hospice care as defined in 42 U.S.C. 1396d(o);
  8. An American Indian individual enrolled in a health plan and has received services through an IHS facility, tribal 638 facility or urban Indian health program;
  9. An individual eligible in the Breast and Cervical Cancer program as described under Article 20;
  10. An individual who is pregnant and through the postpartum period following the pregnancy;
  11. An individual with respect to whom child welfare services are made available under Part B of Title IV of the Social Security Act on the basis of being a child in foster care, without regard to age;
  12. An individual with respect to whom adoption or foster care assistance is made available under Part E of Title IV of the Social Security Act, without regard to age; and
  13. An adult eligible under R9-22-1427(E), with income at or below 106% of the FPL.
- D. Non-mandatory copayments.** Unless otherwise listed in subsection (B) or (C), individuals under subsections (D)(1) through (6) are subject to the copayments listed in this subsection. A provider shall not deny a service when a member states to the provider an inability to pay a copayment.
1. A caretaker relative eligible under R9-22-1427(A);
  2. An individual eligible for Young Adult Transitional Insurance (YATI) in A.R.S. § 36-2901(6)(a)(iii);
  3. An individual eligible for State Adoption Assistance in R9-22-1433;
  4. An individual eligible for Supplemental Security Income (SSI);
  5. An individual eligible for SSI Medical Assistance Only (SSI/MAO) in Article 15; and
  6. An individual eligible for the Freedom to Work program in A.R.S. § 36-2901(6)(g).
  7. Copayment amount per service:
    - a. \$2.30 per prescription drug.
    - b. \$3.40 per outpatient visit, excluding an emergency room visit, if any of the services rendered during the visit are coded as evaluation and management services or non-emergent surgical procedures according to the National Standard Code Sets. An outpatient visit includes any setting where these services are performed such as a physician's office, an Ambulatory Surgical Center (ASC), or a clinic.
    - c. \$2.30 per visit, if a copayment is not being imposed under subsection (D)(7)(b) and any of the services rendered during the visit are coded as physical, occupational or speech therapy services according to the National Standard Code Sets.
- E. Mandatory copayments.**
1. Copayments for individuals eligible for Transitional Medical Assistance (TMA) under R9-22-1427(B)(1)(c)(i). Unless otherwise listed in subsection (C), an individual is required to pay the following copayments for prescription drugs and outpatient services unless the service is provided during an emergency room visit or the service is otherwise exempt under subsection (B). An outpatient visit includes any setting where these outpatient services are performed such as, an outpatient hospital, a physician's provider's office, HCBS setting, an Ambulatory Surgical Center (ASC), or a clinic:
    - a. \$2.30 per prescription drug.
    - b. \$4.00 per outpatient visit, if any of the services rendered during the visit are coded as evaluation and management services according to the National Standard Code Sets.
    - c. If a copayment is not being imposed under subsection (E)(1)(b), \$3.00 per visit if any of the services rendered during the visit are coded as physical, occupational or speech therapy services according to the National Standard Code Sets.
    - d. If a copayment is not being imposed under subsection (E)(1)(b) or (c), \$3.00 per visit, if any of the services rendered during the visit are coded as non-emergent surgical procedures according to the National Standard Code Sets.
  2. Copayments for persons eligible under R9-22-1427(E) with income above 106% of the FPL and for persons eligible under A.R.S. §§ 36-2907.10 and 36-2907.11. Subject to CMS approval, unless otherwise listed in subsection (C), these individuals are required to pay the following copayments for prescription drugs and outpatient services unless the service is provided during an emergency room visit or the service is otherwise exempt under subsection (B). An outpatient visit includes any setting where these outpatient services are performed such as, an outpatient hospital, a physician's provider's office, HCBS setting, an Ambulatory Surgical Center (ASC), or a clinic:
    - a. \$4.00 per prescription drug.
    - b. \$5.00 per outpatient visit when the AHCCCS fee schedule for the visit code is a rate from \$50 to less than \$100, if any of the services rendered during the visit are coded as evaluation and management services according to the National Standard Code Sets.
    - c. \$10.00 per outpatient visit when the AHCCCS fee schedule for the visit code is a rate of \$100 or greater, if any of the services rendered during the visit are coded as evaluation and management services according to the National Standard Code Sets.
    - d. If a copayment is not being imposed under subsection (E)(2)(b) or (E)(2)(c), for services coded as physical, occupational or speech therapy services according to the National Standard Code Sets.
      - i. \$2.00 if the rate on the fee schedule is \$20 to \$39.99,
      - ii. \$4.00 if the rate on the fee schedule is \$40 to \$49.99, or
      - iii. \$5.00 if the rate on the fee schedule is \$50 and above per visit.
    - e. If a copayment is not being imposed under subsection (E)(2)(b) – (E)(2)(d), for services coded as non-emergent surgical procedures according to the National Standard Code Sets,
      - i. \$30.00 if the rate on the fee schedule is \$300 to \$499.99, or
      - ii. \$50.00 if the rate on the fee schedule is \$500 and above per visit.
    - f. Unless the individual is otherwise exempt in subsection (C) or the service is exempted under subsection (B) the individual is required to pay \$2.00 per trip for non-emergency transportation in an urban area.

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- g. Unless the individual is otherwise exempt in subsection (C) or the service is exempted under subsection (B) the individual is required to pay \$8.00 for non-emergency use of the emergency room.
- h. Unless the individual is otherwise exempt in subsection (C) or the service is exempted under subsection (B) the individual is required to pay \$75 for an Inpatient stay.
- 3. The provider may deny a service if the member does not pay the copayment required by subsection (E), however, a provider may choose to reduce or waive copayments under this subsection on a case-by-case basis.
- F. A provider is responsible for collecting any copayment imposed under this Section.
- G. The total aggregate amount of copayments under subsections (D) or (E) may not exceed 5% of the family's income as applied on a quarterly basis. The member may establish that the aggregate limit has been met on a quarterly basis by providing the Administration with records of copayments incurred during the quarter. In addition, the Administration shall also use claims and encounters information available to the Administration to establish when a member's copayment obligation has reached 5% of the family's income.
- H. Reduction in payments to providers. The Administration and its contractors shall reduce the payment it makes to any provider by the amount of a member's copayment obligation under subsection (E), regardless of whether the provider successfully collects the copayments described in this Section.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Sections R9-22-711 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-711 repealed, new Section R9-22-711 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985 (Supp. 85-5). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). Amended by exempt rulemaking at 9 A.A.R. 4557, effective October 1, 2003 (Supp. 03-4). Amended by exempt rulemaking at 10 A.A.R. 2194, effective May 3, 2004 (Supp. 04-2). Amended by exempt rulemaking at 10 A.A.R. 4266, effective October 1, 2004 (Supp. 04-3). Amended by final rulemaking at 16 A.A.R. 1449, effective October 1, 2010 (Supp. 10-3). Section amended by exempt rulemaking at 18 A.A.R. 461, effective April 1, 2012 (Supp. 12-1). Section amended by final rulemaking at 19 A.A.R. 2954, effective November 11, 2013 (Supp. 13-3). Amended by exempt rulemaking at 20 A.A.R. 128, effective December 30, 2013 (Supp. 13-4). Amended by exempt rulemaking at 20 A.A.R. 2755, effective January 1, 2015 (Supp. 14-3).

**Editor's Note:** The following Section was adopted and amended under an exemption from the provisions of the Administrative Procedure Act which means that this rule was not reviewed by the Governor's Regulatory Review Council; the agency did not submit notice of proposed rulemaking to the Secretary of State for

*publication in the Arizona Administrative Register; the agency was not required to hold public hearings on the rules; and the Attorney General did not certify this rule. This Section was subsequently amended through the regular rulemaking process.*

**R9-22-712.****Reimbursement: General**

- A. Inpatient and outpatient discounts and penalties. If a claim is pending for additional documentation required under A.R.S. § 36-2903.01(G)(4), the period during which the claim is pending is not used in the calculation of the quick-pay discounts and slow-pay penalties under A.R.S. § 36-2903.01(G)(5).
- B. Inpatient and outpatient in-state or out-of-state hospital payments.
  - 1. Payment for inpatient out-of-state hospital services for claims with discharge dates on or before September 30, 2014. In the absence of a contract with an out-of-state hospital that specifies payment rates, AHCCCS shall reimburse out-of-state hospitals for covered inpatient services by multiplying covered charges by the most recent statewide urban cost-to-charge ratio as determined in R9-22-712.01(6)(d).
  - 2. Payment for inpatient in-state hospital services for claims with discharge dates on or before September 30, 2014. AHCCCS shall reimburse an in-state provider of inpatient hospital services rendered with a discharge date on or before September 30, 2014, at the prospective tiered-per-diem amount in A.R.S. § 36-2903.01 and this Article.
  - 3. Payment for inpatient in-state or out-of-state hospital services for claims with discharge dates on and after October 1, 2014 regardless of admission date. Subject to R9-22-718 and A.R.S. § 36-2905.01 regarding urban hospitals, a contractor shall reimburse an in-state or out-of-state provider of inpatient hospital services, at either a rate specified by subcontract or, in the absence of a subcontract, the DRG rate established by the Administration and this Article. Subcontract rates, terms, and conditions are subject to review and approval or disapproval under A.R.S. § 36-2904 and R9-22-715.
  - 4. Outpatient out-of-state hospital payments. In the absence of a contract with an out-of-state hospital that specifies payment rates, AHCCCS shall reimburse an out-of-state hospital for covered outpatient services by applying the methodology described in R9-22-712.10 through R9-22-712.50. If the outpatient procedure is not assigned a fee schedule amount, the Administration shall pay the claim by multiplying the covered charges for the outpatient services by the statewide outpatient cost-to-charge ratio.
  - 5. Outpatient in-state hospital payments. A contractor shall reimburse an in-state provider of outpatient hospital services rendered on or after July 1, 2005, at either a rate specified by a subcontract or, in absence of a subcontract, as provided under R9-22-712.10, A.R.S. § 36-2903.01 and other Sections of this Article. The terms of the subcontract are subject to review and approval or disapproval under A.R.S. § 36-2904 and R9-22-715.
- C. Access to records. Subcontracting and noncontracting providers of outpatient or inpatient hospital services shall allow the Administration access to medical records regarding eligible persons and shall in all other ways fully cooperate with the Administration or the Administration's designated representative in performance of the Administration's utilization control activities. The Administration shall deny a claim for failure to cooperate.
- D. Prior authorization. The Administration or contractor may deny a claim if a provider fails to obtain prior authorization as required under R9-22-210.

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- E. Review of claims. Regardless of prior authorization or concurrent review activities, the Administration may subject all hospital claims, including outliers, to prepayment medical review or post-payment review, or both. The Administration shall conduct post-payment reviews consistent with A.R.S. § 36-2903.01 and may recoup erroneously paid claims.
- F. Claim receipt.
1. The Administration's date of receipt of inpatient or outpatient hospital claims is the date the claim is received by the Administration as indicated by the date stamp on the claim and the system-generated claim reference number or system-generated date-specific number.
  2. Hospital claims are considered paid on the date indicated on disbursement checks.
  3. A denied claim is considered adjudicated on the date the claim is denied.
  4. Claims that are denied and are resubmitted are assigned new receipt dates.
  5. For a claim that is pending for additional supporting documentation specified in A.R.S. § 36-2903.01 or 36-2904, the Administration shall assign a new date of receipt upon receipt of the additional documentation.
  6. For a claim that is pending for documentation other than the minimum required documentation specified in either A.R.S. § 36-2903.01 or 36-2904, the Administration shall not assign a new date of receipt.
- G. Outpatient hospital reimbursement. The Administration shall pay for covered outpatient hospital services provided to eligible persons with dates of service from March 1, 1993 through June 30, 2005, at the AHCCCS outpatient hospital cost-to-charge ratio, multiplied by the amount of the covered charges.
1. Computation of outpatient hospital reimbursement. The Administration shall compute the cost-to-charge ratio on a hospital-specific basis by determining the covered charges and costs associated with treating eligible persons in an outpatient setting at each hospital. Outpatient operating and capital costs are included in the computation but outpatient medical education costs that are included in the inpatient medical education component are excluded. To calculate the outpatient hospital cost-to-charge ratio annually for each hospital, the Administration shall use each hospital's Medicare Cost Reports and a database consisting of outpatient hospital claims paid and encounters processed by the Administration for each hospital, subjecting both to the data requirements specified in R9-22-712.01. The Administration shall use the following methodology to establish the outpatient hospital cost-to-charge ratios:
    - a. Cost-to-charge ratios. The Administration shall calculate the costs of the claims and encounters for outpatient hospital services by multiplying the ancillary line item cost-to-charge ratios by the covered charges for corresponding revenue codes on the claims and encounters. Each hospital shall provide the Administration with information on how the revenue codes used by the hospital to categorize charges on claims and encounters correspond to the ancillary line items on the hospital's Medicare Cost Report. The Administration shall then compute the overall outpatient hospital cost-to-charge ratio for each hospital by taking the average of the ancillary line items cost-to-charge ratios for each revenue code weighted by the covered charges.
    - b. Cost-to-charge limit. To comply with 42 CFR 447.325, the Administration may limit cost-to-charge ratios to 1.00 for each ancillary line item from the Medicare Cost Report. The Administration shall remove ancillary line items that are non-covered or not applicable to outpatient hospital services from the Medicare Cost Report data for purposes of computing the overall outpatient hospital cost-to-charge ratio.
  2. New hospitals. The Administration shall reimburse new hospitals at the weighted statewide average outpatient hospital cost-to-charge ratio multiplied by covered charges. The Administration shall continue to use the statewide average outpatient hospital cost-to-charge ratio for a new hospital until the Administration rebases the outpatient hospital cost-to-charge ratios and the new hospital has a Medicare Cost Report for the fiscal year being used in the rebasing.
  3. Specialty outpatient services. The Administration may negotiate, at any time, reimbursement rates for outpatient hospital services in a specialty facility.
  4. Reimbursement requirements. To receive payment from the Administration, a hospital shall submit claims that are legible, accurate, error free, and have a covered charge greater than zero. The Administration shall not reimburse hospitals for emergency room treatment, observation hours or days, or other outpatient hospital services performed on an outpatient basis, if the eligible person is admitted as an inpatient to the same hospital directly from the emergency room, observation area, or other outpatient department. Services provided in the emergency room, observation area, and other outpatient hospital services provided before the hospital admission are included in the tiered per diem payment.
  5. Rebasing. The Administration shall rebase the outpatient hospital cost-to-charge ratios at least every four years but no more than once a year using updated Medicare Cost Reports and claim and encounter data.
  6. If a hospital files an increase in its charge master for an existing outpatient service provided on or after July 1, 2004, and on or before June 30, 2005, which represents an aggregate increase in charges of more than 4.7%, the Administration shall adjust the hospital-specific cost-to-charge ratio as calculated under subsection (G)(1) through (5) by applying the following formula:  

$$CCR * [1.047 / (1 + \% \text{ increase})]$$
 Where "CCR" means the hospital-specific cost-to-charge ratio as calculated under subsection (G)(1) through (5) and "% increase" means the aggregate percentage increase in charges for outpatient services shown on the hospital charge master.  
 "Charge master" means the schedule of rates and charges as described under A.R.S. § 36-436 and the rules that relate to those rates and charges that are filed with the Director of the Arizona Department of Health Services.

**Historical Note**

Adopted as an emergency effective February 23, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Adopted as a permanent rule effective May 16, 1983; text of adopted rule identical to emergency (Supp. 83-3). Former Section R9-22-712 repealed, new Section R9-22-712 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-712 renumbered and amended as Section R9-22-1001 effective October 1, 1985 (Supp. 85-5). New Section R9-22-712 adopted under an exemption from the provisions of the Adminis-

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trative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended effective January 14, 1997 (Supp. 97-1). Amended by exempt rulemaking at 10 A.A.R. 3831, effective August 25, 2004 (Supp. 04-3). Amended by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2). Amended by final rulemaking at 11 A.A.R. 3231, effective October 1, 2005 (Supp. 05-3). Amended by final rulemaking at 14 A.A.R. 1439, effective May 31, 2008 (Supp. 08-2). Amended by exempt rulemaking at 17 A.A.R. 1337, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.01. Inpatient Hospital Reimbursement for claims with admission dates and discharge dates from October 1, 1998 through September 30, 2014**

Inpatient hospital reimbursement. The Administration shall pay for covered inpatient acute care hospital services provided to eligible persons for claims with admission dates and discharge dates from October 1, 1998 through September 30, 2014, on a prospective reimbursement basis. The prospective rates represent payment in full, excluding quick-pay discounts, slow-pay penalties, and third-party payments for both accommodation and ancillary department services. The rates include reimbursement for operating and capital costs. The Administration shall make reimbursement for direct graduate medical education as described in A.R.S. § 36-2903.01. For payment purposes, the Administration shall classify each AHCCS inpatient hospital day of care into one of several tiers appropriate to the services rendered. The rate for a tier is referred to as the tiered per diem rate of reimbursement. The number of tiers is seven and the maximum number of tiers payable per continuous stay is two. Payment of outlier claims, transplant claims, or payment to out-of-state hospitals, freestanding psychiatric hospitals, and other specialty facilities may differ from the inpatient hospital tiered per diem rates of reimbursement described in this Section.

1. Tier rate data. The Administration shall base tiered per diem rates effective on and after October 1, 1998 on Medicare Cost Reports for Arizona hospitals for the fiscal year ending in 1996 and a database consisting of inpatient hospital claims and encounters for dates of service matching each hospital's 1996 fiscal year end.
  - a. Medicare Cost Report data. Because Medicare Cost Report years are not standard among hospitals and were not audited at the time of the rate calculation, the Administration shall inflate all the costs to a common point in time as described in subsection (2) for each component of the tiered per diem rates. The Administration shall not make any changes to the tiered per diem rates if the Medicare Cost Report data are subsequently updated or adjusted. If a single Medicare Cost Report is filed for more than one hospital, the Administration shall allocate the costs to each of the respective hospitals. A hospital shall submit information to assist the Administration in this allocation.
  - b. Claim and encounter data. For the database, the Administration shall use only those inpatient hospital claims paid by the Administration and encounters that were accepted and processed by the Administration at the time the database was developed for rates effective on and after October 1, 1998. The Administration shall subject the claim and encounter data to a series of data quality, reasonableness, and integ-

rity edits and shall exclude from the database or adjust claims and encounters that fail these edits. The Administration shall also exclude from the database the following claims and encounters:

- i. Those missing information necessary for the rate calculation,
  - ii. Medicare crossovers,
  - iii. Those submitted by freestanding psychiatric hospitals, and
  - iv. Those for transplant services or any other hospital service that the Administration would pay on a basis other than the tiered per diem rate.
2. Tier rate components. The Administration shall establish inpatient hospital prospective tiered per diem rates based on the sum of the operating and capital components. The rate for the operating component is a statewide rate for each tier except for the NICU and Routine tiers, which are based on peer groups. The rate for the capital component is a blend of statewide and hospital-specific values, as described in A.R.S. § 36-2903.01. The Administration shall use the following methodologies to establish the rates for each of these components.
    - a. Operating component. Using the Medicare Cost Reports and the claim and encounter database, the Administration shall compute the rate for the operating component as follows:
      - i. Data preparation. The Administration shall identify and group into department categories, the Medicare Cost Report data that provide ancillary department cost-to-charge ratios and accommodation costs per day. To comply with 42 CFR 447.271, the Administration shall limit cost-to-charge ratios to 1.00 for each ancillary department.
      - ii. Operating cost calculation. To calculate the rate for the operating component, the Administration shall derive the operating costs from claims and encounters by combining the Medicare Cost Report data and the claim and encounter database for all hospitals. In performing this calculation, the Administration shall match the revenue codes on the claims and encounters to the departments in which the line items on the Medicare Cost Reports are grouped. The ancillary department cost-to-charge ratios for a particular hospital are multiplied by the covered ancillary department charges on each of the hospital's claims and encounters. The AHCCCS inpatient days of care on the particular hospital's claims and encounters are multiplied by the corresponding accommodation costs per day from the hospital's Medicare Cost Report. The ancillary cost-to-charge ratios and accommodation costs per day do not include medical education and capital costs. The Administration shall inflate the resulting operating costs for the claims and encounters of each hospital to a common point in time, December 31, 1996, using the DRI inflation factor and shall reduce the operating costs for the hospital by an audit adjustment factor based on available national data and Arizona historical experience in adjustments to Medicare reimburse-

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- able costs. The Administration shall further inflate operating costs to the midpoint of the rate year (March 31, 1999).
- iii. Operating cost tier assignment. After calculating the operating costs, the Administration shall assign the claims and encounters used in the calculation to tiers based on diagnosis, procedure, or revenue codes, or NICU classification level, or a combination of these. For the NICU tier, the Administration shall further assign claims and encounters to NICU Level II or NICU Level III peer groups, based on the hospital's certification by the Arizona Perinatal Trust. For the Routine tier, the Administration shall further assign claims and encounters to the general acute care hospital or rehabilitation hospital peer groups, based on state licensure by the Department of Health Services. For claims and encounters assigned to more than one tier, the Administration shall allocate ancillary department costs to the tiers in the same proportion as the accommodation costs. Before calculating the rate for the operating component, the Administration shall identify and exclude any claims and encounters that are outliers as defined in subsection (6).
  - iv. Operating rate calculation. The Administration shall set the rate for the operating component for each tier by dividing total statewide or peer group hospital costs identified in this subsection within the tier by the total number of AHCCCS inpatient hospital days of care reflected in the claim and encounter database for that tier.
  - b. Capital component. For rates effective October 1, 1999 the capital component is calculated as described in A.R.S. § 36-2903.01.
  - c. Statewide inpatient hospital cost-to-charge ratio. For dates of service prior to October 1, 2007, the statewide inpatient hospital cost-to-charge ratio is used for payment of outliers, as described in subsections (4), (5), and (6), and out-of-state hospitals, as described in R9-22-712(B). The Administration shall calculate the AHCCCS statewide inpatient hospital cost-to-charge ratio by using the Medicare Cost Report data and claim and encounter database described in subsection (1) and used to determine the tiered per diem rates. For each hospital, the covered inpatient days of care on the claims and encounters are multiplied by the corresponding accommodation costs per day from the Medicare Cost Report. Similarly, the covered ancillary department charges on the claims and encounters are multiplied by the ancillary department cost-to-charge ratios. The accommodation costs per day and the ancillary department cost-to-charge ratios for each hospital are determined in the same way described in subsection (2)(a) but include costs for operating and capital. The Administration shall then calculate the statewide inpatient hospital cost-to-charge ratio by summing the covered accommodation costs and ancillary department costs from the claims and encounters for all hospitals and dividing by the sum of the total covered charges for these services for all hospitals.
  - d. Unassigned tiered per diem rates. If a hospital has an insufficient number of claims to set a tiered per diem rate, the Administration shall pay that hospital the statewide average rate for that tier.
3. Tier assignment. The Administration shall assign AHCCCS inpatient hospital days of care to tiers based on information submitted on the inpatient hospital claim or encounter including diagnosis, procedure, or revenue codes, peer group, NICU classification level, or a combination of these.
    - a. Tier hierarchy. In assigning claims for AHCCCS inpatient hospital days of care to a tier, the Administration shall follow the Hierarchy for Tier Assignment through September 30, 2014 in R9-22-712.09. The Administration shall not pay a claim for inpatient hospital services unless the claim meets medical review criteria and the definition of a clean claim. The Administration shall not pay for a hospital stay on the basis of more than two tiers, regardless of the number of interim claims that are submitted by the hospital.
    - b. Tier exclusions. The Administration shall not assign to a tier or pay AHCCCS inpatient hospital days of care that do not occur during a period when the person is eligible. Except in the case of death, the Administration shall pay claims in which the day of admission and the day of discharge are the same, termed a same day admit and discharge, including same day transfers, as an outpatient hospital claim. The Administration shall pay same day admit and discharge claims that qualify for either the maternity or nursery tiers based on the lesser of the rate for the maternity or nursery tier, or the outpatient hospital fee schedule.
    - c. Seven tiers. The seven tiers are:
      - i. Maternity. The Administration shall identify the Maternity Tier by a primary diagnosis code. If a claim has an appropriate primary diagnosis, the Administration shall pay the AHCCCS inpatient hospital days of care on the claim at the maternity tiered per diem rate.
      - ii. NICU. The Administration shall identify the NICU Tier by a revenue code. A hospital does not qualify for the NICU tiered per diem rate unless the hospital is classified as either a NICU Level II or NICU Level III perinatal center by the Arizona Perinatal Trust. The Administration shall pay AHCCCS inpatient hospital days of care on the claim that meet the medical review criteria for the NICU tier and have a NICU revenue code at the NICU tiered per diem rate. The Administration shall pay any remaining AHCCCS inpatient hospital day on the claim that does not meet NICU Level II or NICU Level III medical review criteria at the nursery tiered per diem rate.
      - iii. ICU. The Administration shall identify the ICU Tier by a revenue code. The Administration shall pay AHCCCS inpatient hospital days of care on the claim that meets the medical review criteria for the ICU tier and has an ICU revenue code at the ICU tiered per diem rate. The Administration may classify any AHCCCS inpatient hospital days on the



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- claim without an ICU revenue code, as surgery, psychiatric, or routine tiers.
- iv. Surgery. The Administration shall identify the Surgery Tier by a revenue code and a valid surgical procedure code that is not on the AHCCCS excluded surgical procedure list. The excluded surgical procedure list identifies minor procedures such as sutures that do not require the same hospital resources as other procedures. The Administration shall only split a surgery tier with an ICU tier. AHCCCS shall pay at the surgery tier rate only when the surgery occurs on a date during which the member is eligible.
  - v. Psychiatric. The Administration shall identify the Psychiatric Tier by either a psychiatric revenue code and a psychiatric diagnosis or any routine revenue code if all diagnosis codes on the claim are psychiatric. The Administration shall not split a claim with AHCCCS inpatient hospital days of care in the psychiatric tier with any tier other than the ICU tier.
  - vi. Nursery. The Administration shall identify the Nursery Tier by a revenue code. The Administration shall not split a claim with AHCCCS inpatient hospital days of care in the nursery tier with any tier other than the NICU tier.
  - vii. Routine. The Administration shall identify the Routine Tier by revenue codes. The routine tier includes AHCCCS inpatient hospital days of care that are not classified in another tier or paid under any other provision of this Section. The Administration shall not split the routine tier with any tier other than the ICU tier.
4. Annual update. The Administration shall annually update the inpatient hospital tiered per diem rates through September 30, 2011.
  5. New hospitals. For rates effective on and after October 1, 1998, the Administration shall pay new hospitals the statewide average rate for each tier, as appropriate. The Administration shall update new hospital tiered per diem rates through September 30, 2011.
  6. Outliers. The Administration shall reimburse hospitals for AHCCCS inpatient hospital days of care identified as outliers under this Section by multiplying the covered charges on a claim by the Medicare Urban or Rural Cost-to-Charge Ratio. The Urban cost-to-charge ratio will be used for hospitals located in a county of 500,000 residents or more. The Rural cost-to-charge ratio will be used for hospitals located in a county of fewer than 500,000 residents.
    - a. Outlier criteria. For rates effective on and after October 1, 1998, the Administration set the statewide outlier cost threshold for each tier at the greater of three standard deviations from the statewide mean operating cost per day within the tier, or two standard deviations from the statewide mean operating cost per day across all the tiers. If the covered costs per day on a claim exceed the urban or rural cost threshold for a tier, the claim is considered an outlier. Outliers will be paid by multiplying the covered charges by the applicable Medicare Urban or Rural CCR. The resulting amount will be the outlier payment. If there are two tiers on a claim, the Administration shall determine whether the claim is an outlier by using a weighted threshold for the two tiers. The weighted threshold is calculated by multiplying each tier rate by the number of AHCCCS inpatient hospital days of care for that tier and dividing the product by the total tier days for that hospital. Routine maternity stays shall be excluded from outlier reimbursement. A routine maternity is any one-day stay with a delivery of one or two babies. A routine maternity stay will be paid at tier.
    - b. Update. The CCR is updated annually by the Administration for dates of service beginning October 1, using the most current Medicare cost-to-charge ratios published or placed on display by CMS by August 31 of that year. The Administration shall update the outlier cost thresholds for each hospital through September 30, 2011 as described under A.R.S. § 36-2903.01. For inpatient hospital admissions with begin dates of service on and after October 1, 2011, AHCCCS will increase the outlier cost thresholds by 5% of the thresholds that were effective on September 30, 2011.
    - c. Medicare Cost-to-Charge Ratio Phase-In. AHCCCS shall phase in the use of the Medicare Urban or Rural Cost-to-Charge Ratios for outlier determination, calculation and payment. The three-year phase-in does not apply to out-of-state or new hospitals.
      - i. Medicare Cost-to-Charge Ratio Phase-In outlier determination and threshold calculation. For outlier claims with dates of service on or after October 1, 2007 through September 30, 2008, AHCCCS shall adjust each hospital specific inpatient cost-to-charge ratio in effect on September 30, 2007 by subtracting one-third of the difference between the hospital specific inpatient cost-to-charge ratio and the effective Medicare Urban or Rural Cost-to-Charge Ratio. For outlier claims with dates of service on or after October 1, 2008 through September 30, 2009, AHCCCS shall adjust each hospital specific inpatient cost-to-charge ratio in effect on September 30, 2007 by subtracting two-thirds of the difference between the hospital specific inpatient cost-to-charge ratio and the effective Medicare Urban or Rural Cost-to-Charge Ratio. The adjusted hospital specific inpatient cost-to-charge ratios shall be used for all calculations using the Medicare Urban or Rural Cost-to-Charge Ratios, including outlier determination, and threshold calculation.
      - ii. Medicare Cost-to-Charge Ratio Phase-In calculation for payment. For payment of outlier claims with dates of service on or after October 1, 2007 through September 30, 2008, AHCCCS shall adjust the statewide inpatient hospital cost-to-charge ratio in effect on September 30, 2007 by subtracting one-third of the difference between the statewide inpatient hospital cost-to-charge ratio and the effective Medicare urban or rural cost-to-charge ratio. For payment of outlier claims with dates of service on or after October 1, 2008 through September 30, 2009,

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- AHCCCS shall adjust the statewide inpatient hospital cost-to-charge ratio in effect on September 30, 2007 by subtracting two-thirds of the difference between the statewide inpatient hospital cost-to-charge ratio and the effective Medicare urban or rural cost-to-charge ratio.
- iii. Medicare Cost-to-Charge Ratio for outlier determination, threshold calculation, and payment. For outlier claims with dates of service on or after October 1, 2009, the full Medicare Urban or Rural Cost-to-Charge Ratios shall be utilized for all outlier calculations.
  - d. Cost-to-Charge Ratio used for qualification and payment of outlier claims.
    - i. For qualification and payment of outlier claims with begin dates of service on or after April 1, 2011 through September 30, 2011, the CCR will be equal to 95% of the ratios in effect on October 1, 2010.
    - ii. For qualification and payment of outlier claims with begin dates of service on or after October 1, 2011, the CCR will be equal to 90.25% of the most recent published Urban or Rural Medicare CCR as described in subsection (6)(b).
    - iii. For qualification and payment of outlier claims with begin dates of service on or after October 1, 2011 through September 30, 2012, AHCCCS will reduce the cost-to-charge ratio determined under subsection (6)(d)(ii) for a hospital that filed a charge master with ADHS on or after April 1, 2011 by an additional percentage equal to the total percent increase reported on the charge master.
    - iv. Subject to approval by CMS, for qualification and payment of outlier claims with begin dates of service on or after October 1, 2012, AHCCCS will reduce the cost-to-charge ratio determined under subsection (6)(d)(ii) for a hospital that filed a charge master with ADHS on or after June 1, 2012 by an additional percentage equal to the total percent increase reported on the charge master.
  7. Transplants. The Administration shall reimburse hospitals for an AHCCCS inpatient stay in which a covered transplant as described in R9-22-206 is performed through the terms of the relevant contract. If the Administration and a hospital that performs transplant surgery on an eligible person do not have a contract for the transplant surgery, the Administration shall not reimburse the hospital more than what would have been paid to the contracted hospital for that same surgery.
  8. Ownership change. The Administration shall not change any of the components of a hospital's tiered per diem rates upon an ownership change.
  9. Psychiatric hospitals. The Administration shall pay free-standing psychiatric hospitals an all-inclusive per diem rate based on the contracted rates used by the Department of Health Services.
  10. Specialty facilities. The Administration may negotiate, at any time, reimbursement rates for inpatient specialty facilities or inpatient hospital services not otherwise addressed in this Section as provided by A.R.S. § 36-2903.01. For purposes of this subsection, "specialty facility" means a facility where the service provided is limited to a specific population, such as rehabilitative services for children.
  11. Outliers for new hospitals. Outliers for new hospitals will be calculated using the Medicare Urban or Rural Cost-to-Charge Ratio times covered charges. If the resulting cost is equal to or above the cost threshold, the claim will be paid at the Medicare Urban or Rural Cost-to-Charge ratio.
  12. Reductions to tiered per diem payment for inpatient hospital services. Inpatient hospital admissions with begin dates of service on or after October 1, 2011, shall be reimbursed at 95 percent of the tiered per diem rates in effect on September 30, 2011.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 3231, effective October 1, 2005 (Supp. 05-3). Amended by exempt rulemaking at 13 A.A.R. 3190, effective October 1, 2007 (Supp. 07-3). Amended by exempt rulemaking at 17 A.A.R. 1337, effective October 1, 2011 (Supp. 11-3). Amended by exempt rulemaking at 18 A.A.R. 1914, effective July 18, 2012 (Supp. 12-3). Amended by final rulemaking at 19 A.A.R. 3315, effective November 30, 2013 (Supp. 13-4). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.02. Reserved**

**R9-22-712.03. Reserved**

**R9-22-712.04. Reserved**

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

**A.** Graduate medical education (GME) reimbursement as of September 30, 1997. Subject to legislative appropriation, the Administration shall make a distribution based on direct graduate medical education costs as described in A.R.S. § 36-2903.01(G)(9)(a).

**B.** Subject to available funds and approval by CMS, the Administration shall annually distribute monies appropriated for the expansions of GME programs approved by the Administration to hospitals for direct program costs eligible for funding under A.R.S. § 36-2903.01(G)(9)(b). A GME program is deemed to be established as of the date of its original accreditation. All determinations that are necessary to make distributions described by this subsection shall be made using information possessed by the Administration as of the date of reporting under subsection (B)(3).

1. Eligible health care facilities. A health care facility is eligible for distributions under subsection (B) if all of the following apply:

- a. It is a hospital in Arizona that is the sponsoring institution of, or a participating institution in, one or more of the GME programs in Arizona;
- b. It incurs direct costs for the training of residents in the GME programs, which costs are or will be reported on the hospital's Medicare Cost Report;
- c. It is not administered by or does not receive its primary funding from an agency of the federal government.

2. Eligible resident positions. For purposes of determining program allocation amounts under subsection (B)(4) the following resident positions are eligible for consideration to the extent that the resident training takes place in Arizona and not at a health care facility made ineligible under subsection (B)(1)(c):

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- a. Filled resident positions in approved programs established as of October 1, 1999 at hospitals that receive funding as described in A.R.S. § 36-2903.01(G)(9)(a) that are additional to the number of resident positions that were filled as of October 1, 1999; and
  - b. All filled resident positions in approved programs other than GME programs described in A.R.S. § 36-2903.01(G)(9)(a) that were established before July 1, 2006.
3. Annual reporting. By April 1st of each year, each GME program and each hospital seeking a distribution under subsection (B) shall provide the applicable information listed in this subsection to the Administration:
    - a. A GME program shall provide all of the following:
      - i. The program name and number assigned by the accrediting organization;
      - ii. The original date of accreditation;
      - iii. The names of the sponsoring institution and all participating institutions current as of the date of reporting;
      - iv. The number of approved resident positions and the number of filled resident positions current as of the date of reporting;
      - v. For programs established as of October 1, 1999, the number of resident positions that were filled as of October 1, 1999, if the program has not already provided this information to the Administration;
    - b. A hospital seeking a distribution under subsection (B) shall provide all of the following that apply:
      - i. If the hospital uses the Intern and Resident Information System (IRIS) for tracking and reporting its resident activity to the fiscal intermediary, copies of the IRIS master and assignment files for the hospital's two most recently completed Medicare cost reporting years as filed with the fiscal intermediary;
      - ii. If the hospital does not use the IRIS or has less than two cost reporting years available in the form of the IRIS master and assignment files, the information normally contained in the IRIS master and assignment files in an alternative format for the hospital's two most recently completed Medicare cost reporting years;
      - iii. At the request of the Administration, a copy of the hospital's Medicare Cost Report or any part of the report for the most recently completed cost reporting year.
  4. Allocation of expansion funds. Annually the Administration shall allocate available funds to each approved GME program in the following manner:
    - a. Information provided by hospitals under subsection (B)(3)(b) shall be used to determine the program in which each eligible resident is enrolled and the number of days that each eligible resident worked in any area of the hospital complex or in a non-hospital setting under agreement with the reporting hospital during the period of assignment to that hospital. For this purpose, the Administration shall use data relating to the most recent 12-month period that is common to all information provided under subsections (B)(3)(b)(i) and (ii).
    - b. The number of eligible residents allocated to each participating institution within each approved GME program shall be determined as follows:
      - i. Total the number of days determined for each participating institution under subsection (B)(4)(a) and divide each total by 365.
      - ii. Proportionally adjust the result of subsection (B)(4)(b)(i) for each participating institution within each program according to the number of residents determined to be eligible under subsection (B)(2).
    - c. The number of allocated eligible residents determined under subsection (B)(4)(b)(ii) shall be adjusted for Arizona Medicaid utilization using the most recent Medicare Cost Report information on file with the Administration as of the date of reporting under subsection (B)(3) and the Administration's inpatient hospital claims and encounter data for the time period corresponding to the Medicare Cost Report information for each hospital. The Administration shall use only those inpatient hospital claims paid by the Administration and encounters that were adjudicated by the Administration as of the date of reporting under subsection (B)(3). The Medicaid-adjusted eligible residents shall be determined as follows:
      - i. For each hospital, the total AHCCCS inpatient hospital days of care shall be divided by the total Medicare Cost Report inpatient hospital days, multiplied by 100 and rounded up to the nearest multiple of 5 percent.
      - ii. The number of allocated eligible residents determined for each participating hospital under subsection (B)(4)(b)(ii) shall be multiplied by the percentage derived under subsection (B)(4)(c)(i) for that hospital. The number of allocated eligible residents determined under subsection (B)(4)(b)(ii) for a participating institution that is not a hospital and not a health care facility made ineligible under subsection (B)(1)(c) shall be multiplied by the percentage derived under subsection (B)(4)(c)(i) for the program's sponsoring institution or, if the sponsoring institution is not a hospital, the sponsoring institution's affiliated hospital. The number of allocated eligible residents determined under subsection (B)(4)(b)(ii) for a participating institution that is made ineligible under subsection (B)(1)(c) shall be multiplied by zero percent.
    - d. The total allocation for each approved program shall be determined by multiplying the Medicaid-adjusted eligible residents determined under subsection (B)(4)(c)(ii) by the per-resident conversion factor determined below and totaling the resulting dollar amounts for all participating institutions in the program. The per-resident conversion factor shall be determined as follows:
      - i. Calculate the total direct GME costs from the most recent Medicare Cost Reports on file with the Administration for all hospitals that have reported such costs.
      - ii. Calculate the total allocated residents determined under subsection (B)(4)(b)(i) for

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- those hospitals described under subsection (B)(4)(d)(i).
- iii. Divide the total GME costs calculated under subsection (B)(4)(d)(i) by the total allocated residents calculated under subsection (B)(4)(d)(ii).
5. Distribution of expansion funds. On an annual basis subject to available funds, the Administration shall distribute the allocated amounts determined under subsection (B)(4) in the following manner:
    - a. The allocated amounts shall be distributed in the following order of priority:
      - i. To eligible hospitals that do not receive funding in accordance with A.R.S. § 36-2903.01(G)(9)(a) for the direct costs of programs established before July 1, 2006;
      - ii. To eligible hospitals that receive funding in accordance with A.R.S. § 36-2903.01(G)(9)(a) for the direct costs of programs established before July 1, 2006;
    - b. The allocated amounts shall be distributed to the eligible hospitals in each approved program in proportion to the number of Medicaid-adjusted eligible residents allocated to each hospital within that program under subsection (B)(4)(c)(ii).
    - c. If funds are insufficient to cover all distributions within any priority group described under subsection (B)(5)(a), the Administration shall adjust the distributions proportionally within that priority group.
  - C. Subject to available funds and approval by CMS, the Administration shall annually distribute monies appropriated for the expansions of GME programs approved by the Administration to hospitals for direct program costs eligible for funding under A.R.S. § 36-2903.01(G)(9)(c)(i). A GME program is deemed to be established as of the date of its original accreditation. All determinations that are necessary to make distributions described by this subsection shall be made using information possessed by the Administration as of the date of reporting under subsection (C)(3).
    1. Eligible health care facilities. A health care facility is eligible for distributions under subsection (C) if it meets all the conditions of subsections (B)(1)(a) through (c).
    2. Eligible resident positions. For purposes of determining program allocation amounts under subsection (C)(4), the following resident positions are eligible for consideration to the extent that the resident training takes place in Arizona and not at a health care facility made ineligible under subsection (B)(1)(c):
      - a. All filled resident positions in approved programs established on or after July 1, 2006; and
      - b. For approved programs established on or after July 1, 2006 that have been established for less than one year as of the date of reporting under subsection (C)(3) and have not yet filled their first-year resident positions, all prospective residents reasonably expected by the program to be enrolled as a result of the most recently completed annual resident match.
    3. Annual reporting. By April 1st of each year, each GME program and each hospital seeking a distribution under subsection (C) shall provide to the Administration:
      - a. A GME program shall provide all of the following:
        - i. The requirements of subsections (B)(3)(a)(i) through (iv);
        - ii. The academic year rotation schedule on file with the program current as of the date of reporting; and
      - iii. For programs described under subsection (C)(2)(b), the number of residents expected to be enrolled as a result of the most recently completed annual resident match.
      - b. A hospital seeking a distribution under subsection (C) shall provide the requirements of subsection (B)(3)(b).
    4. Allocation of expansion funds. Annually the Administration shall allocate available funds to approved GME programs in the following manner:
      - a. Information provided by hospitals in accordance with subsection (B)(3)(b) shall be used to determine the program in which each eligible resident is enrolled and the number of days that each eligible resident worked in any area of the hospital complex or in a non-hospital setting under agreement with the reporting hospital during the period of assignment to that hospital. For this purpose, the Administration shall use data relating to the most recent 12-month period that is common to all information provided in accordance with subsections (B)(3)(b)(i) and (ii).
      - b. For approved programs whose resident activity is not represented in the information provided in accordance with subsection (B)(3)(b), information provided by GME programs under subsection (C)(3)(a) shall be used to determine the number of days that each eligible resident is expected to work at each participating institution.
      - c. The number of eligible residents allocated to each participating institution for each approved GME program shall be determined by totaling the number of days determined under subsections (C)(4)(a) and (b) and dividing the totals by 365.
      - d. The number of allocated residents determined under subsection (C)(4)(c) shall be adjusted for Arizona Medicaid utilization in accordance with subsection (B)(4)(c).
      - e. The total allocation for each approved program shall be determined in accordance with subsection (B)(4)(d).
    5. Distribution of expansion funds. On an annual basis subject to available funds, the Administration shall distribute the allocated amounts determined under subsection (C)(4) to the eligible hospitals in each approved program in proportion to the number of Medicaid-adjusted eligible residents allocated to each within that program under subsection (C)(4)(d).
    - D. Subject to available funds and approval by CMS, the Administration shall annually distribute monies appropriated for GME programs approved by the Administration to hospitals for indirect program costs eligible for funding under A.R.S. § 36-2903.01(G)(9)(c)(ii). A GME program is deemed to be established as of the date of its original accreditation. All determinations that are necessary to make distributions described by this subsection shall be made using information possessed by the Administration as of the date of reporting under subsection (D)(3).
      1. Eligible health care facilities. A health care facility is eligible for distributions under subsection (D) if all of the following apply:
        - a. It is a hospital in Arizona that is the sponsoring institution of, or a participating institution in, one or more of the GME programs in Arizona or is the base hospital for one or more of the GME programs in Arizona whose sponsoring institutions are not hospitals;

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- b. It incurs indirect program costs for the training of residents in the GME programs, which are or will be calculated on the hospital's Medicare Cost Report or are reimbursable under the Children's Hospitals Graduate Medical Education Payment Program administered by HRSA;
    - c. It is not administered by or does not receive its primary funding from an agency of the federal government.
  2. Eligible resident positions. For purposes of determining program allocation amounts under subsection (D)(4) the following resident positions are eligible for consideration to the extent that the resident training takes place in Arizona and not at a health care facility made ineligible under subsection (D)(1)(c):
    - a. Any filled resident position in an approved program that includes a rotation of at least one month per year in a county other than Maricopa or Pima whose population was less than 500,000 persons at the time the residency rotation was added to the academic year rotation schedule;
    - b. For approved programs that have been established for less than one year as of the date of reporting under subsection (D)(3) and have not yet filled their first-year resident positions, all prospective residents reasonably expected by the program to be enrolled as a result of the most recently completed annual resident match who will perform rotations of at least one month per year in a county other than Maricopa or Pima whose population was less than 500,000 persons at the time the residency rotation was added to the academic year rotation schedule.
  3. Annual reporting. By April 1st of each year, each GME program and each hospital seeking a distribution under subsection (D) shall provide to the Administration:
    - a. A GME program shall provide all of the following:
      - i. The requirements of subsections (B)(3)(a)(i) through (iv);
      - ii. The academic year rotation schedule on file with the program current as of the date of reporting;
      - iii. For programs described under subsection (D)(2)(c), the number of residents expected to be enrolled as a result of the most recently completed annual resident match.
    - b. A hospital seeking a distribution under subsection (D) shall provide the requirements of subsection (B)(3)(b)(iii).
  4. Allocation of funds for indirect program costs. Annually the Administration shall allocate available funds to approved GME programs in the following manner:
    - a. Using the information provided by programs under subsection (D)(3), the Administration shall determine for each program the number of residents in the program who are eligible under subsection (D)(2) and the number of months per year that each eligible resident will perform rotations in counties described by subsection (D)(2), multiply the number of eligible residents by the number of months and multiply the result by the per resident per month conversion factor determined under subsection (D)(4)(b).
    - b. Using the most recent Medicare Cost Reports on file with the Administration for all hospitals that have calculated a Medicare indirect medical education payment, the Administration shall determine a per resident per month conversion factor as follows:
      - i. Calculate each hospital's Medicare share by dividing the Medicare inpatient discharges on the Medicare Cost Report by the total inpatient hospital discharges on the Medicare Cost Report.
      - ii. Calculate the ratio of residents to beds by dividing the total allocated residents described in subsection (B)(4)(d)(ii) by the number of bed days available from the Medicare Cost Report and dividing the result by the number of days in the cost reporting period.
      - iii. Calculate the indirect medical education adjustment factor by adding 1 to the value calculated in (D)(4)(b)(ii), multiplying the result by the exponential value 0.405, subtracting 1 from the result, and multiplying that result by 1.35.
      - iv. Calculate each hospital's total indirect medical education cost by adding the DRG amounts other than outlier payments from the Medicare cost report and the managed care simulated payments from the Medicare Cost Report, multiplying the total by the indirect medical education adjustment factor determined in (D)(4)(b)(iii) and dividing the result by the Medicare share determined in (D)(4)(b)(i).
      - v. Calculate each hospital's Medicaid indirect medical education cost by multiplying the amount determined in (D)(4)(b)(iv) by the value determined in subsection (B)(4)(c)(i).
      - vi. Total the amounts determined in (D)(4)(b)(v) for all hospitals, divide the result by the total allocated residents described in subsection (B)(4)(d)(ii) for all hospitals, and divide that result by 12.
  5. Distribution of funds for indirect program costs. On an annual basis subject to available funds, the Administration shall distribute to each eligible hospital the amount calculated for the hospital at subsection (D)(4)(a).
- E. Reallocation of funds. If funds appropriated for subsection (B) are not allocated by the Administration and funds appropriated for subsections (C) and (D) are insufficient to cover all distributions under subsections (C)(5) and (D)(5), the funds not allocated under subsection (B) shall be allocated under subsections (C) and (D) to the extent of the calculated distributions. If funds are insufficient to cover all distributions under subsections (C)(5) and (D)(5), the Administration shall adjust the distributions proportionally. If funds appropriated for subsections (C) and (D) are not allocated by the Administration and funds appropriated for subsection (B) are insufficient to cover all distributions under subsection (B)(5), the funds not allocated under subsections (C) and (D) shall be allocated under subsection (B) to the extent of the calculated distributions.
- F. The Administration may enter into intergovernmental agreements with local, county, and tribal governments wherein local, county and tribal governments may transfer funds or certify public expenditures to the Administration. Such funds or certification, subject to approval by CMS, will be used to qualify for additional federal funds. Those funds will be used for the purposes of reimbursing hospitals that are eligible under subsection (D)(1) and specified by the local, county, or tribal government for indirect program costs other than those

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reimbursed under subsection (D). The Administration shall allocate available funds in accordance with subsection (D) except that reimbursement with such funds is not limited to resident positions or rotations in counties with populations of less than 500,000 persons. On an annual basis subject to available funds, the Administration shall distribute to each eligible hospital the greatest among the following amounts, less any amounts distributed under subsection (D)(5):

1. The amount that results from multiplying the total number of eligible residents allocated to the hospital under subsection (B)(4)(d)(ii) by 12 by the per resident per month conversion factor determined under subsection (D)(4)(b);
2. The amount calculated for the hospital at subsection (D)(4)(b)(v);
3. The median of all amounts calculated at subsection (D)(4)(b)(v) if the hospital does not have an indirect medical education payment calculated on the Medicare Cost Report because it is a new training hospital; or
4. If the hospital does not have an indirect medical education payment calculated on the Medicare Cost Report because it is a children's hospital, the median Medicaid indirect medical education payment costs shall be calculated as follows:
  - a. For each hospital with indirect medical education costs on the Medicare Cost Report, determine a per resident total indirect medical education cost by dividing the total indirect medical education costs determined under subsection (D)(4)(b) by the number of filled resident positions under subsection (B)(2).
  - b. Determine the median per resident amount under subsection (F)(4)(a).
  - c. For each hospital without an indirect medical education component on the Medicare cost report, multiply the median per resident amount under subsection (F)(4)(b) by the number of filled resident positions under subsection (B)(2) for that hospital and by the Medicaid utilization percent for that hospital determined in subsection (B)(4)(c)(i).

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 1782, effective June 30, 2007 (Supp. 07-2). Amended by exempt rulemaking at 13 A.A.R. 4032, effective November 1, 2007 (Supp. 07-4). Amended by final rulemaking at 21 A.A.R. 3469, effective January 30, 2016 (Supp. 15-4). Amended by final rulemaking at 24 A.A.R. 185, effective January 9, 2018 (Supp. 18-1). Amended by final rulemaking at 24 A.A.R. 3321, effective January 5, 2019 (Supp. 18-4).

**R9-22-712.06. Supplemental Graduate Medical Education Fund Allocation**

- A.** Gradual Medical Education (GME) reimbursement as of July 1, 2020.
1. In addition to distributions according to Section R9-22-712.05, and subject to the availability of funds and approval by CMS, the Administration shall annually distribute monies appropriated for the GME programs approved by the Administration to hospitals for direct and indirect costs for graduate medical education programs which were established or expanded on or after July 1, 2020. The Administration shall estimate the distributions using information possessed by the Administration as of December 15 of each calendar year. The actual distributions will be made using information possessed by the

Administration as of September first of the year in which the new residency or fellowship begins.

2. Eligible Hospitals. A hospital is eligible for distributions under this Section if all of the following apply:
  - a. It is a hospital in Arizona that is the sponsoring institution of, or a participating institution in, one or more of the GME programs in Arizona;
  - b. It incurs direct costs for the training of residents in the GME programs, which costs are or will be reported on the hospital's Medicare Cost Report;
  - c. It is not administered by or does not receive its primary funding from an agency of the federal government;
  - d. It has established a new GME program or expanded the number of residents or fellows in an existing GME program on or after July 1, 2020.
3. Eligible positions. For purposes of determining distributions under this Section the following resident and fellowship positions qualify to the extent that the training takes place in Arizona at an eligible health care facility:
  - a. Filled resident or fellow positions in approved programs which began on or after July 1, 2020;
  - b. Eligible positions do not include residents or fellows that receive payments for services under the Access to Professional Services Initiative (APSI) program established in the Contractors' prepaid capitation contracts with the Administration.
4. Annual Reporting
  - a. By December 15 of each year, a GME program shall provide all of the following information for GME programs and positions which are expected to be eligible for funding under this Section as of the upcoming academic year (i.e., July 1 to June 30 of each year):
    - i. The program name and number assigned by the accrediting organization if available;
    - ii. The original date of accreditation if available;
    - iii. The names of the sponsoring institution and all participating institutions expected as of the date of reporting;
    - iv. The number of anticipated resident and fellowship positions eligible for funding as of the upcoming academic year;
    - v. The number of months or partial months during the upcoming academic year that each resident or fellow is expected to work in each hospital or in a non-hospital setting under agreement between the non-hospital setting and the reporting hospital;
    - vi. The academic year of anticipated resident and fellowship positions;
    - vii. The length of the program; and
    - viii. The names and other information requested by AHCCCS to ensure the total GME distributions for each eligible position are not greater than the costs for each eligible position in the Intern and Resident Information System (IRIS) file.
  - b. By December 15 of each year, a GME program located in a county with a population of less than 500,000 persons shall provide the estimated one-time and ongoing costs for each program which it expects to be eligible for funding.
  - c. By September 1 of each year, a GME program shall provide the actual name of residents and fellows hired in the current academic year and other information requested by AHCCCS to ensure that total

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GME distributions for the eligible position are not greater than the costs for each eligible position in the IRIS file.

- B. Preliminary allocation of funds for urban hospitals. Annually by January 15, the Administration shall estimate the annual GME distributions under this Section using the funds appropriated for hospitals in counties with a populations of 500,000 persons or more based on the number of new residents and fellows in graduate medical education programs in the following manner:
  1. Each eligible resident and fellow is placed into tiers with the following priority:
    - a. Returning residents and fellows. A returning resident or fellow is a resident or fellow whose position received funding under this Section for the previous academic year and who is continuing in the same GME program.
    - b. Residents and fellows that are not a returning resident or fellow but are in a GME program for Family Medicine, Internal Medicine, General Pediatrics, Obstetrics and Gynecology, Psychiatry including Subspecialties, General Surgery, and any other program determined as high needs by the AHCCCS Administration.
    - c. Residents or fellows that are not returning residents or fellows and are not described in subsection (1)(b) but are in a GME program that received funding under this Section in a prior year.
    - d. All other residents and fellows.
  2. Residents and fellows in each tier are further divided into four sub-tiers with the following priority based on the location of the sponsoring or participating hospital:
    - a. Hospitals in a county designated by the Health Resource and Services Administration of the U.S. Department of Health & Human Services as a health professional shortage area (HPSA) with a greater than 85 percent primary care shortage.
    - b. Hospitals in a county designated as a HPSA with a greater than 50 percent to 85 percent primary care shortage.
    - c. Hospitals in a county designated as a HPSA with a 25-50 percent primary care shortage.
    - d. Hospitals in a county designated as a HPSA with a less than 25 percent primary care shortage.
  3. The amount of the distribution for each GME program for direct costs is calculated as the product of:
    - a. The number of eligible residents and fellows adjusted for the number of months or partial months worked in each hospital or non-hospital setting under agreement between the non-hospital setting and the reporting hospitals;
    - b. The Arizona Medicaid utilization as determined by R9-22-712.05(B)(4)(c)(i) in the previous calendar year; and,
    - c. The average direct cost per resident determined under R9-22-712.05(B)(4)(d) in the previous calendar year.
  4. If monies are still remaining after direct funding has been allocated, indirect funding shall be allocated based on the priority of each tier and sub-tier. The amount of the distribution for each GME program for indirect costs is calculated as the product of:
    - a. The number of allocated eligible residents and fellows adjusted for the number of months or partial months worked in each hospital or non-hospital setting under agreement between the non-hospital setting and the reporting hospital;
    - b. The indirect cost per resident per month calculated in R9-22-712.05(D)(4)(b)(vi) in the previous calendar year; and
    - c. Twelve months.
    - d. Funds shall be allocated based on the priority of each tier and sub-tier. Distributions for eligible positions in a tier or sub-tier with a lower priority will not receive a distribution until distributions are allocated for the costs of all positions in a higher tier or sub-tier. If funding is insufficient to fully fund a tier or sub-tier, the remainder of funds will be prorated for eligible positions in that tier or sub-tier.
  5. Payments are made to participating hospitals based on the FTEs who worked at their hospitals per year.
- C. Preliminary allocation of funds for rural hospitals. Annually by January 15, the Administration shall estimate the annual GME distributions under this Section using the funds appropriated for rural hospitals based on the number of eligible resident and fellow positions in graduate medical education programs located in a county with a population of less than 500,000 persons in the following manner:
  1. Each resident and fellow will then be placed into a tier with the following priority:
    - a. Returning residents and fellows. A returning resident or fellow is a resident or fellow whose position received funding under this Section for the previous academic year and who is continuing in the same GME program.
    - b. Residents and fellows that are not a returning resident or fellow but are in a GME program for Family Medicine, Internal Medicine, General Pediatrics, Obstetrics and Gynecology, Psychiatry including Subspecialties, General Surgery, and any other program determined as high needs by the AHCCCS Administration.
    - c. Residents or fellows that are not returning residents or fellows and are not described in subsection (1)(b) but are in a GME program that received funding under this Section in a prior year.
    - d. All other residents and fellows.
  2. Residents and fellows in each tier are further divided into four sub-tiers with the following priority based on the location of the sponsoring or participating hospital:
    - a. Hospitals in a county designated by the Health Resource and Services Administration of the U.S. Department of Health & Human Services as a HPSA with a greater than 85 percent primary care shortage.
    - b. Hospitals in a county designated as a HPSA with a greater than 50 percent to 85 percent primary care shortage.
    - c. Hospitals in a county designated as a HPSA with a 25-50 percent primary care shortage.
    - d. Hospitals in a county designated as a HPSA with a less than 25 percent primary care shortage.
  3. Funds shall first be allocated for direct and indirect costs based in order of priority of each tier. If not enough funding is available to fully fund a tier or sub-tier, the remainder of funds will be prorated in a tier or sub-tier.
  4. The amount of the distribution for each GME program for direct costs is calculated as the product of:
    - a. The number of eligible residents and fellows adjusted for the number of months or partial months worked in each hospital or non-hospital setting

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- under agreement between the non-hospital setting and the reporting hospitals;
- b. The Arizona Medicaid utilization determined under R9-22-712.05(B)(4)(c)(i); and,
  - c. The actual direct cost per resident per year.
5. The amount of the distribution for each GME program for indirect costs is calculated as the product of:
    - a. The number of allocated eligible residents and fellows adjusted for the number of months or partial months worked in each hospital or non-hospital setting under agreement between the non-hospital setting and the reporting hospital;
    - b. The indirect cost per resident per month calculated in R9-22-712.05(D)(4)(b)(vi) in the previous calendar year; and
    - c. Twelve months.
  6. Payments are made to participating hospitals based on the FTEs who worked at their hospitals per year.
- D.** Final allocation of funds. Annually no sooner than September 1 following the start of the academic year, the Administration will recalculate the allocation for urban and rural hospitals using the same methodology used to estimate distributions, but using the actual residents and fellows as reported in R9-22-712.06(B)(3)(c).
- F.** Exclusions. To ensure that residents and fellows are not double counted residents/fellows which receive funding through R9-22-712.06 shall not receive funding through R9-22-712.05.
- Historical Note**
- New Section made by final rulemaking at 27 A.A.R. 2496 (October 29, 2021), with an immediate effective date of October 6, 2021 (Supp. 21-4).
- R9-22-712.07. Rural Hospital Inpatient Fund Allocation**
- A.** For purposes of this Section, the following words and phrases have the following meanings unless the context specifically requires another meaning:
1. "Calculated inpatient costs" means the sum of inpatient covered charges multiplied by the Milliman study's implied cost-to-charge ratio of .8959.
  2. "Claims paid amount" means the sum of all claims paid by the Administration and contractors, as reported by the contractor to the Administration, to a rural hospital for covered inpatient services rendered for dates of service during the previous state fiscal year.
  3. "Fund" means any state funds appropriated by the Legislature for the purposes set forth in A.R.S. § 36-2905.02 and any federal funds that are available for matching the state funds.
  4. "Inpatient covered charges" means the sum of all covered charges billed by a hospital to the Administration or contractors, as reported by the contractors to the Administration, for inpatient services rendered during the previous state fiscal year.
  5. "Milliman study" means the report issued by Milliman USA on March 11, 2004, to the Arizona Hospital and Healthcare Association that updated a portion of a cost study entitled "Evaluation of the AHCCCS Inpatient Hospital Reimbursement System" prepared by Milliman USA for AHCCCS on November 15, 2002. A copy of each report is on file with the Administration.
  6. "Rural hospital" means a health care institution that is licensed as an acute care hospital by the Arizona Department of Health Services for the previous state fiscal year and is not an IHS hospital or a tribally owned or operated facility and:
    - a. Has 100 or fewer PPS beds, not including beds reported as sub provider beds on the hospital's Medicare Cost Report, and is located in a county with a population of less than 500,000 persons, or
    - b. Is designated as a critical access hospital for the majority of the previous state fiscal year.
- B.** Each February, the Administration shall allocate the Fund to the following three pools for the fiscal year:
1. Rural hospitals with 25 or fewer PPS beds not including sub provider beds and all Critical Access Hospitals, regardless of the number of beds in the Critical Access Hospital;
  2. Rural hospitals other than Critical Access Hospitals with 26 to 75 PPS beds not including sub provider beds; and
  3. Rural hospitals other than Critical Access Hospitals with 76 to 100 PPS beds not including sub provider beds.
- C.** The Administration shall allocate the Fund to each pool according to the ratio of claims paid amount for all hospitals assigned to the pool to total claims paid amount for all rural hospitals.
- D.** The Administration shall determine each hospital's claims paid amount and allocate the funds in each pool to each hospital in the pool based on the ratio of each hospital's claims paid amount to the sum of the claims paid amount for all hospitals assigned to the pool.
- E.** The Administration shall not make a Fund payment to a hospital that will result in the hospital's claims paid amount plus that hospital's Fund payment being greater than that hospital's calculated inpatient costs.
1. If a hospital's claims paid amount plus the hospital's Fund payment would be greater than the hospital's calculated inpatient costs, the Administration shall make a Fund payment to the hospital equal to the difference between the hospital's calculated inpatient costs and the hospital's claims paid amount.
  2. The Administration shall reallocate any portion of a hospital's Fund allocation that is not paid to the hospital due to the reason in subsection (E)(1) to the other eligible hospitals in the pool based upon the ratio of the claims paid amount for each hospital remaining in the pool to the sum of the claims paid amount for each hospital remaining in the pool.
- F.** If funds remain in a pool after allocations to each hospital in the pool under subsections (D) and (E), the Administration shall reallocate the remaining funds to the other pools based upon the ratio of each pool's original allocation of the Fund as determined under subsection (C) to the sum of the remaining pools' original Fund allocations under subsection (C). The Administration shall allocate remaining funds to the hospitals in the remaining pools under subsection (D) and (E). See Exhibit 1 for an example.
- G.** Subject to CMS approval of the method and distribution of the Fund, the administration or its contractors will distribute the Fund as a lump sum allocation to the rural hospitals in either one or two installments by the end of each state fiscal year.
- Historical Note**
- New Section made by final rulemaking at 12 A.A.R. 2188, effective June 6, 2006 (Supp. 06-2). Amended by final rulemaking at 22 A.A.R. 3476, effective January 30, 2016 (Supp. 15-4).

**Exhibit 1. Pool Example**

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



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

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

**Historical Note**

Exhibit 1 made by final rulemaking at 12 A.A.R. 2188, effective June 6, 2006 (Supp. 06-2).

**R9-22-712.08. Reserved****R9-22-712.09. Hierarchy for Tier Assignment through September 30, 2014**

TIER	IDENTIFICATION CRITERIA	ALLOWED SPLITS
MATERNITY	A primary diagnosis defined as maternity 640.xx - 643.xx, 644.2x - 676.xx, v22.xx - v24.xx or v27.xx.	None
NICU	Revenue Code of 174 and the provider has a Level II or Level III NICU.	Nursery
ICU	Revenue Codes of 200-204, 207-212, or 219.	Surgery Psychiatric Routine
SURGERY	Surgery is identified by a revenue code of 36x. To qualify in this tier, there must be a valid surgical procedure code that is not on the excluded procedure list.	ICU
PSYCHIATRIC	Psychiatric Revenue Codes of 114, 124, 134, 144, or 154 AND primary Psychiatric Diagnosis = 290.xx - 316.xx. If a routine revenue code is present and all diagnoses codes on the claim are equal to 290.xx - 316.xx, classify as a psychiatric claim.	ICU
NURSERY	Revenue Code of 17x, not equal to 174.	NICU
ROUTINE	Revenue Codes of 100 - 101, 110-113, 116 - 123, 126 - 133, 136 - 143, 146 - 153, 156 - 159, 16x, 206, 213, or 214.	ICU

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 3231, effective October 1, 2005 (Supp. 05-3). Amended by exempt rulemaking at 17 A.A.R. 1707, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 2747, effective October 8, 2013 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.10. Outpatient Hospital Reimbursement: General**

- A. Effective rule. The outpatient hospital reimbursement rules apply to dates of service beginning July 1, 2005, subject to Laws 2004, Ch. 279, § 19.
- B. Basis For Payment. Except as provided under R9-22-712.30, AHCCCS shall pay for designated outpatient procedures provided to AHCCCS members according to the AHCCCS Outpatient Capped Fee-For-Service Schedule as defined in R9-22-712.20.
- C. Data. AHCCCS shall use Medicare Cost Report and adjudicated claim and encounter data from non-IHS acute care hos-

pitals located in the state of Arizona to develop fees for the AHCCCS Outpatient Capped Fee-For-Service Schedule.

- D. Hospital Services Subject To Fees. AHCCCS shall reimburse services, in the following outpatient hospital categories under the AHCCCS Outpatient Capped Fee-For-Service Schedule:

1. Surgery,
2. Emergency Department,
3. Laboratory,
4. Radiology,
5. Clinic, and
6. Other services.

- E. Reimbursement. AHCCCS shall reimburse outpatient hospital services by procedure codes, in proper combination with revenue codes, as prescribed by AHCCCS.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2).

**R9-22-712.11. Reserved****R9-22-712.12. Reserved****R9-22-712.13. Reserved****R9-22-712.14. Reserved****R9-22-712.15. Outpatient Hospital Reimbursement: Affected Hospitals**

Except as provided in R9-22-712(G), the AHCCCS Outpatient Capped Fee-For-Service Schedule shall apply to AHCCCS payments for outpatient services in all non-IHS acute hospitals.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2).

**R9-22-712.16. Reserved****R9-22-712.17. Reserved****R9-22-712.18. Reserved****R9-22-712.19. Reserved****R9-22-712.20. Outpatient Hospital Reimbursement: Methodology for the AHCCCS Outpatient Capped Fee-For-Service Schedule**

- A. To establish the AHCCCS Outpatient Capped Fee-for-service Schedule for all claims with a begin date of service on or before September 30, 2011, AHCCCS shall:

1. Define the dataset of claims and encounters that shall be used to establish the AHCCCS Outpatient Capped Fee-for-service Schedule.
2. Identify all the claims and encounters from non-IHS acute hospitals located in Arizona for services to be paid under the AHCCCS Outpatient Capped Fee-for-service Schedule.
3. Match the revenue code on each detail of each claim and encounter to the ancillary line item CCR as reported on hospital-specific mapping documents and hospital-specific Medicare Cost Report for those hospitals that have submitted Medicare Cost Reports FYE 2002.

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4. Multiply the line item CCR from subsection (A)(3) by the covered billed charge for that revenue code to establish the cost for the service.
  5. Inflate the cost for the service from subsection (A)(4) using Global Insight Health-care Cost Review inflation factors from date of service month to the midpoint of the rate year in which the fees are initially effective.
  6. Include associated costs under R9-22-712.25 to calculate the rates for emergency room and surgery services.
  7. Combine data from all Arizona hospitals identified in subsection (A)(3) for each procedure code to establish the statewide median cost for each procedure.
  8. Group procedure codes according to the Ambulatory Payment Classification (APC) System groups as listed in 69 FR 65682, November 15, 2004, and establish a statewide median cost for each APC. Multiply each statewide median APC cost by 116 percent to establish the AHCCCS-based fee for each procedure in that specific APC group. AHCCCS shall assign each procedure in the group the same fee.
  9. For those procedure codes that are not grouped into any APC, establish a procedure-specific fee using either:
    - a. The AHCCCS Non-hospital Capped Fee-for-service Fee Schedule,
    - b. 116 percent of the procedure-specific median cost AHCCCS-based fee, or
    - c. The Medicare Clinical Laboratory Fee Schedule for laboratory services.
  10. Compare the AHCCCS-based fee established in subsections (A)(8) and (9) against the comparable Medicare fee established for the Medicare APC group as listed in the 69 FR 65682, November 15, 2004. The fee for each procedure shall be the greater of the AHCCCS-based fee or the Medicare fee but no more than 150 percent of the AHCCCS-based fee; however, for those laboratory services for which a limit is established in the Medicare Clinical Laboratory Fee Schedule, the fee shall not exceed that limit.
  11. Assign the 2005 Medicare fee in the AHCCCS Outpatient Capped Fee-for-service Schedule for those procedures for which there are fewer than 20 occurrences of the procedure code in the dataset, either independently, or, if applicable, for all procedure codes within an APC Group.
- B.** For all claims with a begin date of service on or after October 1, 2011, the AHCCCS Outpatient Capped Fee-for-Service Schedule shall be derived from the CMS Medicare Outpatient Prospective Payment System (OPPS) fee schedule modified by an Arizona conversion factor determined annually.
1. When clinic services are billed using 51X revenue codes, the reimbursement to the hospital is the difference between the facility and non-facility rates payable to the practitioner for the procedures listed in the Administration's Capped Fee-for-service Schedule under R9-22-710.
  2. Observation services, when not billed in conjunction with a service for which a single payment is made under R9-22-712.25, are reimbursed at an hourly rate published in the Outpatient Capped Fee-for-service Schedule. This hourly rate includes reimbursement for associated services.
- C.** The AHCCCS Outpatient Capped Fee-for-service Schedule including the effective date of any changes to the listing are on file and posted on AHCCCS' web site.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2). Amended by final rulemaking at 17 A.A.R. 1460, effective October 1,

2011 (Supp. 11-3). Amended by exempt rulemaking at 18 A.A.R. 1914, effective July 18, 2012 (Supp. 12-3). Amended by final rulemaking at 19 A.A.R. 3315, effective November 30, 2013 (Supp. 13-4).

**R9-22-712.21. Reserved**

**R9-22-712.22. Reserved**

**R9-22-712.23. Reserved**

**R9-22-712.24. Reserved**

**R9-22-712.25. Outpatient Hospital Fee Schedule Calculations: Associated Service Costs**

- A.** AHCCCS shall include the costs of associated services, as defined by revenue codes and procedure codes, when determining the specific fees for the outpatient hospital procedures for emergency department and surgery services.
- B.** Payment made under subsection (A) or R9-22-712.20(B)(2) is inclusive of all services on the claim regardless of whether the services are provided on one or more days.
- C.** A complete listing of the revenue codes and procedure codes for associated costs included in the payment for emergency and surgery services including the effective date of any changes to the listing are on file and posted on AHCCCS' web site.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2). Amended by final rulemaking at 17 A.A.R. 1460, effective October 1, 2011 (Supp. 11-3).

**R9-22-712.26. Reserved**

**R9-22-712.27. Reserved**

**R9-22-712.28. Reserved**

**R9-22-712.29. Reserved**

**R9-22-712.30. Outpatient Hospital Reimbursement: Payment for a Service Not Listed in the AHCCCS Outpatient Capped Fee-For-Service Schedule**

- A.** AHCCCS shall calculate a statewide CCR for a service where a specific fee cannot be determined under R9-22-712.20.
- B.** For claims with a begin date of service on or before September 30, 2011, the statewide CCR shall be calculated based on the costs and covered charges associated with a service under subsection (A) for all Arizona hospitals, using the method specified in R9-22-712.20(A)(3).
- C.** For all claims with a begin date of service on or after October 1, 2011, the statewide CCR calculation shall equal either the CMS Medicare Outpatient Urban Cost-to-charge Ratio or the CMS Medicare Outpatient Rural Cost-to-charge Ratio published by CMS for the state of Arizona. AHCCCS shall use the urban cost-to-charge ratio for hospitals located in a county of 500,000 residents or more and for out-of-state hospitals. AHCCCS shall use the rural cost-to-charge ratio for hospitals located in a county of fewer than 500,000 residents. On October 1st of each year, AHCCCS shall adjust urban and rural CCRs to the CCRs as published by CMS in the *Federal Register* on or before August 1st of that year.
- D.** To determine the payment amount for procedures where a specific fee is not determined under R9-22-712.20, the statewide CCR is multiplied by the covered charges.
- E.** Reductions to payments for outpatient hospital services not listed in the AHCCCS Outpatient Capped Fee-For-Service Schedule. Outpatient hospital services not listed in the AHCCCS Outpatient Capped Fee-For-Service Schedule with dates of service on or after October 1, 2011, shall be reimbursed at

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95 percent of the rate published by CMS pursuant to subsection (C) of this Section.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2). Amended by final rulemaking at 17 A.A.R. 1460, effective October 1, 2011 (Supp. 11-3). Amended by exempt rulemaking at 18 A.A.R. 1914, effective July 18, 2012 (Supp. 12-3). Amended by final rulemaking at 19 A.A.R. 3315, effective November 30, 2013 (Supp. 13-4).

**R9-22-712.31. Reserved**

**R9-22-712.32. Reserved**

**R9-22-712.33. Reserved**

**R9-22-712.34. Reserved**

**R9-22-712.35. Outpatient Hospital Reimbursement: Adjustments to Fees**

**A.** For all claims with a begin date of service on or before September 30, 2011, AHCCCS shall increase the Outpatient Capped Fee-for-service Schedule established under R9-22-712.20 (except for laboratory services and out-of-state hospital services) for the following hospitals submitting any claims:

1. By 48 percent for public hospitals on July 1, 2005, and hospitals that were public anytime during the calendar year 2004;
2. By 45 percent for hospitals in counties other than Maricopa and Pima with more than 100 Medicare PPS beds during the contract year in which the Outpatient Capped Fee-for-service Schedule rates are effective;
3. By 50 percent for hospitals in counties other than Maricopa and Pima with 100 or less Medicare PPS beds during the contract year in which the Outpatient Capped Fee-for-service Schedule rates are effective;
4. By 115 percent for hospitals designated as Critical Access Hospitals or hospitals that have not been designated as Critical Access Hospitals but meet the criteria during the contract year in which the Outpatient Capped Fee-for-service Schedule rates are effective;
5. By 113 percent for a Freestanding Children's Hospital with at least 110 pediatric beds during the contract year in which the Outpatient Capped Fee-for-service Schedule rates are effective; or
6. By 14 percent for a University Affiliated Hospital which is a hospital that has a majority of the members of its board of directors appointed by the Board of Regents during the contract year in which the Outpatient Capped Fee-for-service Schedule rates are effective.

**B.** For all claims with a begin date of service on or after October 1, 2011, AHCCCS shall increase the Outpatient Capped Fee-for-service Schedule (except for laboratory services, and out-of-state hospital services) for the following hospitals. A hospital shall receive an increase from only one of the following categories:

1. By 73 percent for public hospitals;
2. By 31 percent for hospitals in counties other than Maricopa and Pima with more than 100 licensed beds as of October 1 of that contract year;
3. By 37 percent for hospitals in counties other than Maricopa and Pima with 100 or fewer licensed beds as of October 1 of that contract year;
4. By 100 percent for hospitals designated as Critical Access Hospitals or hospitals that have not been designated as Critical Access Hospitals but meet the critical access criteria;

5. By 78 percent for a Freestanding Children's Hospital with at least 110 pediatric beds as of October 1 of that contract year; or

6. By 41 percent for a University Affiliated Hospital, this is a hospital that has a majority of the members of its board of directors appointed by the Arizona Board of Regents.

**C.** In addition to subsections (A) and (B), an Arizona Level 1 trauma center as defined by R9-22-2101 shall receive a 50 percent increase to the Outpatient Capped Fee-for-service Schedule (except for laboratory services and out-of-state hospital services) for Level 2 and 3 emergency department procedures.

**D.** Hospitals with greater than 100 pediatric beds not receiving an increase under subsection (B) shall receive an 18 percent increase to the Outpatient Capped Fee-for-service Schedule (except for laboratory services, and out-of-state hospital services).

**E.** For outpatient services with dates of service from October 1, 2021 through September 30, 2022, the payment otherwise required for outpatient hospital services provided by qualifying hospitals shall be increased by a percentage established by the administration. The percentage is published on the Administration's public website as part of its fee schedule subsequent to the public notice published no later than September 1, 2021. A hospital will qualify for an increase if it meets the criteria specified below for the applicable hospital subtype.

1. A hospital designated by the Arizona Department of Health Services Division of Licensing Services as type: hospital, subtype: short-term or children's will qualify for an increase if it meets the criteria in subsection (E)(1)(a), or (b):

a. By April 1, 2021, the hospital must have submitted a Letter of Intent (LOI) to AHCCCS and the Health Information Exchange (HIE) in which it agrees to achieve the following milestones by the specified dates, or maintain its participation in the milestone activities if they have already been achieved.

i. No later than April 1, 2021, the hospital must have in place an active participation agreement with a qualifying HIE organization and submit a LOI to AHCCCS and the HIE, in which it agrees to achieve the following milestones by the specified dates or maintain its participation in the milestone activities if they have already been achieved.

ii. No later than May 1, 2021, or by the hospital's go-live date for new data suppliers, or within 30 days of initiating the respective COVID-19 related services for current data suppliers, the hospital must complete the following COVID-19 related milestones, if they are applicable:

(1) Related to COVID-19 testing services, submit all COVID-19 lab test codes and the associated LOINC codes to qualifying HIE organization to ensure proper processing of lab results within the HIE system.

(2) Related to COVID-19 antibody testing services, submit all COVID-19 antibody test codes and the associated LOINC codes to the qualifying HIE organization to ensure proper processing of lab results within the HIE system.

(3) Related to COVID-19 immunization services, submit all COVID-19 immunization codes and the associated CDC-recognized code sets to the qualifying HIE organization.

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- tion to ensure proper processing of immunizations within the HIE system.
- iii. No later than May 1, 2021, hospitals that utilize external reference labs for any lab result processing must submit necessary provider authorization forms to the qualifying HIE organization, if required by the external reference lab, to have all outsourced lab test results flow to the qualifying HIE on their behalf.
  - iv. No later than May 1, 2021, the hospital must electronically submit the following actual patient identifiable information to the production environment of a qualifying HIE organization: admission, discharge and transfer information (generally known as ADT information), including data from the hospital emergency department if the provider has an emergency department; laboratory and radiology information (if the provider has these services); transcription; medication information; immunization data; and discharge summaries that include, at a minimum, discharge orders, discharge instructions, active medications, new prescriptions, active problem lists (diagnosis), treatments and procedures conducted during the stay, active allergies, and discharge destination.
  - v. No later than November 1, 2021, the hospital must approve and authorize a formal statement of work (SOW) to initiate and complete a data quality improvement effort, as defined by the qualifying HIE organization.
  - vi. No later than November 1, 2021, the hospital must approve and authorize a formal SOW to initiate connectivity to a Social Determinants of Health (SDOH) Closed Loop Referral Platform operated by the qualifying HIE organization.
  - vii. No later than January 1, 2022, the hospital must complete the initial data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
  - viii. No later than May 1, 2022, the hospital must complete the final data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
  - ix. Quality Improvement Performance Criteria: Hospitals that meet each of the following HIE data quality performance criteria will be eligible to receive DAP increases described below:
    - (1) Demonstrate a 10 percent improvement from baseline measurements in the initial data quality profile, based on July 2020 data, to the final data quality profile, based on March 2021 data.
    - (2) Meet a minimum performance standard of at least 60 percent based on March 2021 data.
    - (3) If performance meets or exceeds an upper threshold of 90 percent based on March 2021 data, the hospital meets the criteria, regardless of the percentage improvement from the baseline measurements.
  - x. DAP HIE Data Quality Standards CYE 2022 Measure Categories: Hospitals that meet the standards, as defined in Attachment A of this notice, qualify for a 0.5 percent DAP increase for each category of the five measure categories, for a total potential increase of 2.5 percent if criteria are met for all categories.
    - (1) Data source and data site information must be submitted on all ADT transactions. (0.5 percent)
    - (2) Event type must be properly coded on all ADT transactions. (0.5 percent)
    - (3) Patient class must be properly coded on all appropriate ADT transactions. (0.5 percent)
    - (4) Patient demographic information must be submitted on all ADT transactions. (0.5 percent)
    - (5) Overall completeness of the ADT message. (0.5 percent)
  - b. By March 15, 2021, the facility must submit a LOI to enter into a CCA (a fully signed copy of a CCA with an IHS/Tribal 638 facility is also acceptable). By April 30, 2021, the facility must have entered into a CCA with a IHS/Tribal 638 facility for inpatient, outpatient, and ambulatory services provided through a referral under the executed CCA. The facility agrees to achieve and maintain participation in the following activities:
    - i. The facility will have in place a signed CCA with an IHS/Tribal 638 facility and will have submitted the signed CCA to AHCCCS. The CCA will meet minimum requirements as outlined in the CMS SHO Guidance.
    - ii. The facility will have a valid referral process for IHS/Tribal 638 facilities in place for requesting services to be performed by the non-IHS/Tribal 638 facility.
    - iii. The hospital will provide to the IHS/Tribal 638 facility clinical documentation of services provided through a referral under the CCA.
    - iv. AHCCCS will monitor activity specified under the CCA(s) to ensure compliance. To help facilitate this, the facility will participate in the HIE or establish an agreed claims operation process with AHCCCS for the review of medical records by May 31, 2021.
2. A hospital designated by the Arizona Department of Health Services Division of Licensing Services as type: hospital, subtype: critical access hospital will qualify for an increase if it meets the criteria specified in subsection (2)(a) or (b):
    - a. In order to qualify, by April 1, 2021, the hospital must have submitted a LOI to AHCCCS and the HIE, in which it agrees to achieve the following milestones by the specified dates, or maintain its participation in the milestone activities if they have already been achieved:
      - i. No later than April 1, 2021, the hospital must have in place an active participation agreement with a qualifying HIE organization and submit a LOI to AHCCCS and the HIE, in which it agrees to achieve the following milestones by the specified dates or maintain its participation in the milestone activities if they have already been achieved.
      - ii. No later than May 1, 2021, or by the hospital's go-live date for new data suppliers, or within 30 days of initiating the respective COVID-19 related services for current data suppliers, the

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- hospital must complete the following COVID-19 related milestones, if they are applicable:
- (1) Related to COVID-19 testing services, submit all COVID-19 lab test codes and the associated LOINC codes to the qualifying HIE organization to ensure proper processing of lab results within the HIE system.
  - (2) Related to COVID-19 antibody testing services, submit all COVID-19 antibody test codes and the associated LOINC codes to the qualifying HIE organization to ensure proper processing of lab results within the HIE system.
  - (3) Related to COVID-19 immunization services, submit all COVID-19 immunization codes and the associated CDC-recognized code sets to the qualifying HIE organization to ensure proper processing of immunizations within the HIE system.
- iii. No later than May 1, 2021, hospitals that utilize external reference labs for any lab result processing must submit necessary provider authorization forms to the qualifying HIE, if required by the external reference lab, to have all outsourced lab test results flow to the qualifying HIE organization on their behalf.
  - iv. No later than May 1, 2021, the hospital must electronically submit the following actual patient identifiable information to the production environment of a qualifying HIE organization: admission, discharge and transfer information (generally known as ADT information), including data from the hospital emergency department if the provider has an emergency department; laboratory and radiology information (if the provider has these services); transcription; medication information; immunization data; and discharge summaries that include, at a minimum, discharge orders, discharge instructions, active medications, new prescriptions, active problem lists (diagnosis), treatments and procedures conducted during the stay, active allergies, and discharge destination.
  - v. No later than November 1, 2021, the hospital must approve and authorize a formal SOW to initiate and complete a data quality improvement effort, as defined by the qualifying HIE organization.
  - vi. No later than November 1, 2021, the hospital must approve and authorize a formal SOW to initiate connectivity to a SDOH Closed Loop Referral Platform operated by the qualifying HIE organization.
  - vii. No later than January 1, 2022, the hospital must complete the initial data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
  - viii. No later than May 1, 2022, the hospital must complete the final data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
  - ix. Quality Improvement Performance Criteria: Hospitals that meet each of the following HIE data quality performance criteria will be eligible to receive DAP increases described below.
    - (1) Demonstrate a 10 percent improvement from baseline measurements in the initial data quality profile, based on July 2020 data, to the final data quality profile, based on March 2021 data.
    - (2) Meet a minimum performance standard of at least 60 percent based on March 2021 data.
    - (3) If performance meets or exceeds an upper threshold of 90 percent based on March 2021 data the hospital meets the criteria, regardless of the percentage improvement from the baseline measurements.
- x. DAP HIE Data Quality Standards CYE 2022 Measure Categories: Hospitals that meet the standards, as defined in Attachment A of this notice, qualify for a 2.0 percent DAP increase for each category of the five measure categories, for a total potential increase of 10.0 percent if criteria are met for all categories.
    - (1) Data source and data site information must be submitted on all ADT transactions. (2.0 percent)
    - (2) Event type must be properly coded on all ADT transactions. (2.0 percent)
    - (3) Patient class must be properly coded on all appropriate ADT transactions. (2.0 percent)
    - (4) Patient demographic information must be submitted on all ADT transactions. (2.0 percent)
    - (5) Overall completeness of the ADT message. (2.0 percent)
  - b. By March 15, 2021, the facility must submit a LOI to enter into a CCA (a fully signed copy of a CCA with an IHS/Tribal 638 facility is also acceptable). By April 30, 2021, the facility must have entered into a CCA with a IHS/Tribal 638 facility for inpatient, outpatient, and ambulatory services provided through a referral under the executed CCA. The facility agrees to achieve and maintain participation in the following activities:
    - i. The facility will have in place a signed CCA with an IHS/Tribal 638 facility and will have submitted the signed CCA to AHCCCS. The CCA will meet minimum requirements as outlined in the CMS SHO Guidance.
    - ii. The facility will have a valid referral process for IHS/Tribal 638 facilities in place for requesting services to be performed by the non-IHS/Tribal 638 facility.
    - iii. The hospital will provide to the IHS/Tribal 638 facility clinical documentation of services provided through a referral under the CCA.
    - iv. AHCCCS will monitor activity specified under the CCA(s) to ensure compliance. To help facilitate this, the facility will participate in the HIE or establish an agreed claims operation process with AHCCCS for the review of medical records by May 31, 2021.
3. A hospital designated as type: hospital, subtype: long term, psychiatric, or rehabilitation by the Arizona Department of Health Services Division of Licensing Services

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will qualify for an increase if it meets the criteria specified in subsections (3)(a), (b), (c), (d), (e), or (f):

- a. In order to qualify, by April 1, 2021, the hospital must have submitted a LOI to AHCCCS and the HIE, in which it agrees to achieve the following milestones by the specified dates, or maintain its participation in the milestone activities if they have already been achieved:
  - i. No later than April 1, 2021, the hospital must have in place an active participation agreement with a qualifying HIE organization and submit a LOI to AHCCCS and the HIE, in which it agrees to achieve the following milestones by the specified dates or maintain its participation in the milestone activities if they have already been achieved.
    - (1) Related to COVID-19 testing services, submit all COVID-19 lab test codes and the associated LOINC codes to the qualifying HIE organization to ensure proper processing of lab results within the HIE system.
    - (2) Related to COVID-19 antibody testing services, submit all COVID-19 antibody test codes and the associated LOINC codes to the qualifying HIE organization to ensure proper processing of lab results within the HIE system.
    - (3) Related to COVID-19 immunization services, submit all COVID-19 immunization codes and the associated CDC-recognized code sets to the qualifying HIE organization to ensure proper processing of immunizations within the HIE system.
  - iii. No later than May 1, 2021, hospitals that utilize external reference labs for any lab result processing must submit necessary provider authorization forms to the qualifying HIE, if required by the external reference lab, to have all outsourced lab test results flow to the qualifying HIE organization on their behalf.
  - iv. No later than May 1, 2021, the hospital must electronically submit the following actual patient identifiable information to the production environment of a qualifying HIE organization: admission, discharge, and transfer information (generally known as ADT information), including data from the hospital emergency department if the facility has an emergency department; laboratory and radiology information (if the provider has these services); transcription; medication information; immunization data; and discharge summaries that include, at a minimum, discharge orders, discharge instructions, active medications, new prescriptions, active problem lists (diagnosis), treatments and procedures conducted during the stay, active allergies, and discharge destination.
  - v. No later than November 1, 2021, the hospital must approve and authorize a formal SOW to initiate and complete a data quality improvement effort, as defined by the qualifying HIE organization.
  - vi. No later than November 1, 2021, the hospital must approve and authorize a formal SOW to initiate connectivity to either a SDOH Closed-Loop Referral Platform operated by the qualifying HIE organization or an Advance Directives Registry platform operated by the qualifying HIE organization.
  - vii. By October 1, 2020, hospitals that utilize external reference labs for any lab result processing must submit necessary provider authorization forms to the qualifying HIE, if required by the external reference lab, to have all outsourced lab test results flow to the qualifying HIE on their behalf if applicable. No later than January 1, 2022, the hospital must complete the initial data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
  - viii. No later than May 1, 2022, the hospital must complete the final data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
  - ix. Quality Improvement Performance Criteria: Hospitals that meet each of the following HIE data quality performance criteria will be eligible to DAP increases described in subsection (3).
    - (1) Demonstrate a 10 percent improvement from baseline measurements in the initial data quality profile, based on July 2020 data, to the final data quality profile, based on March 2021 data.
    - (2) Meet a minimum performance standard of at least 60 percent based on March 2021 data.
    - (3) If performance meets or exceeds an upper threshold of 90 percent based on March 2021 data the hospital meets the criteria, regardless of the percentage improvement from the baseline measurements.
  - x. DAP HIE Data Quality Standards CYE 2022 Measure Categories: Hospitals that meet the standards, as defined in Attachment A of this notice, qualify for a 0.5 percent DAP increase for each category of the five measure categories, for a total potential increase of 2.5 percent if criteria are met for all categories.
    - (1) Data source and data site information must be submitted on all ADT transactions. (0.5 percent)
    - (2) Event type must be properly coded on all ADT transactions. (0.5 percent)
    - (3) Patient class must be properly coded on all appropriate ADT transactions. (0.5 percent)
    - (4) Patient demographic information must be submitted on all ADT transactions. (0.5 percent)
    - (5) Overall completeness of the ADT message. (0.5 percent)

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- b. On March 15, 2021, is identified as a Medicare Annual Payment Update recipients on the QualityNet.org website;
- c. On March 15, 2021, meets or falls below the national average for the rate of pressure ulcers that are new or worsened from the Medicare Provider Data Catalog website.
- d. On March 15, 2021, meets or falls below the national average for the rate of pressure ulcers that are new or worsened from the Medicare Provider Data Catalog website.
- e. By April 30, 2021, the facility must have entered into a CCA with a IHS/Tribal 638 facility for inpatient, outpatient, and ambulatory services provided through a referral under the executed CCA. The facility agrees to achieve and maintain participation in the following activities:
  - i. The facility will have in place a signed CCA with an IHS/Tribal 638 facility and will have submitted the signed CCA to AHCCCS. The CCA will meet minimum requirements as outlined in the CMS SHO Guidance.
  - ii. The facility will have a valid referral process for IHS/Tribal 638 facilities in place for requesting services to be performed by the non-IHS/Tribal 638 facility.
  - iii. The hospital will provide to the IHS/Tribal 638 facility clinical documentation of services provided through a referral under the CCA.
  - iv. AHCCCS will monitor activity specified under the CCA or CCAs to ensure compliance. To help facilitate this, the facility will participate in the HIE or establish an agreed claims operation process with AHCCCS for the review of medical records by May 31, 2021.
- 4. A hospital designated as type: hospital by the Arizona Department of Health Services Division of Licensing Services and is owned and/or operated by Indian Health Services (HIS) or under Tribal authority will qualify for an increase if it meets the criteria specified in subsections (4)(a) or (b);
  - a. By April 1, 2021, the hospital must have submitted a LOI to AHCCCS and the HIE, in which it agrees to achieve the following milestones by the specified dates, or maintain its participation in the milestone activities if they have already been achieved:
    - i. No later than April 1, 2021, the hospital must have in place an active participation agreement with a qualifying HIE organization and submit a LOI to AHCCCS and the HIE, in which it agrees to achieve the following milestones by the specified dates or maintain its participation in the milestone activities if they have already been achieved.
    - ii. No later than May 1, 2021, or by the hospital's go-live date for new data suppliers, or within 30 days of initiating the respective COVID-19 related services for current data suppliers, the hospital must complete the following COVID-19 related milestones, if they are applicable:
      - (1) Related to COVID-19 testing services, submit all COVID-19 lab test codes and the associated LOINC codes to the qualifying HIE organization to ensure proper processing of lab results within the HIE system.
      - (2) Related to COVID-19 antibody testing services, submit all COVID-19 antibody test codes and the associated LOINC codes to the qualifying HIE organization to ensure proper processing of lab results within the HIE system.
      - (3) Related to COVID-19 immunization services, submit all COVID-19 immunization codes and the associated CDC-recognized code sets to the qualifying HIE organization to ensure proper processing of immunizations within the HIE system.
  - iii. No later than May 1, 2021, hospitals that utilize external reference labs for any lab result processing must submit necessary provider authorization forms to the qualifying HIE, if required by the external reference lab, to have all outsourced lab test results flow to the qualifying HIE organization on their behalf.
  - iv. No later than June 1, 2021, the hospital must electronically submit the following actual patient identifiable information to the production environment of a qualifying HIE organization: admission, discharge, and transfer information (generally known as ADT information), including data from the hospital emergency department if the facility has an emergency department; laboratory and radiology information (if the provider has these services); transcription; medication information; immunization data; and discharge summaries that include, at a minimum, discharge orders, discharge instructions, active medications, new prescriptions, active problem lists (diagnosis), treatments and procedures conducted during the stay, active allergies, and discharge destination. If the hospital has ambulatory and/or behavioral health practices, then the facility must submit the following actual patient identifiable information to the production environment of a qualifying HIE: registration, encounter summary, and SMI data elements as defined by the qualifying HIE organization. For hospitals that have not participated in DAP HIE requirements in CYE 2021, the deadline for this milestone will be November 1, 2021.
  - v. No later than November 1, 2021, the hospital must approve and authorize a formal SOW to initiate and complete a data quality improvement effort, as defined by the qualifying HIE organization.
  - vi. No later than January 1, 2022, the hospital must complete the initial data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
  - vii. No later than May 1, 2022, the hospital must complete the final data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
  - b. By April 30, 2021, the facility must have entered into a CCA with a non-IHS/Tribal 638 facility for inpatient, outpatient, and ambulatory services provided through a referral under the executed CCA. The facility agrees to achieve and maintain participation in a signed CCA with a non-IHS/Tribal 638 facility and will have submitted the signed CCA to

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AHCCCS. The CCA will meet minimum requirements as outlined in the CMS SHO Guidance.

- i. The IHS/Tribal 638 facility will have a valid referral template in place for requesting services to be performed by the non-IHS/Tribal 638 facility.
  - ii. The IHS/Tribal 638 facility will continue to assume responsibility of the referred member, maintaining records and release of information protocol including clinical documentation of services provided by the non-IHS/Tribal 638 facility.
  - iii. AHCCCS will monitor activity specified under the CCA(s) to ensure compliance. To help facilitate this, the IHS/Tribal 638 facility will participate in the HIE or establish an agreed claims operation process with AHCCCS for the review of medical records by May 31, 2021.
- F. If a hospital submits a Letter of Intent to AHCCCS and received the Differential Adjusted Payments October 1, 2020 through September 30, 2021 but fails to achieve or maintain one or more of the required criteria by the specified date, that hospital will be ineligible to receive any Differential Adjusted Payments for dates of service from October 1, 2021 through September 30, 2022 if a Differential Adjusted Payment is available at that time.
- G. Fee adjustments made under subsections (A), (B), (C), (D), and (E) are on file with AHCCCS and current adjustments are posted on AHCCCS' website.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2). Amended by final rulemaking at 13 A.A.R. 3584, effective October 1, 2007 (Supp. 07-4). Amended by final rulemaking at 14 A.A.R. 1439, effective May 31, 2008 (Supp. 08-2). Amended by final rulemaking at 17 A.A.R. 1460, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 22 A.A.R. 2187, effective October 1, 2016 (Supp. 16-4). Amended by final rulemaking at 23 A.A.R. 2338, effective October 1, 2017 (Supp. 17-3). Amended by final rulemaking at 24 A.A.R. 2851, effective October 1, 2018 (Supp. 18-3). Amended by final rulemaking at 25 A.A.R. 3114, effective October 1, 2019 (Supp. 19-4). Amended by final rulemaking at 26 A.A.R. 3025, with an immediate effective date of November 3, 2020 (Supp. 20-4). AHCCCS filed an incorrect version of a final rulemaking which made amendments to this Section published at 27 A.A.R. 2501 (October 29, 2021); AHCCCS filed the correct version of its final rulemaking on December 3, 2021, with this Section amended by final rulemaking at 27 A.A.R. 3015 (December 31, 2021), effective October 1, 2021 (Supp. 21-4).

**R9-22-712.36. Reserved**

**R9-22-712.37. Reserved**

**R9-22-712.38. Reserved**

**R9-22-712.39. Reserved**

**R9-22-712.40. Outpatient Hospital Reimbursement: Annual and Periodic Update**

- A. Procedure codes. When procedure codes are issued by CMS and added to the Current Procedural Terminology published by the American Medical Association, AHCCCS shall add to the Outpatient Capped Fee-for-Service Schedule the new procedure codes for covered outpatient services and shall either

assign the default CCR under R9-22-712.40(F)(2), the Medicare rate, or calculate an appropriate fee.

- B. APC changes. AHCCCS may reassign procedure codes to new or different APC groups when APC groups are revised by CMS. AHCCCS may reassign procedure codes to a different APC group than Medicare. If AHCCCS determines that utilization of a procedure code within the Medicare program is substantially different from utilization of the procedure code in the AHCCCS program, AHCCCS may choose not to assign the procedure code to any APC group. For procedure codes not grouped into an APC by Medicare, AHCCCS may assign the code to an APC group when AHCCCS determines that the cost and resources associated with the non-assigned code are substantially similar to those in the APC group.
- C. Annual update for Outpatient Hospital Fee Schedule. Beginning October 1, 2006, through September 30, 2011, AHCCCS shall adjust outpatient fee schedule rates:
1. Annually by multiplying the rates effective during the prior year by the Global Insight Prospective Hospital Market Basket Inflation Index; or
  2. In a particular year the director may substitute the increases in subsection (C)(1) by calculating the dollar value associated with the inflation index in subsection (C)(1), and applying the dollar value to adjust rates at varying levels.
- D. Reductions to the Outpatient Capped Fee-For-Service Schedule. Claims paid using the Outpatient Capped Fee-For-Service Schedule with dates of service on or after October 1, 2011, shall be reimbursed at 95 percent of the rates in effect on September 30, 2011, subject to the annual adjustments to procedure codes and APCs under this Section.
- E. Rebase. AHCCCS shall rebase the outpatient fees every five years.
- F. Statewide CCR:
1. For begin dates of service on or before September 30, 2011, the statewide CCR calculated in R9-22-712.30 shall be recalculated at the time of rebasing. When rebasing, AHCCCS may recalculate the statewide CCR based on the costs and charges for services excluded from the outpatient hospital fee schedule.
  2. For begin dates of service on or after October 1, 2011, the statewide CCR shall be set under R9-22-712.30(C).
- G. Other Updates. In addition to the other updates provided for in this Section, the Administration may adjust the Outpatient Capped Fee-For-Service Fee Schedule and the Statewide CCR to the extent necessary to assure that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available at least to the extent that such care and services are available to the general population in the geographic area.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2). Amended by final rulemaking at 13 A.A.R. 3584, effective October 1, 2007 (Supp. 07-4). Amended by final rulemaking at 14 A.A.R. 1439, effective May 31, 2008 (Supp. 08-2). Amended by final rulemaking at 17 A.A.R. 1460, effective October 1, 2011 (Supp. 11-3). Amended by exempt rulemaking at 18 A.A.R. 1914, effective July 18, 2012 (Supp. 12-3). Amended by final rulemaking at 19 A.A.R. 3315, effective November 30, 2013 (Supp. 13-4). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).



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R9-22-712.41. Reserved

R9-22-712.42. Reserved

R9-22-712.43. Reserved

R9-22-712.44. Reserved

**R9-22-712.45. Outpatient Hospital Reimbursement: Outpatient Payment Restrictions**

- A. AHCCCS shall not reimburse hospitals for emergency room treatment, observation hours, or other outpatient hospital services performed on an outpatient basis if the member is admitted as an inpatient to the same hospital directly from the emergency room, observation, or other outpatient department.
- B. AHCCCS shall include payment for the emergency room, observation, and other outpatient hospital services provided to the member before the hospital admission in the AHCCCS Inpatient Tiered Per Diem Capped Fee-For-Service Schedule under Article 7 of this Chapter.
- C. Same day admit and discharge.
  1. For discharges before September 30, 2014. Same day admit and discharge claims that qualify for either the maternity or nursery tiers shall be paid based on the lesser of the rate for the maternity or nursery tier, or the outpatient hospital fee schedule.
  2. For discharge dates on and after October 1, 2014. Same day admit and discharge claims are paid for through the outpatient fee schedule.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

R9-22-712.46. Reserved

R9-22-712.47. Reserved

R9-22-712.48. Reserved

R9-22-712.49. Reserved

**R9-22-712.50. Outpatient Hospital Reimbursement: Billing**

To receive appropriate reimbursement, hospitals shall:

1. Bill outpatient hospital services on the CMS approved Uniform Billing Form or in electronic format using the appropriate HIPAA transaction.
2. Follow the UB Manual Guidelines, as published by the National Uniform Billing Committee, and use the appropriate revenue code and procedure code combination as prescribed by AHCCCS and on file and online with AHCCCS.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2).

R9-22-712.51. Reserved

R9-22-712.52. Reserved

R9-22-712.53. Reserved

R9-22-712.54. Reserved

R9-22-712.55. Reserved

R9-22-712.56. Reserved

R9-22-712.57. Reserved

R9-22-712.58. Reserved

R9-22-712.59. Reserved

**R9-22-712.60. Diagnosis Related Group Payments**

- A. Inpatient hospital services with discharge dates on or after October 1, 2014, shall be reimbursed using the diagnosis related group (DRG) payment methodology described in this Section and R9-22-712.61 through R9-22-712.81.
- B. Payments made using the DRG methodology shall be the sole reimbursement to the hospital for all inpatient hospital services and related supplies provided by the hospital. Services provided in the emergency room, observation area, or other outpatient departments that are directly followed by an inpatient admission to the same hospital are not reimbursed separately. Are reimbursed through the DRG methodology and not reimbursed separately.
- C. Each claim for an inpatient hospital stay shall be assigned a DRG code and a DRG relative weight based on the All Patient Refined Diagnosis Related Group (APR-DRG) classification system established by 3M Health Information Systems. The applicable version of the APR-DRG classification system shall be available on the agency's website.
- D. Payments for inpatient hospital services reimbursed using the DRG payment methodology are subject to quick pay discounts and slow pay penalties under A.R.S. 36-2904.
- E. Payments for inpatient hospital services reimbursed using the DRG payment methodology are subject to the Urban Hospital Reimbursement Program under R9-22-718.
- F. For purposes of this Section and Sections R9-22-712.61 through R9-22-712.81:
  1. "DRG National Average length of stay" means the national arithmetic mean length of stay published in the All Patient Refined Diagnosis Related Group (APR-DRG) classification established by 3M Health Information Systems.
  2. "Length of stay" means the total number of calendar days of an inpatient stay beginning with the date of admission through discharge, but not including the date of discharge (including the date of a discharge to another hospital, i.e., a transfer) unless the member expires.
  3. "Medicare" means Title XVIII of the Social Security Act, 42 U.S.C. 1395 et seq.
  4. "Medicare labor share" means a hospital's labor costs as a percentage of its total costs as determined by CMS for purposes of the Medicare Inpatient Prospective Payment System.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 22 A.A.R. 2187, effective October 1, 2016 (Supp. 16-4). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

**R9-22-712.61. DRG Payments: Exceptions**

- A. Notwithstanding Section R9-22-712.60, claims for inpatient services from the following hospitals shall be paid on a per diem basis, including provisions for outlier payments, where rates and outlier thresholds are included in the capped fee schedule published by the Administration on its website and available for inspection during normal business hours at 701 E. Jefferson, Phoenix, Arizona. If the covered costs per day on a claim exceed the published threshold for a day, the claim is considered an outlier. Outliers will be paid by multiplying the covered charges by the outlier CCR. The outlier CCR will be the sum of the urban or rural default operating CCR appropriate to the location of the hospital and the statewide capital cost-to-charge ratio in the data file established as part of the Medicare Inpatient Prospective Payment System by CMS. The

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resulting amount will be the total reimbursement for the claim. There is no provision for outlier payments for hospitals described under subsection (A)(3).

1. Hospitals designated as type: hospital, subtype; rehabilitation in the Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website in March of each year;
  2. Hospitals designated as type: hospital, subtype: long term in the Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website for March of each year;
  3. Hospitals designated as type: hospital, subtype; psychiatric in the Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website for March of each year;
- B.** Notwithstanding Section R9-22-712.60, claims for inpatient services that are covered by a RBHA or TRBHA, where the principal diagnosis on the claim is a behavioral health diagnosis, shall be reimbursed as prescribed by a per diem rate described by a fee schedule established by the Administration; however, if the principal diagnosis is a physical health diagnosis, the claim shall be processed under the DRG methodology described in this Section, even if behavioral health services are provided during the inpatient stay.
- C.** Notwithstanding Section R9-22-712.60, claims for services associated with transplant services shall be paid in accordance with the contract between the AHCCCS administration and the transplant facility.
- D.** Notwithstanding Section R9-22-712.60, claims from an IHS facility or 638 Tribal provider shall be paid the all-inclusive rate on a per visit basis in accordance with the rates published annually by IHS in the Federal Register.
- E.** For hospitals that have contracts with the Administration for the provision of transplant services, inpatient days associated with transplant services are paid in accordance with the terms of the contract.
- F.** For inpatient services with a date of admission from October 1, 2021, through September 30, 2022, provided by a hospital in subsection (A) that qualifies, the administration shall pay the hospital an Inpatient Differential Adjusted Payment equal to the sum of the payment otherwise provided for in subsection (A) plus the product of the amount otherwise provided for in subsection (A) and a percentage published on the Administration's public website as part of its fee schedule, subsequent to a public notice published no later than September 1, 2021. A hospital will qualify for an increase if it meets the criteria specified below for the applicable hospital subtype.
1. A hospital designated by the Arizona Department of Health Services Division of Licensing Services as type: hospital, subtype: short-term or children's will qualify for an increase if it meets the criteria in subsections (1)(a), or (b):
    - a. By April 1, 2021, the hospital must have submitted a Letter of Intent (LOI) to AHCCCS and the Health Information Exchange (HIE), in which it agrees to achieve the following milestones by the specified dates, or maintain its participation in the milestone activities if they have already been achieved.
      - i. No later than April 1, 2021, the hospital must have in place an active participation agreement with a qualifying HIE organization and submit a LOI to AHCCCS and the HIE, in which it agrees to achieve the following milestones by the specified dates or maintain its participation in the milestone activities if they have already been achieved.
    - ii. No later than May 1, 2021, or by the hospital's go-live date for new data suppliers, or within 30 days of initiating the respective COVID-19 related services for current data suppliers, the hospital must complete the following COVID-19 related milestones, if they are applicable:
      - (1) Related to COVID-19 testing services, submit all COVID-19 lab test codes and the associated LOINC codes to qualifying HIE organization to ensure proper processing of lab results within the HIE system.
      - (2) Related to COVID-19 antibody testing services, submit all COVID-19 antibody test codes and the associated LOINC codes to the qualifying HIE organization to ensure proper processing of lab results within the HIE system.
      - (3) Related to COVID-19 immunization services, submit all COVID-19 immunization codes and the associated CDC-recognized code sets to the qualifying HIE organization to ensure proper processing of immunizations within the HIE system.
  - iii. No later than May 1, 2021, hospitals that utilize external reference labs for any lab result processing must submit necessary provider authorization forms to the qualifying HIE organization, if required by the external reference lab, to have all outsourced lab test results flow to the qualifying HIE on their behalf.
  - iv. No later than May 1, 2021, the hospital must electronically submit the following actual patient identifiable information to the production environment of a qualifying HIE organization: admission, discharge and transfer information (generally known as ADT information), including data from the hospital emergency department if the provider has an emergency department; laboratory and radiology information (if the provider has these services); transcription; medication information; immunization data; and discharge summaries that include, at a minimum, discharge orders, discharge instructions, active medications, new prescriptions, active problem lists (diagnosis), treatments and procedures conducted during the stay, active allergies, and discharge destination.
  - v. No later than November 1, 2021, the hospital must approve and authorize a formal statement of work (SOW) to initiate and complete a data quality improvement effort, as defined by the qualifying HIE organization.
  - vi. No later than November 1, 2021, the hospital must approve and authorize a formal SOW to initiate connectivity to a Social Determinants of Health (SDOH) Closed Loop Referral Platform operated by the qualifying HIE organization.
  - vii. No later than January 1, 2022, the hospital must complete the initial data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.

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- viii. No later than May 1, 2022, the hospital must complete the final data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
  - ix. Quality Improvement Performance Criteria: Hospitals that meet each of the following HIE data quality performance criteria will be eligible to receive DAP increases described below:
    - (1) Demonstrate a 10 percent improvement from baseline measurements in the initial data quality profile, based on July 2020 data, to the final data quality profile, based on March 2021 data.
    - (2) Meet a minimum performance standard of at least 60 percent based on March 2021 data.
    - (3) If performance meets or exceeds an upper threshold of 90 percent based on March 2021 data, the hospital meets the criteria, regardless of the percentage improvement from the baseline measurements.
  - x. By May 1, 2021, the hospital must complete the Phase 1 final data quality profile with a qualifying HIE organization;
    - (1) Data source and data site information must be submitted on all ADT transactions. (0.5 percent)
    - (2) Event type must be properly coded on all ADT transactions. (0.5 percent)
    - (3) Patient class must be properly coded on all appropriate ADT transactions. (0.5 percent)
    - (4) Patient demographic information must be submitted on all ADT transactions. (0.5 percent)
    - (5) Overall completeness of the ADT message. (0.5 percent)
  - b. By March 15, 2021, the facility must submit a LOI to enter into a CCA (a fully signed copy of a CCA with an IHS/Tribal 638 facility is also acceptable). By April 30, 2021, the facility must have entered into a CCA with a IHS/Tribal 638 facility for inpatient, outpatient, and ambulatory services provided through a referral under the executed CCA. The facility agrees to achieve and maintain participation in the following activities:
    - i. The facility will have in place a signed CCA with an IHS/Tribal 638 facility and will have submitted the signed CCA to AHCCCS. The CCA will meet minimum requirements as outlined in the CMS SHO Guidance.
    - ii. The facility will have a valid referral process for IHS/Tribal 638 facilities in place for requesting services to be performed by the non-IHS/Tribal 638 facility.
    - iii. The hospital will provide to the IHS/Tribal 638 facility clinical documentation of services provided through a referral under the CCA.
    - iv. AHCCCS will monitor activity specified under the CCA(s) to ensure compliance. To help facilitate this, the facility will participate in the HIE or establish an agreed claims operation process with AHCCCS for the review of medical records by May 31, 2021.
2. A hospital designated by the Arizona Department of Health Services Division of Licensing Services as type: hospital, subtype: critical access hospital will qualify for an increase if it meets the criteria specified in subsections (2)(a), or (b):
- a. In order to qualify, by April 1, 2021, the hospital must have submitted a LOI to AHCCCS and the HIE, in which it agrees to achieve the following milestones by the specified dates, or maintain its participation in the milestone activities if they have already been achieved:
    - i. No later than April 1, 2021, the hospital must have in place an active participation agreement with a qualifying HIE organization and submit a LOI to AHCCCS and the HIE, in which it agrees to achieve the following milestones by the specified dates or maintain its participation in the milestone activities if they have already been achieved.
    - ii. No later than May 1, 2021, or by the hospital's go-live date for new data suppliers, or within 30 days of initiating the respective COVID-19 related services for current data suppliers, the hospital must complete the following COVID-19 related milestones, if they are applicable:
      - (1) Related to COVID-19 testing services, submit all COVID-19 lab test codes and the associated LOINC codes to the qualifying HIE organization to ensure proper processing of lab results within the HIE system.
      - (2) Related to COVID-19 antibody testing services, submit all COVID-19 antibody test codes and the associated LOINC codes to the qualifying HIE organization to ensure proper processing of lab results within the HIE system.
      - (3) Related to COVID-19 immunization services, submit all COVID-19 immunization codes and the associated CDC-recognized code sets to the qualifying HIE organization to ensure proper processing of immunizations within the HIE system.
  - iii. No later than May 1, 2021, hospitals that utilize external reference labs for any lab result processing must submit necessary provider authorization forms to the qualifying HIE, if required by the external reference lab, to have all outsourced lab test results flow to the qualifying HIE organization on their behalf.
  - iv. No later than May 1, 2021, the hospital must electronically submit the following actual patient identifiable information to the production environment of a qualifying HIE organization: admission, discharge and transfer information (generally known as ADT information), including data from the hospital emergency department if the provider has an emergency department; laboratory and radiology information (if the provider has these services); transcription; medication information; immunization data; and discharge summaries that include, at a minimum, discharge orders, discharge instructions, active medications, new prescriptions, active problem lists (diagnosis), treatments and procedures conducted during the stay, active allergies, and discharge destination.

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- v. No later than November 1, 2021, the hospital must approve and authorize a formal SOW to initiate and complete a data quality improvement effort, as defined by the qualifying HIE organization.
- vi. No later than November 1, 2021, the hospital must approve and authorize a formal SOW to initiate connectivity to a SDOH Closed Loop Referral Platform operated by the qualifying HIE organization.
- vii. No later than January 1, 2022, the hospital must complete the initial data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
- viii. No later than May 1, 2022, the hospital must complete the final data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
- ix. Quality Improvement Performance Criteria: Hospitals that meet each of the following HIE data quality performance criteria will be eligible to receive DAP increases described below:
  - (1) Demonstrate a 10 percent improvement from baseline measurements in the initial data quality profile, based on July 2020 data, to the final data quality profile, based on March 2021 data.
  - (2) Meet a minimum performance standard of at least 60 percent based on March 2021 data.
  - (3) If performance meets or exceeds an upper threshold of 90 percent based on March 2021 data the hospital meets the criteria, regardless of the percentage improvement from the baseline measurements.
- x. DAP HIE Data Quality Standards CYE 2022 Measure Categories: Hospitals that meet the standards, as defined in Attachment A of this notice, qualify for a 2.0 percent DAP increase for each category of the five measure categories, for a total potential increase of 10.0 percent if criteria are met for all categories.
  - (1) Data source and data site information must be submitted on all ADT transactions. (2.0 percent)
  - (2) Event type must be properly coded on all ADT transactions. (2.0 percent)
  - (3) Patient class must be properly coded on all appropriate ADT transactions. (2.0 percent)
  - (4) Patient demographic information must be submitted on all ADT transactions. (2.0 percent)
  - (5) Overall completeness of the ADT message. (2.0 percent)
- b. By March 15, 2021, the facility must submit a LOI to enter into a CCA (a fully signed copy of a CCA with an IHS/Tribal 638 facility is also acceptable). By April 30, 2021, the facility must have entered into a CCA with a IHS/Tribal 638 facility for inpatient, outpatient, and ambulatory services provided through a referral under the executed CCA. The facility agrees to achieve and maintain participation in the following activities:
  - i. The facility will have in place a signed CCA with an IHS/Tribal 638 facility and will have submitted the signed CCA to AHCCCS. The CCA will meet minimum requirements as outlined in the CMS SHO Guidance.
  - ii. The facility will have a valid referral process for IHS/Tribal 638 facilities in place for requesting services to be performed by the non-IHS/Tribal 638 facility.
  - iii. The hospital will provide to the IHS/Tribal 638 facility clinical documentation of services provided through a referral under the CCA.
  - iv. AHCCCS will monitor activity specified under the CCA(s) to ensure compliance. To help facilitate this, the facility will participate in the HIE or establish an agreed claims operation process with AHCCCS for the review of medical records by May 31, 2021.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 22 A.A.R. 2187, effective October 1, 2016 (Supp. 16-4). Amended by final rulemaking at 23 A.A.R. 2338, effective October 1, 2017 (Supp. 17-3). Amended by final rulemaking at 24 A.A.R. 2851, effective October 1, 2018 (Supp. 18-3). Amended by final rulemaking at 25 A.A.R. 3111 and at 25 A.A.R. 3114, effective October 1, 2019 (Supp. 19-4). Amended by final rulemaking at 26 A.A.R. 3025, with an immediate effective date of November 3, 2020 (Supp. 20-4). AHCCCS filed an incorrect version of a final rulemaking which made amendments to this Section published at 27 A.A.R. 2501 (October 29, 2021); AHCCCS filed the correct version of its final rulemaking on December 3, 2021, with this Section amended by final rulemaking at 27 A.A.R. 3015 (December 31, 2021), effective October 1, 2021 (Supp. 21-4).

**R9-22-712.62. DRG Base Payment**

- A. The initial DRG base payment is the product of the DRG base rate, the DRG relative weight for the post-HCAC DRG code assigned to the claim, and any applicable provider and service policy adjusters.
- B. The DRG base rate for each hospital is the statewide standardized amount of which the hospital's labor-related share of that amount is adjusted by the hospital's wage index. The hospital's labor share is determined based on the labor share for the Medicare inpatient prospective payment system published in 85 Fed. Reg. 59060 through 59061 (September 18, 2020). The hospital's wage index is determined based on the wage index tables reference in 85 Fed. Reg. 59059 (September 18, 2020). The statewide standardized amount is included in the AHCCCS capped fee schedule available on the agency's website.
- C. Claims shall be assigned both a DRG code derived from all diagnosis and surgical procedure codes included on the claim (the "pre-HCAC" DRG code) and a DRG code derived excluding diagnosis and surgical procedure codes associated with the health care acquired conditions that were not present on admission or any other provider-preventable conditions (the "post-HCAC" DRG code). The DRG code with the lower relative weight shall be used to process claims using the DRG methodology.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4). Amended by final rulemaking at 27 A.A.R.

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2512 (October 29, 2021), with an immediate effective date of October 6, 2021 (Supp. 21-4).

**R9-22-712.63. DRG Base Payments Not Based on the Statewide Standardized Amount**

- A.** Notwithstanding Section R9-22-712.62, a select specialty hospital standardized amount shall be used in place of the statewide standardized amount in subsection R9-22-712.62(B) to calculate the DRG base rate for the following hospitals:
1. Hospitals located in a city with a population greater than one million, which on average have at least 15 percent of inpatient days for patients who reside outside of Arizona, and at least 50 percent of discharges as reported on the 2011 Medicare Cost Report are reimbursed by Medicare.
  2. Hospitals designated as type: hospital, subtype: short-term that has a license number beginning "SH" in the Provider & Facility Database for Arizona Medical Facilities posted by the ADHS Division of Licensing Services on its website for March of each year.
- B.** The select specialty hospital standardized amount is included in the AHCCCS capped fee schedule available on the agency's website.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

**R9-22-712.64. DRG Base Payments and Outlier CCR for Out-of-State Hospitals**

- A.** DRG Base payment:
1. For high volume out-of-state hospitals defined in subsection (C), the wage adjusted DRG base payment is determined as described in R9-22-712.62.
  2. Notwithstanding subsection R9-22-712.62 the wage adjusted DRG base rate for out-of-state hospitals that are not high volume hospitals shall be included in the AHCCCS capped fee schedule available on the agency's website.
- B.** Outlier CCR:
1. Notwithstanding subsection R9-22-712.68, the CCR used for the outlier calculation for out-of-state hospitals that are not high volume hospitals shall be the sum of the statewide urban default operating cost-to-charge ratio and the statewide capital CCR in the data file established as part of the Medicare Inpatient Prospective Payment System by CMS.
  2. The CCR used for the outlier calculation for high volume out-of-state hospitals is the same as in-state hospitals as described in R9-22-712.68.
- C.** A high volume out-of-state hospital is a hospital not otherwise excluded under R9-22-712.61, that is located in a county that borders the State of Arizona and had 500 or more AHCCCS covered inpatient days for the fiscal year beginning October 1, 2015.
- D.** Other than as required by this Section, DRG reimbursement for out-of-state hospitals is determined under R9-22-712.60 through R9-22-712.81.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

**R9-22-712.65. DRG Provider Policy Adjustor**

- A.** After calculating the DRG base payment as required in R9-22-712.62, R9-22-712.63, or R9-22-712.64, for claims from a high-utilization hospital, the product of the DRG base rate and the DRG relative weight for the post-HCAC DRG code shall be multiplied by a provider policy adjustor that is included in the AHCCCS capped fee schedule available on the agency's website.
- B.** A hospital is a high-utilization hospital if the hospital had:
1. Covered inpatient days subject to DRG reimbursement, determined using adjudicated claim and encounter data during the fiscal year beginning October 1, 2015, equal to at least four hundred percent of the statewide average number of AHCCCS-covered inpatient days at all hospitals;
  2. A Medicaid inpatient utilization rate greater than 30 percent calculated as the ratio of AHCCCS-covered inpatient days to total inpatient days as reported in the hospital's Medicare Cost Report for the fiscal year ending 2016; and,
  3. Received less than \$2 million in add-on payment for outliers under R9-22-712.68, based on adjudicated claims and encounters for fiscal year beginning October 1, 2015.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

**R9-22-712.66. DRG Service Policy Adjustor**

In addition to Section R9-22-712.65, for claims with DRG codes in the following categories, the product of the DRG base rate, the DRG relative weight for the post-HCAC DRG code, and the DRG provider policy adjustor shall be multiplied by the service policy adjustor listed in the AHCCCS capped fee schedule, available on the agency's website, corresponding to the following DRG codes:

1. Normal newborn DRG codes,
2. Neonates DRG codes,
3. Obstetrics DRG codes,
4. Psychiatric DRG codes,
5. Rehabilitation DRG codes,
6. Burn DRG codes.
7. Claims for members under age 19 assigned DRG codes other than listed above:
  - a. For dates of discharge occurring on or after October 1, 2014 and ending no later than December 31, 2015 regardless of severity of illness level,
  - b. For dates of discharge on or after January 1, 2016, for severity of illness levels 1 and 2,
  - c. For dates of discharge on or after January 1, 2016 and before January 1, 2017, for severity of illness levels 3 and 4.
  - d. For dates of discharge on or after January 1, 2017, and before January 1, 2018 for severity of illness levels 3 and 4.
  - e. For dates of discharge on or after January 1, 2018, for severity of illness levels 3 and 4.
8. Claims for members assigned DRG codes other than listed above.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 22 A.A.R. 2187, effective October 1, 2016 (Supp. 16-4). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

**R9-22-712.67. DRG Reimbursement: Transfers**

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- A. For purposes of this Section a “transfer” means the transfer of a member from a hospital to a short-term general hospital for inpatient care, a designated cancer center, children’s hospital, or a critical access hospital except when a member is moved for the purpose of receiving sub-acute services.
- B. Designated cancer center or children’s hospitals are those hospitals identified as such in the UB-04 billing manual published by the National Uniform Billing Committee.
- C. The hospital the member is transferred from shall be reimbursed either the initial DRG base payment or the transfer DRG base payment, whichever is less.
- D. The transfer DRG base payment is an amount equal to the initial DRG base payment, as determined after making any provider or service policy adjusters, divided by the DRG National Average length of stay for the DRG code multiplied by the sum of one plus the length of stay.
- E. The hospital the member is transferred to shall be reimbursed under the DRG payment methodology without a reduction due to the transfer.
- F. Unadjusted DRG base payment. The unadjusted DRG base payment is either the initial DRG base payment, as determined after making any provider or service policy adjusters, or the transfer DRG base payment, whichever is less.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 22 A.A.R. 2187, effective October 1, 2016 (Supp. 16-4).

**R9-22-712.68. DRG Reimbursement: Unadjusted Outlier Add-on Payment**

- A. Claims for inpatient hospital services qualify for an outlier add-on payment if the claim cost exceeds the outlier cost threshold.
- B. The claim cost is determined by multiplying covered charges by an outlier CCR as described by the following subsections:
  - 1. For hospitals designated as type: hospital, subtype: children’s in the Provider & Facility Database for Arizona Medical Facilities posted by the ADHS Division of Licensing Services on its website for March of each year. The outlier CCR will be calculated by dividing the hospital total costs by the total charges using the most recent Medicare Cost Report available as of September 1 of that year.
  - 2. For Critical Access Hospitals the outlier CCR will be the sum of the statewide rural default operating cost-to-charge ratio and the statewide capital cost-to-charge ratio in the data file established as part of the Medicare Inpatient Prospective Payment System by CMS.
  - 3. For all other hospitals the outlier CCR will be the sum of the operating cost-to-charge ratio and the capital cost-to-charge ratio established for each hospital in the impact file established as part of the Medicare Inpatient Prospective Payment System by CMS.
- C. AHCCCS shall update the CCRs described in subsection (B) to conform to the most recent CCRs established by CMS as of September 1 of each year, and the CCRs so updated shall be used for claims with dates of discharge on or after October 1 of that year.
- D. The outlier threshold is equal to the sum of the unadjusted DRG base payment plus the fixed loss amount. The fixed loss amount for critical access hospitals and for all other hospitals are included in the AHCCCS capped fee schedule available on the agency’s website.
- E. For those inpatient hospital claims that qualify for an outlier add-on payment, the payment is calculated by subtracting the

outlier threshold from the claim cost and multiplying the result by the DRG marginal cost percentage. The DRG marginal cost percentage for claims assigned DRG codes associated with the treatment of burns and for all other claims are included in the AHCCCS capped fee schedule available on the agency’s website.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

**R9-22-712.69. DRG Reimbursement: Covered Day Adjusted DRG Base Payment and Covered Day Adjusted Outlier Add-on Payment**

Adjustments to the payments are made to account for days not covered by AHCCCS as follows:

1. A covered day reduction factor unadjusted is determined if the member is not eligible on the first day of the inpatient stay but is eligible for subsequent days during the inpatient stay. In this case, a covered day reduction factor unadjusted is calculated by dividing the number of AHCCCS covered days by the DRG National Average length of stay. The number of AHCCCS covered days is equal to the number of days the member is eligible during the inpatient stay.
2. A covered day reduction factor unadjusted is also determined if the member is eligible on the first day of the inpatient stay but is determined ineligible for one or more days prior to the date of discharge. In this case, a covered day reduction factor unadjusted is calculated by adding one to the number of AHCCCS covered days and dividing the result by the DRG National Average length of stay. The number of AHCCCS covered days is equal to the number of days the member is eligible during the inpatient stay.
3. If the covered day reduction factor unadjusted is greater than one, then the covered day reduction factor final is one; otherwise, the covered day reduction factor final is equal to the covered day reduction factor unadjusted.
4. The covered day adjusted DRG base payment is an amount equal to the product of the unadjusted DRG base payment and the covered day reduction factor final.
5. The covered day adjusted DRG outlier add-on payment is an amount equal to the product of the unadjusted DRG outlier add-on payment and the covered day reduction factor final.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.70. Covered Day Adjusted DRG Base Payment and Covered Day Adjusted Outlier Add-on Payment for FES members**

In addition to the covered day reduction factor in R9-22-712.69, a covered day reduction factor unadjusted is determined for an inpatient stay during which an FES member receives services for the treatment of an emergency medical condition and also receives services once the condition no longer meets the criteria as an emergency medical condition described in R9-22-217.

1. A covered day reduction factor unadjusted is calculated by adding one to the AHCCCS covered days and dividing the result by the DRG National Average length of stay. The number of AHCCCS covered days is equal to the number of inpatient days during which an FES member receives services for an emergency medical condition as

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described in R9-22-217. For purposes of this adjustment, any portion of a day during which the FES member receives treatment for an emergency medical condition is counted as an AHCCCS covered day.

2. If the covered day reduction factor unadjusted is greater than one, then the covered day reduction factor final is one; otherwise, the covered day reduction factor final is equal to the covered day reduction factor unadjusted.
3. The covered day adjusted DRG base payment is an amount equal to the product of the unadjusted DRG base payment and the covered day reduction factor final.
4. The covered day adjusted DRG outlier add-on payment is an amount equal to the product of the unadjusted DRG outlier add-on payment and the covered day reduction factor final.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.71. Final DRG Payment**

- A. The final DRG payment is the sum of the final DRG base payment, the final DRG outlier add-on payment, and the Differential Adjusted Payment.
- B. The final DRG base payment is an amount equal to the product of the covered day adjusted DRG base payment and a hospital-specific factor established to limit the financial impact to individual hospitals of the transition from the tiered per diem payment methodology and to account for improvements in documentation and coding that are expected as a result of the transition.
- C. The final DRG outlier add-on payment is an amount equal to the product of the covered day adjusted DRG outlier add-on payment and a hospital-specific factor established to limit the financial impact to individual hospitals of the transition from the tiered per diem payment methodology and to account for improvements in documentation and coding that are expected as a result of the transition.
- D. The factor for each hospital and for each federal fiscal year is published as part of the AHCCCS capped fee schedule and is available on the AHCCCS administration's website and is on file for public inspection at the AHCCCS administration located at 701 E. Jefferson Street, Phoenix, Arizona.
- E. For inpatient services with a date of discharge from October 1, 2021, through September 30, 2022, the Inpatient Differential Adjusted Payment is the sum of the final DRG base payment and the final DRG outlier add-on payment multiplied by a percentage published on the Administration's public website as part of its fee schedule, subsequent to the public notice published no later than September 1, 2021. A hospital will qualify for an increase if it meets the criteria specified below for the applicable hospital subtype.
  1. A hospital designated by the Arizona Department of Health Services Division of Licensing Services as type: hospital, subtype: short-term or children's will qualify for an increase if it meets the criteria in subsections (1)(a) or (b):
    - a. By April 1, 2021, a hospital the hospital must have submitted a Letter of Intent (LOI) to AHCCCS and the Health Information Exchange (HIE), in which it agrees to achieve the following milestones by the specified dates, or maintain its participation in the milestone activities if they have already been achieved.
      - i. No later than April 1, 2021, the hospital must have in place an active participation agreement with a qualifying HIE organization and submit a LOI to AHCCCS and the HIE, in which it agrees to achieve the following milestones by the specified dates or maintain its participation in the milestone activities if they have already been achieved.
      - ii. No later than May 1, 2021, or by the hospital's go-live date for new data suppliers, or within 30 days of initiating the respective COVID-19 related services for current data suppliers, the hospital must complete the following COVID-19 related milestones, if they are applicable:
        - (1) Related to COVID-19 testing services, submit all COVID-19 lab test codes and the associated LOINC codes to qualifying HIE organization to ensure proper processing of lab results within the HIE system.
        - (2) Related to COVID-19 antibody testing services, submit all COVID-19 antibody test codes and the associated LOINC codes to the qualifying HIE organization to ensure proper processing of lab results within the HIE system.
        - (3) Related to COVID-19 immunization services, submit all COVID-19 immunization codes and the associated CDC-recognized code sets to the qualifying HIE organization to ensure proper processing of immunizations within the HIE system.
      - iii. No later than May 1, 2021, hospitals that utilize external reference labs for any lab result processing must submit necessary provider authorization forms to the qualifying HIE organization, if required by the external reference lab, to have all outsourced lab test results flow to the qualifying HIE on their behalf.
      - iv. No later than May 1, 2021, the hospital must electronically submit the following actual patient identifiable information to the production environment of a qualifying HIE organization: admission, discharge and transfer information (generally known as ADT information), including data from the hospital emergency department if the provider has an emergency department; laboratory and radiology information (if the provider has these services); transcription; medication information; immunization data; and discharge summaries that include, at a minimum, discharge orders, discharge instructions, active medications, new prescriptions, active problem lists (diagnosis), treatments and procedures conducted during the stay, active allergies, and discharge destination.
      - v. No later than November 1, 2021, the hospital must approve and authorize a formal statement of work (SOW) to initiate and complete a data quality improvement effort, as defined by the qualifying HIE organization.
      - vi. No later than November 1, 2021, the hospital must approve and authorize a formal SOW to initiate connectivity to a Social Determinants of Health (SDOH) Closed Loop Referral Platform operated by the qualifying HIE organization.
      - vii. No later than January 1, 2022, the hospital must complete the initial data quality profile with a

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- qualifying HIE organization, in alignment with the data quality improvement SOW.
- viii. No later than May 1, 2022, the hospital must complete the final data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
  - ix. Quality Improvement Performance Criteria: Hospitals that meet each of the following HIE data quality performance criteria will be eligible to receive DAP increases described below:
    - (1) Demonstrate a 10 percent improvement from baseline measurements in the initial data quality profile, based on July 2020 data, to the final data quality profile, based on March 2021 data.
    - (2) Meet a minimum performance standard of at least 60 percent based on March 2021 data.
    - (3) If performance meets or exceeds an upper threshold of 90 percent based on March 2021 data, the hospital meets the criteria, regardless of the percentage improvement from the baseline measurements.
  - x. DAP HIE Data Quality Standards CYE 2022 Measure Categories: Hospitals that meet the standards, as defined in Attachment A of this notice, qualify for a 0.5 percent DAP increase for each category of the five measure categories, for a total potential increase of 2.5 percent if criteria are met for all categories.
    - (1) Data source and data site information must be submitted on all ADT transactions. (0.5 percent)
    - (2) Event type must be properly coded on all ADT transactions. (0.5 percent)
    - (3) Patient class must be properly coded on all appropriate ADT transactions. (0.5 percent)
    - (4) Patient demographic information must be submitted on all ADT transactions. (0.5 percent)
    - (5) Overall completeness of the ADT message. (0.5 percent)
  - b. By March 15, 2021, the facility must submit a LOI to enter into a CCA (a fully signed copy of a CCA with an IHS/Tribal 638 facility is also acceptable). By April 30, 2021, the facility must have entered into a CCA with a IHS/Tribal 638 facility for inpatient, outpatient, and ambulatory services provided through a referral under the executed CCA. The facility agrees to achieve and maintain participation in the following activities:
    - i. The facility will have in place a signed CCA with an IHS/Tribal 638 facility and will have submitted the signed CCA to AHCCCS. The CCA will meet minimum requirements as outlined in the CMS SHO Guidance.
    - ii. The facility will have a valid referral process for IHS/Tribal 638 facilities in place for requesting services to be performed by the non-IHS/Tribal 638 facility.
    - iii. The hospital will provide to the IHS/Tribal 638 facility clinical documentation of services provided through a referral under the CCA.
    - iv. AHCCCS will monitor activity specified under the CCA(s) to ensure compliance. To help facilitate this, the facility will participate in the HIE or establish an agreed claims operation process with AHCCCS for the review of medical records by May 31, 2021.
2. A hospital designated by the Arizona Department of Health Services Division of Licensing Services as type: hospital, subtype: critical access hospital will qualify for an increase if it meets the criteria specified in subsections (2)(a) or (b):
    - a. By April 1, 2021, the hospital must have in place an active participation agreement with a qualifying HIE organization and submit a LOI to AHCCCS and the HIE, in which it agrees to achieve the following milestones by the specified dates, or maintain its participation in the milestone activities if they have already been achieved;
      - i. No later than April 1, 2021, the hospital must have in place an active participation agreement with a qualifying HIE organization and submit a LOI to AHCCCS and the HIE, in which it agrees to achieve the following milestones by the specified dates or maintain its participation in the milestone activities if they have already been achieved.
      - ii. No later than May 1, 2021, or by the hospital's go-live date for new data suppliers, or within 30 days of initiating the respective COVID-19 related services for current data suppliers, the hospital must complete the following COVID-19 related milestones, if they are applicable:
        - (1) Related to COVID-19 testing services, submit all COVID-19 lab test codes and the associated LOINC codes to the qualifying HIE organization to ensure proper processing of lab results within the HIE system.
        - (2) Related to COVID-19 antibody testing services, submit all COVID-19 antibody test codes and the associated LOINC codes to the qualifying HIE organization to ensure proper processing of lab results within the HIE system.
        - (3) Related to COVID-19 immunization services, submit all COVID-19 immunization codes and the associated CDC-recognized code sets to the qualifying HIE organization to ensure proper processing of immunizations within the HIE system.
    - iii. No later than May 1, 2021, hospitals that utilize external reference labs for any lab result processing must submit necessary provider authorization forms to the qualifying HIE, if required by the external reference lab, to have all outsourced lab test results flow to the qualifying HIE organization on their behalf.
    - iv. No later than May 1, 2021, the hospital must electronically submit the following actual patient identifiable information to the production environment of a qualifying HIE organization: admission, discharge and transfer information (generally known as ADT information), including data from the hospital emergency department if the provider has an emergency department; laboratory and radiology information (if the provider has these services); transcription; medication information;



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- immunization data; and discharge summaries that include, at a minimum, discharge orders, discharge instructions, active medications, new prescriptions, active problem lists (diagnosis), treatments and procedures conducted during the stay, active allergies, and discharge destination.
- v. No later than November 1, 2021, the hospital must approve and authorize a formal SOW to initiate and complete a data quality improvement effort, as defined by the qualifying HIE organization.
  - vi. No later than November 1, 2021, the hospital must approve and authorize a formal SOW to initiate connectivity to a SDOH Closed Loop Referral Platform operated by the qualifying HIE organization.
  - vii. No later than January 1, 2022, the hospital must complete the initial data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
  - viii. No later than May 1, 2022, the hospital must complete the final data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
  - ix. Quality Improvement Performance Criteria: Hospitals that meet each of the following HIE data quality performance criteria will be eligible to receive DAP increases described below:
    - (1) Demonstrate a 10 percent improvement from baseline measurements in the initial data quality profile, based on July 2020 data, to the final data quality profile, based on March 2021 data.
    - (2) Meet a minimum performance standard of at least 60 percent based on March 2021 data.
    - (3) If performance meets or exceeds an upper threshold of 90 percent based on March 2021 data the hospital meets the criteria, regardless of the percentage improvement from the baseline measurements.
  - x. DAP HIE Data Quality Standards CYE 2022 Measure Categories: Hospitals that meet the standards, as defined in Attachment A of this notice, qualify for a 2.0 percent DAP increase for each category of the five measure categories, for a total potential increase of 10.0 percent if criteria are met for all categories.
    - (1) Data source and data site information must be submitted on all ADT transactions. (2.0 percent)
    - (2) Event type must be properly coded on all ADT transactions. (2.0 percent)
    - (3) Patient class must be properly coded on all appropriate ADT transactions. (2.0 percent)
    - (4) Patient demographic information must be submitted on all ADT transactions. (2.0 percent)
    - (5) Overall completeness of the ADT message. (2.0 percent)
  - b. By March 15, 2021, the facility must submit a LOI to enter into a CCA (a fully signed copy of a CCA with an IHS/Tribal 638 facility is also acceptable). By April 30, 2021, the facility must have entered into a CCA with a IHS/Tribal 638 facility for inpatient, outpatient, and ambulatory services provided through a referral under the executed CCA. The facility agrees to achieve and maintain participation in the following activities:
    - i. The facility will have in place a signed CCA with an IHS/Tribal 638 facility and will have submitted the signed CCA to AHCCCS. The CCA will meet minimum requirements as outlined in the CMS SHO Guidance.
    - ii. The facility will have a valid referral process for IHS/Tribal 638 facilities in place for requesting services to be performed by the non-IHS/Tribal 638 facility.
    - iii. The hospital will provide to the IHS/Tribal 638 facility clinical documentation of services provided through a referral under the CCA.
    - iv. AHCCCS will monitor activity specified under the CCA(s) to ensure compliance. To help facilitate this, the facility will participate in the HIE or establish an agreed claims operation process with AHCCCS for the review of medical records by May 31, 2021.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 22 A.A.R. 2187, effective October 1, 2016 (Supp. 16-4). Amended by final rulemaking at 23 A.A.R. 2338, effective October 1, 2017 (Supp. 17-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4). Amended by final rulemaking at 24 A.A.R. 2851, effective October 1, 2018 (Supp. 18-3). Amended by final rulemaking at 25 A.A.R. 3114, effective October 31, 2019 (Supp. 19-4). Amended by final rulemaking at 26 A.A.R. 3025, with an immediate effective date of November 3, 2020 (Supp 20-4). AHCCCS filed an incorrect version of a final rulemaking which made amendments to this Section published at 27 A.A.R. 2501 (October 29, 2021); AHCCCS filed the correct version of its final rulemaking on December 3, 2021, with this Section amended by final rulemaking at 27 A.A.R. 3015 (December 31, 2021), effective October 1, 2021 (Supp. 21-4).

**R9-22-712.72. DRG Reimbursement: Enrollment Changes During an Inpatient Stay**

- A. If a member's enrollment changes during an inpatient stay, including changing enrollment from fee-for-service to a contractor, or vice versa, or changing from one contractor to another contractor, the contractor with whom the member is enrolled on the date of discharge shall be responsible for reimbursing the hospital for the entire length of stay under the DRG payment rules in Sections R9-22-712.60 through R9-22-712.81. If the member is eligible but not enrolled with a contractor on the date of discharge, then the AHCCCS administration shall be responsible for reimbursing the hospital for the entire length of stay under the DRG payment rules in Sections R9-22-712.60 through R9-22-712.81.
- B. When a member's enrollment changes during an inpatient stay, the hospital shall use the date of enrollment with the payer responsible on the date of discharge as the "from" date of service on the claim regardless of the date of admission.
- C. Interim claims submitted to a payer other than the payer responsible on the day of discharge shall be processed in the same manner as other interim claims as described in R9-22-712.76.

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**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

**R9-22-712.73. DRG Reimbursement: Inpatient Stays for Members Eligible for Medicare**

If the hospital receives less than the full Medicare payment for a member eligible for benefits under Part A of Medicare because the member has exceeded the maximum benefit permitted under Part A of Medicare, the hospital shall submit a separate claim for services performed after the date the maximum Medicare Part A benefit is exceeded. The claim may include all diagnosis codes for the entire inpatient stay, but the hospital is only required to include revenue codes, surgical procedure codes, service units, and charges for services performed after the date the Medicare Part A benefit is exceeded. A claim so submitted shall be reimbursed using the DRG payment methodology.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.74. DRG Reimbursement: Third Party Liability**  
DRG payments are subject to reduction based on cost avoidance under Section R9-22-1003 and other rules regarding first-and third-party liability under Article 10 of this Chapter including cost avoidance for claims for ancillary services covered under Part B of Medicare.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.75. DRG Reimbursement: Payment for Administrative Days**

- A.** Categories of Administrative Days. Administrative days fall into one of two categories, either subsection (A)(1) or (A)(2).
1. Administrative days due to lack of appropriate placement options and not meeting inpatient medical criteria. Administrative days are days in which a member is admitted as an inpatient to an acute care hospital, does not meet the criteria for an acute inpatient stay, but is admitted or not discharged because; (1) an appropriate placement outside the hospital is not available, (2) the member cannot be safely discharged or transferred, or (3) the Administration or the contractor failed to provide for the appropriate placement outside the hospital in a timely manner.
    - a. Administrative days may occur prior to an acute care episode, for example, when a woman with a high-risk pregnancy is admitted to a hospital while awaiting delivery.
    - b. Administrative days may also occur at the end of an acute care episode, for example, when a member is not discharged while awaiting placement in a nursing facility or other sub-acute or post-acute setting.
    - c. Administrative days may also include days in a receiving hospital when the member has been discharged from one acute care hospital for the purpose of receiving sub-acute services at the receiving hospital.
    - d. Administrative days do not include days when the member is awaiting appropriate placement or services that are currently available but the hospital has not transferred or discharged the member because of the hospital's administrative or operational delays.

- e. Administrative days include inpatient claims covered by a RBHA or TRBHA that otherwise meet the criteria in subsection (A)(1).

2. Administrative days for claims with the principal diagnosis of behavioral health meeting inpatient medical criteria. Administrative days are days with dates of discharge on or after October 1, 2018, in which a member is admitted as an inpatient to an acute care hospital, meets the criteria for an acute inpatient stay, and the principal diagnosis on the hospital claim is a behavioral health diagnosis. Inpatient claims covered by a RBHA or TRBHA are not considered administrative days under subsection (A)(2) regardless of the principal diagnosis on the hospital claim.

**B. Reimbursement of Administrative Days.**

1. Administrative days under subsection (A)(1) are reimbursed at the rate the claim would have paid had the services not been provided in an inpatient hospital setting but had been provided at the appropriate level of care such as the rate paid for stays at a nursing facility.
2. Administrative days under subsection (A)(2) are reimbursed at the daily rate found on the Inpatient Behavioral Health Capped Fee-For-Service Schedule meeting the criteria of "Service Description – Psychiatric Stay," regardless of revenue code.

**C. Prior authorization is required for administrative days.**

- D.** A hospital shall submit a claim for administrative days separate from any claim for reimbursement for the inpatient stay otherwise reimbursable under the DRG payment methodology.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 22 A.A.R. 2187, effective October 1, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 3111, effective October 1, 2019 (Supp. 19-4).

**R9-22-712.76. DRG Reimbursement: Interim Claims**

- A.** For inpatient stays with a length of stay greater than 29 days, a hospital may submit interim claims for each 30 day period during the inpatient stay.
- B.** Hospitals shall be reimbursed for interim claims at a per diem rate of \$500 per day.
- C.** Following discharge, the hospital shall void all interim claims. In such circumstances, the hospital shall submit a claim to the payer with whom the member is enrolled on the date of discharge, whether the Administration or a contractor, for the entire inpatient stay for which the final claim shall be reimbursed under the DRG payment methodology. Interim claims will be recouped.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.77. DRG Reimbursement: Admissions and Discharges on the Same Day**

- A.** Except as provided for in subsection (B), for any claim for inpatient services with an admission date and discharge date that are the same calendar date, the contractor or the Administration shall process the claim as an outpatient claim and the hospital shall be reimbursed under R9-22-712.10 through R9-22-712.50.
- B.** Claims with an admission date and discharge date that are the same calendar date that also indicate that the member expired on the date of discharge shall be reimbursed under the DRG methodology.

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**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.78. DRG Reimbursement: Readmissions**

If a member is readmitted without prior authorization to the same hospital that the member was discharged from within 72 hours and the DRG code assigned to the claim for the prior admission has the same first three digits as the DRG code assigned to the claim for the readmission, then payment for the claim for the readmission will be disallowed only if the readmission could have been prevented by the hospital.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.79. DRG Reimbursement: Change of Ownership**

The administration shall not change any of the components of the calculation of reimbursement for inpatient services using the DRG methodology based upon a change in the hospital's ownership except to the extent those components would change under the methodology had the hospital not changed ownership (e.g., updating the hospital's cost-to-charge ratio as of September 1 of each year under R9-22-712.68).

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.80. DRG Reimbursement: New Hospitals**

- A. DRG base payment for new hospitals. For any hospital that does not have a labor share or wage index published by CMS as described in subsection R9-22-712.62(B) because the hospital was not in operation, the DRG base rate described in subsection R9-22-712.62(B) shall be calculated as the statewide standardized amount after adjusting that amount for the labor-related share and the wage index published by CMS as described in subsection R9-22-712.62(B) that is appropriate to the location of the hospital published by CMS as described in subsection R9-22-712.62(B).
- B. Outlier calculations for new hospitals. For any hospital that does not have an operating cost-to-charge ratio listed in the impact file described in subsection R9-22-712.68(B) because the hospital was not in operation prior to the publication of the impact file, the statewide urban or rural default operating cost-to-charge ratio appropriate to the location of the hospital and the statewide capital cost-to-charge ratio shall be used to determine the unadjusted outlier add-on payment. The statewide urban or rural default operating cost-to-charge ratio and the statewide capital cost-to-charge ratio shall be based on the ratios published by CMS and updated by the Administration as described in subsection R9-22-712.68(C).
- C. In addition to the requirement of this Section, DRG reimbursement for new hospitals is determined under R9-22-712.60 through R9-22-712.79.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

**R9-22-712.81. DRG Reimbursement: Updates**

In addition to the other updates provided for in Sections R9-22-712.60 through R9-22-712.80, the Administration may update the version of the APR-DRG classification system established by 3M Health Information Systems, adjust the statewide standardized

amount in Section R9-22-712.62, the base payments in R9-22-712.63 and R9-22-712.64, the provider policy adjustor in R9-22-712.65, service policy adjustors in R9-22-712.66, and the fixed loss amounts and marginal cost percentages used to calculate the outlier threshold in R9-22-712.68 to the extent necessary to assure that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available at least to the extent that such care and services are available to the general population in the geographic area. The Administration shall publish any proposed classification system on the agency's website at least 30 days prior to the effective date, to ensure a sufficient period for public comment, as required by 42 C.F.R. § 447.205. In addition, the public notice shall be available for inspection during normal business hours at 701 E. Jefferson, Phoenix, Arizona. The requirements of 42 CFR § 447.205 as of November 2, 2015 are incorporated by reference and do not include any later amendments.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

**R9-22-712.90. Reimbursement of Hospital-based Freestanding Emergency Departments**

- A. "Hospital-based freestanding emergency department" (hospital-based FSED) means an outpatient treatment center, as defined in R9-10-101, that: (1) provides emergency room services under R9-10-1019, (2) is subject to the requirements of 42 CFR 489.24, and (3) shares an ownership interest with a hospital, regardless of whether the outpatient treatment center operates under a hospital's single group license as described in A.R.S. § 36-422.
- B. A hospital-based FSED shall register with the Administration separately from the hospital with which an ownership interest is shared and shall obtain a separate provider identification number. The Administration shall not charge a separate provider enrollment fee for registration of a hospital-based FSED. The Administration shall accept a hospital's compliance with the provider screening and enrollment requirements of 42 CFR Part 455 as compliance by the hospital-based FSED.
- C. For dates of service on and after March 1, 2017, and except as provided in subsection (D), services provided by a hospital-based FSED for evaluation and management CPT codes 99281 through 99285 shall be reimbursed at the following percentages of the amounts otherwise reimbursable under R9-22-712.20 through R9-22-712.30. All other covered codes shall be reimbursed in accordance with R9-22-712.20 through R9-22-712.30 without a percentage reduction.
  1. 60 percent for a level 1 emergency department visit as indicated by CPT 99281.
  2. 80 percent for a level 2 emergency department visit as indicated by CPT 99282.
  3. 90 percent for a level 3 emergency department visit as indicated by CPT 99283.
  4. 100 percent for a level 4 or 5 emergency department visit as indicated by CPT codes 99284 and 99285.
- D. A hospital-based FSED located in a city or town in a county with less than 500,000 residents, where the only hospital in the city or town operating an emergency department closed on or after January 1, 2015, shall be reimbursed under R9-22-712.20 through R9-22-712.35 using the adjustment in R9-22-712.35 associated with the nearest hospital with which the freestanding emergency department shares an ownership interest.
- E. Services provided by an outpatient treatment center that provides emergency room services under R9-10-1019, but does

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not otherwise meet the criteria in subsection A, shall be reimbursed based on the non-hospital AHCCCS capped fee-for-service schedule under R9-22-710.

- F. The Administration shall not reimburse a hospital for services provided at a hospital-based FSED if the member is admitted directly from a hospital-based FSED to a hospital with an ownership interest in the hospital-based FSED. As provided in R9-22-712.60(B), payments made for the inpatient stay using the DRG methodology shall be the sole reimbursement.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 22, February 11, 2017 (Supp. 16-4).

**R9-22-713. Overpayment and Recovery of Indebtedness**

- A. If a contractor or a subcontracting provider receives an overpayment from the Administration or otherwise becomes indebted to the Administration, the contractor or subcontracting provider shall immediately remit the amount of the indebtedness or overpayment to the Administration for deposit in the AHCCCS fund.
- B. If the funds described in subsection (A) are not remitted, the Administration may recover the funds paid by the Administration to a contractor or subcontracting provider through:
1. A repayment agreement executed with the Administration;
  2. Withholding or offsetting against current or future payments to be paid to the contractor or subcontracting provider; or
  3. Enforcement of, or collection against, the performance bond, financial reserve, or other financial security under A.R.S. § 36-2903.

**Historical Note**

Adopted as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Adopted as a permanent rule effective May 16, 1983; text of adopted rule identical to the emergency (Supp. 83-3). Former Section R9-22-713 repealed, new Section R9-22-713 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-713 renumbered and amended as Section R9-22-714, former Section R9-22-709 renumbered and amended as Section R9-22-713 effective October 1, 1985 (Supp. 85-5). Amended by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 856, effective May 5, 2007 (Supp. 07-1).

**R9-22-714. Payments to Providers**

- A. Provider agreement. The Administration or a contractor shall not reimburse a covered service provided to a member unless the provider has signed a provider agreement with the Administration that establishes the terms and conditions of participation and payment under A.R.S. § 36-2904.
- B. Provider reimbursement. The Administration or a contractor shall reimburse a provider for a service furnished to a member only if:
1. The provider personally furnishes the service to a specific member. For purposes of this Section, services personally furnished by a provider include:
    - a. Services provided by medical residents or dental students in a teaching environment; or
    - b. Services provided by a licensed or certified assistant under the general supervision of a licensed practitioner in accordance with 4 A.A.C. 24, 9 A.A.C. 16, 4 A.A.C. 43, or 4 A.A.C. 45;
  2. The provider verifies that individuals who have provided services described in subsection (B)(1) have not been

placed on the List of Excluded Individuals/Entities (LEIE) maintained by the United States Department of Health and Human Services Office of the Inspector General (OIG), located at OIG's web site;

3. The service contributes directly to the diagnosis or treatment of the member; and
  4. The service ordinarily requires performance by the type of provider seeking reimbursement.
- C. The Administration or a contractor may make a payment for covered services only:
1. To the provider;
  2. To anyone specified in a reassignment from the provider to a government agency or reassignment by a court order;
  3. To a business agent, if the agent's compensation for the service is:
    - a. Related to the cost of processing the billing;
    - b. Not related on a percentage or other basis to the amount that is billed or collected; and
    - c. Not dependent upon collection of the payment;
  4. To the employer of the provider, if the provider is required as a condition of employment to turn over the provider's fees to the employer;
  5. To the inpatient facility in which the service is provided, if the provider has a contract under which the inpatient facility submits the claim; or
  6. To a foundation, plan, or similar organization operating an organized health care delivery system, if the provider has a contract under which the foundation, plan or similar organization submits the claim.
- D. The Administration or a contractor shall not make a payment to or through a factor, either directly or by power of attorney, for a covered service furnished to a member by a provider.
- E. Reimbursement for a pathology service. Unless otherwise specified in a contract, the Administration or a contractor shall reimburse a pathologist for a pathology service furnished to a member only if the other requirements in this Section are met and the service is:
1. A surgical pathology service;
  2. A specific cytopathology, hematology, or blood banking pathology service that requires performance by a physician and is listed in the capped fee-for-service schedule;
  3. A clinical consultation service that:
    - a. Is requested by the member's attending physician or primary care physician,
    - b. Is related to a test result that is outside the clinically significant normal or expected range in view of the condition of the member,
    - c. Results in a written narrative report included in the member's medical record,
    - d. Requires the exercise of medical judgment by the consultant pathologist, and
    - e. Is listed in the capped fee-for-service schedule; or
  4. A clinical laboratory interpretative service that:
    - a. Is requested by the member's attending physician or primary care physician,
    - b. Results in a written narrative report included in the member's medical record,
    - c. Requires the exercise of medical judgment by the consultant pathologist, and
    - d. Is listed in the capped fee-for-service schedule.

**Historical Note**

Adopted as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Adopted as a permanent rule effective May 16, 1983; text of adopted rule is similar to the emergency (Supp. 83-3). Repealed effective October 1, 1983 (Supp.

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83-5). Former Section R9-22-713 renumbered and amended as Section R9-22-714 effective October 1, 1985 (Supp. 85-5). Section repealed; new Section made by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 9 A.A.R. 3800, effective October 4, 2003 (Supp. 03-3). Amended by final rulemaking at 13 A.A.R. 662, effective April 7, 2007 (Supp. 07-1).

*Editor's Note: The following Section was amended under an exemption from the provisions of the Administrative Procedure Act which means that this rule was not reviewed by the Governor's Regulatory Review Council; the agency did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the agency was not required to hold public hearings on the rules; and the Attorney General did not certify this rule. This Section was subsequently amended through the regular rulemaking process.*

**R9-22-715. Hospital Rate Negotiations**

- A. A contractor that negotiates with hospitals for inpatient or outpatient services shall reimburse hospitals for services rendered on or after March 1, 1993, as described in A.R.S. § 36-2903.01 and this Article, or at the negotiated rate that, in the aggregate, does not exceed reimbursement levels that would have been paid under A.R.S. § 36-2903.01, and this Article. This subsection does not apply to urban hospitals described under R9-22-718. Contractors may engage in rate negotiations with a hospital at any time during the contract period.
- B. The Administration may negotiate or contract with a hospital on behalf of a contractor for discounted hospital rates and may require that the negotiated discounted rates be included in a subcontract between the contractor and hospital.

**Historical Note**

Adopted as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Adopted as a permanent rule effective May 16, 1983; text of adopted rule identical to the emergency (Supp. 83-3). Repealed effective October 1, 1983 (Supp. 83-5). New Section R9-22-715 adopted effective October 1, 1985 (Supp. 85-5). Amended under an exemption from the provisions of the Administrative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended effective January 14, 1997 (Supp. 97-1). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 11 A.A.R. 3222, effective October 1, 2005 (Supp. 05-3). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

*Editor's Note: The following Section was amended under an exemption from the provisions of the Administrative Procedure Act which means that this rule was not reviewed by the Governor's Regulatory Review Council; the agency did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the agency was not required to hold public hearings on the rules; and the Attorney General did not certify this rule. This Section was subsequently amended through the regular rulemaking process.*

**R9-22-716. Repealed****Historical Note**

Adopted effective October 1, 1985 (Supp. 85-5). Amended under an exemption from the provisions of the Administrative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended effective January 14, 1997 (Supp. 97-1). Amended by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Section repealed

by final rulemaking at 13 A.A.R. 662, effective April 7, 2007 (Supp. 07-1).

**R9-22-717. Repealed****Historical Note**

Adopted effective July 30, 1993 (Supp. 93-3). Amended effective September 22, 1997 (Supp. 97-3). Section repealed by final rulemaking at 11 A.A.R. 3222, effective October 1, 2005 (Supp. 05-3).

*Editor's Note: The following Section was originally adopted under an exemption from the provisions of the Administrative Procedure Act which means that this rule was not reviewed by the Governor's Regulatory Review Council. The agency was required to submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; and was required to hold a public hearing. It has since been amended under the regular rulemaking process.*

**R9-22-718. Urban Hospital Inpatient Reimbursement Program**

- A. Definitions. The following definitions apply to this Section:
1. "Contractor" has the same meaning as set forth in A.R.S. § 36-2901, and includes all contractors regardless of whether the GSA's served by the contractor includes urban or rural counties.
  2. "Noncontracted Hospital" means an urban hospital, including psychiatric hospitals, which does not have a contract under this Section with a contractor.
  3. "Urban Hospital" means a hospital that is not a rural hospital, as defined in R9-22-712.07, and that is physically located in Maricopa or Pima County.
- B. General Provisions.
1. This Section applies to an urban hospital who receives payment for inpatient hospital services under A.R.S. §§ 36-2903.01 and 36-2904.
  2. AHCCCS shall operate an inpatient hospital reimbursement program under A.R.S. § 36-2905.01 and this Section.
  3. Residency of the member receiving inpatient AHCCCS covered services is not a factor in determining which hospitals are required to contract with which contractors.
  4. A contractor shall enter into a contract for reimbursement for inpatient AHCCCS covered services with one or more urban hospitals located in the same county as the contractor.
  5. A noncontracted urban hospital shall be reimbursed for inpatient services by a contractor at 95 percent of the amount calculated as defined in A.R.S. § 36-2903.01 and this Article, unless otherwise negotiated by both parties.
- C. Contract Begin Date. A contract under this Article shall cover inpatient acute care hospital services for members with hospital admissions on and after October 1, 2003.
- D. Outpatient urban hospital services. Outpatient urban hospital services, including observation days and emergency room treatments that do not result in an admission, shall be reimbursed either through an urban hospital contract negotiated between a contractor and an urban hospital, or the reimbursement rates set forth in A.R.S. § 36-2903.01. Outpatient services in an urban hospital that result in an admission shall be paid as inpatient services in accordance with this Section.
- E. Urban Hospital Contract.
1. Provisions of an urban hospital contracts. The urban hospital contract shall contain but is not limited to the following provisions:
    - a. Required provisions as described in the Request for Proposals (RFP);

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- b. Dispute settlement procedures. If the AHCCCS Grievance System prescribed in A.R.S. § 36-2903.01(B) and rule is not used, then arbitration shall be used;
  - c. Arbitration procedure. If arbitration is used, the urban hospital contract shall identify:
    - i. The parties' agreement on arbitrating claims arising from the contract,
    - ii. Whether arbitration is nonbinding or binding,
    - iii. Timeliness of arbitration,
    - iv. What contract provisions may be appealed,
    - v. What rules will govern arbitrations,
    - vi. The number of arbitrators that shall be used,
    - vii. How arbitrators shall be selected, and
    - viii. How arbitrators shall be compensated.
  - d. Timeliness of claims submission and payment;
  - e. Prior authorization;
  - f. Concurrent review;
  - g. Electronic submission of claims;
  - h. Claims review criteria;
  - i. Payment of discounts or penalties such as quick-pay and slow-pay provisions;
  - j. Payment of outliers;
  - k. Claim documentation specifications under A.R.S. § 36-2904.
  - l. Treatment and payment of emergency room services; and
  - m. Provisions for rate changes and adjustments.
2. AHCCCS review and approval of urban hospital contracts:
- a. AHCCCS may review, approve, or disapprove the hospital contract rates, terms, conditions, and amendments to the contract;
  - b. The AHCCCS evaluation of each urban hospital contract shall include but not be limited to the following areas:
    - i. Availability and accessibility of services to members,
    - ii. Related party interests,
    - iii. Inclusion of required terms pursuant to this Section, and
    - iv. Reasonableness of the rates.
- F. Quick-Pay/Slow-Pay. A payment made by a contractor to a noncontracted hospital shall be subject to quick-pay discounts and slow-pay penalties under A.R.S. § 36-2904.

**Historical Note**

Adopted under an exemption from the provisions of the Administrative Procedure Act, effective January 29, 1997; pursuant to Laws 1996, Ch. 288, § 24 (Supp. 97-1). Amended by exempt rulemaking at 10 A.A.R. 500, effective February 1, 2004 (Supp. 04-1). Amended by exempt rulemaking at 13 A.A.R. 3190, effective October 1, 2007 (Supp. 07-3). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 24 A.A.R. 1515, effective June 30, 2018 (Supp. 18-2).

**R9-22-719. Contractor Performance Measure Outcomes**

The Administration may retain a specified percentage of capitation reimbursement to distribute to contractors based on their performance measure outcomes under A.R.S. § 36-2904. The Administration shall notify contractors 60 days prior to a new contract year if this methodology is implemented. The Administration shall specify the details of the reimbursement methodology in contract.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1).

**R9-22-720. Reinsurance**

- A. Reinsurance is a stop-loss program provided by the Administration to a contractor for partial reimbursement of the cost of covered services for a member with an acute medical condition when the cost of covered services exceeds a pre-determined deductible level amount within a contract year. The Administration self-insures the reinsurance program through a reduction to capitation rates. The reinsurance program also includes a catastrophic reinsurance program for members diagnosed with specific medical conditions.
- B. The Administration shall specify in contract guidelines for claims submission, processing, payment, and the types of care and services that are provided to a member whose care is covered by reinsurance.
- C. When the Administration determines that a contractor does not follow the specified guidelines for care or services and the care or services could have been provided at a lower cost according to the guidelines, the Administration shall reimburse the contractor as if the care or services had been provided as specified in the guidelines.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 856, effective May 5, 2007 (Supp. 07-1).

**R9-22-721. Behavioral Health Inpatient Facilities**

"Behavioral health inpatient facility" means a health care institution, other than Arizona State Hospital, that meets the following requirements:

- 1. Provides continuous treatment to an individual experiencing a behavioral health issue that causes the individual to:
  - a. Have a limited or reduced ability to meet the individual's basic physical needs;
  - b. Suffer harm that significantly impairs the individual's judgment, reason, behavior, or capacity to recognize reality;
  - c. Be a danger to self;
  - d. Be a danger to others;
  - e. Be persistently or acutely disabled as defined in A.R.S. § 36-501; or
  - f. Be gravely disabled; and
- 2. Is one of the following facility types:
  - a. Psychiatric hospitals;
  - b. Mental health residential treatment centers;
  - c. Secure residential treatment centers with 17 or more beds;
  - d. Non-secure residential treatment centers with 1-16 beds;
  - e. Non-secure residential treatment centers with 17 or more beds;
  - f. Sub-acute facilities with 1-16 beds;
  - g. Sub-acute facilities with 17 or more beds.

**Historical Note**

New Section made by final rulemaking at 25 A.A.R. 3120, effective October 1, 2019 (Supp. 19-4).

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R9-22-722.	Reserved
R9-22-723.	Reserved
R9-22-724.	Reserved
R9-22-725.	Reserved
R9-22-726.	Reserved
R9-22-727.	Reserved
R9-22-728.	Reserved
R9-22-729.	Reserved

*Editor's Note: Amendments to Section R9-22-730 were filed as a final exempt rulemaking. AHCCCS provided an opportunity for public comment on the amended rules under Laws 2013, 1st Special Session, Ch. 10. A proposed exempt rulemaking was published in the Arizona Administrative Register at 21 A.A.R. 1041 (Supp. 15-3).*

*Editor's Note: Amendments to Section R9-22-730 were filed as a final exempt rulemaking. AHCCCS provided an opportunity for public comment on the amended rules under Laws 2013, 1st Special Session, Ch. 10. A proposed exempt rulemaking was published in the Arizona Administrative Register at 21 A.A.R. 491 (Supp. 15-2).*

#### **R9-22-730. Hospital Assessment Fund - Hospital Assessment**

A. For purposes of this Section, the following terms are defined as provided below unless the context specifically requires another meaning:

1. "2019 Medicare Cost Report" means The Medicare Cost Report for the hospital fiscal year ending in calendar year 2019 as reported in the CMS Healthcare Provider Cost Reporting Information System (HCRIS) release dated October 9, 2020.
2. "2019 Uniform Accounting Report" means the Uniform Accounting Report submitted to the Arizona Department of Health Services as of December 10, 2020 for the hospital's fiscal year ending in calendar year 2019.
3. "Quarter" means the three month period beginning January 1, April 1, July 1, and October 1 of each year.
4. A "new hospital" means a licensed hospital that did not hold a license from the Arizona Department of Health Services prior to January 2, 2021.
5. "Outpatient Net Patient Revenues" means an amount, calculated using data in the hospital's 2019 Uniform Accounting Report, that is equal to the hospital's 2019 total net patient revenue multiplied by the ratio of the hospital's 2019 gross outpatient revenue to the hospital's 2019 total gross patient revenue.

B. Beginning January 1, 2014, for each Arizona licensed hospital not excluded under subsection (I) shall be subject to an assessment payable on a quarterly basis. The assessment shall be levied against the legal owner of each hospital as of the first day of the quarter, and except as otherwise required by subsections (D), (E) and (F). For the period beginning October 1, 2021, the assessment for each hospital shall be amount equal to the sum of: (1) the number of discharges reported on the hospital's 2019 Medicare Cost Report, excluding discharges reported on the Medicare Cost Report as "Other Long Term Care Discharges," multiplied by the following rates appropriate to the hospital's peer group; and (2) the amount of outpatient net patient revenues multiplied by the following rate appropriate to the hospital's peer group:

1. \$748.50 per discharge and 1.3700% of outpatient net patient revenues for hospitals located in a county with a

population less than 500,000 that are designated as type: hospital, subtype: short-term.

2. \$748.50 per discharge and 0.5708% of outpatient net patient revenues for hospitals designated as type: hospital, subtype: critical access hospital.
  3. \$187.25 per discharge and 0.5708% of outpatient net patient revenues for hospitals designated as type: hospital, subtype: long term.
  4. \$187.25 per discharge and 0.5708% of outpatient net patient revenues for hospitals designated as type: hospital, subtype: psychiatric, that reported 2,500 or more discharges on the 2019 Medicare Cost Report.
  5. \$598.75 per discharge and 1.4842% of outpatient net patient revenues for hospitals designated as type: hospital, subtype: short-term with 20% of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's 2019 Uniform Accounting Report.
  6. \$673.50 per discharge and 1.7125% of outpatient net patient revenues for hospitals designated as type: hospital, subtype: short-term with at least 10% but less than 20% of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's 2019 Uniform Accounting Report.
  7. \$149.75 per discharge and 0.4567% of outpatient net patient revenues for hospitals designated as type: hospital, subtype: children's.
  8. \$748.50 per discharge and 2.2834% of outpatient net patient revenues for hospitals designated as type: hospital, subtype: short-term not included in another peer group.
- C. Peer groups for the four quarters beginning October 1 of each year are established based on hospital license type and subtype designated in the Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website January 2, 2021.
- D. Notwithstanding subsection (B), psychiatric discharges from a hospital that reported having a psychiatric sub-provider in the hospital's 2019 Medicare Cost Report, are assessed a rate of \$187.25 for each discharge from the psychiatric sub-provider as reported in the 2019 Medicare Cost Report. All discharges other than those reported as discharges from the psychiatric sub-provider are assessed at the rate required by subsection (B).
- E. Notwithstanding subsection (B), rehabilitative discharges from a hospital that reported having a rehabilitative sub-provider in the hospital's 2019 Medicare Cost Report, are assessed a rate of \$0 for each discharge from the rehabilitative sub-provider as reported in the 2019 Medicare Cost Report. All discharges other than those reported as discharges from the rehabilitative sub-provider are assessed at the rate required by subsection (B).
- F. Notwithstanding subsection (B), for any hospital that reported more than 23,000 discharges on the hospital's 2019 Medicare Cost Report, discharges in excess of 23,000 are assessed a rate of \$75.00 for each discharge in excess of 23,000. The initial 23,000 discharges are assessed at the rate required by subsection (B).
- G. Assessment notice. On or before the 15th day of the first month of the quarter or upon CMS approval, whichever is later, the Administration shall send to each hospital a notification that the Hospital Assessment Fund assessment invoice is available to be viewed on a secure website. The invoice shall include the hospital's peer group assignment and the assessment due for the quarter.

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- H.** Assessment due date. The Hospital Assessment Fund assessment must be received by the Administration no later than:
1. The 15th day of the second month of the quarter or
  2. In the event CMS approves the assessment after the 15th day of the first month of the quarter, 30 days after notification by the Administration that the assessment invoice is available.
- I.** Excluded hospitals. The following hospitals are excluded from the assessment based on the hospital's 2019 Medicare Cost Report and Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website for January 2, 2021:
1. Hospitals owned and operated by the state, the United States, or an Indian tribe.
  2. Hospitals designated as type: hospital, subtype: short-term that have a license number beginning "SH".
  3. Hospitals designated as type: hospital, subtype: psychiatric that reported fewer than 2,500 discharges on the 2019 Medicare Cost Report.
  4. Hospitals designated as type: hospital, subtype: rehabilitation.
  5. Hospitals designated as type: med-hospital, subtype: special hospitals.
  6. Hospitals designated as type: hospital, subtype: short-term located in a city with a population greater than one million, which on average have at least 15 percent of inpatient days for patients who reside outside of Arizona, and at least 50 percent of discharges as reported on the 2019 Medicare Cost Report are reimbursed by Medicare.
  7. Hospitals designated as type: hospital, subtype: short-term that have at least 25 percent Medicare swing beds as percentage of total Medicare days, per the 2019 Medicare Cost Report.
- J.** New hospitals. For hospitals that did not file a 2019 Medicare Cost Report because of the date the hospital began operations:
1. If the hospital was open on the January 2 preceding the October assessment start date, the hospital assessment will begin on October 1 following the date the hospital began operating.
  2. If the hospital began operating between January 3 and June 30, the assessment will begin on October 1 of the following calendar year.
  3. A hospital is not considered a new hospital based on a change in ownership.
  4. The assessment will be based on the discharges reported in the hospital's first Medicare Cost Report and Uniform Accounting Report, which includes 12 months-worth of data, except when any of the following apply;
    - a. If there is not a complete 12 months-worth of data available, the assessment will be based on the annualized number of discharges from the date hospital operations began through December 31 preceding the October assessment start date. The hospital shall self-report the discharge data and all other data requested by the Administration necessary to determine the appropriate assessment to the Administration no later than January preceding the assessment start date for the new hospitals. "Annualized" means divided by a ratio equal to the number of months of data divided by 12 months.
    - b. If more than 12 months of data is available, the assessment will be based on the most recent 12 months of self-reported data, as of December 31;
  5. For purposes of calculating subpart 4, if a new hospital shares a Medicare Identification Number with an existing hospital, the assessment amount will be based on self-reported data from the new hospital instead of the Medicare Cost Report. The data shall include the number of discharges and all other data requested by the Administration necessary to determine the appropriate assessment.
6. For hospitals providing self-reported data, described in subpart 4 and 5:
- a. Psychiatric discharges will be annualized to determine if subsections (B)(4) or (I)(3) apply to the assessment amount.
  - b. Discharges will be annualized to determine if subsection (F) applies to the assessment amount.
- K.** Changes of ownership. The parties to a change of ownership shall promptly provide written notice to the Administration of a change of ownership and any agreement regarding the payment of the assessment. The assessed amount will continue at the same amount applied to the prior owner. Assessments are the responsibility of the owner of record as of the first day of the quarter; however, this rule is not intended to prohibit the parties to a change of ownership from entering into an agreement for a new owner to assume the assessment responsibility of the owner of record as of the first day of the prior quarter.
- L.** Hospital closures. Hospitals that close shall pay a proportion of the quarterly assessment equal to that portion of the quarter during which the hospital operated.
- M.** Required information for the inpatient assessment. For any hospital that has not filed a 2019 Medicare Cost report, or if the 2019 Medicare Cost report does not include the reliable information sufficient for the Administration to calculate the inpatient assessment, the Administration shall use data reported on the 2019 Uniform Accounting Report filed by the hospital in place of the 2019 Medicare Cost report to calculate the assessment. If the 2019 Uniform Accounting Report filed by the hospital does not include reliable information sufficient for the Administration to calculate the inpatient assessment amounts, the hospital shall provide the Administration with data specified by the Administration necessary in place of the 2019 Medicare Cost report to calculate the assessment.
- N.** Required information for the outpatient assessment. For any hospital that has not filed a 2019 Uniform Accounting Report, or if the 2019 Uniform Accounting Report does not reconcile to 2019 Audited Financial Statements, the Administration shall use the data reported on 2019 Audited Financial Statements to calculate the outpatient assessment. If the 2019 Audited Financial Statements do not include the reliable information sufficient for the Administration to calculate the outpatient assessment, the Administration all use data reported on the 2019 Medicare Cost report. If the Medicare Cost report does not include reliable information sufficient for the Administration to calculate the outpatient assessment amounts, the hospital shall provide the Administration with data specified by the Administration necessary in place of the 2019 Medicare Cost report to calculate the outpatient assessment.
- O.** The Administration will review and update as necessary rates and peer groups periodically to ensure the assessment is sufficient to fund the state match obligation to cover the cost of the populations as specified in A.R.S. § 36-2901.08.
- P.** Enforcement. If a hospital does not comply with this Section, the director may suspend or revoke the hospital's provider agreement. If the hospital does not comply within 180 days after the hospital's provider agreement is suspended or revoked, the director shall notify the director of the Department of Health Services who shall suspend or revoke the hospital's license.



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**Historical Note**

New Section R9-22-730 made by exempt rulemaking at 20 A.A.R. 281, effective January 15, 2014 (Supp. 14-1).

Amended by exempt rulemaking at 20 A.A.R. 1833, effective July 1, 2014 (Supp. 14-2). Amended by final exempt rulemaking at 21 A.A.R. 637, effective April 15, 2015 (Supp. 15-2). Amended by final exempt rulemaking at 21 A.A.R. 1486, effective July 16, 2015 (Supp. 15-3). Amended by final exempt rulemaking at 22 A.A.R. 2050, effective July 14, 2016 (Supp. 16-4). Amended by final exempt rulemaking at 23 A.A.R. 1945, effective July 1, 2017 (Supp. 17-2). Amended by final exempt rulemaking at 24 A.A.R. 2229, effective July 10, 2018 (Supp. 18-3). Amended by final exempt rulemaking at 25 A.A.R. 1938, effective July 1, 2019 (Supp. 19-3). Amended by final exempt rulemaking at 26 A.A.R. 1702, effective July 1, 2020 (Supp. 20-3). Amended by final exempt rulemaking at 26 A.A.R. 2984, effective October 1, 2020 (Supp. 20-4). Amended by final exempt rulemaking at 27 A.A.R. 2370, effective October 1, 2021 (Supp. 21-3).

**R9-22-731. Health Care Investment Fund - Hospital Assessment**

- A.** For purposes of this Section, terms are the same as defined in R9-22-730 as provided unless the context specifically requires another meaning.
- B.** Beginning October 1, 2020, each Arizona licensed hospital not excluded under subsection (I) shall be subject to an assessment payable on a quarterly basis. The assessment shall be levied against the legal owner of each hospital as of the first day of the quarter, and except as otherwise required by subsections (D), (E), and (F). For the period beginning October 1, 2021, the assessment for each hospital shall be an amount equal to the sum of: (1) the number of discharges reported on the hospital's 2019 Medicare Cost Report, excluding discharges reported on the Medicare Cost Report as "Other Long Term Care Discharges," multiplied by the following rates appropriate to the hospital's peer group; and (2) the amount of outpatient net patient revenues multiplied by the following rate appropriate to the hospital's peer group:
  1. \$204.75 per discharge and 3.3723 percent of outpatient net patient revenues for hospitals located in a county with a population less than 500,000 that are designated as type: hospital, subtype: short-term.
  2. \$204.75 per discharge and 1.4051 percent of outpatient net patient revenues for hospitals designated as type: hospital, subtype: critical access hospital.
  3. \$51.25 per discharge and 1.4051 percent of outpatient net patient revenues for hospitals designated as type: hospital, subtype: long term.
  4. \$51.25 per discharge and 1.4051 percent of outpatient net patient revenues for hospitals designated as type: hospital, subtype: psychiatric, that reported 2,500 or more discharges on the 2019 Medicare Cost Report.
  5. \$164.00 per discharge and 3.6533 percent of outpatient net patient revenues for hospitals designated as type: hospital, subtype: short-term with 20 percent of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's 2019 Uniform Accounting Report.
  6. \$184.25 per discharge and 4.2153 percent of outpatient net patient revenues for hospitals designated as type: hospital, subtype: short-term with at least 10 percent but less than 20 percent of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's 2019 Uniform Accounting Report.
  7. \$41.00 per discharge and 1.1241 percent of outpatient net patient revenues for hospitals designated as type: hospital, subtype: children's.
  8. \$204.75 per discharge and 5.6205 percent of outpatient net patient revenues for hospitals designated as type: hospital, subtype: short-term not included in another peer group.
- C.** Peer groups for the four quarters beginning October 1 of each year are established based on hospital license type and subtype designated in the Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website January 2, 2021.
- D.** Notwithstanding subsection (B), psychiatric discharges from a hospital that reported having a psychiatric sub-provider in the hospital's 2019 Medicare Cost Report, are assessed a rate of \$51.25 for each discharge from the psychiatric sub-provider as reported in the 2019 Medicare Cost Report. All discharges other than those reported as discharges from the psychiatric sub-provider are assessed at the rate required by subsection (B).
- E.** Notwithstanding subsection (B), rehabilitative discharges from a hospital that reported having a rehabilitative sub-provider in the hospital's 2019 Medicare Cost Report, are assessed a rate of \$0 for each discharge from the rehabilitative sub-provider as reported in the 2019 Medicare Cost Report. All discharges other than those reported as discharges from the rehabilitative sub-provider are assessed at the rate required in subsection (B).
- F.** Notwithstanding subsection (B), for any hospital that reported more than 23,000 discharges on the hospital's 2019 Medicare Cost Report, discharges in excess of 23,000 are assessed a rate of \$20.50 for each discharge in excess of 23,000. The initial 23,000 discharges are assessed at the rate required in subsection (B).
- G.** Assessment notice. On or before the 10th day of the first month of the quarter or upon CMS approval, whichever is later, the Administration shall send to each hospital a notification that the assessment invoice is available to be viewed on a secure website. The invoice shall include the hospital's peer group assignment and the assessment due for the quarter.
- H.** Assessment due date. The assessment must be received by the Administration no later than the 10th day of the second month of the quarter.
- I.** Excluded hospitals. The following hospitals are excluded from the assessment based on the hospital's 2019 Medicare Cost Report and Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website for January 2, 2021:
  1. Hospitals owned and operated by the state, the United States, or an Indian tribe.
  2. Hospitals designated as type: hospital, subtype: short-term that have a license number beginning "SH".
  3. Hospitals designated as type: hospital, subtype: psychiatric that reported fewer than 2,500 discharges on the 2019 Medicare Cost Report.
  4. Hospitals designated as type: hospital, subtype; rehabilitation.
  5. Hospitals designated as type: med-hospital, subtype: special hospitals.
  6. Hospitals designated as type: hospital, subtype: short-term located in a city with a population greater than one million, which on average have at least 15 percent of inpatient days for patients who reside outside of Arizona,

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- and at least 50 percent of discharges as reported on the 2019 Medicare Cost Report are reimbursed by Medicare.
7. Hospitals designated as type: hospital, subtype: short-term that have at least 25 percent Medicare swing beds as percentage of total Medicare days, per the 2019 Medicare Cost Report.
  - J. New hospitals. For hospitals that did not file a 2019 Medicare Cost Report because of the date the hospital began operations:
    1. If the hospital was open on the January 2 preceding the October assessment start date, the hospital assessment will begin on October 1 following the date the hospital began operating.
    2. If the hospital began operating between January 3 and June 30, the assessment will begin on October 1 of the following calendar year.
    3. A hospital is not considered a new hospital based on a change in ownership.
    4. The assessment will be based on the discharges reported in the hospital's first Medicare Cost Report and Uniform Accounting Report, which includes 12 months-worth of data, except when any of the following apply;
      - a. If there is not a complete 12 months-worth of data available, the assessment will be based on the annualized number of discharges from the date hospital operations began through December 31 preceding the October assessment start date. The hospital shall self-report the discharge data and all other data requested by the Administration necessary to determine the appropriate assessment to the Administration no later than January preceding the assessment start date for the new hospitals. "Annualized" means divided by a ratio equal to the number of months of data divided by 12 months.
      - b. If more than 12 months of data is available, the assessment will be based on the most recent 12 months of self-reported data, as of December 31;
    5. For purposes of calculating subsection (4), if a new hospital shares a Medicare Identification Number with an existing hospital, the assessment amount will be based on self-reported data from the new hospital instead of the Medicare Cost Report. The data shall include the number of discharges and all other data requested by the Administration necessary to determine the appropriate assessment.
    6. For hospitals providing self-reported data, described in subsections (4) and (5):
      - a. Psychiatric discharges will be annualized to determine if subsections (B)(4) or (I)(3) apply to the assessment amount.
      - b. Discharges will be annualized to determine if subsection (F) applies to the assessment amount.
  - L. Changes of ownership. The parties to a change of ownership shall promptly provide written notice to the Administration of a change of ownership and any agreement regarding the payment of the assessment. The assessed amount will continue at the same amount applied to the prior owner. Assessments are the responsibility of the owner of record as of the first day of the quarter; however, this rule is not intended to prohibit the parties to a change of ownership from entering into an agreement for a new owner to assume the assessment responsibility of the owner of record as of the first day of the prior quarter.
  - M. Hospital closures. Hospitals that close shall pay a proportion of the quarterly assessment equal to that portion of the quarter during which the hospital operated.
  - N. Required information for the inpatient assessment. For any hospital that has not filed a 2019 Medicare Cost report, or if

the 2019 Medicare Cost report does not include the reliable information sufficient for the Administration to calculate the inpatient assessment, the Administration shall use data reported on the 2019 Uniform Accounting Report filed by the hospital in place of the 2019 Medicare Cost report to calculate the assessment. If the 2019 Uniform Accounting Report filed by the hospital does not include reliable information sufficient for the Administration to calculate the inpatient assessment amounts, the hospital shall provide the Administration with data specified by the Administration necessary in place of the 2019 Medicare Cost report to calculate the assessment.

- O. Required information for the outpatient assessment. For any hospital that has not filed a 2019 Uniform Accounting Report, or if the 2019 Uniform Accounting Report does not reconcile to 2019 Audited Financial Statements, the Administration shall use the data reported on 2018 Audited Financial Statements to calculate the outpatient assessment. If the 2019 Audited Financial Statements do not include the reliable information sufficient for the Administration to calculate the outpatient assessment, the Administration shall use data reported on the 2019 Medicare Cost report. If the Medicare Cost report does not include reliable information sufficient for the Administration to calculate the outpatient assessment amounts, the hospital shall provide the Administration with data specified by the Administration necessary in place of the 2019 Medicare Cost report to calculate the outpatient assessment.
- P. Enforcement. If a hospital does not comply with this Section, the director may suspend or revoke the hospital's provider agreement. If the hospital does not comply within 180 days after the hospital's provider agreement is suspended or revoked, the director shall notify the director of the Department of Health Services who shall suspend or revoke the hospital's license.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 2984, effective October 1, 2020 (Supp. 20-4). Amended by final rulemaking at 27 A.A.R. 2514 (October 29, 2021), with an immediate effective date of October 6, 2021 (Supp. 21-4).

**ARTICLE 8. REPEALED**

*Article 8, consisting of R9-22-801 through R9-22-804 and Exhibit A, repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004. The subject matter of Article 8 is now in 9 A.A.C. 34 (Supp. 04-1).*

**R9-22-801. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-801 adopted as an emergency adoption now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-801 repealed, new Section R9-22-801 adopted effective October 29, 1985 (Supp. 85-5). Amended subsections (C), (F), (H), (I), and (K) effective October 1, 1986 (Supp. 86-5). Change of heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (H) effective May 30, 1989 (Supp. 89-2). Amended effective September 29, 1992 (Supp. 92-3). Section heading amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Amended effective December 13, 1993 (Supp. 93-4).

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Former Section R9-22-801 repealed, new Section R9-22-801 adopted January 14, 1997 (Supp. 97-1). Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1).

**R9-22-802. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-802 adopted as an emergency adoption now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 29, 1985 (Supp. 85-5). Amended subsections (A), (B), (C) and (D) effective October 14, 1988 (Supp. 88-4). Amended effective September 29, 1992 (Supp. 92-3). Amended effective December 13, 1993 (Supp. 93-4). Former Section R9-22-802 repealed, new Section R9-22-802 adopted effective January 14, 1997 (Supp. 97-1). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1).

**R9-22-803. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-803 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-803 repealed, new Section R9-22-803 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-803 renumbered and amended as Section R9-22-804. Adopted effective January 31, 1986 (Supp. 86-1). Amended effective September 29, 1992 (Supp. 92-3). Former Section R9-22-803 repealed, new Section R9-22-803 adopted January 14, 1997 (Supp. 97-1). Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1).

**R9-22-804. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-804 adopted as an emergency adoption now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1983 (Supp. 83-5). Former Section R9-22-804 repealed, former Section R9-22-803 renumbered and amended as Section R9-22-804 effective October 29, 1985 (Supp. 85-5). Amended effective October 14, 1988 (Supp. 88-4). Amended subsections (B) and (C) effective May 30, 1989 (Supp. 89-2). Amended effective September 29, 1992 (Supp. 92-3). Amended effective December 13, 1993 (Supp. 93-4). Former Section R9-22-804 repealed, new Section R9-22-804 adopted effective January 14, 1997 (Supp. 97-1). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1).

**Exhibit A. Repealed****Historical Note**

New Exhibit adopted by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Exhibit repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1).

**R9-22-805. Repealed****Historical Note**

Former Section R9-22-805 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Repealed effective January 31, 1986 (Supp. 86-1).

**ARTICLE 9. REPEALED****R9-22-901. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-901 adopted as an emergency adoption now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Repealed effective October 1, 1983 (Supp. 83-5). Adopted effective August 29, 1985 (Supp. 85-4). Amended effective October 1, 1986 (Supp. 86-5). Amended effective May 30, 1989 (Supp. 89-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-902. Repealed****Historical Note**

Adopted effective August 29, 1985 (Supp. 85-4). Former Section R9-22-902 renumbered and amended as Section R9-22-904, former Section R9-22-903 renumbered and amended as Section R9-22-902 effective October 1, 1986 (Supp. 86-5). Former Section R9-22-902 repealed, new Section R9-22-902 adopted effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-903. Repealed****Historical Note**

Adopted effective August 29, 1985 (Supp. 85-4). Former Section R9-22-903 renumbered and amended as Section R9-22-902, former Section R9-22-904 renumbered and amended as Section R9-22-903 effective October 1, 1986

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(Supp. 86-5). Former Section R9-22-903 repealed, new Section R9-22-903 adopted effective May 30, 1989 (Supp. 89-2). Section repealed by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). New Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-904. Repealed****Historical Note**

Adopted effective August 29, 1985 (Supp. 85-4). Former Section R9-22-904 renumbered and amended as Section R9-22-903, former Section R9-22-902 renumbered and amended as Section R9-22-904 effective October 1, 1986 (Supp. 86-5). Amended effective May 30, 1989 (Supp. 89-2). Section repealed by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). New Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-905. Repealed****Historical Note**

Adopted effective August 29, 1985 (Supp. 85-4). Former Section R9-22-905 renumbered without change as Section R9-22-908, former Section R9-22-907 renumbered and amended as Section R9-22-905 effective October 1, 1986 (Supp. 86-5). Amended effective May 30, 1989 (Supp. 89-2). Section repealed by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). New Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-906. Repealed****Historical Note**

Adopted effective August 29, 1985 (Supp. 85-4). Amended effective October 1, 1986 (Supp. 86-5). Amended effective October 1, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective September 22, 1997 (Supp. 97-3). Section repealed by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). New Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-907. Repealed****Historical Note**

Adopted effective August 29, 1985 (Supp. 85-4). Former Section R9-22-907 renumbered and amended as Section R9-22-905, former Section R9-22-908 renumbered and amended as Section R9-22-907 effective October 1, 1986 (Supp. 86-5). Amended effective May 30, 1989 (Supp. 89-2). Section repealed by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). New Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-908. Repealed****Historical Note**

Adopted effective August 29, 1985 (Supp. 85-4). Former Section R9-22-908 renumbered and amended as Section R9-22-907, former Section R9-22-905 renumbered without change as Section R9-22-908 effective October 1, 1986 (Supp. 86-5). Former R9-22-908 repealed effective May 30, 1989 (Supp. 89-2). New Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-909. Repealed****Historical Note**

New Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**ARTICLE 10. FIRST- AND THIRD-PARTY LIABILITY AND RECOVERIES****R9-22-1001. Definitions**

In addition to the definitions in A.R.S. §§ 36-2901, 36-2923 and 9 A.A.C. 22, Article 1, the following definitions apply to this Article:

“Absent parent” means an individual who is absent from the home and is legally responsible for providing financial and/or medical support for a dependent child.

“Cost avoid” means to deny a claim and return the claim to the provider for a determination of the amount of first- or third-party liability.

“First-party liability” means the obligation of any insurance plan or other coverage obtained directly or indirectly by a member that provides benefits directly to the member to pay all or part of the expenses for medical services incurred by AHCCCS or a member.

“Third-party” means a person, entity, or program that is, or may be, liable to pay all or part of the medical cost of injury, disease, or disability of an applicant or member.

“Third-party liability” means any individual, entity, or program that is or may be liable to pay all or part of the expenditures for medical assistance furnished to a member under a state plan.

**Historical Note**

Former Section R9-22-712 renumbered and amended as Section R9-22-1001 effective October 1, 1985 (Supp. 85-5). Amended subsections (E) through (H) effective October 1, 1986 (Supp. 86-5). Amended subsections (B), (C), (E), and (F) effective December 22, 1987 (Supp. 87-4). Section repealed; new Section adopted effective November 7, 1997 (Supp. 97-4). Section repealed; new Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 15 A.A.R. 179, effective March 7, 2009 (Supp. 09-1). Amended by final rulemaking at 21 A.A.R. 1237, effective July 7, 2015 (Supp. 15-3).

**R9-22-1002. General Provisions**

AHCCCS is the payor of last resort unless specifically prohibited by applicable state or federal law. AHCCCS is not the payor of last resort when the following entities are the third-party:

1. Indian Health Services (IHS/638), contract health,
2. Title IV-E,
3. Arizona Early Intervention Program (AZEIP),

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4. Local educational agencies providing services under the Individuals with Disabilities Education Act under 34 CFR Part 300,
5. Entities and contractors of entities providing services under grants awarded as part of the HIV Health Care Services Program under 42 USC 300ff et seq., and
6. The Arizona Refugee Resettlement Program operated under 45 CFR Part 400, Subpart (G).

**Historical Note**

Section R9-22-529 adopted effective October 1, 1985, then renumbered as Section R9-22-1002 effective October 1, 1985 (Supp. 85-5). Amended subsections (C) and (D) effective October 1, 1986 (Supp. 86-5). Amended effective December 22, 1987 (Supp. 87-4). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed; new Section adopted effective November 7, 1997 (Supp. 97-4). Section repealed; new Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 15 A.A.R. 179, effective March 7, 2009 (Supp. 09-1). Amended by final rulemaking at 21 A.A.R. 1237, effective July 7, 2015 (Supp. 15-3).

**R9-22-1003. Cost Avoidance**

- A. The Administration's reimbursement responsibility.
  1. The Administration shall pay no more than the difference between the Capped Fee-For-Service schedule and the amount of the third-party liability, unless Medicare is the third-party.
  2. If Medicare is the third-party that is liable, the Administration shall pay the Medicare copayment, coinsurance, and deductible regardless of the Capped Fee-For-Service Schedule, as described under 9 A.A.C. 29, Article 3.
- B. The Contractor's reimbursement responsibility.
  1. If the contract between the contractor and the provider does not state otherwise, a contractor shall pay no more than the difference between the contracted rate and the amount of the third-party liability.
  2. If the provider does not have a contract with the contractor, a contractor shall pay no more than the difference between the Capped Fee-For-Service rate and the amount of the third-party liability.
- C. The following parties shall take reasonable measures to identify potentially legally liable first- or third-party sources:
  1. AHCCCS, the Administration, or a contractor;
  2. A provider;
  3. A noncontracting provider; and
  4. A member.
- D. Except as specified under subsection (E), the Administration or a contractor shall cost avoid a claim for AHCCCS covered services under Article 2 if the Administration or a contractor has established the probable existence of a liable party at the time the claim is filed. Establishing liability takes place when the Administration or the contractor receives confirmation that another party is legally responsible for payment of a health care service under Article 2.
- E. The Administration or contractor shall pay the full amount of the claim according to the Capped-Fee-For-Service Schedule or the contracted rate as described under subsection (B), and then seek reimbursement from any liable parties if the claim is for:
  1. Prenatal care for pregnant women,
  2. Preventive pediatric services, including E.P.S.D.T. and administration of vaccines to children under the Vaccines for Children (VFC) program; or

3. Services covered by third-party liability that is derived from an absent parent whose obligation to pay support is being enforced by the Division of Child Support Enforcement.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 10 A.A.R. 3012, effective September 11, 2004 (Supp. 04-3). Amended by final rulemaking at 15 A.A.R. 179, effective March 7, 2009 (Supp. 09-1). Amended by final rulemaking at 21 A.A.R. 1237, effective July 7, 2015 (Supp. 15-3).

**R9-22-1004. Member Participation**

A member shall cooperate in identifying potentially legally liable first- or third-parties and timely assist the Administration and a contractor, provider, or noncontracting provider in pursuing any first- or third-party who may be liable to pay for covered services.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 15 A.A.R. 179, effective March 7, 2009 (Supp. 09-1).

**R9-22-1005. Collections**

- A. Parties that notify AHCCCS. A provider or noncontracting provider shall cooperate with AHCCCS by identifying all potential sources of first- or third-party liability and notify AHCCCS of these sources.
- B. Parties that pursue collection or reimbursement. AHCCCS, a provider, or noncontracting provider shall pursue collection or reimbursement from all potential sources of first- or third-party liability.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1).

**R9-22-1006. AHCCCS Monitoring Responsibilities**

AHCCCS shall monitor first- or third-party liability payments to a provider or noncontracting provider, which include but are not limited to payments by or for:

1. Private health insurance;
2. Employment-related disability and health insurance;
3. Long-term care insurance;
4. Other federal programs not excluded by statute from recovery;
5. Court ordered or non-court ordered medical support from an absent parent;
6. State worker's compensation;
7. Automobile insurance, including underinsured and uninsured motorists insurance;
8. Court judgment or settlement from a liability insurer including settlement proceeds placed in a trust;
9. First-party probate estate recovery;
10. Adoption-related payment; or
11. A tortfeasor.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1).

**R9-22-1007. Notification for Perfection, Recording, and Assignment of AHCCCS Liens**

- A. Hospital requirements. A hospital providing medical services to a member for an injury or condition resulting from circumstances reflecting the probable liability of a first- or third-party shall within 30 days after a member's discharge:

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1. Notify AHCCCS via facsimile or mail under R9-22-1008, or
2. Mail AHCCCS a copy of the lien the hospital proposes to record or has recorded under A.R.S. § 33-932.

- B.** Provider and noncontracting provider requirements. A provider or noncontracting provider, other than a hospital, rendering medical services to a member for an injury or condition resulting from circumstances reflecting the probable liability of a first- or third-party shall notify AHCCCS via facsimile or mail under R9-22-1008 within 30 days after providing the service.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 15 A.A.R. 179, effective March 7, 2009 (Supp. 09-1).

**R9-22-1008. Notification Information for Liens**

- A.** Except as provided in subsection (B), a hospital, provider, and noncontracting provider identified in R9-22-1007 shall provide the following information to AHCCCS in writing:
1. Name of the hospital, provider or noncontracting provider;
  2. Address of the hospital, provider or noncontracting provider;
  3. Name of member;
  4. Member's Social Security Number or AHCCCS identification number;
  5. Address of member;
  6. Date of member's admission or date service is provided;
  7. Amount estimated to be due for care of member;
  8. Date of discharge, if member has been discharged;
  9. Name of county in which injuries were sustained; and
  10. Name and address of all persons, firms, and corporations and their insurance carriers identified by the member or legal representative as being liable for damages.
- B.** If the date of discharge is not known at the time the information in subsection (A) is provided, a party identified in subsection (A) shall notify AHCCCS of the date of discharge within 30 days after the member has been discharged.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 15 A.A.R. 179, effective March 7, 2009 (Supp. 09-1).

**R9-22-1009. Notification of Health Insurance Information**

A provider or noncontracting provider shall notify AHCCCS, in writing, of the following health insurance information within 10 days of receipt of the health insurance information:

1. Name of member,
2. Member's Social Security Number or AHCCCS identification number,
3. Insurance carrier name,
4. Insurance carrier address,
5. Policy number or insurance holder's Social Security Number,
6. Policy begin and end dates, and
7. Insurance holder's name.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1).

**ARTICLE 11. CIVIL MONETARY PENALTIES AND ASSESSMENTS****R9-22-1101. Basis for Civil Monetary Penalties and Assessments for Fraudulent Claims; Definitions**

- A.** Scope. This Article applies to prohibited acts as described under A.R.S. § 36-2918(A), and submissions of encounters to the Administration. The Administration considers a person who aids and abets a prohibited act affecting any of the AHCCCS programs or Health Care Group to be engaging in a prohibited act under A.R.S. § 36-2918(A).
- B.** Purpose. This Article describes the circumstances AHCCCS considers and the process that AHCCCS uses to determine the amount of a penalty, assessment, or penalty and assessment as required under A.R.S. § 36-2918. This Article includes the process and time-frames used by a person to request a State Fair Hearing.
- C.** Definitions. The following definitions apply to this Article:
1. "Assessment" means a monetary amount that does not exceed twice the dollar amount claimed by the person for each service.
  2. "Claim" means a request for payment submitted by a person for payment for a service or line item of service, including a submission of an encounter.
  3. "Day" means calendar day unless otherwise specified.
  4. "File" means the date that AHCCCS receives a written acceptance, request for compromise, request for a counter proposal, or a request for a State Fair Hearing as established by a date stamp on the written document or other record of receipt.
  5. "Penalty" means a monetary amount, based on the number of items of service claimed or reported, that does not exceed \$2,000 times the number of line items of service.
  6. "Person" means an individual or entity as described under A.R.S. § 1-215.
  7. "Reason to know" or "had reason to know" means that a person, acts in deliberate ignorance of the truth or falsity of, or with reckless disregard of the truth or falsity of information. No proof of specific intent to defraud is required.

**Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5).  
Amended subsection A. effective May 30, 1989 (Supp. 89-2). Amended effective September 29, 1992 (Supp. 92-3). Amended effective June 9, 1998 (Supp. 98-2).  
Amended by final rulemaking at 10 A.A.R. 3056, effective September 11, 2004 (Supp. 04-3). Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1102. Determining the Amount of a Penalty and an Assessment**

- A.** AHCCCS shall determine the amount of a penalty and assessment according to A.R.S. § 36-2918(B) and (C), R9-22-1104, and R9-22-1105.
- B.** AHCCCS shall include in the amount of the penalty and assessment the cost incurred by AHCCCS for conducting the following:
1. An investigation,
  2. Audit, or
  3. Inquiry.

**Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5).  
Amended effective December 13, 1993 (Supp. 93-4).  
Amended effective June 9, 1998 (Supp. 98-2). Section repealed; new Section made by final rulemaking at 10

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A.A.R. 3056, effective September 11, 2004 (Supp. 04-3).  
Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1103. Repealed****Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5).  
Amended effective December 13, 1993 (Supp. 93-4).  
Amended effective June 9, 1998 (Supp. 98-2). Section repealed; new Section made by final rulemaking at 10 A.A.R. 3056, effective September 11, 2004 (Supp. 04-3).  
Section repealed by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1104. Mitigating Circumstances**

AHCCCS shall consider any of the following to be mitigating circumstances when determining the amount of a penalty, assessment, or penalty and assessment.

1. Nature and circumstances of a claim. The following are mitigating circumstances:
  - a. All the services are of the same type,
  - b. All the dates of services occurred within six months or less,
  - c. The number of claims submitted is less than 25,
  - d. The nature and circumstances do not indicate a pattern of inappropriate claims for the services, and
  - e. The total amount claimed for the services is less than \$1,000.
2. Degree of culpability. The degree of culpability of a person who presents or causes to present a claim is a mitigating circumstance if:
  - a. Each service is the result of an unintentional and unrecognized error in the process that the person followed in presenting or in causing to present the service,
  - b. Corrective steps were taken promptly by the person after the error was discovered, and
  - c. The person had a fraud and abuse control plan that was operating effectively at the time each claim was presented or caused to be presented.
3. Financial condition. The financial condition of a person who presents or causes to present a claim is a mitigating circumstance if the imposition of a penalty, assessment, or penalty and assessment without reduction will render the provider incapable to continue providing services. AHCCCS shall consider the resources available to the person when determining the amount of the penalty, assessment, or penalty and assessment.
4. Other matters as justice may require. AHCCCS shall take into account other circumstances of a mitigating nature, if in the interest of justice, the circumstances require a reduction of the penalty, assessment, or penalty and assessment.

**Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5).  
Amended effective June 9, 1998 (Supp. 98-2). Section repealed; new Section made by final rulemaking at 10 A.A.R. 3056, effective September 11, 2004 (Supp. 04-3).  
Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1105. Aggravating Circumstances**

AHCCCS shall consider any of the following to be aggravating circumstances when determining the amount of a penalty, assessment, or penalty and assessment.

1. Nature and circumstances of each claim. The nature and circumstances of each claim and the circumstances under which the claim is presented or caused to be presented are aggravating circumstances if:
  - a. A person has forged, altered, recreated, or destroyed records;
  - b. The person refuses to provide pertinent documentation to AHCCCS for a claim or refuses to cooperate with investigators;
  - c. The services are of several types;
  - d. All the dates of services did not occur within six months or less;
  - e. The number of claims submitted is greater than 25;
  - f. The nature and circumstances indicate a pattern of inappropriate claims for the services; and
  - g. The total amount claimed for the services is \$5,000 or greater.
2. Degree of culpability. The degree of culpability of a person who presents or causes to present each claim is an aggravating circumstance if:
  - a. The person knows or had reason to know that each service was not provided as claimed,
  - b. The person knows or had reason to know that no payment could be made because the person had been excluded from reimbursement by AHCCCS, or
  - c. The person knows or had reason to know that the payment would violate the terms of an agreement between the person and AHCCCS system.
3. Prior offenses. The prior offenses of a person who presents or causes to present each claim are an aggravating circumstance if:
  - a. At any time before the submittal of the claim the person was held criminally or civilly liable for any act, or
  - b. The person had received an administrative sanction in connection with:
    - i. A Medicaid program,
    - ii. A Medicare program, or
    - iii. Any other public or private program of reimbursement for medical services.
4. Effect on patient care. The adverse effect on patient care that resulted, or could have resulted, from the failure to provide medically necessary care by a person in connection with a claim.
5. Other matters as justice may require. AHCCCS shall take into account other circumstances of an aggravating nature, if in the interest of justice, the circumstances require an increase of the penalty, assessment, or penalty and assessment.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3056, effective September 11, 2004 (Supp. 04-3).  
Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1106. Notice of Intent**

If AHCCCS imposes a penalty, assessment, or a penalty and assessment, AHCCCS shall hand deliver or send by certified mail return receipt requested or Federal Express to the person, a written Notice of Intent to impose a penalty, assessment, or a penalty and assessment. The Notice of Intent shall include:

1. The statutory basis for the penalty, assessment, or the penalty and assessment;
2. Identification of the state or federal regulation and state or federal law that AHCCCS alleges has been violated;

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3. The factual basis for AHCCCS' determination that the penalty, assessment, or the penalty and assessment should be imposed;
4. The amount of the penalty, assessment, or penalty and assessment;
5. The process for the person to accept or request a compromise of the penalty, assessment, or penalty and assessment; and
6. The process for requesting a State Fair Hearing.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R.

3056, effective September 11, 2004 (Supp. 04-3).

Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1107. Reserved****R9-22-1108. Request for a Compromise**

- A. To request a compromise, the person shall file a written request with AHCCCS within 30 days from the date of receipt of the Notice of Intent. The written request for compromise shall contain the person's reasons for the reduction or modification of the penalty, assessment, or penalty and assessment.
- B. Within 30 days from the date of receipt of the request for compromise from the person, AHCCCS shall send a Notice of Compromise Decision that accepts, denies, or offers a counter proposal to the person's request for compromise. If AHCCCS offers a counter proposal the amount of the counter proposal shall represent the penalty, assessment, or penalty and assessment.
  1. If AHCCCS does not withdraw the Notice of Intent under R9-22-1112 or denies the request for compromise the original penalty, assessment, or penalty and assessment is upheld.
  2. To dispute the Compromise Decision, the person shall file a request for a State Fair Hearing under R9-22-1110 within 30 days from the date of receipt of the Notice of Compromise Decision.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R.

3056, effective September 11, 2004 (Supp. 04-3).

Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1109. Failure to Respond to the Notice of Intent**

If a person fails to respond timely to the Notice of Intent, AHCCCS shall uphold the original penalty, assessment, or penalty and assessment.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R.

3056, effective September 11, 2004 (Supp. 04-3).

Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1110. Request for State Fair Hearing**

- A. To request a State Fair Hearing regarding a dispute concerning a penalty, assessment, or penalty and assessment, the person shall file a written request for a State Fair Hearing with AHCCCS within 60 days from the date of the receipt of the Notice of Intent under R9-22-1106 or within 30 days from the date of receipt of the Notice of Compromise Decision under R9-22-1108, if applicable.
- B. AHCCCS shall mail a Notice of Hearing under A.R.S. § 41-1092.05 if AHCCCS receives a timely request for a State Fair Hearing from the person.

- C. AHCCCS shall mail a Director's Decision to the person no later than 30 days after the date the Administrative Law Judge sends the decision of the Office of Administrative Hearings (OAH) to AHCCCS.
- D. AHCCCS shall accept a written request for withdrawal of a hearing request if the written request for withdrawal is received from the person before AHCCCS mails a Notice of Hearing under A.R.S. § 41-1092 et seq. If AHCCCS mailed a Notice of Hearing under A.R.S. § 41-1092 et seq., a person may withdraw the hearing request only by sending a written request for withdrawal to OAH.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R.

3056, effective September 11, 2004 (Supp. 04-3).

Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1111. Issues and Burden of Proof**

- A. Preponderance of evidence. In any State Fair Hearing conducted under R9-22-1110, AHCCCS shall prove by a preponderance of the evidence that a person presented or caused to be presented each claim in violation of this Article and any aggravating circumstances under R9-22-1105. A person shall bear the burden of producing and proving by a preponderance of the evidence any circumstance that would justify reducing the amount of the penalty, assessment, or penalty and assessment.
- B. Statistical sampling.
  1. In meeting the burden of proof described in subsection (A), AHCCCS may introduce the results of a statistical sampling study as evidence of the number and amount of claims that were presented or caused to be presented by the person. A statistical sampling study constitutes prima facie evidence of the number and amount of claims if computed by valid statistical methods.
  2. The burden of proof shall shift to the person to produce evidence reasonably calculated to rebut the findings of the statistical sampling study once AHCCCS has made a prima facie case as described in subsection (B)(1). AHCCCS shall be given the opportunity to rebut this evidence.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R.

3056, effective September 11, 2004 (Supp. 04-3).

Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1112. Withdrawal and Continuances**

AHCCCS may withdraw the Notice of Intent at any time. Prior to referring a matter to the Office of Administrative Hearings the parties may mutually agree to a continuance.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R.

3056, effective September 11, 2004 (Supp. 04-3).

**ARTICLE 12. BEHAVIORAL HEALTH SERVICES****R9-22-1201. Definitions**

Definitions. The following definitions apply to this Article:

"Adult behavioral health therapeutic home" as defined in 9 A.A.C. 10, Article 1.

"Agency" for the purposes of this Article means a behavioral health facility, a classification of a health care institution, including a mental health treatment agency defined in A.R.S. § 36-501, that is licensed to provide behavioral health services according to A.R.S. Title 36, Chapter 4.

"Assessment" means an analysis of a patient's need for physical health services or behavioral health services to determine



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which services a health care institution will provide to the patient.

“Behavior management services” means services that assist the member in carrying out daily living tasks and other activities essential for living in the community, including personal care services.

“Behavioral health therapeutic home care services” means interactions that teach the client living, social, and communication skills to maximize the client’s ability to live and participate in the community and to function independently, including assistance in the self-administration of medication and any ancillary services indicated by the client’s treatment plan, as appropriate.

“Behavioral health services” means medical services, nursing services, health-related services, or ancillary services provided to an individual to address the individual’s behavioral health issue.

“Behavioral health technician” means an individual who is not a behavioral health professional who provides behavioral health services at or for a health care institution according to the health care institution’s policies and procedures that:

If the behavioral health services were provided in a setting other than a licensed health care institution, the individual would be required to be licensed as a behavioral professional under A.R.S. Title 32, Chapter 33; and

Are provided with clinical oversight by a behavioral health professional.

“Case management” for the purposes of this Article, means services and activities that enhance treatment, compliance, and effectiveness of treatment.

“Certified psychiatric nurse practitioner” means a registered nurse practitioner who meets the psychiatric specialty area requirements under A.A.C. R4-19-505(C).

“Clinical oversight” means as described under 9 A.A.C. 10.

“Cost avoid” means to avoid payment of a third-party liability claim when the probable existence of third-party liability has been established under 42 CFR 433.139(b).

“Court-ordered evaluation” has the same meaning as “evaluation” in A.R.S. § 36-501.

“Court-ordered pre-petition screening” has the same meaning as “pre-petition screening” in A.R.S. § 36-501.

“Court-ordered treatment” means treatment provided according to A.R.S. Title 36, Chapter 5.

“Crisis services” means immediate and unscheduled behavioral health services provided to a patient to address an acute behavioral health issue affecting the patient.

“Direct supervision” has the same meaning as “supervision” in A.R.S. § 36-401.

“Emergency medical services provider” has the same meaning as in A.R.S. § 36-2201.

“Health care institution” has the same meaning as defined in A.R.S. § 36-401.

“Health care practitioner” means a:

Physician;

Physician assistant;

Nurse practitioner; or

Other individual licensed and authorized by law to use and prescribe medication and devices, as defined in A.R.S. § 32-1901.

“Licensee” means the same as in 9 A.A.C. 10, Article 1.

“Medical practitioner” means a physician, physician assistant, or nurse practitioner.

“Partial care” means a day program of services provided to individual members or groups that is designed to improve the ability of a person to function in a community, and includes basic, therapeutic, and medical day programs.

“Physician assistant” means the same as in A.R.S. § 32-2501 except that when providing a behavioral health service, the physician assistant shall be supervised by an AHCCCS-registered psychiatrist.

“Psychiatrist” means a physician who meets the licensing requirements under A.R.S. § 32-1401 or a doctor of osteopathy who meets the licensing requirements under A.R.S. § 32-1800, and meets the additional requirements of a psychiatrist under A.R.S. § 36-501.

“Psychologist” means a person who meets the licensing requirements under A.R.S. §§ 32-2061 and 36-501.

“Qualified behavioral health service provider” means a behavioral health service provider that meets the requirements of R9-22-1206.

“Respite” means a period of care and supervision of a member to provide rest or relief to a family member or other person caring for the member. Respite provides activities and services to meet the social, emotional, and physical needs of the member during respite.

“TRBHA” or “Tribal Regional Behavioral Health Authority” means a Native American tribe under contract with ADHS/DBHS to coordinate the delivery of behavioral health services to eligible and enrolled members of the federally-recognized tribal nation.

#### Historical Note

Adopted under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective November 1, 1992; received in the Office of the Secretary of State November 25, 1992 (Supp. 92-4). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective September 30, 1993 (Supp. 93-3). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1995, Ch. 204, § 11, effective October 1, 1995; filed with the Secretary of State September 29, 1995 (Supp. 95-4). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

#### R9-22-1202. ADHS, Contractor, Administration and CRS Responsibilities

A. ADHS responsibilities. ADHS is responsible for payment of behavioral health services provided to members, except as specified under subsection (D). ADHS’ responsibility for payment of behavioral health services includes claims for inpatient hospital services, which may include physical health services, when the principal diagnosis on the hospital claim is a behavioral health diagnosis. Behavioral health diagnoses are

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identified as “mental disorders” in the latest International Classification of Diseases (ICD) code set as required by AHC-CCS claims and encounters.

- B.** ADHS/DBHS may contract with a TRBHA for the provision of behavioral health services for American Indian members. American Indian members may receive covered behavioral health services:
1. From an IHS or tribally operated 638 facility,
  2. From a TRBHA, or
  3. From a RBHA.
- C.** Contractor responsibilities. A contractor shall:
1. Refer a member to a RBHA under the contract terms;
  2. Provide EPSDT developmental and behavioral health screening as specified in R9-22-213;
  3. Coordinate a member's transition of care and medical records; and
  4. Be responsible for providing covered inpatient hospital services, which may include behavioral health inpatient hospital services, when the principal diagnosis on the hospital claim is not a behavioral health diagnosis.
- D.** Administration and CRS responsibilities.
1. The Administration shall be responsible for payment of behavioral health services provided to an ALTCS FFS or an FES member and for behavioral health services provided by IHS and tribally operated 638 facilities. The Administration is also responsible for payment of behavioral health services provided to these members during prior quarter coverage.
  2. CRS shall be responsible for payment of behavioral health services provided to members enrolled with CRS.

**Historical Note**

Adopted under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective November 1, 1992; received in the Office of the Secretary of State November 25, 1992 (Supp. 92-4). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective September 30, 1993 (Supp. 93-3). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1995, Ch. 204, § 11, effective October 1, 1995; filed with the Secretary of State September 29, 1995 (Supp. 95-4). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended to correct typographical errors, filed in the Office of the Secretary of State October 30, 2001 (Supp. 01-4). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4). Amended by final rulemaking at 21 A.A.R. 1225, effective July 7, 2015 (Supp. 15-3).

**R9-22-1203. Eligibility for Covered Services**

Title XIX members. A member determined eligible under A.R.S. § 36-2901(6)(a) or (g) except for the failure to meet U.S. citizenship or qualified alien status requirements, shall receive medically necessary covered services under Article 12 and Article 2.

**Historical Note**

Adopted under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective November 1, 1992; received in the Office of the Secretary of State November 25, 1992 (Supp. 92-4). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective September 30, 1993 (Supp. 93-3). Amended under an exemption from A.R.S.

Title 41, Ch. 6, pursuant to Laws 1995, Ch. 204, § 11, effective October 1, 1995; filed with the Secretary of State September 29, 1995 (Supp. 95-4). Section repealed, new Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

**R9-22-1204. General Service Requirements**

- A.** Services. Behavioral health services include mental health, substance abuse, and physical services. Medically necessary services shall be covered and service requirements met as described under Article 2 and Article 5.
- B.** Notification to Administration for American Indians enrolled with a tribal contractor. A provider shall notify the Administration no later than 72 hours after an American Indian member enrolled with a tribal contractor presents to a behavioral health hospital for inpatient emergency behavioral health services.
- C.** Restrictions and limitations. Room and board is not a covered service unless provided in a behavioral health inpatient facility under R9-22-1205.

**Historical Note**

Adopted under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective November 1, 1992; received in the Office of the Secretary of State November 25, 1992 (Supp. 92-4). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective September 30, 1993 (Supp. 93-3). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1995, Ch. 204, § 11, effective October 1, 1995; filed with the Secretary of State September 29, 1995 (Supp. 95-4). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1995, Ch. 204, § 11, effective January 1, 1996; filed with the Secretary of State December 22, 1995 (Supp. 95-4). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

**R9-22-1205. Scope and Coverage of Behavioral Health Services**

- A.** Inpatient behavioral health services. The following inpatient services are covered subject to the limitations and exclusions in this Article and Article 2.
1. Covered inpatient behavioral health services include all behavioral health services, medical detoxification, accommodations and staffing, supplies, and equipment, if the service is provided under the direction of a physician in a Medicare-certified:
    - a. General acute care hospital,
    - b. Inpatient psychiatric unit in a general acute care hospital, or
    - c. Behavioral health hospital.
  2. Inpatient service limitations:
    - a. Inpatient services, other than emergency services specified in this Section, are not covered unless prior authorization is obtained.

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- b. Inpatient services and room and board are reimbursed on a per diem basis. The per diem rate includes all services, except the following licensed or certified providers may bill independently for services:
      - i. A licensed psychiatrist,
      - ii. A certified psychiatric nurse practitioner,
      - iii. A licensed physician assistant,
      - iv. A licensed psychologist,
      - v. A licensed clinical social worker,
      - vi. A licensed marriage and family therapist,
      - vii. A licensed professional counselor,
      - viii. A licensed independent substance abuse counselor, and
      - ix. A medical practitioner.
- B. Behavioral Health Inpatient facility for children. Services provided in a Behavioral Health Inpatient facility for children as defined in 9 A.A.C. 10, Article 3 are covered subject to the limitations and exclusions under this Article.
  - 1. Behavioral Health Inpatient facility for children services are not covered unless provided under the direction of a licensed physician in a licensed Behavioral Health Inpatient facility for children accredited by an AHCCCS-approved accrediting body as specified in contract.
  - 2. Covered Behavioral Health Inpatient facility for children services include room and board and treatment services for behavioral health and substance abuse conditions.
  - 3. Inpatient Behavioral Health Inpatient facility for children service limitations.
    - a. Services are not covered unless prior authorized, except for emergency services as specified in this Section.
    - b. Services are reimbursed on a per diem basis. The per diem rate includes all services, except the following licensed or certified providers may bill independently for services:
      - i. A licensed psychiatrist,
      - ii. A certified psychiatric nurse practitioner,
      - iii. A licensed physician assistant,
      - iv. A licensed psychologist,
      - v. A licensed clinical social worker,
      - vi. A licensed marriage and family therapist,
      - vii. A licensed professional counselor,
      - viii. A licensed independent substance abuse counselor, and
      - ix. A medical practitioner.
  - 4. The following may be billed independently if prescribed by a provider as specified in this Section who is operating within the scope of practice:
    - a. Laboratory services, and
    - b. Radiology services.
- C. Covered Inpatient sub-acute agency services. Services provided in a inpatient sub-acute facility as defined in 9 A.A.C. 10, Article 1 are covered subject to the limitations and exclusions under this Article.
  - 1. Inpatient sub-acute facility services are not covered unless provided under the direction of a licensed physician in a licensed inpatient sub-acute facility that is accredited by an AHCCCS-approved accrediting body.
  - 2. Covered Inpatient sub-acute facility services include room and board and treatment services for behavioral health and substance abuse conditions.
  - 3. Services are reimbursed on a per diem basis. The per diem rate includes all services, except the following licensed or certified providers may bill independently for services:
    - a. A licensed psychiatrist,
    - b. A certified psychiatric nurse practitioner,
    - c. A licensed physician assistant,
    - d. A licensed psychologist,
    - e. A licensed clinical social worker,
    - f. A licensed marriage and family therapist,
    - g. A licensed professional counselor,
    - h. A licensed independent substance abuse counselor, and
    - i. A medical practitioner.
  - 4. The following may be billed independently if prescribed by a provider specified in this Section who is operating within the scope of practice:
    - a. Laboratory services, and
    - b. Radiology services.
- D. Behavioral health residential facility services. Services provided in a licensed behavioral health residential facility as defined in 9 A.A.C. 10, Article 1 are covered subject to the limitations and exclusions under this Article.
  - 1. Behavioral health residential facility services are not covered unless provided by a licensed behavioral health residential facility.
  - 2. Covered services include all non-prescription drugs as defined in A.R.S. § 32-1901, non-customized medical supplies, and clinical oversight or direct supervision of the behavioral health residential facility staff, whichever is applicable. Room and board are not covered services.
  - 3. The following licensed and certified providers may bill independently for services:
    - a. A licensed psychiatrist,
    - b. A certified psychiatric nurse practitioner,
    - c. A licensed physician assistant,
    - d. A licensed psychologist,
    - e. A licensed clinical social worker,
    - f. A licensed marriage and family therapist,
    - g. A licensed professional counselor,
    - h. A licensed independent substance abuse counselor, and
- E. Partial care. Partial care services are covered subject to the limitations and exclusions in this Article.
  - 1. Partial care services are not covered unless provided by a licensed and AHCCCS-registered behavioral health agency that provides a regularly scheduled day program of individual member, group, or family activities that are designed to improve the ability of the member to function in the community. Partial care services include basic, therapeutic, and medical day programs.
  - 2. Partial care services. Educational services that are therapeutic and are included in the member's behavioral health treatment plan are included in per diem reimbursement for partial care services.
- F. Outpatient services. Outpatient services are covered subject to the limitations and exclusions in this Article and Article 2.
  - 1. Outpatient services include the following:
    - a. Screening provided by a behavioral health professional or a behavioral health technician as defined in R9-22-1201;
    - b. A behavioral health assessment provided by a behavioral health professional or a behavioral health technician;
    - c. Counseling including individual therapy, group therapy, and family therapy provided by a behavioral health professional or a behavioral health technician;
    - d. Behavior management services as defined in R9-22-1201; and

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- e. Psychosocial rehabilitation services as defined in R9-22-201.
- 2. Outpatient service limitations.
  - a. The following licensed or certified providers may bill independently for outpatient services:
    - i. A licensed psychiatrist;
    - ii. A certified psychiatric nurse practitioner;
    - iii. A licensed physician assistant as defined in R9-22-1201;
    - iv. A licensed psychologist;
    - v. A licensed clinical social worker;
    - vi. A licensed professional counselor;
    - vii. A licensed marriage and family therapist;
    - viii. A licensed independent substance abuse counselor;
    - ix. A medical practitioner; and
    - x. An outpatient treatment center or substance abuse transitional facility licensed under 9 A.A.C. 10, Article 14, that is an AHCCCS-registered provider.
  - b. A behavioral health practitioner not specified in subsections (F)(2)(a)(i) through (x), who is contracted with or employed by an AHCCCS-registered behavioral health agency shall not bill independently.
- G. Emergency behavioral health services are covered subject to the limitations and exclusions under this Article. In order to be covered, behavioral health services shall be provided by qualified service providers under R9-22-1206. ADHS/DBHS shall ensure that emergency behavioral health services are available 24 hours per day, seven days per week in each GSA for an emergency behavioral health condition for a non-FES member as defined in R9-22-201.
- H. Other covered behavioral health services. Other covered behavioral health services include:
  - 1. Case management as defined in 9 A.A.C. 10, Article 1;
  - 2. Laboratory and radiology services for behavioral health diagnosis and medication management;
  - 3. Medication;
  - 4. Monitoring, administration, and adjustment for psychotropic medication and related medications;
  - 5. Respite care as described within subsection (J);
  - 6. Behavioral health therapeutic home care services provided by a RBHA in a professional foster home defined in 6 A.A.C. 5, Article 58 or in an adult behavioral health therapeutic home as defined in 9 A.A.C. 10, Article 1;
  - 7. Other support services to maintain or increase the member's self-sufficiency and ability to live outside an institution.
- I. Transportation services. Transportation services are covered under R9-22-211.
- J. Limited Behavioral Health services. Respite services are limited to no more than 600 hours per benefit year.

**Historical Note**

Adopted under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective November 1, 1992; received in the Office of the Secretary of State November 25, 1992 (Supp. 92-4). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective September 30, 1993 (Supp. 93-3). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1995, Ch. 204, § 11, effective October 1, 1995; filed with the Secretary of State September 29, 1995 (Supp. 95-4). Section repealed, new Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4593, effective

October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 5480, effective December 6, 2005 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Amended by exempt rulemaking at 17 A.A.R. 1870, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 2747, effective October 8, 2013 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

**R9-22-1206. Repealed****Historical Note**

Adopted under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective November 1, 1992; received in the Office of the Secretary of State November 25, 1992 (Supp. 92-4). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective September 30, 1993 (Supp. 93-3). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1995, Ch. 204, § 11, effective October 1, 1995; filed with the Secretary of State September 29, 1995 (Supp. 95-4). Section repealed, new Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Repealed by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

**R9-22-1207. General Provisions for Payment****A. Claims submissions.**

1. A provider of behavioral health services shall submit a claim for non-emergency behavioral health services provided to a member to the appropriate RBHA.
2. A provider of behavioral health services shall submit a claim for non-inpatient emergency behavioral health services provided to a member to the appropriate RBHA.
3. A provider of behavioral health services shall submit a claim for non-inpatient emergency behavioral health services provided to a member enrolled in a TRBHA to the Administration.
4. A provider of behavioral health services shall submit a claim for non-emergency behavioral health services provided to a member enrolled in a TRBHA to the Administration.
5. A provider of emergency behavioral health services, that are the responsibility of ADHS/DBHS or a contractor, shall submit a claim to the entity responsible for emergency behavioral health services under R9-22-210.01(A).
6. A provider shall comply with the time-frames and other payment procedures in Article 7 of this Chapter, if applicable, and A.R.S. § 36-2904.
7. ADHS/DBHS or a contractor, whichever entity is responsible for covering behavioral health services, shall cost avoid any behavioral health service claims if it establishes the existence or probable existence of first-party liability or third-party liability.

- B. Prior authorization. Payment to a provider for behavioral health services or items requiring prior authorization may be denied if a provider does not obtain prior authorization from a RBHA, ADHS/DBHS, a TRBHA, the Administration or a contractor.

**Historical Note**

Adopted under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective November

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ber 1, 1992; received in the Office of the Secretary of State November 25, 1992 (Supp. 92-4). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1995, Ch. 204, § 11, effective October 1, 1995; filed with the Secretary of State September 29, 1995 (Supp. 95-4). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

**R9-22-1208. Repealed****Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 11 A.A.R. 5480, effective December 6, 2005 (Supp. 05-4).

**ARTICLE 13. CHILDREN'S REHABILITATIVE SERVICES (CRS)**

*Article 13, consisting of Sections R9-22-1301 through R9-22-1306, made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3).*

*Article 13, consisting of Sections R9-22-1301 through R9-22-1306, made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Exemption to promulgate rules repealed under Laws 2012, Chapter 299, Section 7 (Supp. 13-3).*

*Article 13, consisting of Sections R9-22-1301 through R9-22-1309, repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004. The subject matter of Article 13 is now in 9 A.A.C. 34 (Supp. 04-1).*

**R9-22-1301. Children's Rehabilitative Services (CRS) related Definitions**

In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Article have the following meanings unless the context explicitly requires another meaning:

"Active treatment" means there is a current need for treatment of the CRS qualifying condition(s) or it is anticipated that treatment or evaluation for continuing treatment of the CRS qualifying condition(s) will be needed within the next 18 months from the last date of service for treatment of any CRS qualifying condition.

"CRS application" means a submitted form with any additional documentation required by the Administration to determine whether an individual is medically eligible for CRS.

"CRS condition" means a list of medical condition(s) in R9-22-1303 and which are referred to as covered conditions in A.R.S. § 36-2912.

"Functionally limiting" means a restriction having a significant effect on an individual's ability to perform an activity of daily living as determined by a provider.

"Medically eligible" means meeting the medical eligibility requirements of R9-22-1303.

"Redetermination" means a decision made by the Administration regarding whether a member continues to meet the requirements in R9-22-1302.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 6 A.A.R. 3317, effective

August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1). Section made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Rulemaking exemption repealed by Laws, 2012, Ch. 299, Section 7; therefore a new Section was made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 2022, effective October 1, 2015 (Supp. 15-3).

**R9-22-1302. Children's Rehabilitative Services (CRS) Eligibility Requirements**

Beginning October 1, 2013, an AHCCCS member who needs active treatment for one or more of the qualifying medical condition(s) in R9-22-1303 shall be given a CRS Designation. An American Indian member can choose to receive CRS services through an American Indian Health Plan or a contractor. A member enrolled in CMDP shall obtain CRS services through CMDP. The contractor shall provide covered services necessary to treat the condition(s) and other services described within the contract. The effective date of the CRS Designation shall be as specified in contract.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1). Section made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Rulemaking exemption repealed by Laws, 2012, Ch. 299, Section 7; therefore a new Section was made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3). Amended by final rulemaking at 24 A.A.R. 2855, effective November 16, 2018 (Supp. 18-3).

**R9-22-1303. Medical Eligibility**

The following lists identify those medical condition(s) that do qualify for CRS services as well as those that do not qualify for CRS services. The list of condition(s) that qualify for a CRS Designation is all inclusive. The list of condition(s) that do not qualify for a CRS Designation is not an all-inclusive list.

1. Cardiovascular System
  - a. CRS condition(s) that qualify for CRS medical eligibility:
    - i. Arrhythmia,
    - ii. Arteriovenous fistula,
    - iii. Cardiomyopathy,
    - iv. Conduction defect,
    - v. Congenital heart defect other than isolated small Ventricular Septal Defects (VSD), Patent Ductus Arteriosus (PDA), Atrial Septal Defects (ASD),
    - vi. Coronary artery and aortic aneurysm,
    - vii. Renal vascular hypertension,
    - viii. Rheumatic heart disease, and
    - ix. Valvular disorder.
  - b. Condition(s) not medically eligible for CRS:
    - i. Arteriovenous fistula that is not expected to cause cardiac failure or threaten loss of function;
    - ii. Benign heart murmur;
    - iii. Branch artery pulmonary stenosis;
    - iv. Essential hypertension;
    - v. Patent foramen ovale (PFO);
    - vi. Peripheral pulmonary stenosis;
    - vii. Postural orthopedic tachycardia; and
    - viii. Premature atrial, nodal or ventricular contractions that are of no hemodynamic significance.

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2. Endocrine system:
  - a. CRS condition(s) that qualify for CRS medical eligibility:
    - i. Addison's disease,
    - ii. Adrenogenital syndrome,
    - iii. Cystic fibrosis (including atypical cystic fibrosis),
    - iv. Diabetes insipidus,
    - v. Hyperparathyroidism,
    - vi. Hyperthyroidism,
    - vii. Hypoparathyroidism, and
    - viii. Panhypopituitarism.
  - b. Condition(s) not medically eligible for CRS
    - i. Diabetes mellitus,
    - ii. Hypopituitarism associated with a malignancy and requiring treatment of less than 90 days,
    - iii. Isolated growth hormone deficiency, and
    - iv. Precocious puberty.
3. Genitourinary system medical condition(s):
  - a. CRS condition(s) that qualify for CRS medical eligibility:
    - i. Ambiguous genitalia,
    - ii. Bladder extrophy,
    - iii. Deformity and dysfunction of the genitourinary system secondary to trauma 90 days or more after the trauma occurred,
    - iv. Ectopic ureter,
    - v. Hydronephrosis, that is not resolved with antibiotics,
    - vi. Polycystic and multicystic kidneys,
    - vii. Pyelonephritis when treatment with drugs or biologicals has failed to cure or ameliorate and surgical intervention is required,
    - viii. Ureteral stricture, and
    - ix. Vesicoureteral reflux, at a grade 3 or higher.
  - b. Condition(s) not medically eligible for CRS:
    - i. Enuresis,
    - ii. Hydrocele,
    - iii. Hypospadias,
    - iv. Meatal stenosis,
    - v. Nephritis, infectious or noninfectious,
    - vi. Nephrosis,
    - vii. Phimosis, and
    - viii. Undescended testicle.
4. Ear, nose, or throat medical condition(s):
  - a. CRS condition(s) that qualify for CRS medical eligibility:
    - i. Cholesteatoma,
    - ii. Congenital/Craniofacial anomaly that is functionally limiting,
    - iii. Deformity and dysfunction of the ear, nose, or throat secondary to trauma, 90 days or more after the trauma occurred,
    - iv. Mastoiditis that continues 90 days or more after the first diagnosis of the condition,
    - v. Microtia that requires multiple surgical interventions,
    - vi. Neurosensory hearing loss, and
    - vii. Significant conductive hearing loss due to an anomaly in one ear or both ears equal to or greater than a pure tone average of 30 decibels that despite medical treatment, requires a hearing aid.
  - b. Condition(s) not medically eligible for CRS:
    - i. A craniofacial anomaly that is not functionally limiting,
- ii. Adenoiditis,
- iii. Cranial or temporal mandibular joint syndrome,
- iv. Hypertrophic lingual frenum,
- v. Isolated preauricular tag or pit,
- vi. Nasal polyp,
- vii. Obstructive apnea,
- viii. Perforation of the tympanic membrane,
- ix. Recurrent otitis media,
- x. Simple deviated nasal septum,
- xi. Sinusitis,
- xii. Tonsillitis, and
- xiii. Uncontrolled salivation.
5. Musculoskeletal system medical condition(s):
  - a. CRS condition(s) that qualify for CRS medical eligibility:
    - i. Achondroplasia,
    - ii. Arthrogryposis (multiple joint contractures),
    - iii. Bone infection that continues 90 days or more after the initial diagnosis,
    - iv. Chondrodysplasia,
    - v. Chondroectodermal dysplasia,
    - vi. Clubfoot,
    - vii. Collagen vascular disease, including but not limited to, ankylosis spondylitis, polymyositis, dermatomyositis, polyarteritis nodosa, psoriatic arthritis, scleroderma, rheumatoid arthritis and lupus,
    - viii. Congenital or developmental cervical spine abnormality,
    - ix. Congenital spinal deformity,
    - x. Diastrophic dysplasia,
    - xi. Enchondromatosis,
    - xii. Femoral anteversion and tibial torsion,
    - xiii. Fibrous dysplasia,
    - xiv. Hip dysplasia,
    - xv. Hypochondroplasia,
    - xvi. Joint infection that continues 90 days or more after the initial diagnosis,
    - xvii. Juvenile rheumatoid arthritis,
    - xviii. Kyphosis (Scheurmann's Kyphosis) 50 degrees or over,
    - xix. Larsen syndrome,
    - xx. Leg length discrepancy of two centimeters or more,
    - xxi. Legg-Calve-Perthes disease,
    - xxii. Limb amputation or limb malformation,
    - xxiii. Metaphyseal and epiphyseal dysplasia,
    - xxiv. Metatarsus adductus,
    - xxv. Muscular dystrophy,
    - xxvi. Orthopedic complications of hemophilia,
    - xxvii. Osgood Schlatter's disease that requires surgical intervention,
    - xxviii. Osteogenesis imperfecta,
    - xxix. Rickets,
    - xxx. Scoliosis when 25 degrees or greater, or when there is a need for bracing or surgery,
    - xxxi. Seronegative spondyloarthropathy such as Reiters, psoriatic arthritis, and ankylosing spondylitis,
    - xxxii. Slipped capital femoral epiphysis,
    - xxxiii. Spinal muscle atrophy,
    - xxxiv. Spondyloepiphyseal dysplasia, and
    - xxxv. Syndactyly.
  - b. Condition(s) not medically eligible for CRS:
    - i. Back pain with no structural abnormality,

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- ii. Benign bone tumor,
  - iii. Bunion,
  - iv. Carpal tunnel syndrome,
  - v. Deformity and dysfunction secondary to trauma or injury,
  - vi. Ehlers Danlos,
  - vii. Flat foot,
  - viii. Fracture,
  - ix. Ganglion cyst,
  - x. Ingrown toenail,
  - xi. Kyphosis under 50 degrees,
  - xii. Leg length discrepancy of less than two centimeters at skeletal maturity,
  - xiii. Polydactyly without bone involvement,
  - xiv. Popliteal cyst,
  - xv. Trigger finger, and
  - xvi. Varus and valgus deformities.
6. Gastrointestinal system medical condition(s):
- a. CRS condition(s) that qualify for CRS medical eligibility:
    - i. Anorectal atresia,
    - ii. Biliary atresia,
    - iii. Cleft lip,
    - iv. Cleft palate,
    - v. Congenital atresia, stenosis, fistula, or rotational abnormalities of the gastrointestinal tract,
    - vi. Deformity and dysfunction of the gastrointestinal system secondary to trauma, 90 days or more after the trauma occurred,
    - vii. Diaphragmatic hernia,
    - viii. Gastroschisis,
    - ix. Hirschsprung's disease,
    - x. Omphalocele, and
    - xi. Tracheoesophageal fistula.
  - b. Condition(s) not medically eligible for CRS:
    - i. Celiac disease,
    - ii. Crohn's disease,
    - iii. Hernia other than a diaphragmatic hernia,
    - iv. Intestinal polyp,
    - v. Malabsorption syndrome, also known as short bowel syndrome,
    - vi. Pyloric stenosis,
    - vii. Ulcer disease, and
    - viii. Ulcerative colitis.
7. Nervous system medical condition(s):
- a. CRS condition(s) that qualify for CRS medical eligibility:
    - i. Benign intracranial tumor,
    - ii. Benign intraspinal tumor,
    - iii. Central nervous system degenerative disease,
    - iv. Central nervous system malformation or structural abnormality,
    - v. Cerebral palsy,
    - vi. Craniosynostosis requiring surgery,
    - vii. Deformity and dysfunction secondary to trauma in an individual that continues 90 days or more after the incident,
    - viii. Hydrocephalus,
    - ix. Muscular dystrophy or other myopathy,
    - x. Myelomeningocele, also known as spina bifida,
    - xi. Myoneural disorder, including but not limited to, amyotrophic Lateral Sclerosis or ALS, myasthenia gravis, Eaton-Lambert syndrome, muscular dystrophy, troyer sclerosis, polymyositis, dermatomyositis, progressive bulbar palsy, polio,
    - xii. Neurofibromatosis,
    - xiii. Neuropathy/polyneuropathy, hereditary or idiopathic,
    - xiv. Residual dysfunction that continues 90 days or more after a vascular accident, inflammatory condition, or infection of the central nervous system,
    - xv. Residual dysfunction that continues 90 days or more after near drowning,
    - xvi. Residual dysfunction that continues 90 days or more after the spinal cord injury, and
    - xvii. Uncontrolled seizure disorder, in which there have been more than two seizures with documented compliance of one or more medications.
  - b. Condition(s) not medically eligible for CRS:
    - i. Central apnea secondary to prematurity,
    - ii. Febrile seizures,
    - iii. Headaches,
    - iv. Near sudden infant death syndrome,
    - v. Plagiocephaly, and
    - vi. Spina bifida occulta.
8. Ophthalmology:
- a. CRS condition(s) that qualify for CRS medical eligibility:
    - i. Cataracts,
    - ii. Disorder of the iris, ciliary bodies, retina, lens, or cornea,
    - iii. Disorder of the optic nerve,
    - iv. Glaucoma,
    - v. Non-malignant enucleation and post-enucleation reconstruction, and
    - vi. Retinopathy of prematurity.
  - b. Condition(s) not medically eligible for CRS:
    - i. Astigmatism,
    - ii. Ptosis,
    - iii. Simple refraction error, and
    - iv. Strabismus.
9. Respiratory system medical condition(s):
- a. CRS condition(s) that qualify for CRS medical eligibility:
    - i. Anomaly of the larynx, trachea, or bronchi that requires surgery, and
    - ii. Nonmalignant obstructive lesion of the larynx, trachea, or bronchi.
  - b. Condition(s) not medically eligible for CRS:
    - i. Allergies,
    - ii. Asthma,
    - iii. Bronchopulmonary dysplasia,
    - iv. Chronic obstructive pulmonary disease,
    - v. Emphysema, and
    - vi. Respiratory distress syndrome.
10. Dermatological system medical condition(s):
- a. CRS condition(s) that qualify for CRS medical eligibility:
    - i. A burn scar that is functionally limiting,
    - ii. A hemangioma that is functionally limiting that requires laser or surgery,
    - iii. Complicated nevi requiring multiple procedures,
    - iv. Cystic hygroma such as lymphangioma, and
    - v. Malocclusion that is functionally limiting.
  - b. Condition(s) not medically eligible for CRS:
    - i. A deformity that is not functionally limiting,

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- ii. Ectodermal dysplasia,
  - iii. Isolated malocclusion that is not functionally limiting,
  - iv. Pilonidal cyst,
  - v. Port wine stain,
  - vi. Sebaceous cyst,
  - vii. Simple nevi, and
  - viii. Skin tag.
11. Metabolic CRS condition(s) that qualify for CRS medical eligibility:
- a. Amino acid or organic acidopathy,
  - b. Biotinidase deficiency,
  - c. Homocystinuria,
  - d. Inborn error of metabolism,
  - e. Maple syrup urine disease,
  - f. Phenylketonuria, and
  - g. Storage disease.
12. Hemoglobinopathies CRS condition(s) that qualify for CRS medical eligibility:
- a. Sickle cell anemia, and
  - b. Thalassemia.
13. Additional medical/behavioral condition(s) which are not medically eligible for CRS:
- a. Allergies,
  - b. Anorexia nervosa or obesity,
  - c. Attention deficit disorder,
  - d. Autism,
  - e. Cancer,
  - f. Depression or other mental illness,
  - g. Developmental delay,
  - h. Dyslexia or other learning disabilities,
  - i. Failure to thrive,
  - j. Hyperactivity, and
  - k. Immunodeficiency, such as AIDS and HIV.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1). Section made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Rulemaking exemption repealed by Laws, 2012, Ch. 299, Section 7; therefore a new Section was made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 2022, effective October 1, 2015 (Supp. 15-3). Amended by final rulemaking at 24 A.A.R. 2855, effective November 16, 2018 (Supp. 18-3).

**R9-22-1304. Referral and Disposition of CRS Medical Eligibility Determination**

- A. To refer an individual for a CRS medical eligibility determination a person shall submit to the Administration the following information:
- 1. CRS application;
  - 2. Documentation from a specialist who diagnosed the individual, stating the individual's diagnosis;
  - 3. Diagnostic test results that support the individual's diagnosis; and
  - 4. Documentation of the individual's need for specialized treatment of the CRS condition through medical, surgical, or therapy modalities.
- B. The Administration shall notify the CRS applicant, member or authorized representative of the outcome of the determination within 60 days of receipt of information required under sub-

section (A). The member may appeal the determination under Chapter 34.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1). Section made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Rulemaking exemption repealed by Laws, 2012, Ch. 299, Section 7; therefore a new Section was made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 2022, effective October 1, 2015 (Supp. 15-3).

**R9-22-1305. CRS Redetermination**

- A. Continued eligibility for CRS services shall be redetermined by verifying active treatment status of the CRS qualifying medical condition(s) as follows:
- 1. The contractor is responsible for notifying the AHCCCS Administration of the date when a member with a CRS Designation is no longer in active treatment for the qualifying condition(s).
  - 2. The Administration may request, at any time, that the contractor submit the medical documentation to the Administration for a CRS medical redetermination within the specified time-frames in contract.
  - 3. The Administration shall notify the member or authorized representative of the outcome of the redetermination.
- B. If the Administration determines that a member is no longer medically eligible for a CRS Designation, the Administration shall provide the member or authorized representative a written notice that informs the member that the Administration is ending the member's CRS Designation. The member may appeal the redetermination under A.A.C. Title 9, Chapter 34.
- C. Upon reaching his or her 21st birthday, the member's CRS Designation will be ended.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1). Section made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Rulemaking exemption repealed by Laws, 2012, Ch. 299, Section 7; therefore a new Section was made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3). Amended by final rulemaking at 24 A.A.R. 2855, effective November 16, 2018 (Supp. 18-3).

**R9-22-1306. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1). Section made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Rulemaking exemption repealed by Laws, 2012, Ch. 299, Section 7; therefore a new Section was made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3). Repealed by final rulemaking at 24 A.A.R. 2855, effective November 16, 2018 (Supp. 18-3).

**R9-22-1307. Covered Services**

The Administration will cover medically necessary services as described within Article 2 unless otherwise specified in contract.



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**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).  
Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1). Section made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Rulemaking exemption repealed by Laws, 2012, Ch. 299, Section 7; therefore a new Section was made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3).

**R9-22-1308. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).  
Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1).

**R9-22-1309. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).  
Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1).

**ARTICLE 14. AHCCCS MEDICAL COVERAGE FOR HOUSEHOLDS****R9-22-1401. General Information**

- A.** Scope. This Article contains eligibility criteria to determine whether a household or individual is eligible for AHCCCS medical coverage. Eligibility criteria described under Article 3 applies to this Article.
- B.** Definitions. In addition to definitions contained in R9-22-101 and A.R.S. § 36-2901, the words and phrases in this Article, Article 3 and Article 15 have the following meanings unless the context explicitly requires another meaning:

“Burial plot” means a space reserved in a cemetery, crypt, vault, or mausoleum for the remains of a deceased person.

“Caretaker relative” means:

A parent of a dependent child with whom the child is living;

When the dependent child does not live with a parent or the parent in the home is incapacitated, another relative of the child by blood, adoption, or marriage in the home who assumes primary responsibility for the child’s care; or

A woman in her third trimester of pregnancy with no other dependent children.

“Cash assistance” means a program administered by the Department that provides assistance to needy families with dependent children under 42 U.S.C. 601 et seq.

“Dependent child” means a child under the age of 18, or if age 18 is a full-time student in secondary school or equivalent vocational or technical training, if reasonably expected to complete such school or training before turning age 19.

“MAGI – based income” means Modified Adjusted Gross Income as defined under 42 CFR 435.603(e).

“Medical expense deduction” or “MED” means the cost of the following expenses if incurred in the United States:

A medical service or supply that would be covered if provided to an AHCCCS member of any age under Articles 2 and 12 of this Chapter;

A medical service or supply that would be covered if provided to an Arizona Long-term Care System member under 9 A.A.C. 28, Articles 2 and 11;

Other necessary medical services provided by a licensed practitioner or physician;

Assistance with daily living if the assistance is documented in an individual plan of care by a nurse, social service worker, registered therapist, or dietitian under the supervision of a physician except when provided by the spouse of an applicant or the parent of a minor child;

Medical services provided in a licensed nursing home or in an alternative HCBS setting under R9-28-101;

Purchasing and maintaining an animal guide or service animal for the assistance of a member of the MED family unit under R9-22-1436; and

Health insurance premiums, deductibles, and coinsurance, if the insured is a member of the MED family unit.

“Monthly income” means the gross countable income received or projected to be received during the month or the monthly equivalent.

“Monthly equivalent” means a monthly countable income amount established by averaging, prorating, or converting a person’s income.

“Spendthrift restriction” means a legal restriction on the use of a resource that prevents a payee or beneficiary from alienating the resource.

“Tax dependent” is described under 42 CFR 435.4.

“Taxpayer” means a person who expects to file a tax return, and does not expect to be claimed as a tax dependent by another person.

“Title IV-D” means Title IV-D of the Social Security Act, 42 U.S.C. 651-669, the statutes establishing the child support enforcement and paternity program.

“Title IV-E” means Title IV-E of the Social Security Act 42 U.S.C. 670-679, the statutes establishing the foster care and adoption assistance programs.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1). Punctuation error corrected with a parenthesis added at the beginning of the definition “Caretaker” (Supp. 20-4).

**R9-22-1402. Repealed**

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**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1403. Agency Responsible for Determining Eligibility**

The Administration or its designee shall determine eligibility under the provisions of this Article. The Administration or its designee shall not discriminate against an applicant or member because of race, color, creed, religion, ancestry, national origin, age, sex, or physical or mental disability.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1404. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1405. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 9 A.A.R. 5123, effective January 3, 2004 (Supp. 03-4). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1406. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1407. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 19 A.A.R. 3309, November 30, 2013 (Supp. 13-4). Section repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014; this Section was slated to be codified as repealed in Supp. 14-1. Due to a clerical error the Section wasn't repealed in this Chapter until Supp. 20-4.

**R9-22-1408. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1409. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1410. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Section repealed; new Section made by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1411. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192,

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with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1412. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by exempt rulemaking at 10 A.A.R. 23, effective December 9, 2003 (Supp. 03-4). Amended by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1413. Time-frames, Reinstatement of an Application**

- A.** The Administration or its designee shall complete an eligibility determination under R9-22-306(A)(1) unless:
1. The applicant is pregnant. The Administration or its designee shall complete an eligibility determination for a pregnant woman within 20 days after the application date unless additional information is required to determine eligibility; or
  2. The applicant is in a hospital as an inpatient at the time of application. Within seven days of the Administration or its designee's receipt of a signed application the Administration or its designee shall complete an eligibility determination if the Administration or its designee does not need additional information or verification to determine eligibility.
- B.** The Administration or its designee shall reopen or reinstate eligibility of an individual who is discontinued for failure to submit the renewal form or necessary information, without requiring a new application, if the individual submits the renewal form or necessary information within 90 days after the date of discontinuance.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1414. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1415. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1416. Effective Date of Eligibility**

- A.** Except as provided in R9-22-303 and subsections (B), (C) and (D), the effective date of eligibility is the first day of the month that the applicant files an application if the applicant is eligible that month, or the first day of the first eligible month following the application month except for:
1. The MED program under R9-22-1439, and
  2. Eligibility for a newborn under R9-22-1429.
- B.** The effective date of eligibility for an applicant who moves into Arizona is no sooner than the date Arizona residency is established.
- C.** The effective date of eligibility for an inmate applying for medical coverage is the date the applicant no longer meets the definition of an inmate of a public institution.
- D.** The effective date of eligibility for a newborn is no sooner than the date of birth.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1417. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1418. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1419. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section

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repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 9 A.A.R. 5123, effective January 3, 2004 (Supp. 03-4). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1419.01. Repealed****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5123, effective January 3, 2004 (Supp. 03-4). Section repealed by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1419.02. Repealed****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5123, effective January 3, 2004 (Supp. 03-4). Section repealed by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1419.03. Repealed****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5123, effective January 3, 2004 (Supp. 03-4). Section repealed by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1419.04. Repealed****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5123, effective January 3, 2004 (Supp. 03-4). Section repealed by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1420. Income Eligibility Criteria**

**A.** Evaluation of income. In determining eligibility, the Administration or its designee shall evaluate the following types of income received by a person identified in subsection (B):

1. Earned income, including in-kind income, before any deductions. For purposes of this Section, in-kind income means room, board, or provision for other needs in exchange for work performed. The person identified in subsection (B) shall ensure that the provider of the in-kind income establishes and verifies the monetary value of the item provided. The provider may be, but is not limited to:
  - a. A landlord who provides all or a portion of rent or utilities in exchange for services;
  - b. A store owner who gives goods such as groceries, clothes, or furniture in exchange for services; or
  - c. An individual who trades goods such as a car, tools, trailer, building material, or gasoline in exchange for services;
2. Self-employment income under R9-22-1424, including gross business receipts minus business expenses; and
3. Unearned income, including deemed income under R9-22-317 from the sponsor of a non-citizen applicant.

**B.** MAGI income group. The Administration or its designee shall include the following persons in the MAGI income group:

1. When the applicant is a taxpayer include:
  - a. The applicant,
  - b. Everyone the applicant expects to claim as a tax dependent for the current year, and

- c. The applicant's spouse, when living with the applicant.
2. Except as provided in subsection (B)(3), when the applicant expects to be claimed as a tax dependent for the current year include:
  - a. The taxpayer claiming the applicant,
  - b. Everyone else the taxpayer expects to claim as a tax dependent,
  - c. The taxpayer's spouse when living with the taxpayer, and
  - d. The applicant's spouse, when living with the applicant.
3. When any of the following apply, determine the persons whose income is included as described in subsection (4)(a) or (4)(b) based on the applicant's age:
  - a. The applicant expects to be claimed as a tax dependent by someone other than a spouse or natural, adopted or step-parent;
  - b. The applicant is under age 19, expects to be claimed as a tax dependent by a natural, adopted or step-parent, lives with more than one such parent and the parents do not expect to file a joint tax return; or
  - c. The applicant is under age 19 and expects to be claimed as a tax dependent by a non-custodial parent.
4. When the applicant is not a taxpayer, does not expect to be claimed as a tax dependent and is:
  - a. Under age 19. Include the income of the applicant and when living with the applicant, the applicant's:
    - i. Spouse;
    - ii. Natural, adopted and step-children;
    - iii. Natural, adopted and step-parents;
    - iv. Natural, adopted and step-siblings; and
  - b. Age 19 or older. Include the income of the applicant and when living with the applicant, the applicant's:
    - i. Spouse;
    - ii. Natural, adopted and step-children under age 19.
5. When the applicant is a pregnant woman, the Administration or its designee shall also include the number of expected babies only for the pregnant woman's income group.
6. When the taxpayer cannot reasonably establish that a person is the taxpayer's tax dependent, inclusion of the person in the taxpayer's MAGI income group is determined as provided in subsection (B)(4).

**C.** A person whose income is counted. The Administration or its designee shall count the MAGI-based income of all members of an applicant's MAGI income group with the following exceptions:

1. The income of an individual who is included in the MAGI income group of his or her natural, adoptive or step parent and is not expected to be required to file a tax return for the year in which eligibility for Medicaid is being determined, is not counted whether or not the individual files a tax return.
2. The income of a tax dependent other than the taxpayer's spouse or biological, adopted or stepchild who is not expected to be required to file a tax return for the year in which eligibility for Medicaid is being determined is not counted when the tax dependent is included in the taxpayer's MAGI income group, whether or not the tax dependent files a tax return.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section

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repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1421. MAGI based Income Eligibility**

- A. In determining eligibility, if an individual would otherwise be ineligible under this Article due to excess income, the Administration or its designee shall subtract an amount equivalent to five percentage points of the Federal Poverty Level (FPL) from the household income.
- B. A person is eligible under this Article when:
  1. Subject to subsection (A), the monthly household income does not exceed the appropriate FPL;
  2. If ineligible under (B)(1), the household income determined in accordance with 26 CFR 1.36B-1(e) is below 100 percent FPL; or
  3. For eligibility under R9-22-1437, the person's income during the period defined in R9-22-1437(C) does not exceed the FPL under R9-22-1437(B).
- C. The Administration or its designee shall consider the following factors when determining the income period to use to determine monthly income:
  1. Type of income,
  2. Frequency of income,
  3. If source of income is new or terminated, or
  4. Income fluctuation.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1422. Methods for Calculating Monthly Income**

- A. Projecting income.
  1. Description. Projecting income is a method of determining the amount of income that a person will receive.
  2. Calculation. The Administration or its designee shall project income by:
    - a. Converting income to a monthly equivalent,
    - b. Using unconverted income, or
    - c. Prorating income to determine a monthly equivalent.
  3. Exclusion. When calculating projected monthly income, the Administration or its designee shall exclude an unusual variation in income under R9-22-1424(E), except for a month in which the variation is anticipated to occur.
- B. Averaged income.
  1. Description. Averaging income proportionally distributes the person's income received on a regular basis.
  2. Calculation. To average income, the Administration or its designee shall add the amount of the income and divide by the total number of pay periods. If the amount of income received per pay period fluctuates, and the fluctuation is expected to continue, the Administration or its designee shall:
    - a. Use the averaged weekly or bi-weekly amounts to convert weekly or bi-weekly income to a monthly equivalent;

- b. Use the averaged monthly or semi-monthly amounts to project monthly income; and
- c. Use the averaged hours worked and multiply the average by the current rate of pay. If there is a change in the rate of pay, use the new rate of pay when calculating projected income under subsection (A).

**C. Prorated income.**

1. Description. Prorated income evenly distributes a person's income over the period the income is intended to cover to calculate a monthly equivalent.
2. Calculation. To prorate income, the Administration or its designee shall divide the total amount of the person's income received during the period by the number of months that the income is intended to cover.

**D. Converted income.**

1. Description. Converted income is income received weekly or biweekly that is changed to a monthly equivalent.
2. Calculation.
  - a. The Administration or its designee shall average the weekly or bi-weekly income amounts before converting to the monthly equivalent if the person's past income fluctuates and the fluctuation is expected to recur.
  - b. To convert income paid weekly to a monthly equivalent, the Administration or its designee shall multiply the weekly average by 4.3 weeks.
  - c. To convert income paid bi-weekly to a monthly equivalent, the Administration or its designee shall multiply the bi-weekly average by 2.15 weeks.

**E. Unconverted income.**

1. Description. Unconverted income is the actual amount of income received or projected to be received during a month.
2. Calculation. The Administration or its designee shall sum the actual amount of income received or projected to be received during a month.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1423. Calculations and Use of Methods Listed in R9-22-1422 Based on Frequency of Income**

- A. Monthly income. If otherwise countable income is received monthly or in a lump sum, the Administration or its designee shall use the unconverted method for calculating monthly income.
  1. Lump sum means a nonrecurring payment that serves as a complete payment.
  2. Lump sum payments include but are not limited to: rebates or credits; inheritances; insurance settlements; and payments for prior months from such sources as Social Security, Railroad Retirement, or other benefits.
  3. A lump sum payment may include a portion intended for the current month.

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- B. Weekly income. If income is received weekly, the Administration or its designee shall convert the income to a monthly equivalent under R9-22-1422(D).
  - C. Bi-weekly income. If income is received bi-weekly, the Administration or its designee shall convert the income to a monthly equivalent under R9-22-1422(D).
  - D. Semi-monthly or daily income. If income is received semi-monthly or daily, the Administration or its designee shall use the unconverted method for calculating monthly income under R9-22-1422(E).
  - E. Bimonthly, quarterly, semi-annual, or annual income. If income is received bimonthly, quarterly, semi-annually, or annually, the Administration or its designee shall prorate the income received or projected to be received under R9-22-1422(C).
- a. Contract income is income a person earns under a contract that specifies a length of time the contract covers, the amount of income to be paid, and the frequency of payment.
  - b. Regular seasonal income is income that fluctuates based on season or is only received during a certain season, and can reasonably be anticipated based on history or other verification.

## 2. Calculating monthly income.

- a. When the contract or regular seasonal income will not fluctuate over the 12-month period beginning with the month the application or renewal is submitted, the Administration or its designee shall use the appropriate income calculation method in R9-22-1423 for the frequency of receipt.
- b. When the contract or regular seasonal income is anticipated to fluctuate over the 12-month period beginning with the month the application or renewal is submitted, the Administration or its designee shall calculate the monthly income as follows:
  - i. For a one-time contract that ends between the month the application or renewal is submitted and the end of the calendar year, divide the income that will be received from the application or renewal month through the end of the calendar year by the number of months in that period to get a monthly equivalent;
  - ii. For contracts that extend into the next calendar year, contracts that are anticipated to be renewed and regular seasonal income, the Administration or its designee shall divide the income that will be received in the 12-month period beginning with the application or renewal month by 12 to get the monthly equivalent.

## E. Unusual variation in the amount of income.

- 1. Description. Unusual variation is an amount of income that is different from the established amount received and is not projected to continue or recur.
- 2. Calculating monthly income.
  - a. When calculating income for the month in which an unusual variation in income occurs, the Administration or its designee shall include the unusual variation in the income calculation.
  - b. When an unusual variation in income occurs during the month, the Administration or its designee shall use the converted method for calculating monthly income if income is received weekly or bi-weekly.
  - c. When projecting income for the months following the month in which the unusual variation occurs, the Administration or its designee shall exclude the unusual variation in income from the income calculation.

## F. Self-employment income.

- 1. Description. Self-employment income is income a person earns from the person's own trade or business less allowable expenses.
- 2. Calculating monthly income. The Administration or its designee shall prorate the income under R9-22-1422.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1424. Use of Methods Listed in R9-22-1423 Based on Type of Income****A. New income.**

- 1. Description. New income is income received from a new source during the first calendar month that the income is received from the source.
- 2. Calculating monthly income.
  - a. If a full month's income is received, the Administration or its designee shall use the appropriate method described in R9-22-1423 to calculate the monthly income.
  - b. If less than a full month's income is received, the Administration or its designee shall use the unconverted method to calculate the monthly income.

**B. Terminated income.**

- 1. Terminated income is income received during the last calendar month when no more income is expected to be received from that source.
- 2. Calculating monthly income.
  - a. If a full month's income is received, the Administration or its designee shall use the appropriate method described in R9-22-1423 to calculate the monthly income.
  - b. If less than a full month's income is received, the Administration or its designee shall use the unconverted method to calculate the monthly income.

**C. Break in income.**

- 1. Description. A break in income is a break in established frequency of income of one calendar month or more.
- 2. Calculating monthly income.
  - a. If a full month's income is received, the Administration or its designee shall use the appropriate method described in R9-22-1423 to calculate the monthly income.
  - b. If less than a full month's income is received, the Administration or its designee shall use the unconverted method to calculate the monthly income.

**D. Contract or regular seasonal income.**

- 1. Descriptions.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp.

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05-4). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1425. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1426. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1427. Eligibility Under MAGI**

- A. Caretaker Relatives.** An individual is eligible for AHCCCS medical coverage as a Caretaker Relative when the individual meets the following requirements:
1. Is a caretaker relative as defined in R9-22-1401.
  2. The total countable income under R9-22-1420(B) does not exceed 106 percent of the FPL for the number of people in the MAGI income group.
- B. Continued medical coverage.**
1. A caretaker relative eligible under subsection (A) and all dependent children eligible under subsection (D) in the caretaker relative's MAGI income group are entitled to continued AHCCCS coverage for up to 12 months if eligible under subsection (B)(1)(c)(i) and up to four months if eligible under subsection (B)(1)(c)(ii) if the MAGI income group's income exceeds the limit for the income group's size and the following conditions are met:
    - a. The caretaker relative still lives with a dependent child;
    - b. A caretaker relative in the income group received AHCCCS medical coverage under this Section for three calendar months out of the most recent six months; and
    - c. The loss of AHCCCS coverage under this Section is due to:
      - i. Increased earned income of a caretaker relative, or
      - ii. Increased spousal support.
  2. An applicant may be added to the continued medical coverage under subsection (B)(1), if the applicant did not reside in the household at the time continued medical coverage under this Section was determined and the applicant is:
    - a. The spouse or dependent child of a caretaker relative receiving continued medical coverage, or
    - b. The parent of a dependent child who is receiving continued medical coverage.

- C. Pregnant Women.** A pregnant woman is eligible for AHCCCS medical coverage when the total countable income under R9-22-1420(B) does not exceed 156 percent of the FPL for the number of people in the MAGI income group. A pregnant woman who applies for AHCCCS medical coverage during the pregnancy or postpartum period and is determined eligible, remains eligible throughout the postpartum period. The postpartum period begins the day the pregnancy terminates and ends the last day of the month in which the 60th day following pregnancy termination occurs.
- D. Children.** A child less than 19 years of age is eligible for AHCCCS medical coverage when the total countable income under R9-22-1420(B) does not exceed the following percentage of the FPL for the number of people in the MAGI income group:
1. 147 percent for a child under one year of age,
  2. 141 percent for a child age one through five years of age, or
  3. 133 percent for all other persons.
- E. Adults.** An individual is eligible for AHCCCS medical coverage when the individual meets the following eligibility requirements:
1. Is 19 years of age or older but less than 65 years of age;
  2. Is not pregnant;
  3. Is not eligible for AHCCCS Medical Coverage under any other coverage group listed in 42 U.S.C. 1396a(a)(10)(A)(i);
  4. Is not entitled to or enrolled for Medicare benefits under Part A or Part B;
  5. The total countable income under R9-22-1420(B) does not exceed 133 percent of the FPL for the number of people in the MAGI income group; and
  6. When the individual is a caretaker relative, but has income exceeding the limit in subsection (A)(2), each child under age 19 living with the individual is receiving AHCCCS medical coverage or KidsCare, or is enrolled in minimum essential coverage as defined in 42 CFR 435.4.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Section R9-22-1427 repealed; new Section R9-22-1427 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1428. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1429. Eligibility for a Newborn**

A child born to a mother eligible for and receiving medical coverage under this Article, Article 15 of the Chapter, or 9 A.A.C. 28, is automatically eligible for AHCCCS medical coverage for a period not to exceed 12 months. Automatic eligibility begins on the child's

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date of birth and ends with the last day of the month in which the child turns age one.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1430. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1431. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 2633, effective July 10, 2007 (Supp. 07-3). Amended by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1). Repealed by final rulemaking at 21 A.A.R. 1241, effective September 5, 2015 (Supp. 15-3).

**R9-22-1432. Young Adult Transitional Insurance**

An individual is eligible for AHCCCS medical coverage when the individual meets all of the following eligibility requirements:

1. Is 18 through 25 years of age;
2. Was in the custody of the Department of Economic Security under A.R.S. Title 8, Chapter 5 or Chapter 10 on the individual's 18th birthday;
3. Was eligible for and receiving AHCCCS Medical Coverage on the individual's 18th birthday; and
4. Is not eligible for AHCCCS Medical Coverage under 42 U.S.C. 1396a(a)(10)(A)(i)(I) - (VII).

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1433. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1434. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 7 A.A.R. 5701, effective December 1, 2001 (Supp. 01-4). Section repealed by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4).

**R9-22-1435. Eligibility for a Person With Medical Expenses Whose Income is Over 100 Percent FPL**

An applicant who is not eligible for AHCCCS medical coverage due to excess income may become AHCCCS eligible by deducting medical expenses from the applicant's income. This coverage is called Medical Expense Deduction (MED).

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1436. MED Family Unit**

- A. For the purpose of this Section, a child is an unmarried person under age 18.
- B. The Department shall consider each of the following to be a family when living together:
  1. A parent and the parent's children;
  2. A married couple without children;
  3. A married couple and the children of either or both spouses;
  4. Unmarried parents who live with at least one child in common, and the parents' other children, whether in common or not; and
  5. A person without children.
- C. If an applicant is pregnant, the family unit includes the number of unborn children.
- D. A child of the children included in subsections (B)(1), (B)(3), or (B)(4) is considered part of the family unit when living together.
- E. The Department shall not include a SSI-cash recipient in the MED family unit even if the SSI-cash recipient is a parent, spouse, or child.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1437. MED Income Eligibility Requirements**



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- A.** Income exclusions. The exclusions in R9-22-1420(C) apply to the MED family unit.
- B.** Income standard.
1. The Department shall divide the annual FPL for the MED family unit that is in effect during each month of the income period by 12 to determine the monthly FPL.
  2. The Department shall add the monthly FPLs for the income period and multiply the resulting amount by 40 percent.
  3. Changes to the annual FPL are implemented in April of each year.
- C.** Income period. The income period is the month of application and the next two months. The Department shall add together the three months' income to establish the MED family unit's income amount.
- D.** Medical expense deduction period. The medical expense deduction period is a three-month period consisting of:
1. For a new application, the month before the application month, the month of application, and month following the application month; or
  2. For a MED eligibility review, the last month of the prior MED eligibility period and the following two months.
- E.** The Department shall calculate the amount of countable monthly income as follows:
1. Subtract a \$90 cost of employment allowance from the gross amount of earned income for each person whose earned income is counted;
  2. Disregard from the remaining earned income an amount billed by the provider for the care of each dependent child under age 18 or incapacitated adult member of the MED family unit if the care is for the purpose of allowing the person to work. If more than one person in the household is responsible for and billed for the care of a dependent child, the disregard may be split between the wage earners if splitting the disregard is to the benefit of the family, but shall not exceed the maximum disregards as follows:
    - a. A maximum of \$200 for a child under age two and \$175 for other dependents for a wage-earner employed full-time (86 or more hours per month); and
    - b. A maximum of \$100 for a child under age two, and \$88 for other dependents for a wage earner employed part-time (less than 86 hours a month);
  3. Add the remaining earned income for each MED family member to the unearned income of all MED family members;
  4. Compare the MED family's unit countable income amount to the income standard in subsection (B). The difference is the amount of medical expenses the family shall incur during the medical expense deduction period to become eligible;
  5. Subtract allowable medical expense deductions that were incurred by:
    - a. A member of the MED family unit;
    - b. A deceased spouse or minor child of a MED family unit if this person would have been a member of the MED unit during the MED expense deduction period;
    - c. A person who was a minor child of a MED family unit member when the expense was incurred but who is no longer a minor child; or
    - d. A minor child, including a child who is a runaway, who left home before the date of application to live with someone other than a parent; and
  6. Compare the net MED family income to the income standard listed in subsection (B).
- F.** The family is eligible if the net income in subsection (E)(6) does not exceed the income standard in subsection (B).

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1438. MED Resource Eligibility Requirements**

- A.** Including countable resources. The Department shall include the resources not excluded that belong to and are available to members of the family of a qualified alien under A.R.S. § 36-2903.03 and the sponsor and sponsor's spouse of a person who is a qualified alien.
- B.** Ownership and availability. The Department shall evaluate the ownership of resources to determine the availability of resources to a person listed in subsection (A).
1. Jointly owned resources with ownership records containing the words "and" or "and/or" between the owners' names are available to each owner except if one of the owners refuses to sell. A consent to sale is not required if all owners are members of the MED family unit.
  2. Jointly owned resources with ownership records containing the word "or" between the owners' names are presumed to be available in full to each owner. The applicant or member may rebut the presumption by providing clear and convincing evidence of intent to establish a different type of ownership. If the presumption is rebutted, the resource is available to the owners:
    - a. Consistent with the intent of the owners, or
    - b. Based on each owner's proportionate net contribution if there is not clear and convincing evidence of a different allocation.
  3. The Department shall establish availability of a trust under 42 U.S.C. 1396p(d)(4)(A) or (C).
- C.** Unavailability. The Department shall consider the following resources unavailable:
1. Property subject to spendthrift restriction, such as:
    - a. Accounts established by the SSA, Veteran's Administration, or similar sources that mandate that the funds in the account be used for the benefit of a person not residing with the MED family unit; or
    - b. Trusts established by a will or funded solely by the income and resources of someone other than a member of the MED family unit.
  2. A resource being disputed in a divorce proceeding or probate matter;
  3. Real property located on a Native American reservation;
  4. A resource held by a conservator to the extent court-imposed restrictions make the resource unavailable to the applicant, member, or member of the family unit for:
    - a. Medical care,
    - b. Food,
    - c. Clothing, or
    - d. Shelter.
- D.** Resource exclusion. The Department shall exclude the following resources from the calculation of resources under subsection (E):
1. One burial plot for each person listed in R9-22-1436;
  2. Household furnishings and personal items that are necessary for day-to-day living;
  3. Up to \$1500 of the value of one prepaid funeral plan for each person listed in R9-22-1436 that specifically covers only funeral-related expenses as evidenced by a written contract;
  4. The value of one motor vehicle regularly used for transportation. If the MED family unit owns more than one

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vehicle, the exclusion is applied to the vehicle with the highest equity value;

5. The value of a vehicle used to earn income and not used simply for transportation to and from employment;
  6. The value of a vehicle in which a SSI-cash recipient has an ownership interest; and
  7. The value of any vehicle used for medical treatment, employment, or transportation of a SSI-cash disabled child, and that is excluded by SSI for that reason.
8. Funds set aside in an Individual Development Account under 6 A.A.C. 12, Article 4; and
  9. Any other resource specifically excluded by federal law.
- E. Calculation of resources. The Department shall determine the value of all household resources as follows:
1. Calculate the total amount of countable liquid resources;
  2. Calculate the equity value of each countable non-liquid resource. The Department shall determine the equity value of a countable non-liquid resource by subtracting the amount of valid encumbrances on that resource from:
    - a. The market value of real property if there is no assessor's evaluation of the property,
    - b. The market value of real property if the assessor's value of the real property does not include the value of permanent structures on that property,
    - c. The assessor's full cash value if subsections (E)(2)(a) and (E)(2)(b) do not apply, and
    - d. The market value of a non-liquid resource that is not real property;
  3. Not assign an equity value to a resource that is less than zero; and
  4. Determine the MED family unit's resources by adding the totals determined in subsections (1) and (2).
- F. Resource standard to be eligible for MED. A person is not eligible for MED if the resources determined in subsection (E) exceed \$100,000 or if more than \$5,000 are liquid resources.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1439. MED Effective Date of Eligibility**

- A. A MED family unit is eligible on the day the income and resource eligibility requirements are met but no earlier than the first day of the month of application. If the family unit meets the income requirements in the application month but does not meet the resource limit until the following month, the family unit's effective date of eligibility is the first day of the month following the month of application.
- B. The Department shall adjust the effective date of eligibility under subsection (A) to an earlier date if:
1. A member presents verification of additional allowable medical expenses incurred on an earlier date during the medical expense deduction period that allow the member to meet the income requirements, and
  2. The member presents the verification within 60 days of approval of eligibility under this Section.
- C. The Department shall not adjust an effective date of eligibility more than one time per application.
- D. The Department shall adjust the effective date no later than 30 days after the end of the 60-day period under subsection (B)(2).
- E. The Department shall deny an application and provide the applicant a denial notice when the applicant does not meet the MED requirements under this Article during the month of application or the month following the month of application.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1440. MED Eligibility Period**

The Department shall approve eligibility for six months. Changes in circumstances do not affect eligibility for the first three months.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1441. Eligibility Appeals**

- A. Adverse actions. An applicant or member may appeal by requesting a hearing from the Department concerning any of the following adverse actions:
1. Complete or partial denial of eligibility under R9-22-1413;
  2. Suspension, termination, or reduction of AHCCCS medical coverage under R9-22-1415;
  3. Delay in the eligibility determination beyond the timeframes under this Article;
  4. The imposition of or increase in a premium or copayment; or
  5. The effective date of eligibility.
- B. Notice of Adverse Action. The Department shall personally deliver or send, by regular mail, a Notice of Adverse Action to the person affected by the action. For the purpose of this Section, the date of the Notice of Adverse Action shall be the date of personal delivery to the applicant or the postmark date, if mailed.
- C. Automatic change and hearing rights.
1. An applicant or a member is not entitled to a hearing if the sole issue is a federal or state law requiring an automatic change adversely affecting some or all recipients.
  2. An applicant or a member is entitled to a hearing if a federal or state law requires an automatic change and the applicant or member timely files an appeal that alleges a misapplication of the facts to the law.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1442. Cessation of MED Coverage**

The Department shall not approve any individual or family who has applied on or after May 1, 2011 as eligible for MED coverage. With respect to any applications that are pending as of May 1, 2011, the Department shall not approve any individual or family as eligible for MED coverage who has not met all eligibility requirements prior to May 1, 2011.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 1028, effective May 1, 2011 (Supp. 11-2).

**R9-22-1443. Repealed****Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 1345, effective July 8, 2011 (Supp. 11-3). Amended by exempt rulemaking at 17 A.A.R. 2624, effective July 8, 2011 (Supp. 11-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**ARTICLE 15. AHCCCS MEDICAL COVERAGE FOR PEOPLE WHO ARE AGED, BLIND, OR DISABLED****R9-22-1501. General Information**

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- A. General. The Administration shall determine eligibility for AHCCCS medical coverage for the following applicants or members using the eligibility criteria and requirements in this Article and Article 3:

1. A person who is aged, blind, or disabled and does not receive SSI cash; and
2. A person terminated from the SSI cash program under R9-22-1505.

- B. Definitions. In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Chapter have the following meanings unless the context explicitly requires another meaning:

“Aged” means a person who is 65 years of age or older as specified in 42 U.S.C. 1382c(a)(1)(A).

“Blind” means a person who has been determined blind by the Department of Economic Security, Disability Determination Services Administration, under 42 U.S.C. 1382c(a)(2) and 42 CFR 435.530 as of October 1, 2012, which are incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.

“Disabled” means a person who has been determined disabled by the Department of Economic Security, Disability Determination Services Administration, under 42 U.S.C. 1382c(a)(3)(A) through (E) and 42 CFR 435.540 as of October 1, 2012, which are incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.

- C. Eligibility effective date.

1. Eligibility is effective on the first day of the month that all eligibility requirements are met, including the period described under R9-22-303.
2. The effective date of eligibility for an applicant who moves into Arizona is no sooner than the date Arizona residency is established.
3. The effective date of eligibility for an inmate applying for medical coverage is the date the applicant no longer meets the definition of an inmate of a public institution.

#### Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 9 A.A.R. 5123, effective January 3, 2004 (Supp. 03-4). Amended by exempt rulemaking at 10 A.A.R. 23, effective December 9, 2003 (Supp. 03-4). Amended by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1). Amended by final rulemaking at 19 A.A.R. 3309, effective November 30, 2013 (Supp. 13-4). Section amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014; amendments to this Section were slated to be codified in Supp. 14-1 but due to a clerical error, were not published. The amendments to this Section were published in Supp. 20-4

and no additional amendments have been made to this Section since January 7, 2014 (Supp. 20-4).

#### R9-22-1502. Repealed

##### Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

#### R9-22-1503. Financial Eligibility Criteria

- A. General income eligibility. Except as provided under subsection (B) of this rule, the Administration or its designee shall count the identified income under 42 U.S.C. 1382a and 20 CFR 416 Subpart K.

- B. Exceptions.

1. In-kind support and maintenance under 42 U.S.C. 1382a(a)(2)(A) is excluded.
2. For a person living with a spouse, the Administration or its designee calculates net income for an eligible couple under 20 CFR 416.1160 as of April 1, 2013, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments, even if the spouse is not eligible for or applying for SSI or coverage under this Article.
3. In determining the net income of a married couple living with a child or the net income of a person who is not living with a spouse but living with a child, a child allocation is allowed as a deduction from the combined net income of the couple for each child regardless of whether the child is ineligible or eligible. For the purposes of this Section, a child means a person who is unmarried, natural or adopted, and under age 18 or under age 22 if a full-time student. Each child's allocation deduction is reduced by that child's income, including public income maintenance payments, using the methodology under 20 CFR 416.1163(b)(1) and (2) as of April 1, 2013, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.
4. In determining the income deemed available to an applicant who is a child from an ineligible parent or parents, an allocation for each eligible or ineligible child of the parent is allowed as a deduction from the parent's income under 20 CFR 416.1165(b). The child's allocation is reduced by that child's income, including public income maintenance payments.
5. In determining the income of a person who receives an annual Title II Cost of Living Allowance (COLA) increase, the COLA amount is disregarded from January until the Administration applies the effective income limits under R9-22-1504 based on the FPL for the calendar year.

##### Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7

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A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1504. Eligibility For A Person Who is Aged, Blind, or Disabled**

- A.** To be eligible for AHCCCS medical coverage, an applicant shall meet the conditions of eligibility and requirements in this Article and:
1. Meet one of the income tests described in subsection (B) or (C), or
  2. The special requirements in R9-22-1505.
- B.** The Administration shall determine whether the applicant's countable income, as described in R9-22-1503, is less than or equal to 100 percent of the SSI FBR, as adjusted annually.
- C.** The Administration shall determine whether the applicant's countable income, as described in R9-22-1503, without deducting the amount from earned income under 42 U.S.C. 1382a(b)(4)(B)(iii), is less than or equal to 100 percent FPL as adjusted annually.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1505. Eligibility for Special Groups**

- A.** The following are considered special groups:
1. A person meeting the requirements in A.R.S. § 36-2903.03 who:
    - a. Is aged, blind, or disabled under 42 CFR 435.520, 42 CFR 435.530, or 42 CFR 435.540 as of October 1, 2012, which are incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.
    - b. Received SSI cash or AHCCCS medical coverage under this subsection, or subsections (A)(2), (A)(3), or (A)(4) on or before August 21, 1996;
    - c. Was residing in the United States under color of law on or before August 21, 1996; and
    - d. Meets the requirements under this Article;
  2. A disabled child (DC) under 42 U.S.C. 1396a(a)(10)(A)(i)(II). A disabled child is a child who:
    - a. Was receiving SSI cash benefits as a disabled child on August 22, 1996;
    - b. Lost SSI cash benefits effective July 1, 1997, or later, due to a disability determination under Section 211(d) of Subtitle B of P.L. 104-193;
    - c. Continues to meet the disability requirements for a child that were in effect on August 21, 1996; and
    - d. Meets the requirements under this Article;
  3. A disabled adult child (DAC), under 42 U.S.C. 1383c(c) who:
    - a. Was determined disabled by the Social Security Administration before attaining the age of 22 years,
    - b. Became entitled to or received an increase in child's insurance benefits under Title II of the Act on the basis of blindness or disability,

- c. Was terminated from SSI cash benefits due to entitlement to or an increase in income under Title II of the Act,
  - d. Meets the requirements under this Article, and
  - e. Is 18 years of age or older;
4. A disabled widow or widower (DWW) under 42 U.S.C. 1383c(b) and (d) who:
    - a. Is blind or disabled,
    - b. Is ineligible for Medicare Part A benefits,
    - c. Received SSI cash benefits the month before Title II of the Act benefit payments began,
    - d. Meets the requirements under this Article;
    - e. Is at least 50 years of age but under age 65; and
    - f. Is unmarried.
  5. Under 42 CFR 435.135, a person who:
    - a. Is aged, blind, or disabled;
    - b. Receives benefits under Title II of the Act;
    - c. Received SSI cash benefits in the past;
    - d. Received SSI cash benefits and Title II of the Social Security Act benefits concurrently for at least one month anytime after April 1977;
    - e. Became ineligible for SSI cash benefits while receiving SSI and benefits under Title II of the Act concurrently; and
    - f. Meets the requirements under this Article.
- B.** Income for special groups.
1. Except as provided in subsection (B)(2), income eligibility is determined using the income criteria in R9-22-1503.
  2. Exceptions to income for special groups.
    - a. For a person in the DAC coverage group under subsection (A)(3), the applicant's Title II of the Social Security Act benefits are disregarded in determining income eligibility under 42 U.S.C. 1383c(c).
    - b. For a person in the DWW coverage group, under subsection (A)(4), the applicant's Title II of the Social Security Act benefits are disregarded in determining income eligibility under 42 U.S.C. 1383c(b) and (d).
    - c. For an applicant or member in the coverage group under subsection (A)(5), the portion of the applicant's or member's Title II of the Social Security Act benefits attributed to cost-of-living adjustments received by the applicant since the effective date of SSI ineligibility is disregarded in determining income eligibility under 42 CFR 435.135.
- C.** 100 percent FBR. As a condition of eligibility for all special groups, countable income shall be equal to or less than 100 percent of the SSI FBR, as adjusted annually.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1506. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section

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repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1507. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1508. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**ARTICLE 16. HOSPITAL PRESUMPTIVE ELIGIBILITY****R9-22-1601. General Eligibility Requirements**

- A. Notwithstanding Article 3, a qualified hospital may determine Hospital Presumptive Eligibility (HPE), on the basis of preliminary information, that an individual is eligible for AHCCS medical coverage during the presumptive eligibility period described in this section, if the individual is a United States citizen or eligible qualified alien, and the individual is:
  1. Pregnant with gross household income that does not exceed 156% of the FPL;
  2. An adult who meets the requirements of R9-22-1427(E);
  3. A caretaker relative as defined in R9-22-1401(B) with gross household income that does not exceed 106% of the FPL;
  4. Under age 19 with gross household income that does not exceed the limit set in R9-22-1427(D) for the child's age;
  5. A woman screened for breast or cervical cancer by an Arizona program of the National Breast and Cervical Cancer Early Detection Program who meets the requirements of R9-22-2003(A); or
  6. A former foster care child who meets the requirements of R9-22-1432.
- B. Definitions. In addition to definitions contained in R9-22-101 and A.R.S. § 36-2901, the words and phrases in this Article have the following meanings unless the context explicitly requires another meaning: "Qualified hospital" means a hospital that has signed an agreement with the Administration to process HPE applications and has not been disqualified.
- C. Application Process:
  1. Right to apply. A person may apply for presumptive eligibility for AHCCCS medical coverage by submitting an Administration-approved application to the qualified hospital.
  2. Application. To initiate the application process, the qualified hospital will accept an application from the applicant, an adult who is in the applicant's household, as defined in 42 CFR 435.603(f), or family, as defined in section 36B(d)(1) of the Internal Revenue Service (IRS) Code, an authorized representative, or if the applicant is a minor or incapacitated, someone acting responsibly for the applicant by submitting a written or online application under 42 CFR 435.907.
- D. To establish presumptive eligibility, an applicant must complete and submit an AHCCCS-approved presumptive eligibility application signed under penalty of perjury to a qualified hospital. The applicant must attest to the name(s), relationship(s), and income of all persons in the household. In addition, the applicant must provide and attest to the following information regarding each household member on whose behalf AHCCCS medical coverage is sought:
  1. The individual's date of birth;
  2. Whether the individual is pregnant;
  3. Whether the individual has been determined eligible for Breast and Cervical Cancer Treatment Program, described under Article 20;
  4. Whether the individual is a former foster child, described under R9-22-1432;
  5. The U.S. citizenship status or eligible qualified alien status under A.R.S. 36-2903.03 of the individual; and
  6. The individual's permanent and mailing addresses;
  7. The individual's Arizona residency status; and
  8. Whether the individual has Medicare coverage.
- E. Presumptive eligibility begins on the date the hospital determines an individual's presumptive eligibility and ends with the earlier of:
  1. In the case of an individual on whose behalf an application has been submitted to AHCCCS or its designee under Article 3, the day on which AHCCCS or its designee makes a determination on that application; or
  2. In the case of an individual on whose behalf an application has not been submitted to AHCCCS or its designee under Article 3, on the last day of the following month in which the determination of presumptive eligibility was made by the qualified hospital.
- F. An individual may not be determined presumptively eligible more often than once every two years.
- G. Coverage and reimbursement of services.
  1. The Administration shall provide coverage of medically necessary services described under Article 2 to persons determined eligible for HPE on a fee-for-service basis.
  2. Providers shall submit claims for services provided to persons determined eligible for HPE to the Administration as described under Article 7.
- H. A member may withdraw from HPE coverage by notifying the Administration or its designee.
- I. Upon determining an individual presumptively eligible, the qualified hospital shall:
  1. Notify the applicant at the time a determination regarding presumptive eligibility is made, in writing and orally if appropriate, of the determination for each individual on whose behalf presumptive eligibility was requested and the effective date of the presumptive eligibility;
  2. Provide the applicant with a regular AHCCCS-approved application form and inform the applicant that the applicant may file an application for Medicaid with the Administration or its designee;
  3. Notify AHCCCS of the presumptive eligibility determination;
  4. Notify the applicant at the time the determination is made that presumptive eligibility ends with the earlier of:
    - a. In the case of an individual on whose behalf an application has been submitted to AHCCCS or its designee under Article 3, the day on which AHCCCS or its designee makes a determination on that application; or
    - b. In the case of an individual on whose behalf an application has not been submitted to AHCCCS or its designee under Article 3, on the last day of the following month in which the determination of presumptive eligibility was made by the qualified hospital.
- J. A determination by a qualified hospital that an individual is not presumptively eligible is not appealable under Chapter 34. If a qualified hospital denies an individual presumptive eligi-

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bility, the individual may apply for coverage by submitting an application to the Administration or its designee.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4). New Section made by final rulemaking at 20 A.A.R. 3436, effective January 1, 2015 (Supp. 14-4).

**R9-22-1602. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1603. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1604. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1605. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1606. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-

1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1607. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1608. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1609. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1610. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1611. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1612. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section

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repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1613. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1614. Expired****Historical Note**

New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1615. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1616. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1617. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1618. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1619. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section

repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1620. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1621. Reserved****R9-22-1622. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1623. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1624. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1625. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1626. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1627. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1628. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1629. Repealed**

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**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1630. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1631. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1632. Reserved****R9-22-1633. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1634. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1635. Reserved****R9-22-1636. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**ARTICLE 17. ENROLLMENT****R9-22-1701. Enrollment-Related Definitions**

In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Chapter have the following meanings unless the context explicitly requires another meaning:

“Annual enrollment choice” means the annual opportunity for a person to change contractors.

“Auto-assignment algorithm” or “Algorithm” means a formula used by the Administration to assign to a contractor a member who did not make a timely choice under R9-22-1702.

“CMDP” means Comprehensive Medical and Dental Program.

“Disenrollment” means the discontinuance of a person’s entitlement to receive covered services from a contractor of record.

“Enrollment” means the process by which an eligible person becomes a member of a contractor’s plan.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by

final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended to correct a typographical error, filed in the Office of the Secretary of State October 30, 2001 (Supp. 01-4). Amended by exempt rulemaking at 7 A.A.R. 5701, effective December 1, 2001 (Supp. 01-4). Amended by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4). Section repealed; new Section made by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2).

**R9-22-1702. Enrollment of a Member with an AHCCCS Contractor**

A. General enrollment requirements. The Administration shall enroll a member with a contractor as described in this Section, unless the member has pre-selected a contractor on the application:

1. Except as provided in subsections (A)(3), (A)(5), and (C), a member who is determined to be eligible under this Chapter and resides in an area served by more than one contractor, may choose an available contractor serving the member’s GSA within 30 days from the date of notice of enrollment. A Native American member may select IHS or another available contractor.
  2. If the member does not make a choice under subsection (A)(1), the Administration shall immediately auto-assign the member to:
    - a. IHS if the member is a Native American living on a reservation,
    - b. A contractor based on family continuity, or
    - c. A contractor by using the auto-assignment algorithm.
  3. If the member’s period of ineligibility and disenrollment from the contractor of record is for a period of less than 90 days, the Administration shall enroll the member with the member’s most recent contractor of record, if available, except if:
    - a. The member no longer resides in the contractor’s GSA;
    - b. The contractor’s contract is suspended or terminated;
    - c. The member was previously enrolled with CMDP but at the time of re-enrollment the member is not a foster care child;
    - d. The member chooses another contractor or chooses IHS, if available to the member, during the annual enrollment choice period; or
    - e. The member was previously enrolled with a contractor but at the time of re-enrollment the member is a foster care child.
  4. When the member’s disenrollment period is more than 90 days, the member may select a contractor as described in subsection (A)(1).
  5. The Administration shall not enroll a member with a contractor if a member:
    - a. Is eligible for the FESP under R9-22-1419;
    - b. Is eligible for less than 30 days from the date the Administration receives notification of a member’s eligibility, except for a member who is enrolled with CMDP or IHS;
    - c. Is eligible only for a retroactive period of eligibility, except for a member who is enrolled with CMDP or IHS; or
    - d. Resides in an area not served by a contractor.
- B. Fee-for-service coverage. A member not enrolled with a contractor under subsection (A)(5) shall obtain covered medical



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services from an AHCCCS-registered provider on a fee-for-service basis under Article 7.

- C. Foster care child. The Administration shall enroll a member with CMDP if the member is a foster care child under A.R.S. § 8-512.
- D. Family Planning Services Extension Program. A member eligible for the Family Planning Services Extension Program under R9-22-1431, shall remain enrolled with the member's contractor of record or IHS.
- E. Contractor or IHS enrollment change for a member.
  - 1. The Administration shall change a member's enrollment if the member requests a change to an available contractor or IHS during an annual enrollment period. A Native American may change from an available contractor to IHS or from IHS to an available contractor at any time.
  - 2. The Administration shall approve a change in enrollment for any member if the change is a result of the final outcome of a grievance under 9 A.A.C. 34.
  - 3. A member may choose a different contractor if the member moves into a GSA not served by the current contractor or if the contractor is no longer available. If the member does not select a contractor, the Administration shall auto-assign the member as provided in subsection (A)(2).
  - 4. The Administration shall provide the member 60-day advance notice of the member's option to change plans by the member's annual enrollment date.
  - 5. A member may disenroll from a plan if:
    - a. The member moves out of the GSA;
    - b. The plan does not, because of moral or religious objections, cover the service a member seeks; or
    - c. The member needs related services to be performed at the same time; not all related services are available within the network; and the member's primary care provider or another provider determines that receiving the services separately would subject the member to unnecessary risk.
  - 6. For exceptions to this Article, the Administration shall approve a change for an enrolled member as determined by the Director.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2).

**R9-22-1703. Effective Date of Enrollment with a Contractor**

- A. Effective date of enrollment. A member's date of enrollment is the date enrollment action is taken by the Administration. However, if a plan change occurs for an annual enrollment choice, the effective date is the month of the member's enrollment anniversary date.
- B. Financial liability of the contractor. The contractor shall be financially liable for an enrolled member's care as specified in contract.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section

made by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2).

**R9-22-1704. Newborn Enrollment**

- A. General.
  - 1. The Administration shall enroll a newborn child of an eligible mother with an available contractor or IHS, based on the mother's enrollment.
  - 2. The Administration shall auto-assign a newborn child of an eligible mother who is not enrolled with a contractor or IHS or who is enrolled with CMDP. When a mother enrolled in CMDP has a newborn and the newborn is surrendered to Administration on Children, Youth and Families (ACYF), the newborn is then enrolled with CMDP.
  - 3. The Administration shall notify the mother of the right to choose a different contractor for her newborn child. The mother may make her choice within 30 days from the date of notice of enrollment.
- B. Financial liability for newborns. The contractor shall be financially liable for the medical care of a newborn as specified in contract.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended to correct a typographical error, filed in the Office of the Secretary of State October 30, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2).

**R9-22-1705. Guaranteed Enrollment Period**

- A. General. Except for members enrolled with IHS or CMDP, the Administration shall provide a guaranteed enrollment period for a one-time period that begins on the effective date of the member's initial enrollment with a contractor and ends on the last day of the fifth full calendar month after the date of the member's initial enrollment.
- B. Exceptions to guaranteed period. The Administration shall not grant a guaranteed enrollment period or shall terminate a guaranteed enrollment period as provided in subsection (C), if the member:
  - 1. Did not meet the conditions of eligibility when initially enrolled with the contractor;
  - 2. Except as provided in 9 A.A.C. 22, Article 12, is an inmate of a public institution as defined in 42 CFR 435.1010;
  - 3. Dies;
  - 4. Moves out-of-state;
  - 5. Voluntarily withdraws from the AHCCCS program;
  - 6. Is adopted; or
  - 7. Has whereabouts that are unknown.
- C. Disenrollment effective date. The Administration shall terminate any guaranteed enrollment period to which the member is not entitled effective on:
  - 1. The date the member is admitted to a public institution under subsection (B);
  - 2. The member's date of death;
  - 3. The last day of the month in which the Administration receives notification that a member moved out-of-state;
  - 4. The date the Administration receives written notification of the member's voluntary withdrawal from the AHCCCS program;

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5. The last day of the month in which the Administration receives notification that a member's adoption proceedings are finalized; or
  6. The last day of the month in which the Administration receives notification that a member's whereabouts are unknown.
- D.** Retroactive adjustments. The Administration shall adjust the member's eligibility and enrollment retroactively under subsection (C).

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2).

**ARTICLE 18. RESERVED****ARTICLE 19. FREEDOM TO WORK**

*Article 19, consisting of Sections R9-22-1901 through R9-22-1922, made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4).*

**R9-22-1901. General Freedom to Work Requirements**

Under 42 U.S.C. 1396a(a)(10)(A)(ii)(XV) and (XVI), the Administration shall determine eligibility for AHCCCS medical services, under Article 2 of this Chapter, using the eligibility criteria and requirements under this Article for an applicant or member who is:

1. At least 16 years of age, but less than 65 years of age,
2. Employed, and
3. Not income eligible under A.R.S. § 36-2901(6)(a).

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4).

**R9-22-1902. General Administration Requirements**

The Administration shall comply with the confidentiality rule under R9-22-512(C).

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1903. Application for Coverage**

- A.** A person may apply by submitting an application to an Administration office.
- B.** The application date is the date the application is received at an Administration office or outstation location approved by the Director as described under R9-22-1406(A).
- C.** The provisions in R9-22-1406(B) and (D) apply to this Section.
- D.** The applicant or representative who files the application may withdraw the application for coverage either orally or in writing. An applicant withdrawing an application shall receive a denial notice under R9-22-1904.
- E.** Except as provided in 42 CFR 435.911, the Administration shall determine eligibility within 45 days.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 9 A.A.R. 5123, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1904. Notice of Approval or Denial**

The Administration shall send an applicant a written notice of the decision regarding the application. This notice shall include a statement of the action, and:

1. If approved, the notice shall contain:

- a. The effective date of eligibility,
  - b. The amount the person shall pay, and
  - c. An explanation of the person's hearing rights specified in 9 A.A.C. 34.
2. If denied, R9-22-1501(G)(3) applies.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1905. Reporting and Verifying Changes**

An applicant or member shall report and verify changes, as described under R9-22-1501(H), to the Administration.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1906. Actions that Result from a Redetermination or Change**

The processing of a redetermination or change shall result in one of the following actions:

1. No change in eligibility or premium,
2. Discontinuance of eligibility if a condition of eligibility is no longer met,
3. A change in premium amount, or
4. A change in the coverage group under which a person receives AHCCCS medical coverage.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4).

**R9-22-1907. Notice of Adverse Action Requirements**

- A.** The requirements under R9-22-1501(K)(1) apply.
- B.** Advance notice of a change in eligibility or premium amount. Advance notice means a notice of proposed action that is issued to the member at least 10 days before the effective date of the proposed action. Except under subsection (C), advance notice shall be issued whenever an adverse action is taken to discontinue eligibility, or increase the premium amount.
- C.** Exceptions from advance notice. A notice shall be issued to the member to discontinue eligibility no later than the effective date of action if:
  1. A member provides a clearly written statement, signed by that member, that services are no longer wanted.
  2. A member provides information that requires termination of eligibility or reduction of services, indicates that the member understands that this must be the result of supplying that information, and the member signs a written statement waiving advance notice;
  3. A member cannot be located and mail sent to the member's last known address has been returned as undeliverable subject to reinstatement of discontinued services under 42 CFR 431.231(d);
  4. A member has been admitted to a public institution where a person is ineligible for coverage;
  5. A member has been approved for Medicaid in another state; or
  6. The Administration receives information confirming the death of a member.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final

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rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1908. Request for Hearing**

An applicant or member may request a hearing under 9 A.A.C. 34.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1909. Conditions of Eligibility**

An applicant or member shall meet the following conditions to qualify for the Freedom to Work program:

1. Furnish a valid Social Security Number (SSN);
2. Be a resident of Arizona;
3. Be a citizen of the United States, or meet requirements for a qualified alien under A.R.S. § 36-2903.03(B);
4. Be at least 16 years of age, but less than 65 years of age;
5. Have countable income that does not exceed 250 percent of FPL. The Administration shall count the income under 42 U.S.C. 1382a and 20 CFR 416 Subpart K with the following exceptions:
  - a. The unearned income of the applicant or member shall be disregarded,
  - b. The income of a spouse or other family member shall be disregarded, and
  - c. The deduction for a minor child shall not apply;
6. Comply with the member responsibility provisions under R9-22-1502(D) and (F).

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1). Section repealed; new Section made by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1910. Prior Quarter Eligibility**

A person may be made eligible during a prior quarter period when applying for the Freedom to Work program, as described under Article 3.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1). New Section made by final rulemaking at 19 A.A.R. 3309, effective November 30, 2013 (Supp. 13-4).

**R9-22-1911. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1912. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1913. Premium Requirements**

A. As a condition of eligibility, an applicant or member shall:

1. Pay the premium required under subsection (B).
  2. Not have any unpaid premiums for more than one month's premium amount.
- B. The Administration shall process premiums under 9 A.A.C. 31, Article 14 with the following exceptions:
1. A member who has countable income:
    - a. Under \$500, the monthly premium payment shall be \$0.
    - b. Over \$500 but not greater than \$750, the monthly premium payment shall be \$10.
  2. The premium for a member shall be increased by \$5 for each \$250 increase in countable income above \$750.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1914. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1915. Institutionalized Person**

A person is not eligible for AHCCCS medical coverage if the person is:

1. An inmate of a public institution if federal financial participation (FFP) is not available, or
2. Age 21 through age 64 and is residing in an Institution for Mental Disease under 42 CFR 435.1009 except when allowed under the Administration's Section 1115 IMD waiver or allowed under a managed care contract approved by CMS.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1916. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1917. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1918. Additional Eligibility Criteria for the Basic Coverage Group**

An applicant or member shall meet the following eligibility criteria:

1. Disabled. As a condition of eligibility, an applicant or member shall be disabled. Disabled means a person who has been determined disabled by the Department of Economic Security, Disability Determination Services Administration, under 42 U.S.C. 1382c(a)(3)(A) through (E), except employment activity, earnings, and substantial gainful activity shall not be considered in determining whether the individual meets the definition of disability.

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2. Employed. As a condition of eligibility, an applicant or member shall be employed. Employed means that an applicant or member is paid for working and Social Security or Medicare taxes are paid on the applicant or member's work.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4).

**R9-22-1919. Additional Eligibility Criteria for the Medically Improved Group**

As a condition of eligibility for the Medically Improved Group, a member shall:

1. Be employed. Under this Section, employed means an individual who:
  - a. Earns at least the minimum wage and works at least 40 hours per month, or
  - b. Has gross monthly earnings at least equal to those earned by an individual who is earning the minimum wage working 40 hours per month.
2. Cease to be eligible for medical coverage under R9-22-1918 or a similar Basic Coverage Group program administered by another state because the member, by reason of medical improvement, is determined at the time of a regularly scheduled continuing disability review to no longer be disabled; and
3. Continues to have a severe medically determinable impairment, as determined under Social Security Act section 1902(a)(10)(A)(ii)(XVI).

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1920. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1921. Enrollment**

The Administration shall enroll members under Article 17 of this Chapter. If a member has not paid a required premium, the Administration shall not grant a guaranteed enrollment period.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4).

**R9-22-1922. Redetermination of Eligibility**

- A. Redetermination. Except as provided in subsection (B), the Administration shall complete a redetermination of eligibility at least once a year.
- B. Change in circumstance. The Administration may complete a redetermination of eligibility if there is a change in the member's circumstances, including a change in disability or employment that may affect eligibility.
- C. Medical Improvement. If a member is no longer disabled under R9-22-1918, the Administration shall determine if the member is eligible under other coverage groups including the medically improved group.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4).

**ARTICLE 20. BREAST AND CERVICAL CANCER TREATMENT PROGRAM****R9-22-2001. Breast and Cervical Cancer Treatment Program Related Definitions**

In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Chapter have the following meaning unless the context explicitly requires another meaning:

"AZ-NBCCEDP" means the Arizona programs of the National Breast and Cervical Cancer Early Detection Program. AZ-NBCCEDP provides breast and cervical cancer screening and diagnosis in Arizona.

"Cryotherapy" means the destruction of abnormal tissue using an extremely cold temperature.

"LEEP" means the loop electrosurgical excision procedure that passes an electric current through a thin wire loop.

"Peer-reviewed study" means that, prior to publication, a medical study has been subjected to the review of medical experts who:

- Have expertise in the subject matter of the study,
- Evaluate the science and methodology of the study,
- Are selected by the editorial staff of the publication, and
- Review the study without knowledge of the identity or qualifications of the author.

"WWHP" means the Well Women Healthcheck Program administered by the Arizona Department of Health Services. The WWHP is one of the programs within AZ-NBCCEDP that provides breast and cervical cancer screening and diagnosis.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

**R9-22-2002. General Requirements**

- A. Confidentiality. The Administration shall maintain the confidentiality of a woman's records and shall not disclose a woman's financial, medical, or other confidential information except as allowed under R9-22-512.
- B. Covered services. A woman who is eligible under this Article receives all medically necessary services under Articles 2 and 12 of this Chapter.
- C. Choice of health plan. A woman who is eligible under this Article shall be enrolled with a contractor under Article 17 of this Chapter.
- D. A Native American woman who receives services through Indian Health Service (IHS) or through a tribal health program qualifies for services provided under this Article if all eligibility requirements are met.
- E. A woman qualified under this Article shall pay co-pays as described in R9-22-711.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

**R9-22-2003. Eligibility Criteria**

- A. General. To be eligible under this Article, a woman shall meet the requirements of this Article and:
  1. Be screened for breast and cervical cancer through AZ-NBCCEDP;
  2. Be less than 65 years of age;

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3. Be ineligible for Title XIX under Articles 14 and 15 in this Chapter;
  4. Receive a positive screen under subsection (A)(1), a confirmed diagnosis through AZ-NBCCEDP, and need treatment for breast cancer or cervical cancer, including a pre-cancerous cervical lesion, as specified in R9-22-2004;
  5. Not be covered under creditable coverage as specified in Section 2701(c) of the Public Health Services Act, 42 U.S.C. 300gg(c). For purposes of this Article, IHS or Tribal health coverage is not considered creditable coverage as specified in 42 U.S.C. 1396a(a)(10)(A)(ii), as amended by the Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2002; and
  6. Meet the requirements under R9-22-1417 and R9-22-1418.
- B. Ineligible woman.** A woman is ineligible under this Article if the woman:
1. Is an inmate of a public institution and federal financial participation (FFP) is not available,
  2. Is at least age 21 but less than age 65 and resides in an Institution for Mental Disease (IMD) as defined in R9-22-112, except if allowed under the Administration's Section 1115 waiver, or
  3. No longer meets an eligibility requirement under this Article.
- C. Metastasized cancer.** The AHCCCS Chief Medical Officer may continue a woman's eligibility under this Article if a metastasized cancer is found in another part of the woman's body and that metastasized cancer is a known or a presumed complication of the breast or cervical cancer as determined by the treating physician.
- D. Reoccurrence of cancer.** A woman shall have eligibility reestablished after eligibility under this Article ends if the woman is screened under the AZ-NBCCEDP program and additional breast cancer or cervical cancer, including a pre-cancerous cervical lesion, is found.
- E. Ineligible male.** A male is precluded from receiving screening and diagnostic services under the AZ-NBCCEDP program and is ineligible under this Article.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Amended by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

**R9-22-2004. Treatment**

- A. Breast cancer.** Coverage for treatment for breast cancer under this Article shall conclude on the last provider visit for the specific treatment of the cancer or at the end of hormonal therapy for the cancer, whichever is later. For purposes of this subsection treatment means:
1. Lumpectomy or surgical removal of breast cancer;
  2. Chemotherapy;
  3. Radiation therapy; and
  4. A treatment for breast cancer that, as determined by the AHCCCS Chief Medical Officer, is considered the standard of care as supported by a peer-reviewed study published in a medical journal.
- B. Pre-cancerous cervical lesion.** Coverage for treatment for a pre-cancerous cervical lesion under this Article, including moderate or severe cervical dysplasia or carcinoma in situ, shall conclude on the last provider visit for specific treatment for the pre-cancerous lesion. For purposes of this subsection treatment means:
1. Conization;

2. LEEP;
  3. Cryotherapy; and
  4. A treatment for pre-cancerous cervical lesion that, as determined by the AHCCCS Chief Medical Officer, is considered the standard of care as supported by a peer-reviewed study published in a medical journal.
- C. Cervical cancer.** Coverage for treatment for cervical cancer under this Article shall conclude on the last provider visit for the specific treatment for the cancer. For purposes of this subsection treatment means:
1. Surgery;
  2. Radiation therapy;
  3. Chemotherapy; and
  4. A treatment for cervical cancer that, as determined by the AHCCCS Chief Medical Officer, is considered the standard of care as supported by a peer-reviewed study published in a medical journal.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

**R9-22-2005. Application Process**

- A. Application.** A woman may apply for eligibility under this Article by submitting a complete application as specified in R9-22-1406.
- B. Submitting the application.** The woman may complete and submit an application at the time of the AZ-NBCCEDP screening. The AZ-NBCCEDP staff may mail or fax the application directly to the Administration.
- C. Date of application.** The date of the application is the date of the diagnostic procedure that results in a positive diagnosis for breast cancer or cervical cancer, including a pre-cancerous cervical lesion.
- D. Responsibility of a woman who is applying or who is a member.** A woman who is applying or who is a member shall:
1. Provide medical insurance information, including any changes in medical insurance; and
  2. Inform the Administration about a change in address, residence, and alienage status.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

**R9-22-2006. Approval, Denial, or Discontinuance of Eligibility**

- A. Eligibility determination.** The Administration shall determine eligibility under this Article and send the notice under subsection (B) or (C) within seven days of receiving a complete application.
- B. Approval.** If a woman meets all the eligibility requirements in this Article, the Administration shall provide the woman with an approval notice. The approval notice shall contain:
1. The name of the eligible woman, and
  2. The effective date of eligibility.
- C. Denial.** If the Administration denies eligibility, the Administration shall provide the woman with a denial notice. The denial notice shall contain:
1. The name of the ineligible woman,
  2. The specific reason why the woman is ineligible,
  3. The legal citations supporting the reason for the denial,
  4. The location where the woman can review the legal citations, and

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5. Information regarding the woman's appeal and request for hearing rights.
- D. Discontinuance.**
1. Except as specified in subsection (D)(2), if a woman no longer meets an eligibility requirement under this Article, the Administration shall provide the woman a Notice of Action no later than 10 days before the effective date of the discontinuance.
  2. The Administration may mail the Notice of Action no later than the effective date of the discontinuance if the Administration:
    - a. Receives a written statement from the woman voluntarily withdrawing from AHCCCS,
    - b. Receives information confirming the death of the woman,
    - c. Receives returned mail with no forwarding address from the post office and the woman's whereabouts are unknown, or
    - d. Receives information confirming that the woman has been approved for Title XIX services outside the state of Arizona.
  3. The Notice of Action shall contain the:
    - a. Name of the ineligible woman,
    - b. Effective date of the discontinuance,
    - c. Specific reason why the woman is discontinued,
    - d. Legal citations supporting the reason for the discontinuance,
    - e. Location where the woman can review the legal citations, and
    - f. Information regarding the woman's appeal and request for hearing rights.
- E. Request for hearing.** A woman who is denied, or discontinued for the Breast and Cervical Cancer Treatment Program may request a hearing under Chapter 34.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

**R9-22-2007. Effective and End Date of Eligibility**

- A.** Eligibility is effective on the first day of the month that all eligibility requirements are met, including the period described under R9-22-303.
- B.** The end date of eligibility:
1. For breast cancer, is 12 months after the last provider visit for a treatment specified in R9-22-2004 for the cancer or at the end of hormonal therapy for the cancer, whichever is later.
  2. For pre-cancerous cervical lesion, is four months after the last provider visit for a treatment specified in R9-22-2004 for the pre-cancerous lesion.
  3. For cervical cancer, is 12 months after the last provider visit for a treatment specified in R9-22-2004 for the cancer.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4). Section amended by final rulemaking at 19 A.A.R. 3309, effective November 30, 2013 (Supp. 13-4).

**R9-22-2008. Redetermination of Eligibility**

- A.** Redetermination. Except as provided in subsection (B), the Administration shall redetermine eligibility at least once a

year. If a woman continues to meet the requirements of eligibility for the Breast and Cervical Cancer Treatment Program under this Article, the Administration shall notify the woman of continued eligibility. A woman is not required to be screened for breast and cervical cancer through AZ-NBC-CEDP at redetermination.

- B.** Change in circumstance. The Administration shall complete a redetermination of eligibility if there is a change in the woman's circumstances that may affect eligibility, including a change in treatment.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

**ARTICLE 21. TRAUMA AND EMERGENCY SERVICES FUND**

*Article 21, consisting of Sections R9-22-2101 through R9-22-2103, made by exempt rulemaking at 9 A.A.R. 4001, effective October 19, 2003 (Supp. 03-3).*

**R9-22-2101. General Provisions**

- A.** A.R.S. § 36-2903.07 establishes the Administration as the authority to administer the Trauma and Emergency Services Fund.
- B.** The Administration shall distribute 90% of monies from the trauma and emergency services fund to a level I trauma center, as defined in subsection (F) of this Section, for unrecovered trauma center readiness costs as defined in subsection (F) of this Section. Reimbursement is limited to no more than the amount of unrecovered trauma center readiness costs as determined in subsections (D) and (E) of this Section. Unexpended funds may be used to reimburse unrecovered emergency room costs under subsection (C) of this Section.
- C.** The Administration shall distribute 10% of monies from the trauma and emergency services fund, for unrecovered emergency services costs, to a hospital having an emergency department, using criteria under R9-22-2103. Reimbursement is limited to no more than the amount of unrecovered emergency services costs as determined in R9-22-2103. The Administration may distribute more than 10% of the monies for unrecovered emergency room costs when there are unexpended monies under subsection (B) of this Section.
- D.** The Administration shall distribute a reporting tool and guidelines to level I trauma centers to determine, on an annual basis, the unrecovered trauma center readiness costs for level I trauma centers as defined in subsection (F) of this Section. The reporting time-frame is July 1 of the prior year through June 30 of the reporting year. A level I trauma center shall submit the requested data and a copy of the most recently completed uniform accounting report under A.R.S. § 36-125.04 to the Administration no later than October 31 of each reporting year.
- E.** When a level I trauma center closes in a county where there are one or more level I trauma center(s) remaining in operation, the following shall occur:
1. The closing level I trauma center shall submit the requested data under subsection (D) of this Section for the months of the reporting time-frame in which it met the definition of a level I trauma center, and
  2. The data under subsection (D) of this Section, which is submitted by the closing level I trauma center, shall be added to the remaining level I trauma center(s) in that county for the current reporting time-frame only.
- F.** In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Chapter have the following meanings unless the context explicitly requires another meaning:

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1. "Level I trauma center" means any acute care hospital designated by the Arizona Department of Health Services as a level I trauma center, a provisional level I trauma center, a pediatric level I trauma center or an initial level I trauma center.
2. "Unrecovered trauma center readiness costs" means losses incurred treating trauma patients:
  - a. Determined in accordance with Generally Accepted Accounting Principles,
  - b. Based on both clinical and professional costs incurred by a level I trauma center necessary for the provision of level I trauma care, and
  - c. Based on administrative and overhead costs directly associated with providing level I trauma care.
2. To hospitals that had an emergency department from July 1 through June 30 of the prior year, and
3. On a pro rata share of each hospital's cost of uncompensated emergency care as a percentage of the total statewide cost of uncompensated emergency care provided by hospitals under subsection (2) as reported in the uniform accounting reports to the Arizona Department of Health Services under A.R.S. § 36-125.04.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 4001, effective October 19, 2003 (Supp. 03-3). Amended by exempt rulemaking at 18 A.A.R. 1748, effective July 1, 2012 (Supp. 12-2).

**R9-22-2104. Additional Trauma and Emergency Services Payments under the Section 1115 Waiver****R9-22-2102. Distribution of Trauma and Emergency Services Fund: Level I Trauma Centers**

- A.** On or after November 1, 2003, the Administration shall distribute monies, under R9-22-2101(B), to level I trauma centers using monies available in the trauma and emergency services fund at the time of payment. The Administration shall take into consideration the proportion of those hospitals' trauma case volume. The Administration shall:
1. Recalculate the November 2003 payments in July 2004 using the formula in subsection (B) of this Section;
  2. Recoup November 2003 overpayments by reducing the July 2004 distributions under subsection (C) as appropriate; and
  3. Redistribute recouped funds, with the July 2004 payment, to level I trauma centers underpaid in November 2003.
- B.** On or after January 31 of each year, the Administration shall distribute monies, under R9-22-2101(B), to level I trauma centers using monies available in the trauma and emergency services fund at the time of payment. The Administration shall determine each hospital's unrecovered trauma center readiness costs for the current fiscal year using data from the most recent reporting year as provided under R9-22-2101(D) and (E). The proportion of each hospital's share of the fund for unrecovered trauma center readiness costs is determined after considering:
1. The professional, clinical, administrative, and overhead costs directly associated with providing level I trauma care, and
  2. The volume and acuity of trauma care provided by each hospital.
- C.** On or after July 31 of each year, the Administration shall distribute monies to level I trauma centers using monies, under R9-22-2101(B), available in the trauma and emergency services fund at the time of payment according to the proportions calculated and used for the January payments in the same year, under subsection (B) of this Section.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 4001, effective October 19, 2003 (Supp. 03-3).

**R9-22-2103. Distribution of Trauma and Emergency Services Fund: Emergency Services**

On or after June 30 of each year, the Administration shall distribute monies available in the trauma and emergency services fund at the time of payment as follows:

1. As allocated under R9-22-2101(C),

- A.** Notwithstanding R9-22-2101(D), for the reporting years ending June 30, 2011 and June 30, 2012, the Administration shall distribute an amount equal to the balance of the Trauma and Emergency Services fund in the following manner:

1. Ninety percent of the amount shall be distributed to Level I trauma centers based upon each center's pro rata share of each center's acuity-adjusted volume as a percentage of the total acuity-adjusted volume for all centers in the state. The acuity-adjusted volume is calculated by multiplying the Injury Severity Score employed by trauma.org by the number of trauma cases at that level treated at the center during the reporting year. Hospitals shall report trauma scores and case volume on a worksheet prescribed by the Administration.
2. Ten percent of the amount shall be distributed proportionately to hospitals that had an emergency department from July 1 through June 30 of the reporting year based the pro rata share of each hospital's cost of emergency care as a percentage of the total statewide cost of emergency care provided by hospitals as reported on the Worksheet B, column 27, line 61 of the hospital's most current Medicare Cost Report as of January 31 following the end of each reporting year.

- B.** For the reporting years ending June 30, 2011 and June 30, 2012, the Administration shall distribute an amount equal to the federal financial participation made available under the section 1115 waiver for the purpose of making payments for unrecovered trauma and emergency services as follows:

1. Thirty percent of such funds to a Level I trauma center, in amounts calculated in the same manner as described in subsection (A)(1) of this Section, for any unrecovered trauma center readiness costs not reimbursed under subsection (A) of this Section;
2. Thirty percent of such funds to a hospital having an emergency department from July 1 through June 30 of the reporting year, in amounts calculated in the same manner as described in subsection (A)(2) of this Section, for any unrecovered emergency services costs not reimbursed under subsection (A) of this Section; and
3. Forty percent of such funds to rural hospitals, as defined in R9-22-718 that are not Level I trauma centers as defined in R9-22-2101(F), having an emergency department from July 1 through June 30 of the reporting year, in amounts calculated in the same manner as described in subsection (A)(2) of this Section, for any unrecovered emergency services costs not reimbursed under subsections (A) and (B)(2) of this Section.

- C.** For the reporting years ending June 30, 2011 and June 30, 2012, payments made under this Article shall not be made in an amount that results in aggregate payments to the hospital by

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the Administration and contractors exceeding of the upper payment limit for the hospital services as calculated in accordance with 42 CFR 447.

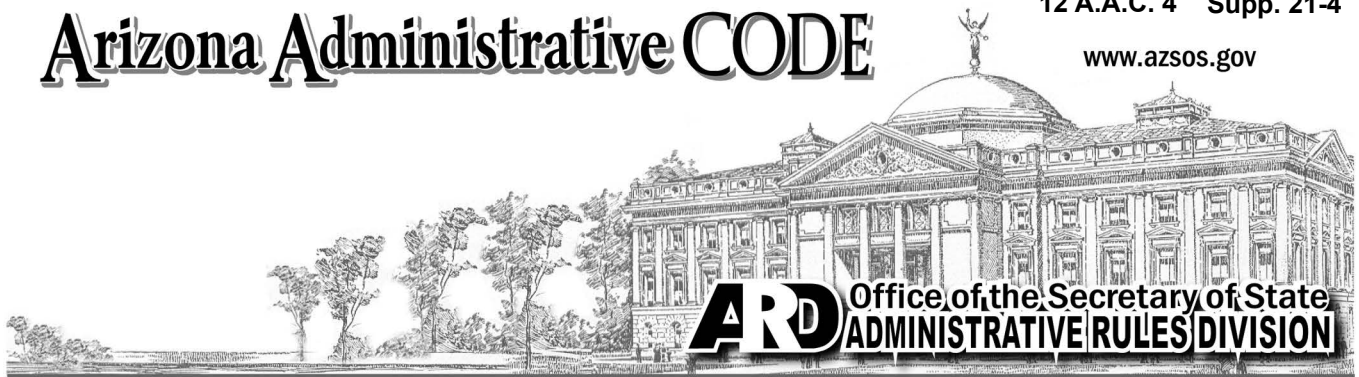
- D.** For the reporting years ending June 30, 2011 and June 30, 2012, to ensure compliance with subsection (C), payments under this Article shall be reconciled to the federal fiscal year that is two years subsequent to the payment.

- E.** Any payments that are determined under subsection (D) to exceed the limit in subsection (C) shall be distributed as described in this Article to hospitals that have not received payments in excess of the limit in subsection (C).

**Historical Note**

New Section made by exempt rulemaking at 18 A.A.R. 1748, effective July 1, 2012 (Supp. 12-2).





## TITLE 12. NATURAL RESOURCES

### CHAPTER 4. GAME AND FISH COMMISSION

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Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
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**The release of this Chapter in Supp. 21-4 replaces Supp. 21-2, 1-151 pages**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

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### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

First Quarter: January 1 - March 31  
Second Quarter: April 1 - June 30  
Third Quarter: July 1 - September 30  
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2021 is cited as Supp. 21-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

### RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

### AUTHENTICATION OF PDF CODE CHAPTERS

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

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, [www.azsos.gov](http://www.azsos.gov) under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

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

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

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

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

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

### PERSONAL USE/COMMERCIAL USE

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



## Administrative Rules Division

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

## TITLE 12. NATURAL RESOURCES

## CHAPTER 4. GAME AND FISH COMMISSION

Authority: A.R.S. § 17-201 et seq.

## Supp. 21-4

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

*Editor's Note: This Chapter contains rules which were adopted or amended under an exemption from the Arizona Administrative Procedure Act (A.R.S. Title 41, Chapter 6), pursuant to A.R.S. § 41-1005(A)(1). Exemption from A.R.S. Title 41, Chapter 6 means that the Game and Fish Commission did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Governor's Regulatory Review Council did not review these rules; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules. Because this Chapter contains rules which are exempt from the regular rulemaking process, the Chapter is printed on blue paper.*

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*Former Article 4, Commission Orders, consisting of Sections R12-4-401 through R12-4-424, R12-4-429 through R12-4-431, R12-4-440 through R12-4-443 expired. See R12-4-118.*

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*Article 6, consisting of Sections R12-4-601 through R12-4-606, adopted and Section R12-4-115 renumbered as Section R12-4-607, effective December 22, 1987.*

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*New Article 11, consisting of Sections R12-4-1101 and R12-4-1102, renumbered from Article 9 by final expedited rulemaking at 24 A.A.R. 407, effective February 6, 2018 (Supp. 18-1).*

*Article 9, consisting of Sections R12-4-901 through R12-4-906, expired under A.R.S. § 41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2).*

*Article 9, consisting of Sections R12-4-901 through R12-4-906, made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1).*

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*New Article 10, consisting of Sections R12-4-1001 through R12-4-1005, made by final rulemaking at 25 A.A.R. 1860, effective August 31, 2019 (Supp. 19-3).*

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*Article 11, consisting of Sections R12-4-1101 and R12-4-1102, renumbered to Article 9 by final expedited rulemaking at 24 A.A.R. 407, effective February 6, 2018 (Supp. 18-1).*

*Article 11, consisting of Sections R12-4-1101 and R12-4-1102, made by final rulemaking at 18 A.A.R. 196, effective January 10, 2012 (Supp. 12-1).*

*Article 11, consisting of Sections R12-4-1103 and R12-4-1104, made by emergency rulemaking at 17 A.A.R. 1218, effective June 2, 2011 for 180 days (Supp. 11-2). Article 11 renewed by emergency rulemaking at 17 A.A.R. 2376 for 180 days, effective November 3, 2012 (Supp. 11-4).*

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## CHAPTER 4. GAME AND FISH COMMISSION

**ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS****R12-4-101. Definitions**

- A. In addition to the definitions provided under A.R.S. § 17-101, R12-4-301, R12-4-401, and R12-4-501, the following definitions apply to this Chapter, unless otherwise specified:

“Arizona Conservation Education” means the conservation education course provided by Arizona Game and Fish Department in hunting safety, responsibility, and conservation.

“Arizona Hunter Education” means the hunter education course provided by Arizona Game and Fish Department in hunting safety, responsibility, and conservation meeting Association of Fish and Wildlife agreed upon reciprocity standards along with Arizona-specific requirements.

“Attach” means to fasten or affix a tag to a legally harvested animal. An electronic tag is considered attached once the validation code is fastened to the legally harvested animal.

“Bobcat seal” means the tag a person is required to attach to the raw pelt or unskinned carcass of any bobcat taken by trapping in Arizona or exported out of Arizona regardless of the method of take.

“Bonus point” means a credit that authorizes the Department to issue an applicant an additional computer-generated random number.

“Bow” means a long bow, flat bow, recurve bow, or compound bow of which the bowstring is drawn and held under tension entirely by the physical power of the shooter through all points of the draw cycle until the shooter purposely acts to release the bowstring either by relaxing the tension of the toes, fingers, or mouth or by triggering the release of a hand-held release aid.

“Certificate of insurance” means an official document, issued by the sponsor’s and sponsor’s vendors, or subcontractors insurance carrier, providing insurance against claims for injury to persons or damage to property which may arise from, or in connection with, the solicitation or event as determined by the Department.

“Cervid” means a mammal classified as a Cervidae, which includes but is not limited to caribou, elk, moose, mule deer, reindeer, wapiti, and whitetail deer; as defined in the taxonomic classification from the Integrated Taxonomic Information System, available online at [www.itis.gov](http://www.itis.gov).

“Commission Order” means a document adopted by the Commission that does one or more of the following:

- Open, close, or alter seasons,
- Open areas for taking wildlife,
- Set bag or possession limits for wildlife,
- Set the number of permits available for limited hunts, or
- Specify wildlife that may or may not be taken.

“Crossbow” means a device consisting of a bow affixed on a stock having a trigger mechanism to release the bowstring.

“Day-long” means the 24-hour period from one midnight to the following midnight.

“Department property” means those buildings or real property and wildlife areas under the jurisdiction of the Arizona Game and Fish Commission.

“Electronic tag” means a tag that is provided by the Department through an electronic device that syncs with the Department’s computer systems.

“Export” means to carry, send, or transport wildlife or wildlife parts out of Arizona to another state or country.

“Firearm” means any loaded or unloaded handgun, pistol, revolver, rifle, shotgun, or other weapon that will discharge, is designed to discharge, or may readily be converted to discharge a projectile by the action of an explosion caused by the burning of smokeless powder, black powder, or black powder substitute.

“Handgun” means a firearm designed and intended to be held, gripped, and fired by one or more hands, not intended to be fired from the shoulder, and that uses the energy from an explosive in a fixed cartridge to fire a single projectile through a barrel for each single pull of the trigger.

“Hunt area” means a management unit, portion of a management unit, or group of management units, or any portion of Arizona described in a Commission Order and not included in a management unit, opened to hunting.

“Hunt number” means the number assigned by Commission Order to any hunt area where a limited number of hunt permits are available.

“Hunt permits” means the number of hunt permit-tags made available to the public as a result of a Commission Order.

“Hunt permit-tag” means a tag for a hunt for which a Commission Order has assigned a hunt number.

“Identification number” means the number assigned to each applicant or license holder by the Department as established under R12-4-111.

“Import” means to bring, send, receive, or transport wildlife or wildlife parts into Arizona from another state or country.

“License dealer” means a business authorized to sell hunting, fishing, and other licenses as established under R12-4-105.

“Limited-entry permit-tag” means a permit made available for a limited-entry fishing or hunting season.

“Live baitfish” means any species of live freshwater fish designated by Commission Order as lawful for use in taking aquatic wildlife under R12-4-317.

“Management unit” means an area established by the Commission for management purposes.

“Nonpermit-tag” means a tag for a hunt for which a Commission Order does not assign a hunt number and the number of tags is not limited.

“Nonprofit organization” means an organization that is recognized under Section 501© of the U.S. Internal Revenue Code.

“Person” has the meaning as provided under A.R.S. § 1-215.

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“Proof of purchase,” for the purposes of A.R.S. § 17-331, means an original, or any authentic and verifiable form of the original, of any Department-issued license, permit, or stamp that establishes proof of actual purchase.

“Pursue” means to chase, tree, corner or hold wildlife at bay.

“Pursuit-only” means a person may pursue, but not kill, a bear, mountain lion, or raccoon on any management unit that is open to pursuit-only season, as defined under R12-4-318, by Commission Order.

“Pursuit-only permit” means a permit for a pursuit-only hunt for which a Commission Order does not assign a hunt number and the number of permits are not limited.

“Restricted nonpermit-tag” means a tag issued for a supplemental hunt as established under R12-4-115.

“Solicitation” means any activity that may be considered or interpreted as promoting, selling, or transferring products, services, memberships, or causes, or participation in an event or activity of any kind, including organizational, educational, public affairs, or protest activities, including the distribution or posting of advertising, handbills, leaflets, circulars, posters, or other printed materials for these purposes.

“Solicitation material” means advertising, circulars, flyers, handbills, leaflets, posters, or other printed information.

“Sponsor” means the person or persons conducting a solicitation or event.

“Stamp” means a form of authorization in addition to a license that authorizes the license holder to take wildlife specified by the stamp.

“Tag” means the Department authorization a person is required to obtain before taking certain wildlife as established under A.R.S. Title 17 and 12 A.A.C. 4.

“Validation code” means the unique code provided by the Department and associated with an electronic tag.

“Waterdog” means the larval or metamorphosing stage of a salamander.

“Wildlife area” means an area established under 12 A.A.C. 4, Article 8.

**B.** If the following terms are used in a Commission Order, the following definitions apply:

“Antlered” means having an antler fully erupted through the skin and capable of being shed.

“Antlerless” means not having an antler, antlers, or any part of an antler erupted through the skin.

“Bearded turkey” means a turkey with a beard that extends beyond the contour feathers of the breast.

“Buck pronghorn” means a male pronghorn.

“Adult bull bison” means a male bison of any age or any bison designated by a Department employee during an adult bull bison hunt.

“Adult cow bison” means a female bison of any age or any bison designated by a Department employee during an adult cow bison hunt.

“Bull elk” means an antlered elk.

“Designated” means the gender, age, or species of wildlife or the specifically identified wildlife the Department authorizes to be taken and possessed with a valid tag.

“Ram” means any male bighorn sheep.

“Rooster” means a male pheasant.

“Yearling bison” means any bison less than three years of age or any bison designated by a Department employee during a yearling bison hunt.

**Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Amended effective October 22, 1976 (Supp. 76-5). Amended effective June 29, 1978 (Supp. 78-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-01 renumbered as Section R12-4-101 without change effective August 13, 1981 (Supp. 81-4). Amended effective April 22, 1982 (Supp. 82-2). Amended subsection (A), paragraph (10) effective April 7, 1983 (Supp. 83-2). Amended effective June 4, 1987 (Supp. 87-2). Amended subsection (A) effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read “Amended subsection (A) effective January 1, 1989, filed December 30, 1988” (Supp. 89-2). Amended effective May 27, 1992 (Supp. 92-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 845, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 11 A.A.R. 991, effective April 2, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 27 A.A.R. 2966 (December 24, 2021), effective February 7, 2022; when amended the Commission inadvertently removed the definitions of “Arizona Conservation Education” and “Arizona Hunter Education.” These definitions are included as originally published (Supp. 21-4).

**R12-4-102. License, Permit, Stamp, and Tag Fees**

- A.** A person who purchases a license, tag, stamp, or permit listed in this Section shall pay at the time of purchase all applicable fees prescribed under this Section or the fees the Director authorizes under R12-4-115.
- B.** A person who applies to purchase a hunt permit-tag shall submit with the application all applicable fees using acceptable forms of payment as required under R12-4-104(F) and (G).
- C.** As authorized under A.R.S. § 17-345, the license fees in this Section include a \$3 surcharge, except Youth and High Achievement Scout licenses.
- D.** A person desiring a replacement of a Migratory Bird Stamp shall repurchase the stamp.

Hunting and Fishing License Fees	Resident	Nonresident
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General Fishing License	\$37	\$55
Community Fishing License	\$24	\$24
General Hunting License	\$37	Not available
Combination Hunting and Fishing License	\$57	\$160
Youth Combination Hunting and Fishing License, fee applies until the applicant's 18th birthday.	\$5	\$5
High Achievement Scout License, as authorized under A.R.S. § 17-333(C). Fee applies until the applicant's 21st birthday.	\$5	Not available
Short-term Combination Hunting and Fishing License	\$15	\$20
Youth Group Two-day Fishing License	\$25	Not available

Hunt Permit-tag Fees	Resident	Nonresident
Bear	\$25	\$150
Bighorn Sheep	\$300	\$1,800
Bison		
Adult Bulls or any Bison	\$1,100	\$5,400
Adult Cows	\$650	\$3,250
Yearling	\$350	\$1,750
Cow or Yearling	\$650	\$3,250
Deer and Archery Deer	\$45	\$300
Youth	\$25	\$25
Elk	\$135	\$650
Youth	\$50	\$50
Javelina	\$25	\$100
Youth	\$15	\$15
Pheasant non-archery, non-falconry	Application fee only	Application fee only
Pronghorn	\$90	\$550
Raptor	Not applicable	\$175
Sandhill Crane	\$10	\$10
Turkey and Archery Turkey	\$25	\$90
Youth	\$10	\$10

Nonpermit-tag and Restricted Nonpermit-tag Fees	Resident	Nonresident
Bear	\$25	\$150
Bison		
Adult Bulls or any Bison	\$1,100	\$5,400
Adult Cows	\$650	\$3,250
Yearling	\$350	\$1,750
Cow or Yearling	\$650	\$3,250
Deer	\$45	\$300
Youth	\$25	\$25
Elk	\$135	\$650
Youth	\$50	\$50
Javelina	\$25	\$100
Youth	\$15	\$15
Mountain Lion	\$15	\$75
Pronghorn	\$90	\$550
Sandhill Crane	\$10	\$10
Raptor	Not applicable	\$175

Turkey	\$25	\$90
Youth	\$10	\$10

Stamps and Special Use Fees	Resident	Nonresident
Bobcat Seal	\$3	\$3
Limited-entry Permit	Application fee only	Application fee only
State Migratory Bird Stamp	\$5	\$5

Other License Fees	Resident	Nonresident
Challenged Hunter Access/Mobility Permit (CHAMP)	Application fee only	Application fee only
Crossbow Permit	Application fee only	Application fee only
Fur Dealer's License	\$115	\$115
Reduced-fee Disabled Veteran's License, available to a resident disabled veteran who receives compensation from the U.S. government for a service-connected disability. This fee shall be equal to the fee required for the resident Combination Hunting and Fishing License, reduced by 25%, and then rounded up to the nearest even dollar.	\$42	Not available
Guide License	\$300	\$300
License Dealer's License	\$100	\$100
License Dealer's Outlet License	\$25	\$25
Pursuit-only Permit	\$20	\$100
Taxidermist License	\$150	\$150
Trapping License	\$30	\$275
Youth	\$10	\$10

Administrative Fees	Resident	Nonresident
Duplicate License Fee, in the event the Department is unable to verify the expiration date of the original license, the duplicate license shall expire on December 31 of the current year.	\$8	\$8
Application Fee	\$13	\$15

**Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Amended effective March 31, 1977 (Supp. 77-2). Amended effective June 28, 1977 (Supp. 77-3). Amended effective October 20, 1977 (Supp. 77-5). Amended effective January 1, 1979 (Supp. 78-6). Amended effective June 4, 1979 (Supp. 79-3). Amended effective January 1, 1980 (Supp. 79-6). Amended paragraphs (1), (7) through (11), (13), (15), (29), (30), and (32) effective January 1, 1981 (Supp. 80-5). Former Section R12-4-30 renumbered as Section R12-4-102 without change effective August 13, 1981. Amended effective August 31, 1981 (Supp. 81-4). Amended effective September 15, 1982 unless otherwise noted in subsection (D) (Supp. 82-5). Amended effective January 1, 1984 (Supp. 83-4). Amended subsections (A) and (C) effective January 1, 1985 (Supp. 84-5). Amended effective January 1, 1986 (Supp. 85-5). Amended subsection (A), paragraphs (1), (2), (8) and (9) effective January 1, 1987; Amended by adding a new subsection (A), paragraph (31) and renumbering accordingly effective July 1, 1987. Both amendments filed November 5, 1986 (Supp.



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86-6). Amended subsections (A) and (C) effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read “Amended subsections (A) and (C) filed December 30, 1988, effective January 1, 1989”; Amended subsection (C) effective April 28, 1989 (Supp. 89-2). Section R12-4-102 repealed, new Section R12-4-102 filed as adopted November 26, 1990, effective January 1, 1991 (Supp. 90-4). Amended effective September 1, 1992; filed August 7, 1992 (Supp. 92-3). Amended effective January 1, 1993; filed December 18, 1993 (Supp. 92-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended effective December 16, 1995 (Supp. 94-4). Amended effective January 1, 1997; filed in the Office of the Secretary of State November 14, 1995 (Supp. 95-4). Amended subsection (D), paragraph (4), and subsection (E), paragraph (10), effective October 1, 1996; filed in the Office of the Secretary of State July 12, 1996 (Supp. 96-3). Amended subsection (B), paragraph (6) and subsection (E) paragraph (4), effective January 1, 1997; filed with the Office of the Secretary of State November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 1146, effective July 1, 2000 or January 1, 2001, as designated within the text of the Section (Supp. 00-1). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 1157, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 10 A.A.R. 2823, effective August 13, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 12 A.A.R. 1391, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 13 A.A.R. 462, effective February 6, 2007 (Supp. 07-1). Amended by final rulemaking at 17 A.A.R. 1472, effective July 12, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 25 A.A.R. 1854, effective July 2, 2019 (Supp. 19-3). Amended by final exempt rulemaking at 27 A.A.R. 400, effective July 1, 2021 (Supp. 21-1). Amended by final exempt rulemaking at 27 A.A.R. 1076, effective August 21, 2021 (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2916 (December 17, 2021), effective February 7, 2022 (Supp. 21-4).

**R12-4-103. Duplicate Tags and Licenses**

- A. Under A.R.S. § 17-332(C), the Department and its license dealers may issue a duplicate license or tag to an applicant who:
  1. Pays the applicable fee prescribed under R12-4-102, and
  2. Signs an affidavit. The affidavit is furnished by the Department and is available at any Department office or license dealer.
- B. The applicant shall provide the following information on the affidavit:
  1. The applicant’s personal information:
    - a. Name;
    - b. Department identification number, when applicable;
    - c. Residency status and number of years of residency immediately preceding application, when applicable;
  2. The original license or tag information:
    - a. Type of license or tag;
    - b. Place of purchase;
    - c. Purchase date, when available; and

3. Disposition of the original tag for which a duplicate is being purchased:
  - a. The tag was not used and is lost, destroyed, mutilated, or otherwise unusable; or
  - b. The tag was attached to a harvested animal that was subsequently condemned and the carcass and all parts of the animal were surrendered to a Department employee as required under R12-4-112(B) and (C). An applicant applying for a duplicate tag under this subsection shall also submit the condemned meat duplicate tag authorization form issued by the Department.
- C. In the event the Department is unable to verify the expiration date of the original license, the duplicate license shall expire on December 31 of the current year.

**Historical Note**

Amended effective June 7, 1976 (Supp. 76-3). Amended effective October 20, 1977 (Supp. 77-5). Former Section R12-4-07 renumbered as Section R12-4-103 without change effective August 13, 1981 (Supp. 81-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2966 (December 24, 2021), effective February 7, 2022 (Supp. 21-4).

**R12-4-104. Application Procedures for Issuance of Hunt Permit-tags by Computer Draw and Purchase of Bonus Points**

- A. For the purposes of this Section, “group” means all applicants who placed their names on a single application as part of the same application.
- B. A person is eligible to apply:
  1. For a hunt permit-tag if the person:
    - a. Is at least 10 years of age at the start of the hunt for which the person is applying;
    - b. Has successfully completed a Department-sanctioned hunter education course by the start date of the hunt for which the person is applying, when the person is between 9 and 14 years of age;
    - c. Has not reached the bag limit established under subsection (J) for that genus; and
    - d. Is not suspended or revoked in this state as a result of an action under A.R.S. §§ 17-340 or 17-502 at the time the person submits an application.
  2. For a bonus point if the person:
    - a. Is at least 10 years of age by the application deadline date; and
    - b. Is not suspended or revoked in this state as a result of an action under A.R.S. §§ 17-340 or 17-502 at the time the person submits an application.
- C. An applicant shall apply at the times, locations, and in the manner and method established by the hunt permit-tag application schedule published by the Department and available at any Department office, on the Department’s website, or a license dealer.
  1. The Commission shall set application deadline dates for hunt permit-tag computer draw applications through the hunt permit-tag application schedule.
  2. The Director has the authority to extend any application deadline date if a problem occurs that prevents the public from submitting a hunt permit-tag application within the deadlines set by the Commission.

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3. The Commission, through the hunt permit-tag application schedule, shall designate the manner and method of submitting an application, which may require an applicant to apply online only. If the Commission requires applicants to use the online method, the Department shall accept paper applications only in the event of a Department systems failure.
- D.** An applicant for a hunt permit-tag or a bonus point shall complete and submit a Hunt Permit-tag Application. The application form is available from any Department office, a license dealer, or on the Department's website.
- E.** An applicant shall provide the following information on the Hunt Permit-tag Application:
  1. The applicant's personal information:
    - a. Name;
    - b. Date of birth,
    - c. Social security number, as required under A.R.S. §§ 25-320(P) and 25-502(K);
    - d. Department identification number, when applicable;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available;
  2. If the applicant possesses a valid license authorizing the take of wildlife in this state, the number of the applicant's license;
  3. If the applicant does not possess a valid license at the time of the application, the applicant shall purchase a license as established under subsection (L). The applicant shall provide all of the following information on the license application portion of the Hunt Permit-tag Application:
    - a. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - b. Residency status and number of years of residency immediately preceding application, when applicable;
    - c. Type of license for which the person is applying; and
  4. Certify the information provided on the application is true and accurate;
  5. An applicant who is:
    - a. Under the age of 10 and is submitting an application for a hunt other than big game is not required to have a license under this Chapter. The applicant shall indicate "youth" in the space provided for the license number on the Hunt Permit-tag Application.
    - b. Age nine or older and is submitting an application for a big game hunt is required to purchase an appropriate license as required under this Section. The applicant shall either enter the appropriate license number in the space provided for the license number on the Hunt Permit-tag Application Form or purchase a license at the time of application, as applicable.
- F.** In addition to the information required under subsection (E), an applicant shall also submit all applicable fees established under R12-4-102, as follows:
  1. When applying electronically:
    - a. The permit application fee; and
    - b. The license fee, when the applicant does not possess a valid license at the time of application. The applicant shall submit payment in U.S. currency using valid credit or debit card.
  - c. If an applicant is successful in the computer draw, the Department shall charge the hunt permit-tag fee using the credit or debit card furnished by the applicant.
2. When applying manually:
  - a. The fee for the applicable hunt permit-tag;
  - b. The permit application fee; and
  - c. The license fee if the applicant does not possess a valid license at the time of application. The applicant shall submit payment by certified check, cashier's check, or money order made payable in U.S. currency to the Arizona Game and Fish Department.
- G.** An applicant shall apply for a specific hunt or a bonus point by the current hunt number. If all hunts selected by the applicant are filled at the time the application is processed in the computer draw, the Department shall deem the application unsuccessful, unless the application is for a bonus point.
  1. An applicant shall make all hunt choices for the same genus within one application.
  2. An applicant shall not include applications for different genera of wildlife in the same envelope.
- H.** An applicant shall submit only one valid application per genus of wildlife for any calendar year, except:
  1. If the bag limit is one per calendar year, an unsuccessful applicant may re-apply for remaining hunt permit-tags in unfilled hunt areas, as specified in the hunt permit-tag application schedule.
  2. For genera that have multiple draws within a single calendar year, a person who successfully draws a hunt permit-tag during an earlier season may apply for a later season for the same genus if the person has not taken the bag limit for that genus during a preceding hunt in the same calendar year.
  3. If the bag limit is more than one per calendar year, a person may apply for remaining hunt permit-tags in unfilled hunt areas as specified in the hunt permit-tag application schedule.
- I.** All members of a group shall apply for the same hunt numbers and in the same order of preference.
  1. No more than four persons may apply as a group.
  2. The Department shall not issue a hunt permit-tag to any group member unless sufficient hunt permit-tags are available for all group members.
- J.** A person shall not apply for a hunt permit-tag for:
  1. Rocky Mountain or desert bighorn sheep if the person has met the lifetime bag limit for that sub-species.
  2. Bison if the person has met the lifetime bag limit for that species.
  3. Any species when the person has reached the bag limit for that species during the same calendar year for which the hunt permit-tag applies.
- K.** To participate in:
  1. The computer draw system, an applicant shall possess an appropriate hunting license that shall be valid, either:
    - a. On the last day of the application deadline for that computer draw, as established by the hunt permit-tag application schedule published by the Department, or
    - b. On the last day of an extended deadline date, as authorized under subsection (C)(2).
  - c. If an applicant does not possess an appropriate hunting license that meets the requirements of this subsection, the applicant shall purchase the license at the time of application.

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2. The bonus point system, an applicant shall comply with the requirements established under R12-4-107.
- L. The Department shall reject as invalid a Hunt Permit-Tag Application not prepared or submitted in accordance with this Section or not prepared in a legible manner.
- M. Any hunt permit-tag issued for an application that is subsequently found not to be in accordance with this Section is invalid.
- N. The Department or its authorized agent shall deliver hunt permit-tags to successful applicants. The Department shall return application overpayments to the applicant designated "A" on the Hunt Permit-tag Application. The Department shall not refund:
  1. A permit application fee.
  2. A license fee submitted with a valid application for a hunt permit-tag or bonus point.
  3. An overpayment of five dollars or less. The Department shall consider the overpayment to be a donation to the Arizona Game and Fish Fund.
- O. The Department shall award a bonus point for the appropriate species to an applicant when the payment submitted is less than the required fees, but is sufficient to cover the application fee and, when applicable, license fee.
- P. When the Department determines a Department error, as defined under subsection (P)(3), caused the rejection or denial of a valid application:
  1. The Director may authorize either:
    - a. The issuance of an additional hunt permit-tag, provided the issuance of an additional hunt permit-tag will have no significant impact on the wildlife population to be hunted and the application for the hunt permit-tag would have otherwise been successful based on its random number, or
    - b. The awarding of a bonus point when a hunt permit-tag is not issued.
  2. A person who is denied a hunt permit-tag or a bonus point under this subsection may appeal to the Commission as provided under A.R.S. Title 41, Chapter 6, Article 10.
  3. For the purposes of this subsection, "Department error" means an internal processing error that:
    - a. Prevented a person from lawfully submitting an application for a hunt permit-tag,
    - b. Caused a person to submit an invalid application for a hunt permit-tag,
    - c. Caused the rejection of an application for a hunt permit-tag,
    - d. Failed to apply an applicant's bonus points to a valid application for a hunt permit-tag, or
    - e. Caused the denial of a hunt permit-tag.

**Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Amended effective June 28, 1977 (Supp. 77-3). Amended effective July 24, 1978 (Supp. 78-4). Former Section R12-4-06 renumbered as Section R12-4-104 without change effective August 13, 1981. Amended subsections (N), (O), and (P) effective August 31, 1981 (Supp. 81-4). Former Section R12-4-104 repealed, new Section R12-4-104 adopted effective May 12, 1982 (Supp. 82-3). Amended subsection (D) as an emergency effective December 27, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-6). Emergency expired. Amended effective June 20, 1983 (Supp. 83-3). Amended subsection (F)(3) effective September 12, 1984. Amended subsection (F)(9) and added subsections (F)(10) and (G)(3) effective October 31, 1984 (Supp. 84-5). Amended effective May 5, 1986 (Supp. 86-3). Amended effective June

4, 1987 (Supp. 87-2). Section R12-4-104 repealed, new Section R12-4-104 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 845, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 11 A.A.R. 991, effective April 2, 2005; amended by final rulemaking at 11 A.A.R. 1177, effective May 2, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

**R12-4-105. License Dealer's License**

- A. For the purposes of this Section, unless the context otherwise requires:
 

"Dealer number" means the unique number assigned by the Department to a dealer outlet.

"Dealer outlet" means a specified location authorized to sell licenses under a license dealer's license.

"License" means any hunting or fishing license, permit, stamp, or tag that may be sold by a dealer or dealer outlet under this Section.

"License dealer" means a business licensed by the Department to sell licenses from one or more dealer outlets.

"License Dealer Portal" means the secure website provided by the Department for issuing licenses and permits and accessing a license dealer's account.
- B. A person shall not sell or issue licenses without authorization from the Department. A license dealer's license authorizes a person to issue licenses on behalf of the Department. A person is eligible to apply for a license dealer's license, provided all of the following criteria are met:
  1. The person's privilege to sell licenses for the Department has not been revoked or canceled under A.R.S. §§ 17-334, 17-338, or 17-339 within the two calendar years immediately preceding the date of application;
  2. The person's credit record or assets assure the Department that the value of the licenses shall be adequately protected;
  3. The person agrees to assume financial responsibility for licenses provided by the Department at the maximum value established under R12-4-102.
- C. A person shall apply for a license dealer's license by submitting an application to any Department office. The application is furnished by the Department and is available at any Department office. A license dealer license applicant shall provide all of the following information on the application:
  1. The principal business or corporation information:
    - a. Name,
    - b. Physical address, and
    - c. Telephone number;
    - d. If not a corporation, the applicant shall provide the information required under subsections (C)(1)(a), (b), and (c) for each owner;
  2. The contact information for the person responsible for ensuring compliance with this Section:

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- a. Name,
  - b. Business address, and
  - c. Business telephone number;
- 3. Whether the applicant has previously sold licenses under A.R.S. § 17-334;
- 4. Whether the applicant is seeking renewal of an existing license dealer's license;
- 5. Credit references and a statement of assets and liabilities; and
- 6. Dealer outlet information:
  - a. Name,
  - b. Physical address,
  - c. Telephone number, and
  - d. Name of the person responsible for ensuring compliance with this Section at each dealer outlet.
- D.** A license dealer may request to add dealer outlets to the license dealer's license, at any time during the license year, by submitting the application form containing the information required under subsection (C) to the Department and paying the fee established under R12-4-102.
- E.** An applicant who is denied a license dealer's license under this Section may appeal to the Commission as provided under A.R.S. Title 41, Chapter 6, Article 10.
- F.** The Department shall:
  - 1. Provide to the license dealer all licenses that the license dealer will make available to the public for sale,
  - 2. Authorize the license dealer to use the dealer's own license stock, or
  - 3. Authorize the license dealer to issue licenses and permits online via the Department's License Dealer Portal.
- G.** Upon receipt of licenses provided by the Department, the license dealer shall verify the licenses received are the licenses identified on the shipment inventory provided by the Department with the shipment.
  - 1. Within five working days from receipt of shipment, the person performing the verification shall:
    - a. Clearly designate any discrepancies on the shipment inventory,
    - b. Sign and date the shipping inventory, and
    - c. Return the signed shipping inventory to the Department.
  - 2. The Department shall verify any discrepancies identified by the license dealer and credit or debit the license dealer's inventory accordingly.
- H.** A license dealer shall maintain an inventory of licenses for sale to the public at each outlet.
- I.** A license dealer's license holder shall transmit to the Department all collected license or permit fees established under R12-4-102.
  - 1. A license dealer's license holder may collect and retain a reasonable and commensurate fee for its services.
  - 2. Each license dealer's license holder shall identify to the public the Department's license fees separately from any other costs.
- J.** A license dealer may request additional licenses in writing or verbally.
  - 1. The request shall include:
    - a. The name of the license dealer,
    - b. The assigned dealer number,
    - c. A list of the licenses needed, and
    - d. The name of the person making the request.
  - 2. Within 10 calendar days from receipt of a request, the Department shall provide the licenses requested, unless:
    - a. The license dealer failed to acknowledge licenses previously provided to the license dealer, as required under subsection (G);
    - b. The license dealer failed to transmit license fees, as required under subsection (J); or
    - c. The license dealer is not in compliance with this Section and all applicable statutes and rules.
- K.** A license dealer shall transmit to the Department all license fees collected by the tenth day of each month, prescribed under A.R.S. § 17-338(A). Failure to comply with the requirements of this subsection shall result in the cancellation of the license dealer's license, as authorized under A.R.S. § 17-338(A).
- L.** A license dealer shall submit a monthly report to the Department by the tenth day of each month, as prescribed under A.R.S. § 17-339.
  - 1. The monthly report form is furnished by the Department.
  - 2. A monthly report is required regardless of whether or not activities were performed.
  - 3. Failure to submit the monthly report in compliance with this subsection shall be cause to cancel the license dealer's license.
  - 4. The license dealer shall include in the monthly report all of the following information for each outlet:
    - a. Name of the dealer;
    - b. The assigned dealer number;
    - c. Reporting period;
    - d. Number of sales and dollar amount of sales for reporting period, by type of license sold;
    - e. Debit and credit adjustments for previous reporting periods, if any;
    - f. Number of affidavits received for which a duplicate license was issued under R12-4-103;
    - g. List of lost or missing licenses; and
    - h. Printed name and signature of the preparer.
  - 5. In addition to the information required under subsection (L), the license dealer shall also provide the affidavit for each duplicate license issued by the dealer during the reporting period.
    - a. The affidavit is furnished by the Department and is included in the license book.
    - b. A license dealer who fails to submit the affidavit for a duplicate license issued by the license dealer shall remit to the Department the actual cash value of the original license replaced.
- L.** The Department shall provide written notice of suspension and demand the return of all inventory within five calendar days from any license dealer who:
  - 1. Fails to transmit monies due the Department under A.R.S. § 17-338 by the deadline established under subsection (J);
  - 2. Issues to the Department more than one check with insufficient funds during a calendar year; or
  - 3. Otherwise fails to comply with this Section and all applicable statutes and rules.
- M.** As prescribed under A.R.S. § 17-338, the actual cash value of licenses not returned to the Department is due and payable to the Department within 15 working days from the date the Department provides written notice to the license dealer. This includes, but is not limited to:
  - 1. Licenses not returned upon termination of business by a license dealer; or
  - 2. Licenses reported by a dealer outlet or discovered by the Department to be lost, missing, stolen, or destroyed for any reason.
- N.** In addition to those violations that may result in revocation, suspension, or cancellation of a license dealer's license as prescribed under A.R.S. §§ 17-334, 17-338, and 17-339, the Commission may revoke a license dealer's license if the

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license dealer or an employee of the license dealer is convicted of counseling, aiding, or attempting to aid any person in obtaining a fraudulent license.

**Historical Note**

Amended effective June 7, 1976 (Supp. 77-3). Former Section R12-4-08 renumbered as Section R12-4-105 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-105 repealed, new Section R12-4-105 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-105 repealed, new Section R12-4-105 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

**R12-4-106. Special Licenses Licensing Time-frames****A.** For the purposes of this Section, the following definitions apply:

"Administrative review time-frame" has the same meaning as prescribed under A.R.S. § 41-1072(1).

"License" means any permit or authorization issued by the Department and listed under subsection (H).

"Overall time-frame" has the same meaning as prescribed under A.R.S. § 41-1072(2).

"Substantive review time-frame" has the same meaning as prescribed under A.R.S. § 41-1072(3).

**B.** As required under A.R.S. § 41-1072 et seq., within the overall time-frames listed in the Table 1. Time-Frames, the Department shall either:

1. Grant a license to an applicant after determining the applicant meets all of the criteria required by statute and the governing rule; or
2. Deny a license to an applicant when the Department determines the applicant does not meet all of the criteria required by statute and the governing rule.
  - a. The Department may deny a license at any point during the review process if the information provided by the applicant demonstrates the applicant is not eligible for the license as prescribed under statute or the governing rule.
  - b. The Department shall issue a written denial notice when it is determined that an applicant does not meet all of the criteria for the license.
  - c. The written denial notice shall provide:
    - i. The Department's justification for the denial, and
    - ii. When a hearing or appeal is authorized, an explanation of the applicant's right to a hearing or appeal.

**C.** During the overall time-frame:

1. The applicant and the Department may agree in writing to extend the overall time-frame.
2. The substantive review time-frame shall not be extended by more than 25% of the overall time-frame.

**D.** An applicant may withdraw an application at any time.**E.** The administrative review time-frame shall begin upon the Department's receipt of an application.

1. During the administrative review time-frame, the Department may return to the applicant, without denial, an application that is missing any of the information required under R12-4-409 and the rule governing the specific license. The Department shall issue to the applicant a written notice that identifies all missing information and indicates the applicant has 30 days in which to provide the missing information.
2. The administrative review time-frame and the overall time-frame listed for the applicable license under this Section are suspended from the date on the notice until the date the Department receives the missing information.
3. If an applicant fails to respond to a request for missing information within 30 days, the Department shall consider the application withdrawn.

**F.** The substantive review time-frame shall begin when the Department determines an application is complete.

1. During the substantive review time-frame, the Department may make one comprehensive written request for additional information. The written notice shall:
  - a. Identify the additional information, and
  - b. Indicate the applicant has 30 days in which to submit the additional information.
  - c. The Department and the applicant may mutually agree in writing to allow the agency to submit supplemental requests for additional information.
  - d. If an applicant fails to respond to a request for additional information within 30 days, the Department shall consider the application withdrawn.
2. The substantive review time-frame and the overall time-frame listed for the applicable license under this Section are suspended from the date on the request until the date the Department receives the additional information.

**G.** If the last day of the time-frame period falls on a Saturday, Sunday, or an official State holiday, the Department shall consider the next business day the time-frame period's last day. All periods listed are:

1. Calendar days, and
2. Maximum time periods.

**H.** The Department may grant or deny a license in less time than specified in Table 1. Time-Frames.**Table 1. Time-Frames**

Name of Special License	Governing Rule	Administrative Review Time-frame	Substantive Review Time-frame	Overall Time-frame
Aquatic Wildlife Stocking License	R12-4-410	10 days	170 days	180 days
Authorization for Use of Drugs on Wildlife	R12-4-309	20 days	70 days	90 days
Challenged Hunter Access/Mobility Permit	R12-4-217	1 day	29 days	30 days
Crossbow Permit	R12-4-216	1 day	29 days	30 days
Disabled Veteran's License	R12-4-202	1 day	29 days	30 days

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Fishing Permits	R12-4-310	10 days	20 days	30 days
Game Bird License	R12-4-414	10 days	20 days	30 days
Guide License	R12-4-208	10 days	20 days	30 days
License Dealer's License	R12-4-105	10 days	20 days	30 days
Live Bait Dealer's License	R12-4-411	10 days	20 days	30 days
Pioneer License	R12-4-201	1 day	29 days	30 days
Private Game Farm License	R12-4-413	10 days	20 days	30 days
Scientific Activity License	R12-4-418	10 days	20 days	30 days
Small Game Depredation Permit	R12-4-113	10 days	20 days	30 days
Sport Falconry License	R12-4-422	10 days	20 days	30 days
Taxidermy Registration	R12-4-204	10 days	20 days	30 days
Watercraft Agents	R12-4-509	10 days	20 days	30 days
White Amur Stocking License	R12-4-424	10 days	20 days	30 days
Wildlife Holding License	R12-4-417	10 days	20 days	30 days
Wildlife Rehabilitation License	R12-4-423	10 days	50 days	60 days
Wildlife Service License	R12-4-421	10 days	50 days	60 days
Zoo License	R12-4-420	10 days	20 days	30 days

**Historical Note**

Editorial correction subsections (F) through (G) (Supp. 78-5). Former Section R12-4-09 renumbered as Section R12-4-106 without change effective August 13, 1981 (Supp. 81-4). Repealed effective May 27, 1992 (Supp. 92-2). New Section adopted June 10, 1998 (Supp. 98-2). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 25 A.A.R. 1854, effective July 2, 2019 (Supp. 19-3). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

**R12-4-107. Bonus Point System****A.** For the purpose of this Section, the following definitions apply:

"Bonus point hunt number" means the hunt number assigned in a Commission Order for use by an applicant who is applying for a bonus point only.

"Loyalty bonus point" means a bonus point awarded to a person who has submitted a valid application for a hunt permit-tag or a bonus point for a specific genus identified in subsection (B) at least once annually for a consecutive five-year period.

**B.** The bonus point system grants a person one random number entry in each computer draw for bear, bighorn sheep, bison, deer, elk, javelina, pronghorn, Sandhill crane, or turkey for each bonus point that person has accumulated under this Section.

- Each bonus point random number entry is in addition to the entry normally granted under R12-4-104.
- When processing a "group" application, as defined under R12-4-104, the Department shall use the average number of bonus points accumulated by all persons in the group, rounded to the nearest whole number. If the average number of bonus points is equal to or greater than .5, the total will be rounded to the next higher number.
- The Department shall credit a bonus point under an applicant's Department identification number for the genus on the application.
- The Department shall not transfer bonus points between persons or genera.

**C.** The Department shall award one bonus point to an applicant who submits a valid Hunt Permit-tag Application provided the following apply:

- The application is unsuccessful in the computer draw or the application is for a bonus point only;
  - The application is not for a hunt permit-tag leftover after the computer draw and available on a first-come, first-served basis as established under R12-4-114; and
  - The applicant either provides the appropriate hunting license number on the application, or submits an application and fees for the applicable license with the Hunt Permit-tag Application Form, as applicable.
- D.** An applicant who purchases a bonus point only shall:
- Submit a valid Hunt Permit-tag Application, as prescribed under R12-4-104 at the times, locations, and in the manner and method established by the schedule published by the Department and available at any Department office, on the Department's website, or a license dealer.
    - When the application is submitted for a hunt permit-tag or bonus point, the Department shall reject any application that:
      - Indicates the bonus point only hunt number as any choice other than the first-choice,
      - Includes any other hunt number on the application,
      - Includes more than one Hunt Permit-tag Application per genus per computer draw, or
      - Is submitted after the application deadline for that specific computer draw.
  - When the application is submitted for a bonus point during the extended bonus point period, the Department shall reject any application that:
    - Includes more than one Hunt Permit-tag Application per genus, or
    - Is submitted after the application deadline for that extended bonus point period.
  - Include the applicable fees:

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- a. Application fee, and
  - b. Applicable license fee, required when the applicant does not possess a valid license at the time of application and the applicant is applying for a hunt permit-tag.
- E. With the exception of the conservation education and hunter education bonus points, each accumulated bonus point is valid only for the genus designated on the Hunt Permit-tag Application.
- F. With the exception of a permanent bonus point awarded for conservation education or hunter education and a loyalty bonus point which is accrued and forfeited as established under subsection (L), a person's accumulated bonus points for a genus are expended if:
  - 1. The person is issued a hunt permit-tag for that genus in a computer draw;
  - 2. The person fails to submit a Hunt Permit-tag Application for that genus for five consecutive years; or
  - 3. The person purchases a surrendered tag as prescribed under R12-4-118(F)(1), (2), or (3).
- G. Notwithstanding subsection (F), the Department shall restore any expended bonus points to a person who surrenders or transfers a tag in compliance with R12-4-118 or R12-4-121.
- H. An applicant issued a first-come, first-served hunt permit-tag under R12-4-114(C)(2)(e) after the computer draw does not expend bonus points for that genus.
- I. An applicant who is unsuccessful for a first-come, first-served hunt permit-tag made available by the Department after the computer draw is not eligible to receive a bonus point.
- J. The Department shall award one permanent bonus point for each genus upon a person's first graduation from either:
  - 1. A Department-sanctioned Arizona Hunter Education Course completed after January 1, 1980, or
  - 2. The Department's Arizona Conservation Education Course completed after January 1, 2021.
    - a. Course participants are required to provide the following information upon registration, the participants:
      - i. Name;
      - ii. Mailing address;
      - iii. Telephone number;
      - iv. E-mail address, when available;
      - v. Date of birth; and
      - vi. Department ID number, when applicable.
    - b. The Arizona Game and Fish Department-certified Instructor shall submit the course paperwork to the Department within 10 business days of course completion. Course paperwork must be received by the Department no less than 30 days before the computer draw application deadline, as specified in the hunt permit-tag application schedule in order for the Department to assign hunter education bonus points in the next computer draw.
    - c. Any person who is nine years of age or older may participate in a hunter education course or the Department's conservation education course. When the person is under 10 years of age, the hunter education completion card and certificate shall become valid on the person's 10th birthday.
    - d. The Department shall not award hunter education bonus points for any of the following specialized hunter education courses:
      - i. Bowhunter Education,
      - ii. Trapper Education, or
      - iii. Advanced Hunter Education.
- K. The Department provides an applicant's total number of accumulated bonus points on the Department's application website or IVR telephone system.
  - 1. If a person believes the total number of accumulated bonus points is incorrect, the person may request proof of compliance with this Section, from the Department, to prove Department error.
  - 2. In the event of an error, the Department shall correct the person's record.
- L. The following provisions apply to the loyalty bonus point program:
  - 1. An applicant who submits a valid application at least once a year for a hunt permit-tag or a bonus point for a specific genus consecutively for a five-year period shall accrue a loyalty bonus point for that genus.
  - 2. Except as established under subsection (N), once a loyalty bonus point is accrued, the applicant shall retain the loyalty bonus point provided the applicant annually submits an application, with funds sufficient to cover all application fees and applicable license fees for each applicant listed on the application, for a hunt permit-tag or a bonus point for the genus for which the loyalty bonus point was accrued.
  - 3. An applicant who fails to apply in any calendar year for a hunt permit-tag or bonus point for the genus for which the loyalty bonus point was accrued shall forfeit the loyalty bonus point for that genus.
  - 4. A loyalty bonus point is accrued in addition to all other bonus points.
- M. A military member, military reserve member, member of the National Guard, or emergency response personnel with a public agency may request the reinstatement of any expended bonus points for a successful Hunt Permit-tag Application.
  - 1. To request reinstatement of expended bonus points under these circumstances, an applicant shall submit all of the following information to the Arizona Game and Fish Department, Draw Section, 5000 W. Carefree Highway, Phoenix, AZ 85086:
    - a. Evidence of mobilization or change in duty status, such as a letter from the public agency or official orders; or
    - b. An official declaration of a state of emergency from the public agency or authority making the declaration of emergency, if applicable; and
    - c. The valid, unused hunt permit-tag.
  - 2. The Department shall deny requests post-marked after the beginning date of the hunt for which the hunt permit-tag is valid, unless the person also submits, with the request, evidence of mobilization, activation, or a change in duty status that precluded the applicant from submitting the hunt permit-tag before the beginning date of the hunt.
  - 3. Under A.R.S. § 17-332(E), no refunds for a license or hunt permit-tag will be issued to an applicant who applies for reinstatement of bonus points under this subsection.
  - 4. Reinstatement of bonus points under this subsection is not subject to the requirements established under R12-4-118.
- N. It is unlawful for a person to purchase or accrue a bonus point by fraud or misrepresentation and any bonus point so obtained shall be removed from the person's Department record.

**Historical Note**

Former Section R12-4-03 renumbered as Section R12-4-107 without change effective August 13, 1981 (Supp. 81-4). Section R12-4-107 repealed, new Section R12-4-107 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective July 29, 1992 (Supp.

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92-3). Section R12-4-107 repealed, new Section R12-4-107 adopted effective January 1, 1999; filed with the Office of the Secretary of State February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 845, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 11 A.A.R. 991, effective April 2, 2005 (Supp. 05-1). Amended by final rulemaking at 11 A.A.R. 991, effective April 2, 2005; amended by final rulemaking at 11 A.A.R. 1177, effective May 2, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

**R12-4-108. Management Unit Boundaries**

- A. For the purpose of this Section, parentheses mean “also known as,” and the following definitions shall apply:

“FH” means forest highway.

“FR” means forest road.

“Hwy” means Highway.

“I-8” means Interstate Highway 8.

“I-10” means Interstate Highway 10.

“I-15” means Interstate Highway 15.

“I-17” means Interstate Highway 17.

“I-19” means Interstate Highway 19.

“I-40” means Interstate Highway 40.

“mp” means “milepost.”

- B. The state is divided into units for the purpose of managing wildlife. Each unit is identified by a number, or a number and letter. For the purpose of this Section, Indian reservation land contained within any management unit is not under the jurisdiction of the Arizona Game and Fish Commission or the Arizona Game and Fish Department.
- C. Management unit descriptions are as follows:

Unit 1 – Beginning at the New Mexico state line and U.S. Hwy 60; west on U.S. Hwy 60 to Vernon Junction; south on the Vernon-McNary road (FR 224) to the White Mountain Apache Indian Reservation boundary; east and south along the reservation boundary to Black River; east and north along Black River to the east fork of Black River; north along the east fork to Three Forks; and continuing north and east on the Three Forks-Williams Valley Alpine Rd. (FR 249) to U.S. Hwy 180; east on U.S. Hwy 180 to the New Mexico state line; north along the state line to U.S. Hwy 60.

Unit 2A – Beginning at St. Johns on U.S. Hwy 191 (AZ Hwy 61); north on U.S. Hwy 191 (AZ Hwy 61) to the Navajo Indian Reservation boundary; westerly along the reservation boundary to AZ Hwy 77; south on AZ Hwy 77 to Exit 292 on I-40; west on the westbound lane of I-40 to Exit 286; south on AZ Hwy 77 to U.S. Hwy 180; southeast on U.S. Hwy 180 to AZ Hwy 180A; south on AZ Hwy 180A to AZ Hwy 61; east on AZ Hwy 61 to U.S. Hwy 180 (AZ Hwy 61); east to U.S. Hwy 191 at St. Johns; except those portions that are sovereign tribal lands of the Zuni Tribe.

Unit 2B – Beginning at Springerville; east on U.S. Hwy 60 to the New Mexico state line; north along the state line to the Navajo Indian Reservation boundary; westerly along the reservation boundary to U.S. Hwy 191 (AZ Hwy 61); south on U.S. Hwy 191 (U.S. Hwy 180) to Springerville.

Unit 2C – Beginning at St. Johns on U.S. Hwy 191 (AZ Hwy 61); west on to AZ Hwy 61 Concho; southwest on AZ Hwy 61 to U.S. Hwy 60; east on U.S. Hwy 60 to U.S. Hwy 191 (U.S. Hwy 180); north on U.S. Hwy 191 (U.S. Hwy 180) to St. Johns.

Unit 3A – Beginning at the junction of U.S. Hwy 180 and AZ Hwy 77; south on AZ Hwy 77 to AZ Hwy 377; south-westerly on AZ Hwy 377 to AZ Hwy 277; easterly on AZ Hwy 277 to Snowflake; easterly on the Snowflake-Concho Rd. to U.S. Hwy 180A; north on U.S. Hwy 180A to U.S. Hwy 180; northwesterly on U.S. Hwy 180 to AZ Hwy 77.

Unit 3B – Beginning at Snowflake; southerly along AZ Hwy 77 to U.S. Hwy 60; southwesterly along U.S. Hwy 60 to the White Mountain Apache Indian Reservation boundary; easterly along the reservation boundary to the Vernon-McNary Rd. (FR 224); northerly along the Vernon-McNary Rd. to U.S. Hwy 60; west on U.S. Hwy 60 to AZ Hwy 61; northeasterly on AZ Hwy 61 to AZ Hwy 180A; northerly on AZ Hwy 180A to Concho-Snowflake Rd.; westerly on the Concho-Snowflake Rd. to Snowflake.

Unit 3C – Beginning at Snowflake; westerly on AZ Hwy 277 to AZ Hwy 260; westerly on AZ Hwy 260 to the Sitgreaves National Forest boundary with the Tonto National Forest; easterly along the Apache-Sitgreaves National Forest boundary to U.S. Hwy 60 (AZ Hwy 77); northeasterly on U.S. Hwy 60 (AZ Hwy 77) to Showlow; northerly along AZ Hwy 77 to Snowflake.

Unit 4A – Beginning on the boundary of the Apache-Sitgreaves National Forest with the Coconino National Forest at the Mogollon Rim; north along this boundary (Leonard Canyon) to East Clear Creek; northerly along East Clear Creek to AZ Hwy 99; north on AZ Hwy 99 to AZ Hwy 87; north on AZ Hwy 87 to Business I-40 (3rd St.); west on Business I-40 (3rd St.) to Hipkoe Dr.; northerly on Hipkoe Dr. to I-40; west on I-40 to mp 221.4; north to the southwest corner of the Navajo Indian Reservation boundary; east along the Navajo Indian Reservation boundary to the Little Colorado River; southerly along the Little Colorado River to Chevelon Creek; southerly along Chevelon Creek to Woods Canyon; westerly along Woods Canyon to Woods Canyon Lake Rd.; westerly and southerly along the Woods Canyon Lake Rd. to the Mogollon Rim; westerly along the Mogollon Rim to the boundary of the Apache-Sitgreaves National Forest with the Coconino National Forest.

Unit 4B – Beginning at AZ Hwy 260 and the Sitgreaves National Forest boundary with the Tonto National Forest; northeasterly on AZ Hwy 260 to AZ Hwy 277; northeasterly on AZ Hwy 277 to Hwy 377; northeasterly on AZ Hwy 377 to AZ Hwy 77; northeasterly on AZ Hwy 77 to I-40 Exit 286; northeasterly along the westbound lane of I-40 to Exit 292; north on AZ Hwy 77 to the Navajo Indian Reservation boundary; west along the reservation boundary to the Little Colorado River; southerly along the Little Colorado River to Chevelon Creek; southerly



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along Chevelon Creek to Woods Canyon; westerly along Woods Canyon to Woods Canyon Lake Rd. (FH 151); westerly and southerly along the Woods Canyon Lake Rd. (FH 151) to the Mogollon Rim; easterly along the Mogollon Rim to the intersection of AZ Hwy 260 and the Sitgreaves National Forest boundary with the Tonto National Forest.

Unit 5A – Beginning at the junction of the Sitgreaves National Forest boundary with the Coconino National Forest boundary at the Mogollon Rim; northerly along this boundary (Leonard Canyon) to East Clear Creek; northeasterly along East Clear Creek to AZ Hwy 99; north on AZ Hwy 99 to AZ Hwy 87; north on AZ Hwy 87 to Business I-40 (3rd St.); west on Business I-40 (3rd St.) to Hipkoe Dr.; north on Hipkoe Dr. to I-40; west on I-40 to the Meteor Crater Rd. (Exit 233); southerly on the Meteor Crater-Chavez Pass-Jack's Canyon Rd. (FR 69) to AZ Hwy 87; southwesterly along AZ Hwy 87 to the Coconino-Tonto National Forest boundary; easterly along the Coconino-Tonto National Forest boundary (Mogollon Rim) to the Sitgreaves National Forest boundary with the Coconino National Forest.

Unit 5B -- Beginning at Lake Mary-Clint's Well Rd. (FH3) and Walnut Canyon (mp 337.5 on FH3); southeasterly on FH3 to AZ Hwy 87; northeasterly on AZ Hwy 87 to FR 69; westerly and northerly on FR 69 to I-40 (Exit 233); west on I-40 to Walnut Canyon (mp 210.2); southwesterly along the bottom of Walnut Canyon to Walnut Canyon National Monument; southwesterly along the northern boundary of the Walnut Canyon National Monument to Walnut Canyon; southwesterly along the bottom of Walnut Canyon to FH3 (mp 337.5).

Unit 6A - Beginning at the junction of AZ Hwy 89A and FR 237; southwesterly on AZ Hwy 89A to the Verde River; southeasterly along the Verde River to the confluence with Fossil Creek; northeasterly along Fossil Creek to Fossil Springs; southeasterly on FS trail 18 (Fossil Spring Trail) to the top of the rim; northeasterly on the rim to Nash Point on the Tonto-Coconino National Forest boundary; easterly along this boundary to AZ Hwy 87; northeasterly on AZ Hwy 87 to Lake Mary-Clint's Well Rd. (FH3); northwesterly on FH3 to FR 132; southwesterly on FR 132 to FR 296; southwesterly on FR 296 to FR 296A; southwesterly on FR 296A to FR 132; northwesterly on FR 132 to FR 235; westerly on FR 235 to Priest Draw; southwesterly along the bottom of Priest Draw to FR 235; westerly on FR 235 to FR 235A; westerly on FR 235A to FR 235; southerly on FR 235 to FR 235K; northwesterly on FR 235K to FR 700; northerly on FR 700 to Mountainaire Rd.; west on Mountainaire Rd. to FR 237; westerly on FR 237 to AZ Hwy 89A except those portions that are sovereign tribal lands of the Yavapai-Apache Nation.

Unit 6B – Beginning at mp 188.5 on I-40 at a point just north of the east boundary of Camp Navajo; south along the eastern boundary of Camp Navajo to the southeastern corner of Camp Navajo; southeast approximately 1/3 mile through the forest to the forest road in section 33; southeast on the forest road to FR 231 (Woody Mountain Rd.); easterly on FR 231 to FR 533; southerly on FR 533 to AZ Hwy 89A; southerly on AZ Hwy 89A to the Verde River; northerly along the Verde River to Sycamore Creek; northeasterly along Sycamore Creek and Volunteer Canyon to the southwest corner of the Camp Navajo

boundary; northerly along the western boundary of Camp Navajo to the northwest corner of Camp Navajo; continuing north to I-40 (mp 180.0); easterly along I-40 to mp 188.5.

Unit 7 – Beginning at the junction of AZ Hwy 64 and I-40 (in Williams); easterly on I-40 to FR 171 (mp 184.4 on I-40); northerly on FR 171 to the Transwestern Gas Pipeline; easterly along the Transwestern Gas Pipeline to FR 420 (Schultz Pass Rd.); northeasterly on FR 420 to U.S. Hwy 89; across U.S. Hwy 89 to FR 545; east on FR 545 to the Sunset Crater National Monument; easterly along the southern boundary of the Sunset Crater National Monument to FR 545; east on FR 545 to the 345 KV transmission lines 1 and 2; southeasterly along the power lines to I-40 (mp 212 on I-40); east on I-40 to mp 221.4; north to the southwest corner of the Navajo Indian Reservation boundary; northerly and westerly along the reservation boundary to the Four Corners Gas Line; southwesterly along the Four Corners Gas Line to U.S. Hwy 180; west on U.S. Hwy 180 to AZ Hwy 64; south on AZ Hwy 64 to I-40.

Unit 8 – Beginning at the junction of I-40 and AZ Hwy 89 (in Ash Fork, Exit 146); south on AZ Hwy 89 to the Verde River; easterly along the Verde River to Sycamore Creek; northerly along Sycamore Creek to Volunteer Canyon; northeasterly along Volunteer Canyon to the west boundary of Camp Navajo; north along the boundary to a point directly north of I-40; west on I-40 to AZ Hwy 89.

Unit 9 – Beginning where Cataract Creek enters the Havasupai Reservation; easterly and northerly along the Havasupai Reservation boundary to Grand Canyon National Park; easterly along the Grand Canyon National Park boundary to the Navajo Indian Reservation boundary; southerly along the reservation boundary to the Four Corners Gas Line; southwesterly along the Four Corners Gas Line to U.S. Hwy 180; westerly along U.S. Hwy 180 to AZ Hwy 64; south along AZ Hwy 64 to Airpark Rd.; west and north along Airpark Rd. to the Valle-Cataract Creek Rd.; westerly along the Valle-Cataract Creek Rd. to Cataract Creek at Island Tank; northwesterly along Cataract Creek to the Havasupai Reservation Boundary.

Unit 10 – Beginning at the junction of AZ Hwy 64 and I-40; westerly on I-40 to Crookton Rd. (AZ Hwy 66, Exit 139); westerly on AZ Hwy 66 to the Hualapai Indian Reservation boundary; northeasterly along the reservation boundary to Grand Canyon National Park; east along the park boundary to the Havasupai Indian Reservation; easterly and southerly along the reservation boundary to where Cataract Creek enters the reservation; southeasterly along Cataract Creek in Cataract Canyon to Island Tank; easterly on the Cataract Creek-Valle Rd. to Airpark Rd.; south and east along Airpark Rd. to AZ Hwy 64; south on AZ Hwy 64 to I-40.

Unit 11M – Beginning at the junction of Lake Mary-Clint's Well Rd (FH3) and Walnut Canyon (mp 337.5 on FH3); northeasterly along the bottom of Walnut Canyon to the Walnut Canyon National Monument boundary; northeasterly along the northern boundary of the Walnut Canyon National Monument to Walnut Canyon; northeasterly along the bottom of Walnut Canyon to I-40 (mp 210.2); east on I-40 to the 345 KV transmission lines 1&2 (mp 212 on I-40); north and northeasterly along the power line to FR 545 (Sunset Crater Rd); west along FR

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545 to the Sunset Crater National Monument boundary; westerly along the southern boundary of the Sunset Crater National Monument to FR 545; west on FR 545 to U.S. Hwy 89; across U.S. Hwy 89 to FR 420 (Schultz Pass Rd); southwest on FR 420 to the Transwestern Gas Pipeline; westerly along the Transwestern Gas Pipeline to FR 171; south on FR 171 to I-40 (mp 184.4 on I-40); east on I-40 to a point just north of the eastern boundary of the Navajo Army Depot (mp 188.5 on I-40); south along the eastern boundary of the Navajo Army Depot to the southeast corner of the Depot; southeast approximately 1/3 mile to forest road in section 33; southeasterly along that forest road to FR 231 (Woody Mountain Rd); easterly on FR 231 to FR 533; southerly on FR 533 to U.S. Hwy 89A; southerly on U.S. Hwy 89A to FR 237; northeasterly on FR 237 to Mountaineer Rd; easterly on Mountaineer Rd to FR 700; southerly on FR 700 to FR 235K; southeasterly on FR 235K to FR 235; northerly on FR 235 to FR 235A; easterly on FR 235A to FR 235; easterly on FR 235 to Priest Draw; northeasterly along the bottom of Priest Draw to FR 235; easterly on FR 235 to FR 132; southeasterly on FR 132 to FR 296A; northeasterly on FR 296A to FR 296; northeasterly on FR 296 to FR 132; northeasterly on FR 132 to FH 3; southeasterly on FH 3 to the south rim of Walnut Canyon (mp 337.5 on FH3).

Unit 12A – Beginning at the confluence of the Colorado River and South Canyon; southerly and westerly along the Colorado River to Kanab Creek; northerly along Kanab Creek to Snake Gulch; northerly, easterly, and southerly around the Kaibab National Forest boundary to South Canyon; northeasterly along South Canyon to the Colorado River.

Unit 12B – Beginning at U.S. Hwy 89A and the Kaibab National Forest boundary near mp 566; southerly and easterly along the forest boundary to Grand Canyon National Park; northeasterly along the park boundary to Glen Canyon National Recreation area; easterly along the recreation area boundary to the Colorado River; northeasterly along the Colorado River to the Arizona-Utah state line; westerly along the state line to Kanab Creek; southerly along Kanab Creek to the Kaibab National Forest boundary; northerly, easterly, and southerly along this boundary to U.S. Hwy 89A near mp 566; except those portions that are sovereign tribal lands of the Kaibab Band of Paiute Indians.

Unit 13A – Beginning on the western edge of the Hurricane Rim at the Utah state line; southerly along the western edge of the Hurricane Rim to Mohave County Rd. 5 (the Mt. Trumbull Rd.); west along Mohave County Rd. 5 to the town of Mt. Trumbull (Bundyville); south from the town of Mt. Trumbull (Bundyville) on Mohave County Rd. 257 to BLM Rd. 1045; south on BLM Rd. 1045 to where it crosses Cold Spring Wash near Cold Spring Wash Pond; south along the bottom of Cold Spring Wash to Whitmore Wash; southerly along the bottom of Whitmore Wash to the Colorado River; easterly along the Colorado River to Kanab Creek; northerly along Kanab Creek to the Utah state line; west along the Utah state line to the western edge of the Hurricane Rim; except those portions that are sovereign tribal lands of the Kaibab Band of Paiute Indians.

Unit 13B – Beginning on the western edge of the Hurricane Rim at the Utah state line; southerly along the west-

ern edge of the Hurricane Rim to Mohave County Rd. 5 (the Mt. Trumbull Rd.); west along Mohave County Rd. 5 to the town of Mt. Trumbull (Bundyville); south from the town of Mt. Trumbull (Bundyville) on Mohave County Rd. 257 to BLM Rd. 1045; south on BLM Rd. 1045 to where it crosses Cold Spring Wash near Cold Spring Wash Pond; south along the bottom of Cold Spring Wash to Whitmore Wash; southerly along the bottom of Whitmore Wash to the Colorado River; westerly along the Colorado River to the Nevada state line; north along the Nevada state line to the Utah state line; east along the Utah state line to the western edge of the Hurricane Rim.

Unit 15A – Beginning at Pearce Ferry on the Colorado River; southerly on the Pearce Ferry Rd. to Antares Rd.; southeasterly on Antares Rd. to AZ Hwy 66; easterly on AZ Hwy 66 to the Hualapai Indian Reservation; west and north along the west boundary of the reservation to the Colorado River; westerly along the Colorado River to Pearce Ferry; except those portions that are sovereign tribal lands of the Hualapai Indian Tribe.

Unit 15B – Beginning at Kingman on I-40 (Exit 48); northwesterly on U.S. Hwy 93 to Hoover Dam; north and east along the Colorado River to Pearce Ferry; southerly on the Pearce Ferry Rd. to Antares Rd.; southeasterly on Antares Rd. to AZ Hwy 66; easterly on AZ Hwy 66 to Hackberry Rd.; southerly on the Hackberry Rd. to I-40; west on I-40 to Kingman (Exit 48).

Unit 15C – Beginning at Hoover Dam; southerly along the Colorado River to AZ Hwy 68 and Davis Dam; easterly on AZ Hwy 68 to U.S. Hwy 93; northwesterly on U.S. Hwy 93 to Hoover Dam.

Unit 15D – Beginning at AZ Hwy 68 and Davis Dam; southerly along the Colorado River to I-40; east and north on I-40 to Kingman (Exit 48); northwest on U.S. Hwy 93 to AZ Hwy 68; west on AZ Hwy 68 to Davis Dam; except those portions that are sovereign tribal lands of the Fort Mohave Indian Tribe.

Unit 16A – Beginning at Kingman on I-40 (Exit 48); south and west on I-40 to U.S. Hwy 95 (Exit 9); southerly on U.S. Hwy 95 to the Bill Williams River; easterly along the Bill Williams and Santa Maria rivers to U.S. Hwy 93; north on U.S. Hwy 93 to I-40 (Exit 71); west on I-40 to Kingman (Exit 48).

Unit 16B – Beginning at I-40 on the Colorado River; southerly along the Arizona-California state line to the Bill Williams River; east along the Bill Williams River to U.S. Hwy 95; north on U.S. Hwy 95 to I-40 (Exit 9); west on I-40 to the Colorado River.

Unit 17A – Beginning at the junction of the Williamson Valley Rd. (County Road 5) and the Camp Wood Rd. (FR 21); westerly on the Camp Wood Rd. to the west boundary of the Prescott National Forest; north along the forest boundary to the Baca Grant; east, north and west around the grant to the west boundary of the Prescott National Forest; north and east along the forest boundary to the Williamson Valley Rd. (County Rd. 5, FR 6); southerly on Williamson Valley Rd. (County Rd. 5, FR 6) to the Camp Wood Rd.

Unit 17B – Beginning at the junction of Iron Springs Rd. (County Rd. 10) and Williamson Valley Rd. (County Road 5) in Prescott; westerly on the Prescott-Skull Valley-Hillside-Bagdad Rd. to Bagdad; northeast on the

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Bagdad-Camp Wood Rd. (FR 21) to the Williamson Valley Rd. (County Rd. 5, FR 6); south on the Williamson Valley Rd. (County Rd. 5, FR 6) to the Iron Springs Rd.

Unit 18A – Beginning at Seligman; westerly on AZ Hwy 66 to the Hualapai Indian Reservation; southwest and west along the reservation boundary to AZ Hwy 66; southwest on AZ Hwy 66 to the Hackberry Rd.; south on the Hackberry Rd. to I-40; west along I-40 to U.S. Hwy 93; south on U.S. Hwy 93 to Cane Springs Wash; easterly along Cane Springs Wash to the Big Sandy River; northerly along the Big Sandy River to Trout Creek; northeast along Trout Creek to the Davis Dam-Prescott power line; southeasterly along the power line to the west boundary of the Prescott National Forest; north and east along the forest boundary to the Williamson Valley Rd. (County Rd. 5, FR 6); northerly on the Williamson Valley Rd. (County Rd. 5, FR 6) to Seligman and AZ Hwy 66; except those portions that are sovereign tribal lands of the Hualapai Indian Tribe.

Unit 18B – Beginning at Bagdad; southeast on AZ Hwy 96 to the Santa Maria River; southwest along the Santa Maria River to U.S. Hwy 93; northerly on U.S. Hwy 93 to Cane Springs Wash; easterly along Cane Springs Wash to the Big Sandy River; northerly along the Big Sandy River to Trout Creek; northeasterly along Trout Creek to the Davis Dam-Prescott power line; southeasterly along the power line to the west boundary of the Prescott National Forest; south along the forest boundary to the Baca Grant; east, south and west along the forest boundary; south along the west boundary of the Prescott National Forest; to the Camp Wood-Bagdad Rd.; southwesterly on the Camp Wood-Bagdad Rd. to Bagdad; except those portions that are sovereign tribal lands of the Hualapai Indian Tribe.

Unit 19A – Beginning at AZ Hwy 69 and AZ Hwy 89 (in Prescott); northerly on AZ Hwy 89 to the Verde River; easterly along the Verde River to I-17; southwesterly on the southbound lane of I-17 to AZ Hwy 69; northwesterly on AZ Hwy 69 to AZ Hwy 89; except those portions that are sovereign tribal lands of the Yavapai-Prescott Tribe and the Yavapai-Apache Nation.

Unit 19B – Beginning at the intersection of AZ Hwy 89 and AZ Hwy 69, west on Gurley St. to Grove Ave.; north on the Grove Ave. to Miller Valley Rd.; northwest on the Miller Valley Rd. to Iron Springs Rd.; northwest on the Iron Springs Rd. to the junction of Williamson Valley Rd. and Iron Springs Rd.; northerly on the Williamson Valley-Prescott-Seligman Rd. (FR 6, Williamson Valley Rd.) to AZ Hwy 66 at Seligman; east on Crookton Rd. (AZ Hwy 66) to I-40 (Exit 139); east on I-40 to AZ Hwy 89; south on AZ Hwy 89 to the junction with AZ Hwy 69; except those portions that are sovereign tribal lands of the Yavapai-Prescott Tribe.

Unit 20A – Beginning at the intersection of AZ Hwy 89 and AZ Hwy 69; west on Gurley St. to Grove Ave.; north on the Grove Ave. to Miller Valley Rd.; northwest on the Miller Valley Rd. to Iron Springs Rd.; west and south on Iron Springs Rd. (County Road 10) to Kirkland; south and east on AZ Hwy 96 to Kirkland Junction (U.S. Hwy 89); southeasterly along Wagoner Rd. (County Road 60) to Wagoner (mp 17); from Wagoner easterly along County Road 60 (FR 362) to intersection of FR 52; easterly along FR 52 to intersection of FR 259; easterly along FR 259 to Crown King Rd. (County Road 59) at Crown

King; continue easterly to the intersection of Antelope Creek Rd. cutoff (County Road 179S); northeasterly along Antelope Creek Rd. cutoff to intersection of Antelope Creek Rd. (County Road 179); northeasterly on Antelope Creek Rd. to Cordes; east on Bloody Basin Rd. (County Road 73) to I-17 (Exit 259); north on the southbound lane of I-17 to AZ Hwy 69; northwest on AZ Hwy 69 to junction of AZ Hwy 89 at Prescott; except those portions that are sovereign tribal lands of the Yavapai-Prescott Tribe.

Unit 20B – Beginning at the Hassayampa River and U.S. Hwy 60/93 (at Wickenburg), northeasterly along the Hassayampa River to Wagoner (County Road 60, mp 17); from Wagoner easterly along County Road 60 (FR 362) to intersection of FR 52; easterly along FR 52 to intersection of FR 259; easterly along FR 259 to Crown King Rd. (County Road 59) at Crown King; continue easterly to intersection of Antelope Creek Rd. cutoff (County Road 179S); northeasterly along Antelope Creek Rd. cutoff to intersection of Antelope Creek Rd. (County Road 179); northeasterly on Antelope Creek Rd. to Cordes; east on Bloody Basin Rd. (County Road 73) to I-17 (Exit 259); south on the southbound lane of I-17 to New River Road (Exit 232); west on New River Road to SR 74; west on AZ Hwy 74 to junction of U.S. Hwy 60/93; northwesterly on U.S. Hwy 60/93 to the Hassayampa River (at Wickenburg).

Unit 20C – Beginning at U.S. Hwy 60/93 and the Santa Maria River; northeasterly along the Santa Maria River to AZ Hwy 96; easterly on AZ Hwy 96 to Kirkland Junction (AZ Hwy 89); south along AZ Hwy 89 to Wagoner Rd.; southeasterly along Wagoner Rd. (County Road 60) to Wagoner (mp 17); from Wagoner southwesterly along the Hassayampa River to U.S. Hwy 60/93; northwesterly on U.S. Hwy 60/93 to the Santa Maria River.

Unit 21 – Beginning on I-17 at the Verde River; southerly on the southbound lane of I-17 to the New River Road (Exit 232); east on New River Road to Fig Springs Road; northeasterly on Fig Springs Road to Mingus Rd.; Mingus Rd. to the Tonto National Forest boundary; southeasterly along this boundary to the Verde River; north along the Verde River to I-17.

Unit 22 – Beginning at the junction of the Salt and Verde Rivers; north along the Verde River to the confluence with Fossil Creek; northeasterly along Fossil Creek to Fossil Springs; southeasterly on FS trail 18 (Fossil Spring Trail) to the top of the rim; northeasterly on the rim to Nash Point on the Tonto-Coconino National Forest boundary along the Mogollon Rim; easterly along this boundary to Tonto Creek; southerly along the east fork of Tonto Creek to the spring box, north of the Tonto Creek Hatchery, and continuing southerly along Tonto Creek to the Salt River; westerly along the Salt River to the Verde River; except those portions that are sovereign tribal lands of the Tonto Apache Tribe and the Fort McDowell Yavapai Nation.

Unit 23 – Beginning at the confluence of Tonto Creek and the Salt River; northerly along Tonto Creek to the spring box, north of the Tonto Creek Hatchery, on Tonto Creek; northeasterly along the east fork of Tonto Creek to the Tonto-Sitgreaves National Forest boundary along the Mogollon Rim; east along this boundary to the White Mountain Apache Indian Reservation boundary; south-

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erly along the reservation boundary to the Salt River; westerly along the Salt River to Tonto Creek.

Unit 24A – Beginning on AZ Hwy 177 in Superior; southeasterly on AZ Hwy 177 to the Gila River; northeasterly along the Gila River to the San Carlos Indian Reservation boundary; easterly, westerly and northerly along the reservation boundary to the Salt River; southwesterly along the Salt River to AZ Hwy 288; southerly on AZ Hwys 288 and 188 to U.S. Hwy 60; southwesterly on U.S. Hwy 60 to AZ Hwy 177.

Unit 24B – Beginning on U.S. Hwy 60 in Superior; northeasterly on U.S. Hwy 60 to AZ Hwy 188; northerly on AZ Hwys 188 and 288 to the Salt River; westerly along the Salt River to the Tonto National Forest boundary near Granite Reef Dam; southeasterly along Forest boundary to Forest Route 77 (Peralta Rd.); southwesterly on Forest Route 77 (Peralta Rd.) to U.S. Hwy 60; easterly on U.S. Hwy 60 to Superior.

Unit 25M – Beginning at the junction of 51st Ave. and I-10; west on I-10 to AZ Loop 303, northeasterly on AZ Loop 303 to I-17; north on I-17 to Carefree Hwy; east on Carefree Hwy to Cave Creek Rd.; northeasterly on Cave Creek Rd. to the Tonto National Forest boundary; easterly and southerly along the Tonto National Forest boundary to Fort McDowell Yavapai Nation boundary; northeasterly along the Fort McDowell Yavapai Nation boundary to the Verde River; southerly along the Verde River to the Salt River; southwesterly along the Salt River to the Tonto National Forest boundary; southerly along the Tonto National Forest boundary to Bush Hwy/Power Rd.; southerly on Bush Hwy/Power Rd. to AZ Loop 202; easterly, southerly, and westerly on AZ Loop 202 to the intersection of Pecos Rd. at I-10; west on Pecos Rd. to the Gila River Indian Community boundary; northwesterly along the Gila River Indian Community boundary to 51st Ave; northerly on 51st Ave to I-10; except those portions that are sovereign tribal lands.

Unit 26M – Beginning at the junction of I-17 and New River Rd. (Exit 232); southwesterly on New River Rd. to AZ Hwy 74; westerly on AZ Hwy 74 to U.S. Hwy 93; southeasterly on U.S. Hwy 93 to the Beardsley Canal; southwesterly on the Beardsley Canal to Indian School Rd.; west on Indian School Rd. to Jackrabbit Trail; south on Jackrabbit Trail to I-10 (Exit 121); west on I-10 to Oglesby Rd. (Exit 112); south on Oglesby Rd. to AZ Hwy 85; south on AZ Hwy 85 to the Gila River; northeasterly along the Gila River to the Gila River Indian Community boundary; southeasterly along the Gila River Indian Community boundary to AZ Hwy 347 (John Wayne Parkway); south on AZ Hwy 347 (John Wayne Parkway) to AZ Hwy 84; east on AZ Hwy 84 to Stanfield; south on the Stanfield-Cocklebur Rd. to the Tohono O'odham Nation boundary; easterly along the Tohono O'odham Nation boundary to Battaglia Rd.; east on Battaglia Rd. to Toltec Rd.; north on Toltec Rd. to I-10 (Exit 203); southeasterly on I-10 to AZ Hwy 87 (Exit 211); north on AZ Hwy 87 to AZ Hwy 287 north of Coolidge; east on AZ Hwy 287 to AZ Hwy 79; north on AZ Hwy 79 to U.S. Hwy 60; northwesterly on U.S. Highway 60 to Peralta Rd.; northeasterly along Peralta Rd. to the Tonto National Forest boundary; northwesterly along the Tonto National Forest boundary to the Salt River; northeasterly along the Salt River to the Verde River; northerly along the Verde River to the Tonto National Forest boundary;

northwesterly along the Tonto National Forest boundary to Mingus Rd.; Mingus Rd. to Fig Springs Rd.; southwesterly on Fig Springs Rd. to New River Rd.; west on New River Rd. to I-17 (Exit 232); except Unit 25M and those portions that are sovereign tribal lands.

Unit 27 – Beginning at the New Mexico state line and AZ Hwy 78; southwest on AZ Hwy 78 to U.S. Hwy 191; north on U.S. Hwy 191 to Lower Eagle Creek Rd. (Pump Station Rd.); west on the Lower Eagle Creek Rd. (Pump Station Rd.) to Eagle Creek; north along Eagle Creek to the San Carlos Apache Indian Reservation boundary; north along the San Carlos Apache Indian Reservation boundary to Black River; northeast along Black River to the East Fork of Black River; northeast along the East Fork of Black River to Three Forks-Williams Valley-Alpine Rd. (FR 249); easterly along Three Forks-Williams Valley-Alpine Rd. to U.S. Hwy 180; southeast on U.S. Hwy 180 to the New Mexico state line; south along the New Mexico state line to AZ Hwy 78.

Unit 28 – Beginning at I-10 and the New Mexico state line; north along the state line to AZ Hwy 78; southwest on AZ Hwy 78 to U.S. Hwy 191; northwest on U.S. Hwy 191 to Clifton; westerly on the Lower Eagle Creek Rd. (Pump Station Rd.) to Eagle Creek; northerly along Eagle Creek to the San Carlos Indian Reservation boundary; southerly and west along the reservation boundary to U.S. Hwy 70; southeast on U.S. Hwy 70 to U.S. Hwy 191; south on U.S. Hwy 191 to I-10 Exit 352; easterly on I-10 to the New Mexico state line.

Unit 29 – Beginning on I-10 at the New Mexico state line; westerly on I-10 to the Bowie-Apache Pass Rd.; southerly on the Bowie-Apache Pass Rd. to AZ Hwy 186; southeast on AZ Hwy 186 to AZ Hwy 181; south on AZ Hwy 181 to the West Turkey Creek-Kuykendall cutoff road; southerly on the Kuykendall cutoff road to Rucker Canyon Rd.; easterly on the Rucker Canyon Rd. to Tex Canyon Rd.; southerly on Tex Canyon Rd. to U.S. Hwy 80; northeast on U.S. Hwy 80 to the New Mexico state line; north along the state line to I-10.

Unit 30A – Beginning at the junction of the New Mexico state line and U.S. Hwy 80; south along the state line to the U.S.-Mexico border; west along the border to U.S. Hwy 191; northerly on U.S. Hwy 191 to I-10 Exit 331; northeasterly on I-10 to the Bowie-Apache Pass Rd.; southerly on the Bowie-Apache Pass Rd. to AZ Hwy 186; southeasterly on AZ Hwy 186 to AZ Hwy 181; south on AZ Hwy 181 to the West Turkey Creek - Kuykendall cutoff road; southerly on the Kuykendall cutoff road to Rucker Canyon Rd.; easterly on Rucker Canyon Rd. to the Tex Canyon Rd.; southerly on Tex Canyon Rd. to U.S. Hwy 80; northeast on U.S. Hwy 80 to the New Mexico state line.

Unit 30B – Beginning at U.S. Hwy 191 and the U.S.-Mexico border; west along the border to the San Pedro River; north along the San Pedro River to I-10; northeasterly on I-10 to U.S. Hwy 191; southerly on U.S. Hwy 191 to the U.S.-Mexico border.

Unit 31 – Beginning at Willcox Exit 340 on I-10; north on Fort Grant Rd. to Brookerson Rd.; north on Brookerson Rd. to Ash Creek Rd.; west on Ash Creek Rd. to Fort Grant Rd.; north on Fort Grant Rd. to Bonita; northerly on the Bonita-Klondyke Rd. to the junction with Aravaipa Creek; west along Aravaipa Creek to AZ Hwy 77;

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northerly along AZ Hwy 77 to the Gila River; northeast along the Gila River to the San Carlos Indian Reservation boundary; south then east and north along the reservation boundary to U.S. Hwy 70; southeast on U.S. Hwy 70 to U.S. Hwy 191; south on U.S. Hwy 191 to the 352 exit on I-10; southwest on I-10 to Exit 340.

Unit 32 – Beginning at Willcox Exit 340 on I-10; north on Fort Grant Rd. to Brookerson Rd.; north on Brookerson Rd. to Ash Creek Rd.; west on Ash Creek Rd. to Fort Grant Rd.; north on Fort Grant Rd. to Bonita; northerly on the Bonita-Klondyke Rd. to the junction with Aravaipa Creek; west along Aravaipa Creek to AZ Hwy 77; southerly along AZ Hwy 77 to the San Pedro River; southerly along the San Pedro River to I-10; northeast on I-10 to Willcox Exit 340.

Unit 33 – Beginning at Tangerine Rd. and AZ Hwy 77; north and northeast on AZ Hwy 77 to the San Pedro River; southeast along the San Pedro River to I-10 at Benson; west on I-10 to Marsh Station Rd. (Exit 289); northwest on the Marsh Station Rd. to the Agua Verde Rd.; north on the Agua Verde Rd. to its terminus then north 1/2 mile to the Coronado National Forest boundary; north and west along the National Forest boundary; then west, north, and east along the Saguaro National Park boundary; continuing north and west along the Coronado National Forest boundary to the southern boundary of Catalina State Park; west along the southern boundary of Catalina State Park to AZ Hwy 77; north on AZ Hwy 77 to Tangerine Rd.

Unit 34A – Beginning in Nogales at I-19 and Compound St.; northeast on Grand Avenue to AZ Hwy 82; northeast on AZ Hwy 82 to AZ Hwy 83; northerly on AZ Hwy 83 to the Sahuarita Rd. alignment; west along the Sahuarita Rd. alignment to I-19 Exit 75; south on I-19 to Grand Avenue (U.S. Hwy 89).

Unit 34B – Beginning at AZ Hwy 83 and I-10 Exit 281; easterly on I-10 to the San Pedro River; south along the San Pedro River to AZ Hwy 82; westerly on AZ Hwy 82 to AZ Hwy 83; northerly on AZ Hwy 83 to I-10 Exit 281.

Unit 35A – Beginning on the U.S.-Mexico border at the San Pedro River; west along the border to Lochiel Rd.; north on Lochiel Rd. to Patagonia San Rafael Rd.; north on the Patagonia San Rafael Rd. to San Rafael Valley-FS 58 Rd.; north on the San Rafael Valley-FS 58 Rd. to Christian Ln.; north on the Christian Ln. to Ranch Rd.; east and north on the Ranch Rd. to FR 799-Canelo Pass Rd.; northeasterly on the FR 799-Canelo Pass Rd. to AZ Hwy 83; northwesterly on the AZ Hwy 83 to Elgin Canelo Rd.; northeasterly on the Elgin-Canelo Rd. to Upper Elgin Rd.; north on the Upper Elgin Rd. to AZ Hwy 82; easterly on AZ Hwy 82 to the San Pedro River; south along the San Pedro River to the U.S.-Mexico border.

Unit 35B – Beginning at Grand Avenue Hwy 89 at the U.S.-Mexico border in Nogales; east along the U.S.-Mexico border to Lochiel Rd.; north on the Lochiel Rd. to Patagonia San Rafael Rd.; north on the Patagonia San Rafael Rd. to San Rafael Valley-FS 58 Rd.; north on the San Rafael Valley-FS 58 Rd. to Christian Ln.; north on the Christian Ln. to Ranch Rd.; east and north on the Ranch Rd. to FR 799-Canelo Pass Rd.; northeasterly on FR 799-Canelo Pass Rd. to AZ Hwy 83; northwesterly on the AZ Hwy 83 to Elgin Canelo Rd.; north on the Elgin Canelo Rd. to Upper Elgin Rd.; north on the Upper Elgin

Rd. to AZ Hwy 82; southwest on AZ Hwy 82 to Grand Avenue; southwest on Grand Avenue to the U.S.-Mexico border.

Unit 36A – Beginning at the junction of Sandario Rd. and AZ Hwy 86; southwest on AZ Hwy 86 to AZ Hwy 286; southerly on AZ Hwy 286 to the Arivaca-Sasabe Rd.; southeasterly on the Arivaca-Sasabe Rd. to the town of Arivaca; from the town of Arivaca northeasterly on the Arivaca Rd. to I-19; north on I-19 to the southern boundary of the San Xavier Indian Reservation boundary; westerly and northerly along the reservation boundary to the Sandario road alignment; north on Sandario Rd. to AZ Hwy 86.

Unit 36B – Beginning at I-19 and Compound St.; southeasterly on Compound St. to Sonoita Ave.; north on Sonoita Ave. to Crawford St.; southeasterly on Crawford St. to Grand Avenue in Nogales; southwest on Grand Avenue to the U.S.-Mexico border; west along the U.S.-Mexico border to AZ Hwy 286; north on AZ Hwy 286 to the Arivaca-Sasabe Rd.; southeasterly on the Arivaca-Sasabe Rd. to the town of Arivaca; from the town of Arivaca northeasterly on the Arivaca Rd. to I-19; south on I-19 to Grand Avenue.

Unit 36C – Beginning at the junction of AZ Hwy 86 and AZ Hwy 286; southerly on AZ Hwy 286 to the U.S.-Mexico border; westerly along the border to the east boundary of the Tohono O'odham (Papago) Indian Reservation; northerly along the reservation boundary to AZ Hwy 86; easterly on AZ Hwy 86 to AZ Hwy 286.

Unit 37A – Beginning at the junction of I-10 and Tangerine Rd. (Exit 240); southeast on I-10 to Avra Valley Rd. (Exit 242); west on Avra Valley Rd. to Sandario Rd.; south on Sandario Rd. to AZ Hwy 86; southwest on AZ Hwy 86 to the Tohono O'odham Nation boundary; north, east, and west along this boundary to Battaglia Rd.; east on Battaglia Rd. to Toltec Rd.; north on Toltec Rd. to I-10 (Exit 203); southeast on I-10 to AZ Hwy 87 (Exit 211); north on AZ Hwy 87 to AZ Hwy 287; east on AZ Hwy 287 to AZ Hwy 79 at Florence; southeast on AZ Hwy 79 to its junction with AZ Hwy 77; south on AZ Hwy 77 to Tangerine Rd.; west on Tangerine Rd. to I-10.

Unit 37B – Beginning at the junction of AZ Hwy 79 and AZ Hwy 77; northwest on AZ Hwy 79 to U.S. Hwy 60; east on U.S. Hwy 60 to AZ Hwy 177; southeast on AZ Hwy 177 to AZ Hwy 77; southeast and southwest on AZ Hwy 77 to AZ Hwy 79.

Unit 38M – Beginning at the junction of I-10 and Tangerine Rd. (Exit 240); southeast on I-10 to Avra Valley Rd. (Exit 242); west on Avra Valley Rd. to Sandario Rd.; south on Sandario Rd. to the San Xavier Indian Reservation boundary; south and east along the reservation boundary to I-19; south on I-19 to Sahuarita Rd. (Exit 75); east on Sahuarita Rd. to AZ Hwy 83; north on AZ Hwy 83 to I-10 (Exit 281); east on I-10 to Marsh Station Rd. (Exit 289); northwest on Marsh Station Rd. to the Agua Verde Rd.; north on the Agua Verde Rd. to its terminus, then north 1/2 mile to the Coronado National Forest boundary; north and west along the National Forest boundary, then west, north, and east along the Saguaro National Park boundary; continuing north and west along the Coronado National Forest boundary to the southern boundary of Catalina State Park; west along the southern boundary of Catalina State Park to AZ Hwy 77; north on

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AZ Hwy 77 to Tangerine Rd.; west on Tangerine Rd. to I-10.

Unit 39 – Beginning at AZ Hwy 85 and the Gila River; east along the Gila River to the western boundary of the Gila River Indian Community; southeasterly along this boundary to AZ Hwy 347 (John Wayne Parkway); south on AZ Hwy 347 (John Wayne Parkway) to AZ Hwy 84; east on AZ Hwy 84 to Stanfield; south on the Stanfield-Cocklebur Rd. to I-8; westerly on I-8 to Exit 87; northerly on the Agua Caliente Rd. to the Hyder Rd.; northeasterly on Hyder Rd. to 555th Ave.; north on 555th Ave. to Lahman Rd.; east on Lahman Rd., which becomes Agua Caliente Rd.; northeasterly on Agua Caliente Rd. to Old Hwy 80; northeasterly on Old Hwy 80 to Arizona Hwy 85; southerly on AZ Hwy 85 to the Gila River; except those portions that are sovereign tribal lands of the Tohono O’odham Nation and the Ak-Chin Indian Community.

Unit 40A – Beginning at Ajo; southeasterly on AZ Hwy 85 to Why; southeasterly on AZ Hwy 86 to the Tohono O’odham (Papago) Indian Reservation; northerly and easterly along the reservation boundary to the Cocklebur-Stanfield Rd.; north on the Cocklebur-Stanfield Rd. to I-8; westerly on I-8 to AZ Hwy 85; southerly on AZ Hwy 85 to Ajo.

Unit 40B – Beginning at Gila Bend; westerly on I-8 to the Colorado River; southerly along the Colorado River to the Mexican border at San Luis; southeasterly along the border to the Cabeza Prieta National Wildlife Refuge; northerly, easterly and southerly around the refuge boundary to the Mexican border; southeast along the border to the Tohono O’odham (Papago) Indian Reservation; northerly along the reservation boundary to AZ Hwy 86; northwesterly on AZ Hwy 86 to AZ Hwy 85; north on AZ Hwy 85 to Gila Bend; except those portions that are sovereign tribal lands of the Cocopah Tribe.

Unit 41 – Beginning at I-8 and U.S. Hwy 95 (in Yuma); easterly on I-8 to exit 87; northerly on the Agua Caliente Rd. to the Hyder Rd.; northeasterly on Hyder Rd. to 555th Ave.; north on 555th Ave. to Lahman Rd.; east on Lahman Rd., which becomes Agua Caliente Rd.; northeasterly on Agua Caliente Rd. to Old Hwy 80; northeasterly on Old Hwy 80 to Arizona Hwy 85; northerly on AZ Hwy 85 to Oglesby Rd.; north on Oglesby Rd. to I-10; westerly on I-10 to Exit 45; southerly on Vicksburg-Kofa National Wildlife Refuge Rd. to the Refuge boundary; easterly, southerly, westerly, and northerly along the boundary to the Castle Dome Rd.; southwest on the Castle Dome Rd. to U.S. Hwy 95; southerly on U.S. Hwy 95 to I-8.

Unit 42 – Beginning at the junction of the Beardsley Canal and U.S. Hwy 93 (AZ 89, U.S. 60); northwesterly on U.S. Hwy 93 to AZ Hwy 71; southwest on AZ Hwy 71 to U.S. Hwy 60; westerly on U.S. Hwy 60 to Aguila; south on the Eagle Eye Rd. to the Salome-Hassayampa Rd.; southeasterly on the Salome-Hassayampa Rd. to I-10 (Exit 81); easterly on I-10 to Jackrabbit Trail (Exit 121); north along Jackrabbit Trail to the Indian School road; east along Indian School Rd. to the Beardsley Canal; northeasterly along the Beardsley Canal to U.S. Hwy 93.

Unit 43A – Beginning at U.S. Hwy 95 and the Bill Williams River; west along the Bill Williams River to the

Arizona-California state line; southerly to the south end of Cibola Lake; northerly and easterly on the Cibola Lake Rd. to U.S. Hwy 95; south on U.S. Hwy 95 to the Stone Cabin-King Valley Rd. (King Rd.); east along the Stone Cabin-King Valley Rd. (King Rd.) to the west boundary of the Kofa National Wildlife Refuge; northerly along the refuge boundary to the Crystal Hill Rd. (Blevens Rd.); northwesterly on the Crystal Hill Rd. (Blevens Rd.) to U.S. Hwy 95; northerly on U.S. Hwy 95 to the Bill Williams River; except those portions that are sovereign tribal lands of the Colorado River Indian Tribes.

Unit 43B – Beginning at the south end of Cibola Lake; southerly along the Arizona-California state line to I-8; southeasterly on I-8 to U.S. Hwy 95; easterly and northerly on U.S. Hwy 95 to the Castle Dome road; northeast on the Castle Dome Rd. to the Kofa National Wildlife Refuge boundary; north along the refuge boundary to the Stone Cabin-King Valley Rd. (King Rd.); west along the Stone Cabin-King Valley Rd. (King Rd.) to U.S. Hwy 95; north on U.S. Hwy 95 to the Cibola Lake Rd.; west and south on the Cibola Lake Rd. to the south end of Cibola Lake; except those portions that are sovereign tribal lands of the Quechan Tribe.

Unit 44A – Beginning at U.S. Hwy 95 and the Bill Williams River; south along U.S. Hwy 95 to AZ Hwy 72; southeasterly on AZ Hwy 72 to Vicksburg; south on the Vicksburg-Kofa National Wildlife Refuge Rd. to I-10; easterly on I-10 to the Salome-Hassayampa Rd. (Exit 81); northwesterly on the Salome-Hassayampa Rd. to Eagle Eye Rd.; northeasterly on Eagle Eye Rd. to Aguila; east on U.S. Hwy 60 to AZ Hwy 71; northeasterly on AZ Hwy 71 to U.S. Hwy 93; northwesterly on U.S. Hwy 93 to the Santa Maria River; westerly along the Santa Maria and Bill Williams rivers to U.S. Hwy 95; except those portions that are sovereign tribal lands of the Colorado River Indian Tribes.

Unit 44B – Beginning at Quartzsite; south on U.S. Hwy 95 to the Crystal Hill Rd. (Blevens Rd.); east on the Crystal Hill Rd. (Blevens Rd.) to the Kofa National Wildlife Refuge; north and east along the refuge boundary to the Vicksburg-Kofa National Wildlife Refuge Rd.; north on the Vicksburg-Kofa National Wildlife Refuge Rd. to AZ Hwy 72; northwest on AZ Hwy 72 to U.S. Hwy 95; south on U.S. Hwy 95 to Quartzsite.

Unit 45A – Beginning at the junction of the Stone Cabin-King Valley Rd. (King Rd.) and Kofa National Wildlife Refuge boundary; east on the Stone Cabin-King Valley Rd. (King Rd.) to O-O Junction; north from O-O Junction on the Kofa Mine Rd. to the Evening Star Mine; north on a line over Polaris Mountain to Midwell-Alamo Spring-Kofa Cabin Rd. (Wilbanks Rd.); north on the Midwell-Alamo Spring-Kofa Cabin Rd. (Wilbanks Rd.) to the El Paso Natural Gas Pipeline Rd.; north on a line from the junction to the north boundary of the Kofa National Wildlife Refuge; west and south on the boundary line to Stone Cabin-King Valley Rd. (King Rd.).

Unit 45B – Beginning at O-O Junction; north from O-O Junction on the Kofa Mine Rd. to the Evening Star Mine; north on a line over Polaris Mountain to Midwell-Alamo Spring-Kofa Cabin Rd. (Wilbanks Rd.); north on the Midwell-Alamo Spring-Kofa Cabin Rd. (Wilbanks Rd.) to the El Paso Natural Gas Pipeline Rd.; north on a line from the junction to the north Kofa National Wildlife Refuge boundary; east to the east refuge boundary; south

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and west along the Kofa National Wildlife Refuge boundary to the Stone Cabin-King Valley Rd. (Wellton-Kofa Rd./Ave 40E); north and west on the Stone Cabin-King Valley Rd. (Wellton-Kofa Rd./Ave 40E) to O-O Junction.

Unit 45C – Beginning at the junction of the Stone Cabin-King Valley Rd. (King Rd.) and Kofa National Wildlife Refuge; south, east, and north along the refuge boundary to the Stone Cabin-King Valley Rd. (King Rd.); north and west on the Stone Cabin-King Valley Rd. (King Rd.) to the junction of the Stone Cabin-King Valley Rd. (King Rd.) and Kofa National Wildlife Refuge boundary.

Unit 46A – That portion of the Cabeza Prieta National Wildlife Refuge east of the Yuma-Pima County line.

Unit 46B – That portion of the Cabeza Prieta National Wildlife Refuge west of the Yuma-Pima County line.

**Historical Note**

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective March 5, 1976 (Supp. 76-2). Amended effective May 17, 1977 (Supp. 77-3). Amended effective September 7, 1978 (Supp. 78-5). Amended effective June 4, 1979 (Supp. 79-3). Former Section R12-4-10 renumbered as Section R12-4-108 without change effective August 13, 1981 (Supp. 81-4). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective February 4, 1993 (Supp. 93-1). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 1146, effective July 1, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 865, effective July 1, 2001 (Supp. 01-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 18 A.A.R. 1458, effective January 1, 2013 (Supp. 12-2). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

**R12-4-109. Approved Trapping Education Course Fee**

Under A.R.S. § 17-333.02(A), the provider of an approved educational course of instruction in responsible trapping and environmental ethics may collect a fee from each participant that:

1. Is reasonable and commensurate for the course, and
2. Does not exceed \$25.

**Historical Note**

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Editorial correction paragraph (14) (Supp. 78-5). Former Section R12-4-11 renumbered as Section R12-4-109 without change effective August 13, 1981 (Supp. 81-4). Amended by adding paragraphs (2) and (3) and renumbering former paragraphs (2) through (17) as paragraphs (4) through (19) effective May 12, 1982 (Supp. 82-3). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Section repealed by final rulemaking at 6 A.A.R. 211, effective May 1, 2000 (Supp. 99-4). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-110. Posting and Access to State Land**

A. For the purpose of this Section:

“Corrals,” “feed lots,” or “holding pens” mean completely fenced areas used to contain livestock for purposes other than grazing.

“Existing road” means any maintained or unmaintained road, way, highway, trail, or path that has been used for motorized vehicular travel, and clearly shows or has a history of established vehicle use, and is not currently closed by the Commission.

“State lands” means all land owned or held in trust by the state that is managed by the State Land Department and lands that are owned or managed by the Game and Fish Commission.

- B. In addition to the prohibition against posting proscribed under A.R.S. § 17-304, a person shall not lock a gate, construct a fence, place an obstacle, or otherwise commit an act that denies legally available access to or use of any existing road upon state lands by persons lawfully taking or retrieving wildlife or conducting any activities that are within the scope of and take place while lawfully hunting or fishing.
  1. A person in violation of this Section shall take immediate corrective action to remove any lock, fence, or other obstacle unlawfully preventing access to state lands.
  2. If immediate corrective action is not taken, a representative of the Department may remove any unlawful posting and remove any lock, fence, or other obstacle that unlawfully prevents access to state lands.
  3. In addition, the Department may take appropriate legal action to recover expenses incurred in the removal of any unlawful posting or obstacle that prevented access to state land.
- C. The provisions of this Section do not allow any person to trespass upon private land to gain access to any state land.
- D. A person may post state lands as closed to hunting, fishing, or trapping without further action by the Commission when the state land is within one-quarter mile of any:
  1. Occupied residence, cabin, lodge, or other building; or
  2. Corrals, feed lots, or holding pens containing concentrations of livestock other than for grazing purposes.
  3. Subsection (D) does not authorize any person to deny lawful access to state land in any way.
- E. The Commission may grant permission to lock, tear down, or remove a gate or close a road or trail that provides legally available access to state lands for persons lawfully taking wildlife or conducting any activities that are within the scope of and take place while lawfully hunting or fishing if access to such lands is provided by a reasonable alternate route.
  1. Under R12-4-610, the Director may grant a permit to a state land lessee to temporarily lock a gate or close an existing road that provides access to state lands if the taking of wildlife will cause unreasonable interference during a critical livestock or commercial operation. This permit shall not exceed 30 days.
  2. Applications for permits for more than 30 days shall be submitted to the Commission for approval.
  3. If a permit is issued to temporarily close a road or gate, a copy of the permit shall be posted at the point of the closure during the period of the closure.
- F. A person may post state lands other than those referenced under subsection (D) as closed to hunting, fishing, or trapping, provided the person has obtained a permit from the Commission authorizing the closure. A person possessing a permit authorizing the closure of state lands shall post signs in compliance with A.R.S. 17-304(C). The Commission may permit the closure of state land when it is necessary:
  1. Because the taking of wildlife constitutes an unusual hazard to permitted users;
  2. To prevent unreasonable destruction of plant life or habitat; or

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3. For proper resource conservation, use, or protection, including but not limited to high fire danger, excessive interference with mineral development, developed agricultural land, or timber or livestock operations.
- G.** A person shall submit an application for posting state land to prohibit hunting, fishing, or trapping under subsection (F), or to close an existing road under subsection (E), as required under R12-4-610. If an application to close state land to hunting, fishing, or trapping is made by a person other than the state land lessee, the Department shall provide notice to the lessee and the State Land Commissioner before the Commission considers the application. The state land lessee or the State Land Commissioner shall file any objections with the Department, in writing, within 30 days after receipt of notice, after which the matter shall be submitted to the Commission for determination.
- H.** A person may use a vehicle on or off a road to pick up lawfully taken big game.
- I.** The closing of state land to hunting, fishing, or trapping shall not restrict any other permitted use of the land.
- J.** State trust land may be posted with signs that read "State Land No Trespassing," but such posting shall not prohibit access to such land by any person lawfully taking or retrieving wildlife or conducting any activities that are within the scope of and take place while lawfully hunting or fishing.
- K.** When hunting, fishing, or trapping on state land, a license holder shall not:
1. Break or remove any lock or cut any fence to gain access to state land;
  2. Open and not immediately close a gate;
  3. Intentionally or wantonly destroy, deface, injure, remove, or disturb any building, sign, equipment, marker, or other property;
  4. Harvest or remove any vegetative or mineral resources or object of archaeological, historic, or scientific interest;
  5. Appropriately mutilate, deface, or destroy any natural feature, object of natural beauty, antiquity, or other public or private property;
  6. Dig, remove, or destroy any tree or shrub;
  7. Gather or collect renewable or non-renewable resources for the purpose of sale or barter unless specifically permitted or authorized by law;
  8. Frighten or chase domestic livestock or wildlife, or endanger the lives or safety of others when using a motorized vehicle or other means; or
  9. Operate a motor vehicle off road or on any road closed to the public by the Commission or landowner, except to retrieve a lawfully taken big game.

**Historical Note**

Adopted effective June 1, 1977 (Supp. 77-3). Editorial correction subsection (F) (Supp. 78-5). Former Section R12-4-13 renumbered as Section R12-4-110 without change effective August 13, 1981 (Supp. 81-4). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

**R12-4-111. Repealed****Historical Note**

Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-05 renumbered as Section R12-4-111 without change effective August 13, 1981 (Supp. 81-4). Section R12-4-111 repealed effective March 1, 1991;

filed February 28, 1991 (Supp. 91-1). New Section adopted effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Repealed by final rulemaking at 27 A.A.R. 1368 (September 3, 2021), effective January 1, 2022 (Supp. 21-4).

**R12-4-112. Diseased, Injured, or Chemically-immobilized Wildlife**

- A.** A person who lawfully takes and possesses wildlife believed to be diseased, injured, or chemically-immobilized may request an inspection of the wildlife carcass provided:
1. The wildlife was lawfully taken and possessed under a valid hunt permit- or nonpermit-tag, and
  2. The person who took the wildlife did not create the condition.
- B.** The Department, after inspection, may condemn the carcass if it is determined the wildlife is unfit for human consumption. The Department shall condemn chemically-immobilized wildlife only when the wildlife was taken during the immobilizing drug's established withdrawal period.
- C.** The person shall surrender the entire condemned wildlife carcass and any parts thereof to the Department.
1. Upon surrender of the condemned wildlife, the Department shall provide to the person written authorization allowing the person to purchase a duplicate hunt permit- or nonpermit-tag.
  2. The person may purchase a duplicate tag from any Department office or license dealer where the permit-tag is available.
- D.** If the duplicate tag is issued by a license dealer, the license dealer shall forward the written authorization to the Department with the report required under R12-4-105(K).

**Historical Note**

Former Section R12-4-04 renumbered as Section R12-4-112 without change effective August 13, 1981 (Supp. 81-4). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**R12-4-113. Small Game Depredation Permit**

- A.** The Department shall issue a small game depredation permit authorizing the take of small game and the allowable methods of take only after the Department has determined all other remedies prescribed under A.R.S. § 17-239(A), (B), and (C) have been exhausted and the take of the small game is necessary to alleviate the property damage. A small game depredation permit is:
1. A complimentary permit.
  2. Not valid for the take of migratory birds unless the permit holder:
    - a. Obtains and possesses a federal special purpose permit under 50 CFR 21.41, revised October 1, 2014, which is incorporated by reference; or
    - b. Is exempt from permitting requirements under 50 CFR 21.43, revised October 1, 2014, which is incorporated by reference.
    - c. For subsections (A)(2)(a) and (b), the incorporated material is available at any Department office, online at [www.gpoaccess.gov](http://www.gpoaccess.gov), or it may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis,



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MO 63197-9000. This incorporation by reference does not include any later amendments or editions of the incorporated material.

- B.** A person desiring a small game depredation permit shall submit to the Department an application requesting the permit. The application form is furnished by the Department and is available at any Department office and on the Department's website. The person shall provide all of the following information on the form:
1. Full name or, when submitted by a municipality, the name of the agency and agency contact;
  2. Mailing address;
  3. Telephone number or, when submitted by a municipality, agency contact number;
  4. E-mail address, when available, or, when submitted by a municipality, agency contact e-mail address;
  5. Description of property damage suffered;
  6. Species of wildlife causing the property damage; and
  7. Area the permit would be valid for.
- C.** Within 30 days of completion of the activities authorized by the small game depredation permit, the permit holder shall submit a report to the Department providing all of the following:
1. The number of individuals removed;
  2. The location the individuals were removed from;
  3. The date of the removal; and
  4. The method of removal.

**Historical Note**

Adopted effective August 5, 1976 (Supp. 76-4). Former Section R12-4-12 renumbered as Section R12-4-113 without change effective August 13, 1981 (Supp. 81-4). Amended as an emergency effective September 20, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-5). Amended effective May 5, 1986 (Supp. 86-3). Section R12-4-113 repealed, new Section R12-4-113 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

**R12-4-114. Issuance of Nonpermit-tags and Hunt Permit-tags**

- A.** The Department provides numbered tags for sale to the public. The Department shall ensure each tag:
1. Includes a transportation and shipping permit as prescribed under A.R.S. §§ 17-332 and 17-371, and
  2. Clearly identifies the wildlife for which the tag is valid.
- B.** If the Commission establishes a big game season for which a hunt number is not assigned, the Department or its authorized agent, or both, shall sell nonpermit-tags.
1. A person purchasing a nonpermit-tag shall provide all of the following information to a Department office or license dealer at the time of purchase; the applicant's:
    - a. Name,
    - b. Mailing address, and
    - c. Department identification number.
  2. An applicant shall not obtain nonpermit-tags in excess of the bag limit established by Commission Order when it established the season for which the nonpermit-tags are valid.
- C.** If the number of hunt permits for a species in a particular hunt area must be limited, a Commission Order establishes a hunt number for that hunt area and a hunt permit-tag is required to take the species in that hunt area.
1. A person applying for a hunt permit-tag shall submit an application as described under R12-4-104.
  2. The Department shall determine whether a hunt permit-tag will be issued to an applicant as follows:
    - a. The Department shall reserve a maximum of 20% of the hunt permit-tags for each hunt number, except as established under subsection (C)(2)(b), for bear, deer, elk, javelina, pronghorn, Sandhill crane, and turkey and reserve a maximum of 20% of the hunt permit-tags for all hunt numbers combined statewide for bighorn sheep and bison to issue to persons who have bonus points and shall issue the hunt permit-tags as established under subsection (C)(2)(c).
    - b. For bear, deer, elk, javelina, pronghorn, Sandhill crane, and turkey, the Department shall reserve one hunt permit-tag for any hunt number with fewer than five, but more than one, hunt permit-tags and shall issue the tag as established under subsection (C)(2)(c). When this occurs, the Department shall adjust the number of available hunt permit-tags in order to ensure the total number of hunt permit-tags available does not exceed the 20% maximum specified in subsection (C)(2)(a).
    - c. The Department shall issue the reserved hunt permit-tags for hunt numbers that eligible applicants designate as their first or second choices. The Department shall issue the reserved hunt permit-tags by random selection:
      - i. First, to eligible applicants with the highest number of bonus points for that genus;
      - ii. Next, if there are reserved hunt permit-tags remaining, to eligible applicants with the next highest number of bonus points for that genus; and
      - iii. If there are still tags remaining, to the next eligible applicants with the next highest number of bonus points; continuing in the same manner until all of the reserved tags have been issued or until there are no more applicants for that hunt number who have bonus points.
    - d. The Department shall ensure that all unreserved hunt permit-tags are issued by random selection:
      - i. First, to hunt numbers designated by eligible applicants as their first or second choices; and
      - ii. Next, to hunt numbers designated by eligible applicants as their third, fourth, or fifth choices.
    - e. Before each of the three passes listed under (C)(2)(c)(i), (ii), and (iii), each application is processed through the Department's random number generator program. A random number is assigned to each application; an additional random number is assigned to each application for each group bonus point, including the Education and Loyalty bonus points. Only the lowest random number generated for an application is used in the computer draw process. A new random number is generated for each application for each pass of the computer draw.
    - f. If the bag limit is more than one per calendar year, or if there are unissued hunt permit-tags remaining after the random computer draw, the Department shall ensure these hunt permit-tags are available on a first-come, first-served basis as specified in the annual hunt permit-tag application schedule.
- D.** A person may purchase hunt permit-tags equal to the bag limit for a genus.

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1. A person shall not exceed the established bag limit for that genus.
  2. A person shall not apply for any additional hunt-permit-tags if the person has reached the bag limit for that genus during the same calendar year.
  3. A person who surrenders a tag in compliance with R12-4-118 is eligible to apply for another hunt permit-tag for the same genus during the same calendar year, provided the person has not reached the bag limit for that genus.
- E.** The Department shall make available to nonresidents:
1. For bighorn sheep and bison, no more than one hunt permit-tag or 10% of the total hunt permit-tags, whichever is greater, for bighorn sheep or bison in any computer draw. The Department shall not make available more than 50% nor more than two bighorn sheep or bison hunt permit-tags of the total in any hunt number.
  2. For antlered deer, bull elk, pronghorn, Sandhill crane, or turkey, no more than 10%, rounded down to the next lowest number, of the total hunt permit-tags in any hunt number. If a hunt number for antlered deer, bull elk, pronghorn, Sandhill crane, or turkey has 10 or fewer hunt permit-tags, no more than one hunt permit-tag will be made available unless the hunt number has only one hunt permit-tag, then that tag shall only be available to a resident.
- F.** The Commission may, at a public meeting, increase the number of hunt permit-tags issued to nonresidents in a computer draw when necessary to meet management objectives.
- G.** The Department shall not issue under subsection (C)(2)(c), more than half of the hunt permit-tags made available to nonresidents under subsection (E).
- H.** A nonresident cap established under this Section applies only to hunt permit-tags issued by computer draw under subsections (C)(2)(c) and (d).

**Historical Note**

Adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended effective January 1, 1997; filed with the Office of the Secretary of State November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 11 A.A.R. 1183, effective May 2, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

**R12-4-115. Restricted Nonpermit-Tags; Supplemental Hunts and Hunter Pool**

- A.** For the purposes of this Section, the following definitions apply:

“Companion tag” means a restricted nonpermit-tag valid for a supplemental hunt prescribed by Commission Order that exactly matches the season dates and open areas of another big game hunt, for which a hunt number is assigned and hunt permit-tags are issued through the computer draw.

“Emergency season” means a season established for reasons constituting an immediate threat to the health, safety or management of wildlife or its habitat, or public health or safety.

“Management objectives” means goals, recommendations, or guidelines contained in Department or Commission-approved wildlife management plans, which include hunt guidelines, operational plans, or hunt recommendations.

“Hunter pool” means all persons who have submitted an application for a supplemental hunt.

“Restricted nonpermit-tag” means a permit limited to a season for a supplemental hunt established by the Commission for the following purposes:

Take of depredating wildlife as authorized under A.R.S. § 17-239;

Take of wildlife under an Emergency Season; or

Take of wildlife under a population management hunt if the Commission has prescribed nonpermit-tags by Commission Order for the purpose of meeting management objectives because regular seasons are not, have not been, or will not be sufficient or effective to achieve management objectives.

- B.** The Commission shall, by Commission Order, open a season or seasons and prescribe a maximum number of restricted nonpermit-tags to be made available under this Section.
- C.** The Department shall implement a population management hunt under the open season or seasons established under subsection (B) if the Department determines the:
1. Regular seasons have not met or will not meet management objectives;
  2. Take of wildlife is necessary to meet management objectives; and
  3. Issuance of a specific number of restricted nonpermit-tags is likely to meet management objectives.
- D.** To implement a population management hunt established by Commission Order, the Department shall:
1. Select season dates, within the range of dates listed in the Commission Order;
  2. Select specific hunt areas, within the range of hunt areas listed in the Commission Order;
  3. Select the legal wildlife that may be taken from the list of legal wildlife identified in the Commission Order;
  4. Determine the number of restricted nonpermit-tags that will be issued from the maximum number of tags authorized in the Commission Order.
    - a. The Department shall not issue more restricted nonpermit-tags than the maximum number prescribed by Commission Order.
    - b. A restricted nonpermit-tag is valid only for the supplemental hunt for which it is issued.
- E.** The provisions of R12-4-104, R12-4-107, R12-4-114, and R12-4-609 do not apply to a supplemental hunt.
- F.** If the Department anticipates the normal fee structure will not generate adequate participation, then the Department may reduce restricted nonpermit-tag fees up to 75%, as authorized under A.R.S. § 17-239(D).
- G.** A supplemental hunt application submitted in accordance with this Section does not invalidate any other application submitted by the person for a hunt permit-tag.
1. The Department shall not accept a group application, as defined under R12-4-104, for a restricted nonpermit-tag.
  2. An applicant shall not apply for or obtain a restricted nonpermit-tag to take wildlife in excess of the bag limit established by Commission Order.

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3. The issuance of a restricted nonpermit-tag does not authorize a person to exceed the bag limit established by Commission Order.
- H. To participate in a supplemental hunt, a person shall:
  1. Obtain a restricted nonpermit-tag as prescribed under this Section, and
  2. Possess a valid hunting license. If the applicant does not possess a valid license or the license will expire before the supplemental hunt, the applicant shall purchase an appropriate license.
- I. The Department or its authorized agent shall maintain a hunter pool for supplemental hunts other than companion tag hunts.
  1. The Department shall purge and renew the hunter pool on an annual basis.
  2. An applicant for a restricted nonpermit-tag under this subsection shall submit a hunt permit-tag application to the Department for each desired species. The application is available at any Department office, an authorized agent, or on the Department's website. The applicant shall provide all of the following information on the application:
    - a. The applicant's:
      - i. Name;
      - ii. Department identification number, when applicable;
      - iii. Mailing address;
      - iv. Number of years of residency immediately preceding application;
      - v. Date of birth;
      - vi. Social Security Number, as required under A.R.S. §§ 25-320(P) and 25-502(K); and
      - vii. Daytime and evening telephone numbers,
    - b. The species that the applicant would like to hunt, if selected, and
    - c. The applicant's hunting license number.
  3. In addition to the requirements established under subsection (I)(2), at the time of application the applicant shall submit the application fee required under R12-4-102. A separate application and application fee is required for each species the applicant submits an application for.
  4. When issuing a restricted nonpermit-tag, the Department or its authorized agent shall randomly select applicants from the hunter pool.
    - a. The Department or its authorized agent shall attempt to contact each randomly-selected applicant at least three times within a 24-hour period.
    - b. If an applicant cannot be contacted or is unable to participate in the supplemental hunt, the Department or its authorized agent shall return the application to the hunter pool and draw another application.
    - c. In compliance with subsection (D)(4), the Department or its authorized agent shall select no more applications after the number of restricted nonpermit-tags established by Commission Order are issued.
  5. The Department shall reserve a restricted nonpermit-tag for an applicant only for the period specified by the Department when contact is made with the applicant. If an applicant fails to purchase the nonpermit-tag within the specified period, the Department or its authorized agent shall:
    - a. Remove the person's application from the hunter pool, and
    - b. Offer that restricted nonpermit-tag to another person whose application is drawn from the hunter pool as established under this Section.
  6. A person who participates in a supplemental hunt through the hunter pool shall be removed from the supplemental hunter pool for the genus for which the person participated. A hunter pool applicant who is selected and who wishes to participate in a supplemental hunt shall submit the following to the Department to obtain a restricted nonpermit-tag:
    - a. The fee for the tag as established under R12-4-102 or subsection (F) if the fee has been reduced, and
    - b. The applicant's hunting license number. The applicant shall possess an appropriate license that is valid at the time of the supplemental hunt. The applicant shall purchase a license at the time of application when:
      - i. The applicant does not possess a valid license, or
      - ii. The applicant's license will expire before the supplemental hunt.
  7. A person who participates in a supplemental hunt shall not reapply for the hunter pool for that genus until the hunter pool is renewed.
  - J. The Department shall only make a companion tag available to a person who possesses a matching hunt permit-tag and not a person from the hunter pool. Authorization to issue a companion tag occurs when the Commission establishes a hunt in Commission Order under subsection (B).
    1. The requirements of subsection (D) are not applicable to a companion tag issued under this subsection.
    2. To obtain a companion tag under this subsection, an applicant shall submit a hunt permit-tag application to the Department. The application is available at any Department office and on the Department's website. The applicant shall provide all of the following information on the application, the applicant's:
      - a. Name,
      - b. Mailing address,
      - c. Department identification number, and
      - d. Hunt permit-tag number, to include the hunt number and permit number, corresponding with the season dates and open areas of the supplemental hunt.
    3. In addition to the requirements established under subsection (J)(2), at the time of application the applicant shall:
      - a. Provide verification that the applicant lawfully obtained the hunt permit-tag for the hunt described under this subsection by presenting the hunt permit-tag to a Department office for verification, and
      - b. Submit all applicable fees required under R12-4-102.

**Historical Note**

Adopted effective June 13, 1977 (Supp. 77-3). Former Section R12-4-14 renumbered as Section R12-4-115 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-115 renumbered as Section R12-4-607 without change effective December 22, 1987 (Supp. 87-4). New Section R12-4-115 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 11 A.A.R. 991, effective April 2, 2005; amended by final rulemaking at 11 A.A.R. 1177, effective May 2, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 3025, effective January

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2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

**R12-4-116. Issuance of Limited-Entry Permit-tag**

- A.** For the purposes of this Section, limited-entry permit-tags may be for terrestrial or aquatic species, or specific areas for terrestrial or aquatic species.
- B.** The Commission may, by Commission Order, open a limited-entry season or seasons and prescribe a maximum number of limited-entry permit-tags to be made available under this Section.
- C.** The Department may implement limited-entry permit-tags under the open season or seasons established in subsection (B) if the Department determines:
  1. A season for a specific terrestrial or aquatic wildlife species, or specific area of the state, is in high demand;
  2. Issuance of a specific number of limited-entry permit-tags will not adversely affect management objectives for a species or area;
  3. Surrendered hunt permit-tags, already approved by Commission Order, are available from hunts with high demand.
- D.** To implement a limited-entry season established by Commission Order, the Department shall:
  1. Select season dates, within the range of dates listed in the Commission Order;
  2. Select specific areas, within the range of areas listed in the Commission Order;
  3. Select the legal wildlife that may be taken from the list of legal wildlife identified in the Commission Order;
  4. Determine the number of limited-entry permit-tags that will be issued from the maximum number authorized in the Commission Order.
    - a. The Department shall not issue more limited-entry permit-tags than the maximum number prescribed by Commission Order.
    - b. A limited-entry permit-tag is valid only for the limited-entry season for which it is issued.
- E.** The provisions of R12-4-104, R12-4-107, R12-4-114, and R12-4-609 do not apply to limited-entry seasons.
- F.** A limited-entry permit-tag application submitted in accordance with this Section does not invalidate any other application submitted by the person for a hunt permit-tag.
- G.** The Department shall not accept a group application, as defined under R12-4-104, for a limited-entry season.
- H.** To participate in a limited-entry season, a person shall:
  1. Obtain a limited-entry permit-tag as prescribed under this Section, and
  2. Possess a valid hunting, fishing or combination license at the time the limited-entry permit-tag is awarded. If the applicant does not possess a valid license or the license will expire before the limited-entry season, the applicant shall purchase an appropriate license. A valid hunting, fishing or combination license is not required at the time of application.
- I.** A limited-entry permit-tag is valid only for the person named on the permit-tag, for the season dates on the permit-tag, and the species for which the permit-tag is issued.
  1. Possession of a limited-entry permit-tag shall not invalidate any other hunt permit-tag for that species.
  2. Big game taken under the authority of this limited-entry permit-tag shall not count towards the established bag limit for that species.
- J.** The Department shall maintain the applications submitted for limited-entry permit-tags.
  1. An applicant for a limited-entry season under this subsection shall submit a limited-entry permit-tag application to

the Department for each limited-entry season established. The application is available at any Department office and on the Department's website. The applicant shall provide all of the following information on the application:

- a. The applicant's personal information:
    - i. Name,
    - ii. Date of birth,
    - iii. Social security number, as required under A.R.S. §§ 25-320(P) and 25-502(K), when applicable;
    - iv. Department identification number, when applicable;
    - v. Residency status and number of years of residency immediately preceding application, when applicable;
    - vi. Mailing address, when applicable;
    - vii. Physical address;
    - viii. Telephone number, when available; and
    - ix. Email address, when available;
  - b. The limited-entry season the applicant would like to participate in, and
  - c. Certify the information provided on the application is true and accurate.
2. In addition to the requirements established under subsection (J)(1), at the time of application the applicant shall submit the application fee required under R12-4-102. A separate application and application fee are required for each limited-entry season an applicant submits an application.
  3. When issuing a limited-entry permit-tag for a terrestrial or aquatic wildlife species, the Department shall randomly select applicants for each designated limited-entry season.
  4. When issuing a limited-entry permit-tag for a particular water, the Department shall randomly select applicants for each date limited-entry permit-tags are available until no more are available for that date.
  5. In compliance with subsection (D)(4), the Department shall select no more applications after the number of limited-entry permits established by Commission Order are issued.

**Historical Note**

Adopted effective January 10, 1979 (Supp. 79-1). Former Section R12-4-15 renumbered as Section R12-4-116 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 18, 1985 (Supp. 85-6). Section R12-4-116 repealed, new Section R12-4-116 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). R12-4-116 renumbered to R12-4-126; new Section R12-4-116 made by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

**R12-4-117. Indian Reservations**

A state license, permit, or tag is not required to hunt or fish on any Indian reservation in this State. Wildlife lawfully taken on an Indian reservation may be transported or processed anywhere in the State if it can be identified as to species and legality as provided in A.R.S. § 17-309(A)(19). All wildlife transported anywhere in this State is subject to inspection under the provisions of A.R.S. § 17-211(E)(4).

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**Historical Note**

Former Section R12-4-02 renumbered as Section R12-4-117 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-117 repealed, new Section R12-4-117 adopted effective April 10, 1984 (Supp. 84-2). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**R12-4-118. Hunt Permit-tag Surrender**

- A.** The Commission authorizes the Department to implement a tag surrender program if the Director finds:
  1. The Department has the administrative capacity to implement the program;
  2. There is public interest in such a program; or
  3. The tag surrender program is likely to meet the Department's revenue objectives.
- B.** The tag surrender program is limited to a person who has a valid and active membership in a Department membership program.
  1. The Department may establish a membership program that offers a person various products and services.
  2. The Department may establish different membership levels based on the type of products and services offered and set prices for each level.
    - a. The lowest membership level may include the option to surrender one hunt permit-tag during the membership period.
    - b. A higher membership level may include the option to surrender more than one hunt permit-tag during the membership period.
  3. The Department may establish terms and conditions for the membership program in addition to the following:
    - a. Products and services to be included with each membership level.
    - b. Membership enrollment is available online only and requires a person to create a portal account.
    - c. Membership is not transferable.
    - d. No refund shall be made for the purchase of a membership, unless an internal processing error resulted in the collection of erroneous fees.
- C.** The tag surrender program is restricted to the surrender of an original, unused hunt permit-tag obtained through a computer draw.
  1. A person must have a valid and active membership in the Department's membership program with at least one unredeemed tag surrender that was valid:
    - a. On the application deadline date for the computer draw in which the hunt permit-tag being surrendered was drawn, and
    - b. At the time of tag surrender.
  2. A person who chooses to surrender an original, unused hunt permit-tag shall do so prior to the close of business the day before the hunt begins for which the tag is valid.
  3. A person may surrender an unused hunt permit-tag for a specific species only once before any bonus points accrued for that species must be expended.
- D.** A person who wants to surrender an original, unused hunt permit-tag or an authorized nonprofit organization that wants to return a donated original, unused hunt permit-tag shall comply with all of the following conditions:
  1. Submit a completed application form to any Department office. The application form is available at any Department office and on the Department's website. The applicant shall provide all of the following information on the application form:
    - a. The applicant's:
      - i. Name,
      - ii. Mailing address,
      - iii. Department identification number,
      - iv. Membership number,
    - b. Applicable hunt number,
    - c. Applicable hunt permit-tag number, and
    - d. Any other information required by the Department.
  2. A person shall surrender the original, unused hunt permit-tag as required under subsection (C) in the manner described by the Department as indicated on the application form.
- E.** Upon receipt of an original, unused hunt permit-tag surrendered in compliance with this Section, the Department shall:
  1. Restore the person's bonus points that were expended for the surrendered tag, and
  2. Award the bonus point the person would have accrued had the person been unsuccessful in the computer draw for the surrendered tag.
  3. Not refund any fees the person paid for the surrendered tag, as prohibited under A.R.S. § 17-332(E).
- F.** The Department may, at its sole discretion, re-issue or destroy the surrendered original, unused hunt permit-tag. When re-issuing a tag, the Department may use any of the following methods in no order of preference:
  1. Re-issuing the surrendered tag, beginning with the highest membership level in the Department's membership program, to a person who has a valid and active membership in that membership level and who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's computer draw process;
  2. Re-issuing the surrendered tag to a person who has a valid and active membership in any tier of the Department's membership program with a tag surrender option and who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's computer draw process;
  3. Re-issuing the surrendered tag to an eligible person who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's computer draw process; or
  4. Offering the surrendered tag through the first-come, first-served process.
- G.** For subsections (F)(1), (2), and (3); if the Department cannot contact a person qualified to receive a tag or the person declines to purchase the surrendered tag, the Department shall make a reasonable attempt to contact and offer the surrendered tag to the next person qualified to receive a tag for that hunt number based on the assigned random number during the Department's computer draw process. This process will continue until the surrendered tag is either purchased or the number of persons qualified is exhausted. For the purposes of subsections (G) and (H), the term "qualified" means a person who satisfies the conditions for re-issuing a surrendered tag as provided under the selected re-issuing method.
- H.** When the re-issuance of a surrendered tag involves a group application and one or more members of the group is qualified under the particular method for re-issuing the surrendered tag, the Department shall offer the surrendered tag first to the applicant designated "A" if qualified to receive a surrendered tag.
  1. If applicant "A" chooses not to purchase the surrendered tag or is not qualified, the Department shall offer the sur-

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rendered tag to the applicant designated “B” if qualified to receive a surrendered tag.

2. This process shall continue with applicants “C” and then “D” until the surrendered tag is either purchased or all qualified members of the group application choose not to purchase the surrendered tag.
- I. A person who receives a surrendered tag shall submit the applicable tag fee as established under R12-4-102 and provide their valid hunting license number.
  1. A person receiving the surrendered tag as established under subsections (F)(1), (2), and (3) shall expend all bonus points accrued for that genus, except any accrued Education and loyalty bonus points.
  2. The applicant shall possess a valid hunting license at the time of purchasing the surrendered tag and at the time of the hunt for which the surrendered tag is valid. If the person does not possess a valid license at the time the surrendered tag is offered, the applicant shall purchase a license in compliance with R12-4-104.
  3. The issuance of a surrendered tag does not authorize a person to exceed the bag limit established by Commission Order.
  4. It is unlawful for a person to purchase a surrendered tag when the person has reached the bag limit for that genus during the same calendar year.
- J. A person is not eligible to petition the Commission under R12-4-611 for reinstatement of any expended bonus points, except as authorized under R12-4-107(M).
- K. For the purposes of this Section and R12-4-121, “valid and active membership” means a paid and unexpired membership in any level of the Department’s membership program.

**Historical Note**

Adopted effective April 8, 1983 (Supp. 83-2). Section R12-4-118 repealed effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). New Section made by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

**R12-4-119. Arizona Game and Fish Department Reserve**

- A. The Commission shall establish an Arizona Game and Fish Department Reserve under A.R.S. § 17-214, consisting of commissioned reserve officers and noncommissioned reserve volunteers.
- B. Commissioned reserve officers shall:
  1. Meet and maintain the minimum qualifications and training requirements necessary for peace officer certification by the Arizona Peace Officer Standards and Training Board as prescribed under 13 A.A.C. 4, and
  2. Assist with wildlife enforcement patrols, boating enforcement patrols, off-highway vehicle enforcement patrols, special investigations, and other enforcement and related non-enforcement duties as the Director designates.
- C. Noncommissioned reserve volunteers shall:
  1. Meet qualifications that the Director determines are related to the services to be performed by the volunteer and the success or safety of the program mission, and
  2. Perform any non-enforcement duties designated by the Director for the purposes of conservation and education to maximize paid staff time.

**Historical Note**

Adopted effective September 29, 1983 (Supp. 83-5). Section R12-4-119 repealed, new Section R12-4-119 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 8 A.A.R. 1702, effective March 11, 2002 (Supp. 02-1). Amended by final

rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**R12-4-120. Issuance, Sale, and Transfer of Special Big Game License-tags**

- A. An incorporated nonprofit organization that is tax exempt under section 501(c) seeking special big game license-tags as authorized under A.R.S. § 17-346 shall submit a proposal to the Director of the Arizona Game and Fish Department from March 1 through May 31 preceding the year when the tags may be legally used. The proposal shall include all of the following information for each member of the organization coordinating the proposal:
  1. The name of the organization making the proposal and the:
    - a. Name;
    - b. Mailing address;
    - c. E-mail address, when available; and
    - d. Telephone number;
  2. Organization’s previous involvement with wildlife management;
  3. Organization’s conservation objectives;
  4. Number of special big game license-tags and the species requested;
  5. Purpose to be served by the issuance of these tags;
  6. Method or methods by which the tags will be marketed and sold;
  7. Proposed fund raising plan;
  8. Estimated amount of money to be raised and the rationale for that estimate;
  9. Any special needs or particulars relevant to the marketing of the tags;
  10. A copy of the organization’s articles of incorporation and evidence that the organization has tax-exempt status under Section 501(c) of the Internal Revenue Code, unless a current and correct copy is already on file with the Department;
  11. Statement that the person or organization submitting the proposal agrees to the conditions established under A.R.S. § 17-346 and this Section;
  12. Printed name and signature of the president and secretary-treasurer of the organization or their equivalent; and
  13. Date of signing.
- B. The Director shall return to the organization any proposal that does not comply with the requirements established under A.R.S. § 17-346 and this Section. Because proposals are reviewed for compliance after the May 31 deadline, an organization that receives a returned proposal cannot resubmit a corrected proposal, but may submit a proposal that complies with the requirements established under A.R.S. § 17-346 and this Section the following year.
- C. The Director shall submit all timely and valid proposals to the Commission for consideration.
  1. In selecting an organization, the Commission shall consider the:
    - a. Written proposal;
    - b. Proposed uses for tag proceeds;
    - c. Qualifications of the organization as a fund raiser;
    - d. Proposed fund raising plan;
    - e. Organization’s previous involvement with wildlife management; and
    - f. Organization’s conservation objectives.
  2. The Commission may accept any proposal in whole or in part and may reject any proposal if it is in the best interest of wildlife to do so.

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3. Commission approval and issuance of any special big game license-tag is contingent upon compliance with this Section.
  - D. A successful organization shall agree in writing to all of the following:
    1. To underwrite all promotional and administrative costs to sell and transfer each special big game license-tag;
    2. To transfer all proceeds to the Department within 90 days of the date that the organization sells or awards the tag;
    3. To sell and transfer each special big game license-tag as described in the proposal; and
    4. To provide the Department with the name, address, and physical description of each person to whom a special big game license-tag is to be issued within 60 days of the sale.
  - E. The Department and the successful organization shall coordinate on:
    1. The specific projects or purposes identified in the proposal;
    2. The arrangements for the deposit of the proceeds, the accounting procedures, and final audit; and
    3. The dates when the wildlife project or purpose will be accomplished.
  - F. The Department shall dedicate all proceeds generated by the sale or transfer of a special big game license-tag to the management of the species for which the tag was issued.
    1. A special license-tag shall not be issued until the Department receives all proceeds from the sale of license-tags.
    2. The Department shall not refund proceeds.
  - G. A special big game license-tag is valid only for the person named on the tag, for the season dates on the tag, and for the species for which the tag was issued.
    1. A hunting license is required for the tag to be valid.
    2. Possession of a special big game license-tag shall not invalidate any other big game tag or application for any other big game tag.
    3. Wildlife taken under the authority of a special big game license-tag shall not count towards the established bag limit for that species.
  - H. A person who wins the special big game license-tag through auction or raffle is prohibited from selling the special big game license-tag to another person.
- Historical Note**
- Adopted effective September 22, 1983 (Supp. 83-5). Amended effective April 7, 1987 (Supp. 87-2). Correction, balance of language in subsection (I) is deleted as certified effective April 7, 1987 (Supp. 87-4). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).
- R12-4-121. Tag Transfer**
- A. For the purposes of this Section:
- “Authorized nonprofit organization” means a nonprofit organization approved by the Department to receive donated unused tags.
- “Unused tag” means a hunt permit-tag, limited-entry permit-tag, nonpermit-tag, or special license tag that has not been attached to any wildlife.
- B. A parent, grandparent, or guardian issued a hunt permit-tag, limited-entry permit-tag, nonpermit-tag, or special license tag may transfer the unused tag to the parent’s, grandparent’s, or guardian’s minor child or grandchild.
1. A parent, grandparent, or guardian issued a tag may transfer the unused tag to a minor child or grandchild at any time prior to the end of the season for which the unused tag was issued.
  2. A parent, grandparent, or guardian may transfer the unused tag by providing all of the following documentation in person at any Department office:
    - a. Proof of ownership of the unused tag to be transferred,
    - b. The unused tag, and
    - c. The minor’s valid hunting license.
  3. If a parent, grandparent, or legal guardian is deceased, the personal representative of the person’s estate may transfer an unused tag to an eligible minor. The person acting as the personal representative shall present:
    - a. The deceased person’s death certificate, and
    - b. Proof of the person’s authority to act as the personal representative of the deceased person’s estate.
  4. To be eligible to receive an unused tag from a parent, grandparent, or legal guardian, the minor child shall meet the criteria established under subsection (D).
  5. A minor child or grandchild receiving an unused tag from a parent, grandparent, or legal guardian shall be accompanied into the field by any grandparent, parent, or legal guardian of the minor child.
- C. A person issued a tag or the person’s legal representative may donate the unused tag to a an authorized nonprofit organization for use by a minor child with a life threatening medical condition or permanent physical disability or a veteran of the Armed Forces of the United States with a service-connected disability.
1. The person or legal representative who donates the unused tag shall provide the authorized nonprofit organization with a written statement indicating the unused tag is voluntarily donated to the organization.
  2. An authorized nonprofit organization receiving a donated tag under this subsection may transfer the unused tag to an eligible minor child or veteran by contacting any Department office.
    - a. To obtain a transfer, the nonprofit organization shall:
      - i. Provide proof of donation of the unused tag to be transferred;
      - ii. Provide the unused tag;
      - iii. Provide proof of the minor child’s or veteran’s valid hunting license.
    - b. To be eligible to receive a donated unused tag from an authorized nonprofit organization, a minor child shall meet the criteria established under subsection (D).
  3. A person who donates an original, unused hunt permit-tag issued in a computer drawing to an authorized nonprofit organization may submit a request to the Department for the reinstatement of the bonus points expended for that unused tag, provided all of the following conditions are met:
    - a. The person has a valid and active membership in the Department’s membership program with at least one unredeemed tag surrender on the application deadline date, for the computer draw in which the hunt permit-tag being surrendered was drawn, and at the time of tag surrender.
    - b. The person submits a completed application form as described under R12-4-118;

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- c. The person provides acceptable proof to the Department that the tag was transferred to an authorized nonprofit organization; and
  - d. The person submits the request to the Department:
    - i. No later than 60 days after the date on which the tag was donated to an authorized nonprofit organization; and
    - ii. No less than 30 days prior to the computer draw application deadline for that genus, as specified in the hunt permit-tag application schedule.
- D. To receive an unused tag authorized under subsections (B) or (C), an eligible minor child shall meet the following criteria:
  - 1. Possess a valid hunting license,
  - 2. Has not reached the applicable annual or lifetime bag limit for that genus, and
  - 3. Is 10 to 17 years of age on the date of the transfer. A minor child under the age of 14 shall have satisfactorily completed a Department-sanctioned hunter education course before the beginning date of the hunt.
- E. To receive an unused tag authorized under subsection (C), an eligible veteran of the Armed Forces of the United States with a service-connected disability shall meet the following criteria:
  - 1. Possess a valid hunting license, and
  - 2. Has not reached the applicable annual or lifetime bag limit for that genus.
- F. A nonprofit organization is eligible to apply for authorization to receive a donated unused tag, provided the nonprofit organization:
  - 1. Is qualified under section 501(c)(3) of the United States Internal Revenue Code, and
  - 2. Affords opportunities and experiences to:
    - a. Children with life-threatening medical conditions or physical disabilities, or
    - b. Veterans with service-connected disabilities.
  - 3. This authorization shall remain in effect unless revoked by the Department for noncompliance with the requirements established under A.R.S. § 17-332 or this Section.
  - 4. A nonprofit organization shall apply for authorization by submitting an application to any Department office. The application form is furnished by the Department and is available at any Department office. A nonprofit organization shall provide all of the following information on the application:
    - a. Nonprofit organization's information:
      - i. Name,
      - ii. Physical address,
      - iii. Telephone number;
    - b. Contact information for the person responsible for ensuring compliance with this Section:
      - i. Name,
      - ii. Address,
      - iii. Telephone number;
    - c. Signature of the president and secretary-treasurer of the organization or their equivalents; and
    - d. Date of signing.
  - 5. In addition to the application, a nonprofit organization shall provide all of the following:
    - a. A copy of the organization's articles of incorporation and evidence that the organization has tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, unless a current and correct copy is already on file with the Department;
    - b. Document identifying the organization's mission;
    - c. A letter stating how the organization will participate in the Big Game Tag Transfer program; and
    - d. A statement that the person or organization submitting the application agrees to the conditions established under A.R.S. § 17-332 and this Section.
- 6. An applicant who is denied authorization to receive donated tags under this Section may appeal to the Commission as provided under A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Adopted effective October 10, 1986, filed September 25, 1986 (Supp. 86-5). Rule expired one year from effective date of October 10, 1986. Rule readopted without change for one year effective January 22, 1988, filed January 7, 1988 (Supp. 88-1). Rule expired effective January 22, 1989 (Supp. 89-1). New Section R12-4-121 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Repealed effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). New Section made by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 18 A.A.R. 1195, effective June 30, 2012 (Supp. 12-2). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

**R12-4-122. Handling, Transporting, Processing, and Storing of Game Meat Given to Public Institutions and Charitable Organizations**

- A. Under A.R.S. § 17-240 and this Section, the Department may donate the following wildlife, except that the Department shall not donate any portion of wildlife killed in a collision with a motor vehicle or wildlife that died subsequent to immobilization by any chemical agent:
  - 1. Big game;
  - 2. Upland game birds;
  - 3. Migratory game birds;
  - 4. Game fish.
- B. The Director shall not authorize an employee to handle game meat for the purpose of this Section until the employee has satisfactorily completed a course designed to give the employee the expertise necessary to protect game meat recipients from diseased or unwholesome meat products. A Department employee shall complete a course that is either conducted or approved by the State Veterinarian. The employee shall provide a copy of a certificate that demonstrates satisfactory completion of the course to the Director.
- C. Only an employee authorized by the Director shall determine if game meat is safe and appropriate for donation. An authorized Department employee shall inspect and field dress each donated carcass before transporting it. The Department shall not retain the game meat in storage for more than 48 continuous hours before transporting it, and shall reinspect the game meat for wholesomeness before final delivery to the recipient.
- D. Final processing and storage is the responsibility of the recipient.

**Historical Note**

Adopted effective August 6, 1991 (Supp. 91-3). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

**R12-4-123. Expenditure of Funds**

- A. The Director may expend funds available through appropriations, licenses, gifts, or other sources, in compliance with applicable laws and rules, and:



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1. For purposes designated by lawful Commission agreements and Department guidelines;
  2. In agreement with budgets approved by the Commission;
  3. In agreement with budgets appropriated by the legislature;
  4. With regard to a gift, for purposes designated by the donor, the Director shall expend undesignated donations for a public purpose in furtherance of the Department's responsibilities and duties.
- B.** The Director shall ensure that the Department implements internal management controls to comply with subsection (A) and to deter unlawful use or expenditure of funds.

**Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1).

**R12-4-124. Proof of Domicile**

- A.** An applicant may be required to present acceptable proof of domicile in Arizona to the Department upon request. For the purposes of this rule, "current address" means the address an applicant inhabits at the time of application for any license, permit, stamp, or tag offered by the Department.
- B.** Acceptable proof of domicile establishes a person's true, fixed, and permanent home and principal residence. Acceptable proof to aid in establishing a person's domicile in Arizona may include, but is not limited to, one or more of the following lawfully obtained documents:
1. Arizona Driver's License displaying a current address;
  2. Arizona Resident State Income Tax Return filing;
  3. Arizona school records containing satisfactory proof of identity and relationship of the parent or guardian to the minor child, when applicable;
  4. Arizona Voter Registration Card displaying a current address;
  5. Selective Service Registration Acknowledgement Card displaying a current address in Arizona;
  6. Social Security Administration document indicating an address in Arizona; or
  7. Current document or order issued by the U.S. military to an active-duty military service member identifying Arizona as state of legal residence or duty station.
- C.** In the event one of the documents listed under subsection (B) alone is not sufficient proof of domicile, additional documents may be required.

**Historical Note**

New Section made by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

**R12-4-125. Public Solicitation or Event on Department Property**

- A.** All Department buildings, properties, and wildlife areas are designated non-public forums and are closed to all solicitations and events unless permitted by the Department.
- B.** A solicitation or event on Department property shall not:
1. Conflict with the Department's mission; or
  2. Constitute partisan political activity, the activity of a political campaign, or influence in any way an election or the results thereof.
- C.** A request for permission to conduct a solicitation or event on Department property shall be directed to the responsible Regional Supervisor or Branch Chief who shall initially determine whether an application is required for the solicitation or event.

- D.** If it is determined that an application is required, the person may apply for a solicitation or event permit by submitting a completed solicitation or event application to any Department office or Department Headquarters, Director's Office, at 5000 W. Carefree Hwy, Phoenix, AZ 85086. The application form is furnished by the Department and available at all Department offices.

1. An applicant shall submit an application:
  - a. Not more than six months prior to the solicitation or event; and
  - b. Not less than 14 days prior to the desired date of the solicitation or event for solicitations other than the posting of advertising, handbills, leaflets, circulars, posters, or other printed materials; or
  - c. Not less than 10 days prior to the desired date of the solicitation or event for solicitations involving only the posting of advertising, handbills, leaflets, circulars, posters, or other printed materials.
2. An applicant shall provide all of the following information on the application:
  - a. Sponsor's name, address, and telephone number;
  - b. Sponsor's e-mail address, when available;
  - c. Contact person's name and telephone number, when the sponsor is an organization;
  - d. Proposed date of the solicitation or event;
  - e. Specific, proposed location for the solicitation or event;
  - f. Starting and approximate concluding times;
  - g. General description of the solicitation or event's purpose;
  - h. Anticipated number of attendees, when applicable;
  - i. Amount of fees to be charged to attendees, when applicable;
  - j. Detailed description of any activity that will occur at the solicitation or event, including a detailed map of the solicitation or event and any equipment that will be used, e.g., tents, tables, etc.;
  - k. Copies of any solicitation materials to be distributed to the public or to be posted on Department property;
  - l. Copy of a current and valid license issued by the Arizona Department of Liquor Licenses and Control, required when the applicant intends to sell alcohol at the solicitation or event; and
  - m. The contact person's signature and date. The person's signature on the application certifies that the sponsor:
    - i. Assumes risk of injury to persons or property;
    - ii. Agrees to hold harmless the state of Arizona, its officials, Departments, employees, and agents against all claims arising from the use of Department facilities;
    - iii. Assumes responsibility for any damages or clean-up costs due to the solicitation or event, solicitation or event cleanup, or solicitation or event damage repair; and
    - iv. Agrees to surrender the premises in a clean and orderly condition.

- E.** The Department may take any of the following actions to the extent necessary and in the best interest of the State:
1. Require the sponsor to furnish all necessary labor, material, and equipment for the solicitation or event;
  2. Require the sponsor to post a deposit against damage and cleanup expense;
  3. Require indemnification of the state of Arizona, its Departments, agencies, officers, and employees;

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4. Require the sponsor to carry adequate insurance and provide certificates of insurance to the Department not less than ten business days before the solicitation or event. A certificate of insurance for a solicitation or event shall name the state of Arizona, its Departments, agencies, boards, commissions, officers, agents, and employees as additional insureds;
  5. Require the sponsor to enter into written agreements with any vendors and subcontractors and require vendors and subcontractors to provide certificates of insurance to the Department not less than ten business days before the solicitation or event. A certificate of insurance for a solicitation or event shall name the state of Arizona, its Departments, agencies, boards, commissions, officers, agents, and employees as additional insureds;
  6. Require the sponsor to provide medical support, security, and sanitary services, including public restrooms; and
  7. Impose additional conditions not otherwise specified under this Section on the conduct of the solicitation or event.
- F.** The Department may consider the following criteria when determining whether any of the actions in subsection (E) are necessary and in the best interest of the state:
1. Previous experience with similar solicitations or events;
  2. Deposits required for similar solicitations or events in Arizona;
  3. Risk data; and
  4. Medical, sanitary, and security services required for similar solicitations or events in Arizona and the cost of those services.
- G.** The Department shall designate the hours of use for Department property.
- H.** The Department shall inspect the solicitation or event site at the conclusion of activities and document any damage or cleanup costs incurred because of the solicitation or event. The sponsor shall be responsible for any cleanup or damage costs associated with the solicitation or event.
- I.** The sponsor shall not allow, without the express written permission of the Department, the possession, use, or consumption of alcoholic beverages at the solicitation or event site. When the Department provides written permission for the possession, use, or consumption of alcoholic beverages at the solicitation or event site, the sponsor shall provide to the Department:
1. A copy of a current and valid license issued by the Arizona Department of Liquor Licenses and Control to the sponsor and vendor, required when the applicant intends to sell alcohol at the solicitation or event; and
  2. A liquor liability rider, included with the insurance certificate required under subsection (E)(4).
- J.** The sponsor shall not allow unlawful possession or use of drugs at the solicitation or event site.
- K.** The Department shall deny an application for any of the following reasons:
1. The solicitation or event interferes with the work of an employee or the daily business of the Department;
  2. The solicitation or event conflicts with the time, place, manner, or duration of other approved or pending solicitations or events;
  3. The content of the solicitation or event conflicts with or is unrelated to the Department's activities or its mission;
  4. The solicitation or event presents a risk of injury or illness to persons or risk of damage to property;
  5. The sponsor cannot demonstrate adequate compliance with applicable local, state, or federal laws, ordinances, codes, or regulations, or
  6. The sponsor has not complied with the requirements of the application process or this Section.
- L.** At all times, the Department reserves the right to immediately remove or cause to be removed all obstructions or other hazards of the solicitation or event that could damage state property, inhibit egress, or poses a safety risk. The Department also reserves the right to immediately remove or cause to be removed any person damaging state property, inhibiting egress, or posing a threat to public health and safety.
- M.** The Department may revoke approval of a solicitation or event due to emergency circumstances or for failure to comply with this Section.
- N.** The Department shall send written notice of the denial or revocation of an approved permit. The notice shall contain the reason for the denial or revocation.
- O.** A sponsor:
1. Is liable to the Department for damage to Department property and any expense arising out of the sponsor's use of Department property.
  2. Shall post solicitation material only in designated posting areas.
  3. Shall ensure that a solicitation or event on Department property causes the minimum infringement of use to the public and government operation.
  4. Shall modify or terminate a solicitation or event, upon request by the Department, if the Department determines that the solicitation or event unacceptably infringes on the Department's operations or causes an unacceptable risk of liability exposure to the State.
- P.** When conducting an event on Department property, a sponsor shall:
1. Park or direct vehicles in designated parking areas.
  2. Obey all posted requirements and restrictions.
  3. Designate one person to act as a monitor for every 50 persons anticipated to attend the solicitation or event. The monitor shall act as a contact person for the Department for the purposes of the solicitation or event.
  4. Ensure that all safety standards, guidelines, and requirements are followed.
  5. Implement additional safety requirements upon request by the Department.
  6. Ensure all obstructions and hazards are eliminated.
  7. Ensure trash and waste is properly disposed of throughout the solicitation or event.
- Q.** The Department shall revoke or terminate the solicitation or event if a sponsor fails to comply with a Department request or any one of the following minimum safety requirements:
1. All solicitation or event activities shall comply with all applicable federal, state, and local laws, ordinances, codes, statutes, rules, and regulations.
  2. The layout of the solicitation or event shall ensure that emergency vehicles will have access at all times.
  3. The Department may conduct periodic safety checks throughout the solicitation or event.
- R.** This Section does not apply to government agencies.

**Historical Note**

New Section made by emergency rulemaking at 10 A.A.R. 4777, effective November 4, 2004 for 180 days (Supp. 04-4). Emergency expired (Supp. 05-2). New Section renumbered from R12-4-804 and amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**R12-4-126. Reward Payments**

- A.** Subject to the restrictions prescribed under A.R.S. § 17-315, a person may claim a reward from the Department when the per-

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son provides information that leads to an arrest through the Operation Game Thief Program. The person who reports the unlawful activity will then become eligible to receive a reward as established under subsections (C) and (D), provided funds are available in the Wildlife Theft Prevention Fund and:

1. The person who reported the violation provides the Operation Game Thief control number issued by Department law enforcement personnel, as established under subsection (B);
  2. The information provided relates to a violation of any provisions of A.R.S. Title 17, A.A.C. Title 12, Chapter 4, or federal wildlife laws enforced by and under the jurisdiction of the Department, but not on Indian Reservations;
  3. The person did not first provide information during a criminal investigation or judicial proceeding; and
  4. The person who reports the violation is not:
    - a. The person who committed the violation;
    - b. A peace officer, including wildlife managers and game rangers;
    - c. A Department employee; or
    - d. An immediate family member of a Department employee.
- B.** The Department shall inform the person providing information regarding a wildlife violation of the procedure for claiming a reward if the information results in an arrest. The Department shall also provide the person with the control number assigned to the reported violation.
- C.** Reward payments for information that results in an arrest for the reported violation are as follows:
1. For cases that involve eagles, bear, bighorn sheep, bison, deer, elk, javelina, mountain lion, pronghorn, turkey, or endangered or threatened wildlife as defined under R12-4-401, \$500, to be increased by an additional amount of at least \$50, but not to exceed \$500, when vandalism impacting recreational access or wildlife habitat is also involved;
  2. For cases that involve wildlife that are not listed under subsection (C)(1), a minimum of \$50, not to exceed \$150, to be increased by an additional amount of at least \$50, but not to exceed \$500, when vandalism impacting recreational access or wildlife habitat is also involved; and
  3. For cases that involve any wildlife and damage to wildlife habitat, an additional \$1,000 may be made available based on:
    - a. The value of the information;
    - b. The unusual value of the wildlife;
    - c. The number of individuals taken;
    - d. Whether or not the person who committed the unlawful act was arrested for commercialization of wildlife; and
    - e. Whether or not the person who committed the unlawful act is a repeat offender.
- D.** If more than one person independently provides information or evidence that leads to an arrest for a violation, the Department may divide the reward payment among the persons who provided the information if the total amount of the reward payment does not exceed the maximum amount of a monetary reward established under subsections (C) or (E);
- E.** Notwithstanding subsection (C), the Department may offer and pay a reward up to the minimum civil damage value of the wildlife unlawfully taken, wounded or killed, or unlawfully possessed as prescribed under A.R.S. § 17-314, if the Department believes that an enhanced reward offer is merited due to the specific circumstances of the case.

**Historical Note**

New Section R12-4-126 renumbered from R12-4-116 and amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 20-1).

**R12-4-127. Civil Liability for Loss of Wildlife**

- A.** In order to compensate the state for the value of lost or injured wildlife, the Commission may, pursuant to A.R.S. § 17-314, impose a civil penalty against any person for unlawfully taking, wounding, killing or possessing wildlife. Any civil penalties so imposed shall be equal to or greater than the applicable statutory-minimum sums found in A.R.S. § 17-314(A). The Commission may impose a civil penalty above the statutory-minimum sums where it has determined that the value of the lost or injured wildlife exceeds the statutory-minimum sums.
- B.** The Commission shall annually establish the value of lost or injured wildlife using objective and measurable economic criteria. When doing so, the Commission may consider objective economic criteria recommended by the Department or any other person.
- C.** The Department shall recommend the value of lost or injured wildlife to the Commission by aggregating the following objective and measurable economic factors:
1. The average dollar amount spent by an individual hunter in pursuit of the same species. This amount shall be calculated using information from the most recent National Survey of Fishing, Hunting and Wildlife-Associated Recreation conducted by the U.S. Fish and Wildlife Service and measures hunting and fishing expenditures, in combination with hunter harvest data gathered by the Department. This information shall be available on the Department's website.
  2. The average dollar amount spent by an individual in an effort to view wildlife. This amount shall be calculated using information from the most recent National Survey of Fishing, Hunting and Wildlife-Associated Recreation conducted by the U.S. Fish and Wildlife Service and measures wildlife viewing expenditures, in combination with hunter harvest data gathered by the Department. This information shall be available on the Department's website.
  3. The average body weight in pounds of meat for the unlawfully taken or possessed species multiplied by the average price per pound of ground meat for that same species or a similar species. Average body weight in pounds of meat shall be calculated using the average body weight for the wildlife taken, minus 30% of the average weight to account for the weight of the head, hide, offal, and bone.
  4. When new data is not available, the Department may use Consumer Price Index (CPI) calculations to update the above factors in terms of U.S. dollars.
- D.** The most recent wildlife values established by the Commission shall be available on the Department's website.

**Historical Note**

New Section made by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 20-1).

**ARTICLE 2. LICENSES; PERMITS; STAMPS; TAGS****R12-4-201. Pioneer License**

- A.** A pioneer license grants all of the hunting and fishing privileges of a combination hunting and fishing license. The pioneer license is only available at a Department office.
- B.** The pioneer license is a complimentary license and is valid for the license holder's lifetime. The license remains valid if the licensee subsequently resides outside of this state.

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1. A licensee who resides outside of Arizona shall submit the nonresident fee to purchase any required hunt permit-tag, nonpermit-tag, or stamp to hunt and fish in this state.
2. Limits established under R12-4-114 for nonresident hunt permit-tags do not apply to a pioneer license holder.
- C. A person who is age 70 or older and has been a resident of Arizona for at least 25 consecutive years immediately preceding application may apply for a pioneer license by submitting an application to the Department. The application form is furnished by the Department and is available at any Department office and on the Department's website. A pioneer license applicant shall provide all of the following information on the application:
  1. The applicant's personal information:
    - a. Name;
    - b. Date of birth;
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available;
  2. Affirmation that:
    - a. The applicant is 70 years of age or older and has been a resident of this state for 25 or more consecutive years immediately preceding application for the license; and
    - b. The information provided on the application is true and accurate.
  3. Applicant's signature and date.
- D. In addition to the requirements listed under subsection (C), an applicant for a pioneer license shall also submit a copy of any one of the following documents at the time of application:
  1. Valid U.S. passport;
  2. Applicant's birth certificate;
  3. Valid government-issued driver's license; or
  4. Valid government-issued identification card.
- E. All information and documentation provided by the applicant is subject to Department verification.
- F. The Department shall deny a pioneer license when the applicant:
  1. Fails to meet the criteria prescribed under A.R.S. § 17-336(A)(1),
  2. Fails to comply with this Section, or
  3. Provides false information on the application.
- G. The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Ch 6, Article 10.
- H. A pioneer license holder may request a no-fee duplicate of the paper license provided:
  1. The license was lost or destroyed;
  2. The license holder submits a written request to the Department for a no-fee duplicate paper license; and
  3. The Department's records indicate a pioneer license was previously issued to that person.
- I. A person issued a pioneer license prior to January 1, 2014 shall be entitled to the privileges established under subsection (A).

**Historical Note**

Former Section R12-4-31 renumbered as Section R12-4-201 without change effective August 13, 1981. New Sec-

tion R12-4-201 amended effective August 31, 1981 (Supp. 81-4). Amended subsection (B) effective December 9, 1985 (Supp. 85-6). Amended subsections (D) and (E), and changed application for a Pioneer License effective September 24, 1986 (Supp. 86-5). Former Section repealed, new Section adopted effective December 22, 1989 (Supp. 89-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 3045, effective January 3, 2015 (Supp. 14-4). Amended by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4).

**R12-4-202. Complimentary Disabled Veteran's License; Reduced-fee Disabled Veteran's License**

- A. A disabled veteran's license grants all of the hunting and fishing privileges of a combination hunting and fishing license. The disabled veteran's license is only available at a Department office.
- B. The Department offers two types of disabled veteran's licenses:
  1. A complimentary license to a disabled veteran who receives compensation from the U.S. government for a permanent service-connected disability rated as 100% disabling.
    - a. The complimentary license is valid for either a three-year period from the issue date or the license holder's lifetime depending on the criteria set forth, as established under in subsection (E).
    - b. Eligibility for the complimentary disabled veteran's license is based on the disability rating, not on the compensation received by the veteran.
    - c. An applicant for a complimentary disabled veteran's license shall have been a resident of Arizona for at least one year immediately preceding application.
  2. A reduced-fee license to a disabled veteran who is a resident as defined under A.R.S. § 17-101 and who is receiving compensation from the U.S. government for a service-connected disability.
    - a. The reduced-fee license is valid for one year from the date of purchase or selected start date provided the date selected is no more than 60 calendar days from and after the date of purchase.
    - b. The applicant shall pay the fee required under R12-4-102.
- C. A person applying for a disabled veteran's license shall submit an application to the Department. The application form is furnished by the Department and available at any Department office and on the Department's website. The applicant shall provide all of the following information on the application:
  1. The applicant's personal information:
    - a. Name;
    - b. Date of birth;
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available;
  2. Affirmation that:

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- a. The applicant meets the eligibility requirements prescribed under A.R.S. § 17-333(C)(2) or (C)(3),
  - b. The applicant has been a resident of this state for at least one year immediately preceding application for the license, or
  - c. The applicant is a veteran of the Armed Forces of the U.S. and meets the resident requirements prescribed under A.R.S. § 17-101, as applicable, and
  - d. The information provided on the application is true and accurate.
3. Applicant's signature and date.
- D.** In addition to the requirements established under subsection (B), an applicant for a veteran's license shall, at the time of application, certify eligibility for the license by submitting an original DD-214, certification form, or a benefits letter issued by the U.S. Department of Veteran's Affairs (DVA) or obtained from the DVA website that meets the requirements specified in subsections (B)(1) and (B)(2). The certification form is furnished by the Department and is available at any Department office and on the Department's website. The certification shall be completed and signed by an agent of the U.S. Department of Veteran's Affairs.
- E.** If the certification or benefits letter required under subsection (D) indicate the applicant's disability rating of 100% is permanent and:
1. Will not be reevaluated, the disabled veteran's license shall be valid for the license holder's lifetime.
  2. Will be reevaluated in three years, the disabled veteran's license will expire three years from the date of issuance.
- F.** All information and documentation provided by the applicant is subject to Department verification. The Department shall return the original or certified copy of a document to the applicant after verification.
- G.** The Department shall deny a disabled veteran's license when the applicant:
1. Fails to meet the criteria prescribed under A.R.S. § 17-333(C)(2) or (C)(3),
  2. Fails to comply with the requirements of this Section, or
  3. Provides false information during the application process.
- H.** The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- I.** A disabled veteran's license holder may request a no-fee duplicate paper license provided:
1. The license was lost or destroyed,
  2. The license holder submits a written request to the Department for a duplicate license, and
  3. The Department's records indicate a disabled veteran's license was previously issued to that person.
- J.** A person issued a disabled veteran's license prior to January 1, 2014 shall be entitled to the privileges established under subsection (A).
- K.** For the purposes of this Section:
1. "Disabled veteran" means a veteran of the armed forces of the U.S. with a service connected disability.
  2. "Veteran" means a person who has served in the U.S. armed forces.

**Historical Note**

Former Section R12-4-66 renumbered, then repealed and readopted as Section R12-4-43 effective February 20, 1981 (Supp. 81-1). Former Section R12-4-43 renumbered as Section R12-4-202 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 31, 1984 (Supp. 84-6). Repealed effective April 28, 1989 (Supp. 89-2). New Section R12-4-202 adopted effective

December 22, 1989 (Supp. 89-4). Amended by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 18 A.A.R. 1199, effective June 30, 2012 (Supp. 12-2). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 3045, effective January 3, 2015 (Supp. 14-4). Amended by final rulemaking at 21 A.A.R. 2550, effective January 5, 2015 (Supp. 15-2). Amended by final exempt rulemaking at 27 A.A.R. 1076, effective August 21, 2021 (Supp. 21-2).

**R12-4-203. National Harvest Information Program (HIP); State Waterfowl and Migratory Bird Stamp**

- A.** All state fish and wildlife agencies are required to obtain data to assess the harvest of migratory game birds in compliance with the federally mandated National Harvest Information Program administered by the United States Fish and Wildlife Service in accordance with 50 C.F.R. Part 20.
- B.** In compliance with the National Harvest Information Program, the Department requires a person to possess a migratory bird stamp or authorization number, which may be affixed to or written on the appropriate license, and a current, valid federal waterfowl stamp. The migratory bird stamp and authorization number are required to take band-tailed pigeons, moorhen, coots, doves, ducks, geese, snipe, or swans.
1. The state migratory bird stamp expires on June 30 of each year. To obtain a state migratory bird stamp, a person shall submit:
    - a. The fee required under R12-4-102, and
    - b. A completed state migratory bird registration form to a license dealer or a Department office.
  2. The person shall provide on the state migratory bird registration form the person's:
    - a. Name,
    - b. Mailing address,
    - c. Date of birth, and
    - d. Information on past and anticipated hunting activity.
  3. The youth combination hunting and fishing license includes the state migratory bird stamp privileges. A youth hunter who possesses a valid combination hunting and fishing license shall obtain:
    - a. A Federal waterfowl stamp when the youth hunter is 16 years of age or older and is taking ducks, geese, swans, coots, gallinules; or
    - b. A permit-tag when the youth hunter is taking sand-hill crane.
- C.** A license dealer shall submit state migratory bird registration forms for all state migratory bird stamps sold with the monthly report required under A.R.S. § 17-338.

**Historical Note**

Amended effective March 7, 1979 (Supp. 79-2).  
 Amended effective April 22, 1980 (Supp. 80-2).  
 Amended subsections (A), (C), (D), and (G) effective December 29, 1980 (Supp. 80-6). Former Section R12-4-41 renumbered as Section R12-4-203 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A), (C), (E), (G) and added Form 7016 (Supp. 81-6). Repealed effective April 28, 1989 (Supp. 89-2). New Section adopted effective July 1, 1997; filed with the Office of the Secretary of State November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 6 A.A.R. 1146, effective July 1, 2000 (Supp. 00-1). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 13

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A.A.R. 462, effective February 6, 2007 (Supp. 07-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**Editor's Note**

For similar subject matter, see Section R12-4-411.  
This editor's note does not apply to the new Section adopted effective July 1, 1997 (Supp. 96-4).

**R12-4-204. Taxidermy Registration; Register**

- A.** A person shall register with the Department before engaging in the business of taxidermy for hire. A taxidermy registration authorizes a person to mount, refurbish, maintain, restore, or preserve wildlife as defined under A.R.S. § 17-101.
- B.** A taxidermy registration expires on December 31 of each year.
- C.** The Department shall deny a taxidermy registration when the applicant:
  - 1. Fails to meet the requirements established under this Section;
  - 2. Provides false information during the application process; or
  - 3. Provides false information in the register required under A.R.S. § 17-363(B).
- D.** The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- E.** A person may apply for a taxidermy registration by paying the applicable fee and submitting an application to the Department. The application form is available on the Department's website. A taxidermy registration applicant shall provide all of the following information:
  - 1. The applicant's information:
    - a. Name;
    - b. Date of birth;
    - c. Department identification number, when applicable;
    - d. Mailing address, when applicable;
    - e. Physical address;
    - f. Telephone number, when available;
    - g. Email address, when available; and
  - 2. The applicant's business information:
    - a. Name;
    - b. Mailing address;
    - c. Email address;
    - d. Website URL address, if available;
    - e. Business telephone number, when applicable;
    - f. Calendar year for which the application is made; and
    - g. Whether the applicant is seeking renewal of an existing taxidermy registration.
  - 3. Affirmation that the information provided on the application is true and accurate; and
  - 4. Applicant's signature and date.
- F.** A registered taxidermist may submit an application for renewal of a taxidermy registration after December 1 of the year it was issued.
- G.** A registered taxidermist shall maintain a register of all persons who furnish raw and unmounted wildlife specimens for taxidermy service using the form available on the Department's website.
  - 1. This register shall be:
    - a. Maintained for a period of five years after the date the raw and unmounted wildlife specimens were received;
    - b. Provided upon request to an employee of the Department; and

- c. Filed with the Department on or before January 31 of each year.
- 2. This register shall contain all of the following information, as applicable:
  - a. The registered taxidermist's information:
    - i. Name;
    - ii. Taxidermy registration number;
    - iii. Email address, when available; and
  - b. The customer's or potential customer's:
    - i. Name;
    - ii. Address;
    - iii. Taker's tag or license number;
    - iv. Species and number of wildlife received;
    - v. Date wildlife received; and
  - c. A signed affirmation from the registered taxidermist that the information provided in the register is true and accurate.
- 3. The taxidermy renewal registration becomes invalid if the register is not submitted to the Department by January 31 of the year following registration.
- H.** As authorized under A.R.S. § 17-363(C), the Commission may revoke or suspend the taxidermy registration of a person convicted of violating any provision of A.R.S. § 17-363 or requirement established under this Section.

**Historical Note**

Amended effective May 31, 1976 (Supp. 76-3). Correction, Historical Note Supp. 76-3 should read "Amended effective May 3, 1976" (Supp. 78-5). Amended effective March 7, 1979 (Supp. 79-2). Amended effective March 20, 1981 (Supp. 81-2). Former Section R12-4-32 renumbered as Section R12-4-204 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Repealed by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). New Section made by final rulemaking at 25 A.A.R. 1854, effective July 2, 2019 (Supp. 19-3).

**R12-4-205. High Achievement Scout License**

- A.** A high achievement scout license is offered to a resident who is:
  - 1. Eligible for a combination hunting and fishing license,
  - 2. Under 21 years of age, and
  - 3. A member of the Boy Scouts of the United States of America and has attained the rank of Eagle Scout, or
  - 4. A member of the Girl Scouts of the United States of America and has attained the Gold Award.
- B.** The high achievement scout license grants all of the hunting and fishing privileges of the youth combination hunting and fishing license and is only available at Department offices.
  - 1. The license is valid for one year from the date of purchase or selected start date provided the date selected is no more than 60 calendar days from and after the date of purchase.
  - 2. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the high achievement scout license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.
- C.** An applicant for a high achievement scout license shall apply on an application form available from any Department office and on the Department's website. The applicant shall provide all of the following information on the application:
  - 1. The applicant's:
    - a. Name;
    - b. Date of birth;

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- c. Physical description, to include the applicant's eye color, hair color, height, and weight;
- d. Department identification number, when applicable;
- e. Residency status and number of years of residency immediately preceding application, when applicable;
- f. Mailing address, when applicable;
- g. Physical address;
- h. Telephone number, when available; and
- i. E-mail address, when available;
- 2. Affirmation that the information provided on the application is true and accurate; and
- 3. Applicant's signature and date.
- D.** In addition to the application, an eligible applicant shall present with the application:
  - 1. For an applicant who is a member of the Boy Scouts of the United States of America, any one of the following original documents:
    - a. A certification letter from the Boy Scouts of the United States of America stating that the applicant has attained the rank of Eagle Scout,
    - b. A Boy Scouts of the United States of America Eagle Scout Award Certificate, or
    - c. A Boy Scouts of the United States of America Eagle Scout wallet card.
  - 2. For an applicant who is a member of the Girl Scouts of the United States of America, any one of the following original documents:
    - a. A certification letter from the Girl Scouts of the United States of America stating that the applicant has completed the award,
    - b. A Girl Scouts of the United States of America Gold Award Certificate, or
    - c. A Girl Scouts Gold Award Certificate from the local council.
- E.** The Department shall deny a high achievement scout license to an applicant who:
  - 1. Is not eligible for the license;
  - 2. Fails to comply with the requirements of this Section; or
  - 3. Provides false information during the application process.
- F.** The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Editorial correction subsection (A) (Supp. 78-5). Amended effective March 7, 1979 (Supp. 79-2). Amended effective September 23, 1980 (Supp. 80-5). Former Section R12-4-33 renumbered as Section R12-4-205 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 17 A.A.R. 1472, effective July 12, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 3045, effective January 3, 2015 (Supp. 14-4). Amended by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4).

**R12-4-206. General Hunting License; Exemption**

- A.** A general hunting license is valid for the taking of small game, fur-bearing animals, predatory animals, nongame animals, and upland game birds. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the general hunting license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.

- B.** The general hunting license is valid for one-year from:
  - 1. The date of purchase when a person purchases the hunting license from a License Dealer, as defined under R12-4-101;
  - 2. On the last day of the application deadline for that draw, as established by the hunt permit-tag application schedule published by the Department;
  - 3. On the last day of an extended deadline date, as authorized under subsection R12-4-104(C). If an applicant does not possess an appropriate license that meets the requirements of this subsection, the applicant shall purchase the license at the time of application; or
  - 4. The selected start date when a person purchases the hunting license from a Department office or online. A person may select the start date for the hunting license provided the date selected is no more than 60 calendar days from and after the date of purchase.
- C.** A resident may apply for a general hunting license by submitting an application to the Department, a License Dealer as defined under R12-4-101, or on the Department's website. The application is furnished by the Department and is available at any Department office, License Dealer, and on the Department's website. A general hunting license applicant shall provide the following information on the application:
  - 1. The applicant's:
    - a. Name;
    - b. Date of birth,
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available; and
  - 2. Affirmation that the information provided on the application is true and accurate; and
  - 3. Applicant's signature and date.
- D.** In addition to the requirements listed under subsection (C), at the time of application an applicant who is applying for a general hunting license:
  - 1. In person shall pay the applicable fee required under R12-4-102.
  - 2. Online shall electronically pay the fee required under R12-4-102 and print the new license. A person applying online shall affirm, or provide permission for another person to affirm, the information provided on the online application is true and accurate.
- E.** A person who is under 10 years of age may hunt wildlife other than big game without a hunting license when accompanied by a properly licensed person who is 18 years of age or older.

**Historical Note**

Amended effective March 7, 1979 (Supp. 79-2). Amended effective December 4, 1980 (Supp. 80-6). Former Section R12-4-34 renumbered as Section R12-4-206 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4).

**R12-4-207. General Fishing License; Exemption**

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- A. A general fishing license is valid for the taking of all aquatic wildlife and allows the license holder to engage in simultaneous fishing as defined under R12-4-301. The general fishing license is valid:
1. State-wide including Mittry Lake and Topock Marsh and the Arizona shoreline of Lake Mead, Lake Mohave and Lake Havasu, and Commission-designated community waters. The list of Commission-designated community waters is available at any License Dealer, Department office, and on the Department's website.
  2. On that portion of the Colorado River that forms the common boundary between Arizona and Nevada and Arizona and California and connected adjacent water, provided Arizona has an agreement with California and Nevada that recognizes a general fishing license as valid for taking aquatic wildlife on any portion of the Colorado River that forms the common boundary between Arizona and Nevada and Arizona and California.
- B. The general fishing license is valid for one-year from:
1. The date of purchase when a person purchases the fishing license from a License Dealer, as defined under R12-4-101; or
  2. The selected start date when a person purchases the fishing license from a Department office or online. A person may select the start date for the fishing license provided the date selected is no more than 60 calendar days from and after the date of purchase.
- C. A resident or nonresident may apply for a general fishing license by submitting an application to the Department, a License Dealer as defined under R12-4-101, or on the Department's website. The application is furnished by the Department and is available at any Department office, License Dealer, and on the Department's website. A general fishing license applicant shall provide the following information on the application:
1. The applicant's:
    - a. Name;
    - b. Date of birth,
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available; and
  2. Affirmation that the information provided on the application is true and accurate; and
  3. Applicant's signature and date.
- D. In addition to the requirements listed under subsection (C), an applicant who is applying for a general fishing license:
1. In person shall pay the applicable fee required under R12-4-102.
  2. Online shall electronically pay the fee required under R12-4-102 and print the new license. A person applying online shall affirm, or provide permission for another person to affirm, the information provided on the online application is true and accurate.
- E. In addition to the exemption prescribed under A.R.S. § 17-335, a person who is under 10 years of age may fish without a fishing license.

**Historical Note**

Amended effective March 7, 1979 (Supp. 79-2).

Amended effective December 4, 1980 (Supp. 80-6). For-

mer Section R12-4-35 renumbered as Section R12-4-207 without change effective August 13, 1981 (Supp. 81-4).

Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4).

**R12-4-208. Guide License**

- A. A guide, as defined under A.R.S. § 17-101, is a person who does any one of the following:
1. Advertises for guiding services.
  2. Is presented to the public for hire as a guide.
  3. Is employed by a commercial enterprise as a guide.
  4. Accepts compensation in any form commensurate with the market value in this state for guiding services in exchange for aiding, assisting, directing, leading, or instructing a person in the field to locate and take wildlife.
  5. Is not a landowner or lessee who, without full fair market compensation, allows access to the landowner's or lessee's property and directs and advises a person in taking wildlife.
- B. A person shall not act as a guide unless the person holds one of the following guide licenses:
1. A hunting guide license, which authorizes the license holder to act as a guide for the lawful taking of wildlife other than aquatic wildlife as defined under A.R.S. § 17-101.
  2. A fishing guide license, which authorizes the license holder to act as a guide for the lawful taking of aquatic wildlife.
  3. A hunting and fishing guide license, which authorizes the license holder to act as a guide for the lawful taking of wildlife.
- C. A guide license shall expire on December 31 of each year.
- D. A person is not eligible to apply for an original or renewal guide license when any one of the following conditions apply:
1. The applicant was convicted of a felony violation of any federal wildlife law, within five years immediately preceding the date of application;
  2. The applicant was convicted of a violation listed under A.R.S. § 17-309(D), within five years immediately preceding the date of application;
  3. The applicant was convicted of a violation of a federal or state wildlife law for which a license to take wildlife may be revoked or suspended within five years immediately preceding the date of application; or
  4. The applicant's privilege to take or possess wildlife or to guide or act as a guide is currently suspended or revoked anywhere in the U.S. for violation of a federal or state wildlife law.
- E. Notwithstanding subsection (D), a person who was convicted of a misdemeanor violation of any wildlife law within one year preceding the date of application may apply for a guide license provided the person immediately and voluntarily reported the violation to the Department after committing the violation.
- F. An applicant for a guide license shall:
1. Be 18 years of age or older, and
  2. Possess the required Department-issued license, as applicable:
    - a. A current Arizona hunting license when applying for a hunting guide license;
    - b. A current Arizona fishing license when applying for a fishing guide license;



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- c. A current Arizona combination hunting and fishing license when applying for a hunting and fishing guide license;
- G. The guide license does not exempt the license holder from any applicable method of take or licensing requirement. The guide license holder shall comply with all applicable Commission rules, including, but not limited to, rules governing:
  - 1. Lawful methods of take,
  - 2. Lawful devices, and
  - 3. License requirements.
- H. Unless otherwise provided under this Section, a person shall successfully complete the Department administered examination, and answer at least 80% of the questions correctly, prior to applying for a guide license. Guide examinations are:
  - 1. Provided at a Department office.
  - 2. Valid until December 31 of the year in which it was taken.
  - 3. A person interested in taking the guide examination shall contact a Department office to obtain scheduling information.
- I. The examination is based on the type of guide license the person is seeking.
  - 1. Before taking the examination, the applicant shall provide their:
    - a. Name;
    - b. Date of birth; and
    - c. Driver license number and issuing state.
  - 2. The examination may include questions regarding any of the following topics:
    - a. A.R.S. Title 17 Game and Fish statutes and Commission rules regarding the taking and handling of terrestrial and aquatic wildlife;
    - b. A.R.S. Title 28, Ch 3, Article 20 Off-highway Vehicles statutes and rule regarding the use of off-highway vehicles;
    - c. A.R.S. Title 5, Ch 3, Boating and Water Sports statutes and Commission rules on boating;
    - d. Requirements for guiding on federal lands;
    - e. Identification of aquatic wildlife species;
    - f. Identification of wildlife;
    - g. Special state and federal laws regarding certain species;
    - h. General knowledge of fair chase, hunter ethics, and conservation in Arizona;
    - i. General knowledge of species habitat and wildlife that may occur in the same habitat;
    - j. General knowledge of the types of habitat within the State; and
    - k. General knowledge of special or concurrent jurisdictions within the State.
  - 3. An applicant who fails the examination may retake the examination as agreed upon by the applicant and the examination administrator.
- J. In addition to the guide examination requirement under subsection (H), a guide license holder shall take the Department administered examination when:
  - 1. The applicant currently holds a hunting or fishing guide license and is applying for a combination hunting and fishing guide license;
  - 2. The applicant for a hunting guide license was convicted of a violation of A.R.S. Title 17 or Game and Fish Commission rule governing the taking and handling of terrestrial wildlife within one year preceding the date of application;
  - 3. The applicant for a fishing guide license was convicted of a violation of A.R.S. Title 17 or Game and Fish Commission rule governing the taking and handling of aquatic wildlife within one year preceding the date of application;
  - 4. The applicant failed to submit a renewal application postmarked before the expiration date of the guide license; or
  - 5. The applicant failed to submit the annual report for the preceding license year by January 10 of the following license year.
- K. A person may apply for a guide license by submitting an application to the Department. The application form is furnished by the Department and is available at any Department office and on the Department's website. A guide license applicant shall provide all of the following information on the application:
  - 1. The applicant's personal information:
    - a. Name;
    - b. Date of birth;
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Social Security Number;
    - e. Current hunting, fishing, or combination hunting and fishing license number;
    - f. Residency status;
    - g. Mailing address, when applicable;
    - h. Physical address;
    - i. Telephone number, when available;
    - j. E-mail address, when available;
    - k. Type of guide license sought; and
    - l. Calendar year for which the application is made;
  - 2. The outfitting or guide:
    - a. Business name; and
    - b. Business address, as applicable;
  - 3. Responses to questions relating to criminal violations;
  - 4. Affirmation that:
    - a. The applicant meets the eligibility requirements prescribed under this Section; and
    - b. The information provided on the application is true and accurate;
  - 5. Applicant's signature and date.
- L. In addition to the requirements listed under subsection (K), an applicant for a guide license shall also submit a copy of any one of the following as proof of the applicant's identity:
  - 1. Valid U.S. passport;
  - 2. Applicant's birth certificate;
  - 3. Valid government-issued driver's license; or
  - 4. Valid government-issued identification card.
- M. All information and documentation provided by the guide license applicant is subject to Department verification.
- N. An applicant for a guide license shall pay all applicable fees required under R12-4-102 upon approval of an initial or renewal application for a guide license.
- O. The Department shall deny a guide license when the applicant:
  - 1. Fails to meet the criteria prescribed under A.R.S. § 17-362,
  - 2. Fails to comply with the requirements of this Section,
  - 3. Provides false information during the application process,
  - 4. Fails to provide the annual report required under subsection (R) by January 10, or
  - 5. Provides false information in the annual report required under subsection (R) within three years immediately preceding the date of application.
- P. The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- Q. A guide license holder may submit an application for renewal of a guide license after December 1 of the year it was issued. The Department shall not start the substantive review, as

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defined under A.R.S. § 41-1072, before January 10 of the following license year, unless the Department receives the annual report prior to the date established under subsection (R). The current guide license shall remain valid pending a Department decision on the application for renewal, provided:

1. The application for renewal is submitted to the Department by December 31, and
  2. The Department receives the annual report submitted in compliance with subsection (R).
- R.** A guide license holder shall submit to the Department the annual report required under A.R.S. § 17-362(C) for the previous calendar year before January 10 of the following license year. The report form is furnished by the Department and is available at any Department office or on the Department's website.
1. A report is required whether or not the license holder performed any guiding activities.
  2. The annual report shall include all of the following information, as applicable:
    - a. License holder's personal information:
      - i. Name;
      - ii. Guide license number; and
      - iii. E-mail address, when available; and
    - b. Client's personal information:
      - i. Name;
      - ii. Mailing address; and
      - iii. Arizona license, tag and permit numbers, and
    - c. Dates guiding activities were conducted;
    - d. Number and species of wildlife taken by the clients;
    - e. Game management unit or body of water where guiding activities took place;
    - f. Affirmation that the information provided in the annual report is true and accurate; and
    - g. License holder's signature and date.
  3. The Department shall not renew a guide license if the annual report is not submitted to the Department by January 10 of the following license year.
- S.** The date of receipt for the items required under subsections (K), (L), (Q), and (R) shall be as follows:
1. The date a person presents the items to a Department office;
  2. The date a private express mail carrier receives the package containing the items as indicated on the shipping package; or
  3. The date of the United States Postal Service postmark stamped on the envelope containing the items.
- T.** A guide license holder shall:
1. Complete a Department-sanctioned continuing education course at least once every five-years.
  2. While performing guide activities or providing guide services:
    - a. Possess a valid guide license.
    - b. Possess a valid Arizona hunting, fishing, or combination hunting and fishing license, as applicable under subsection (F)(2).
    - c. Present the license for inspection upon the request of any peace officer, including wildlife managers and game rangers.
    - d. Report any violation of a federal or state wildlife regulation, law, or rule personally witnessed by the guide license holder.
- U.** A guide license holder shall not:
1. Use, or allow another person to use, any method or device prohibited under any federal or state wildlife regulation, law, or rule while taking wildlife.
  2. Aid, counsel, agree to aid, or attempt to aid another person in planning or engaging in conduct that results in a violation of any federal or state wildlife regulation, law, or rule while taking wildlife.
  3. Pursue any wildlife or hold at bay any wildlife for a person unless that person is present during the pursuit to take the wildlife.
    - a. The person shall be continuously present during the entire pursuit of that specific target animal.
    - b. If dogs are used, the person shall be present when the dogs are released on a specific target animal and shall be continuously present for the remainder of the pursuit.
  4. Hold wildlife at bay other than during daylight hours, unless a Commission Order authorizes the take of the species at night.
- V.** As authorized under A.R.S. § 17-362(A), the Commission may revoke or suspend a guide license when any one or more of the following actions occur:
1. The guide license holder failed to comply with the requirements of A.R.S. Title 17 or was convicted of violating any provision of A.R.S. Title 17;
  2. The guide license holder was convicted of a felony violation of any federal wildlife law;
  3. The guide license holder was convicted of a violation listed under A.R.S. § 17-309(D);
  4. The guide license holder was convicted of a violation of a federal or state wildlife law for which a license to take wildlife may be revoked or suspended; or
  5. The guide license holder's privilege to take or possess wildlife is suspended or revoked by any jurisdiction for violation of a federal or state wildlife law.

**Historical Note**

Amended effective March 7, 1979 (Supp. 79-2). Former Section R12-4-40 renumbered as Section R12-4-208 without change effective August 13, 1981 (Supp. 81-4). Former rule repealed, new Section R12-4-208 adopted effective December 22, 1989 (Supp. 89-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 20 A.A.R. 3045, effective January 3, 2015 (Supp. 14-4). Amended by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4).

**R12-4-209. Repealed****Historical Note**

Adopted effective March 20, 1981 (Supp. 81-2). Former Section R12-4-42 renumbered as Section R12-4-209 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Repealed by final rulemaking at 27 A.A.R. 1368 (September 3, 2021), effective January 1, 2022 (Supp. 21-4).

**R12-4-210. Combination Hunting and Fishing License; Exemption**

- A.** A combination hunting and fishing license is valid for the taking of small game, fur-bearing animals, predatory animals, nongame animals, and upland game birds.
- B.** A combination hunting and fishing license is valid for the taking of all aquatic wildlife and allows the license holder to

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engage in simultaneous fishing as defined under R12-4-101. The combination hunting and fishing license is valid:

1. State-wide including Mittry Lake and Topock Marsh and the Arizona shoreline of Lake Mead, Lake Mohave and Lake Havasu, and Commission-designated community waters. The list of Commission-designated community waters is available at any License Dealer, Department office, and on the Department's website.
  2. On that portion of the Colorado River that forms the common boundary between Arizona and Nevada and Arizona and California and connected adjacent water, provided Arizona has an agreement with California and Nevada that recognizes a combination hunting and fishing license as valid for taking aquatic wildlife on any portion of the Colorado River that forms the common boundary between Arizona and Nevada and Arizona and California.
- C. The Department offers three combination hunting and fishing licenses:
1. A short-term combination hunting and fishing license, valid for one 24-hour period from midnight to midnight.
    - a. The short-term combination hunting and fishing license is not valid for the take of big game animals.
    - b. The short-term combination hunting and fishing license is valid for the take of migratory game birds and waterfowl, provided the person possesses the applicable State Migratory Bird stamp and Federal Waterfowl stamp.
    - c. The Department does not limit the number of short-term combination hunting and fishing licenses a resident or nonresident may purchase.
  2. A combination hunting and fishing license for a person age 18 and over.
    - a. The combination hunting and fishing license is valid for one-year from:
      - i. The date of purchase when a person purchases the combination hunting and fishing license from a License Dealer, as defined under R12-4-101;
      - ii. On the last day of the application deadline for that draw, as established by the hunt permit-tag application schedule published by the Department;
      - iii. On the last day of an extended deadline date, as authorized under subsection R12-4-104(C). If an applicant does not possess an appropriate license that meets the requirements of this subsection, the applicant shall purchase the license at the time of application; or
      - iv. The selected start date when a person purchases the combination hunting and fishing license from a Department office or online. A person may select the start date for the combination hunting and fishing license provided the date selected is no more than 60 calendar days from and after the date of purchase.
    - b. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the combination hunting and fishing license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.
  3. A youth combination hunting and fishing license for a person through age 17.
    - a. The combination hunting and fishing license is valid for one-year from:
      - i. The date of purchase when a person purchases the combination hunting and fishing license from a License Dealer, as defined under R12-4-101;
      - ii. On the last day of the application deadline for that draw, as established by the hunt permit-tag application schedule published by the Department;
      - iii. On the last day of an extended deadline date, as authorized under subsection R12-4-104(C). If an applicant does not possess an appropriate license that meets the requirements of this subsection, the applicant shall purchase the license at the time of application; or
      - iv. The selected start date when a person purchases the combination hunting and fishing license from a Department office or online. A person may select the start date for the combination hunting and fishing license provided the date selected is no more than 60 calendar days from and after the date of purchase.
    - b. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the combination hunting and fishing license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.
- D. A resident or nonresident may apply for a combination hunting and fishing license by submitting an application to the Department, a License Dealer as defined under R12-4-101, or on the Department's website. The application is furnished by the Department and is available at any Department office, License Dealer, and on the Department's website. A combination hunting and fishing license applicant shall provide the following information on the application:
1. The applicant's:
    - a. Name;
    - b. Date of birth,
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available; and
  2. Affirmation that the information provided on the application is true and accurate; and
  3. Applicant's signature and date.
- E. In addition to the requirements listed under subsection (C), an applicant who is applying for a combination hunting and fishing license:
1. In person shall pay the applicable fee required under R12-4-102.
  2. Online shall electronically pay the fee required under R12-4-102 and print the new license. A person applying online shall affirm, or provide permission for another person to affirm, the information provided on the online application is true and accurate.
- F. Exemptions authorized under R12-4-206(E) and R12-4-207(E) also apply to this Section, as applicable.

**Historical Note**

Former Section R12-4-39 repealed, new Section R12-4-39 adopted effective January 20, 1977 (Supp. 77-1). Editorial correction subsection (A), paragraph (2) (Supp. 78-

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5). Amended effective March 7, 1979 (Supp. 79-2). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-39 repealed, new Section R12-4-39 adopted effective March 17, 1981 (Supp. 81-2). Former Section R12-4-39 renumbered as Section R12-4-210 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 16, 1982 (Supp. 82-6). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4).

**R12-4-211. Lifetime License; Benefactor License**

- A.** The Department offers the following lifetime licenses:
1. A lifetime hunting license includes the privileges established under R12-4-206(A).
  2. A lifetime fishing license includes the privileges established under R12-4-207(A).
  3. A lifetime combination hunting and fishing license includes the privileges established under R12-4-210(A) and (B).
  4. A benefactor lifetime combination hunting and fishing license includes the privileges established under R12-4-210(A) and (B).
- B.** A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate lifetime hunting or combination hunting and fishing license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.
- C.** The lifetime licenses identified under subsection (A) do not expire and remain valid if the licensee subsequently resides outside of this state.
1. A licensee who resides outside of Arizona shall submit the nonresident fee to purchase any required hunt permit-tag, nonpermit-tag, or stamp to hunt and fish in this state.
  2. Limits established under R12-4-114 for nonresident hunt permit-tags do not apply to a lifetime license holder.
- D.** A resident may apply for a lifetime license by submitting an application to the Department and paying the applicable fee required under subsection (E). The application is furnished by the Department and is available at any Department office and on the Department's website. A lifetime license applicant shall provide the following information on the application:
1. The applicant's:
    - a. Name;
    - b. Date of birth,
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Social Security Number, when required under A.R.S. §§ 25-320(P) and 25-502(K);
    - e. Department identification number, when applicable;
    - f. Residency status and number of years of residency immediately preceding application, when applicable;
    - g. Mailing address, when applicable;
    - h. Physical address;
    - i. Telephone number, when available; and
    - j. E-mail address, when available; and
  2. Affirmation that the information provided on the application is true and accurate; and
  3. Applicant's signature and date.
- E.** The fees for resident lifetime licenses listed under (A)(1) through (A)(3) are determined by the age of the applicant as follows:
1. Age 0 through 13 years is 17 times the fee established under R12-4-102 for the equivalent one-year license.

2. Age 14 through 29 years is 18 times the fee established under R12-4-102 for the equivalent one-year license.
  3. Age 30 through 44 years is 16 times the fee established under R12-4-102 for the equivalent one-year license.
  4. Age 45 through 61 years is 15 times the fee established under R12-4-102 for the equivalent one-year license.
  5. Age 62 and older is 8 times the fee established under R12-4-102 for the equivalent one-year license.
  6. For the purposes of this subsection, when the applicant is under the age of 18, the fee for the lifetime license is based on the full priced license fee, not the youth license fee.
- F.** The fee for the benefactor license listed under (A)(4) is \$1,500. The difference between \$1,500 and the license fee for a resident lifetime combination hunting and fishing license established under subsection (E):
1. Is a donation to the State for continued management, protection, and conservation of the State's wildlife.
  2. Shall be credited to the wildlife endowment fund established under A.R.S. § 17-271.
  3. May be tax deductible to the extent allowed by federal and state income tax statutes for contributions to qualifying tax-exempt organizations.
- G.** A lifetime license may be denied or suspended pursuant to, and for the offenses described under, A.R.S. § 17-340.
- H.** A person issued a lifetime license prior to the effective date of this Section shall be entitled to the privileges established under subsection (A)(1), (A)(2), (A)(3), or (A)(4), as applicable, for the equivalent lifetime license.

**Historical Note**

Amended effective March 7, 1979 (Supp. 79-2). Amended effective October 9, 1980 (Supp. 80-5). Former Section R12-4-36 renumbered as Section R12-4-211 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4).

**R12-4-212. Repealed****Historical Note**

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective January 1, 1977 (Supp. 76-5). Former Section R12-4-37 renumbered as Section R12-4-211 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Repealed by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4).

**R12-4-213. Hunt Permit-tags and Nonpermit-tags**

- A.** A valid hunt permit-tag or nonpermit-tag is required to validate a license to take a big game animal or other wildlife requiring a valid tag. Before a person may take a big game animal or other wildlife requiring a tag, the person shall apply for and obtain the appropriate tag required for the take of that big game animal or other wildlife.
- B.** A person may apply for a hunt permit-tag in accordance with R12-4-104 and at the times, locations, and in the manner established by the hunt permit-tag application schedule that the Department publishes and is available at any Department office, on the Department's website, or a License Dealer as defined under R12-4-101.

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- C. A person applying for a nonpermit-tag shall apply in accordance with R12-4-114 and pay the required fee established under R12-4-102.
- D. Under A.R.S. § 17-332(C), the Department and its license dealers may issue a duplicate tag to a person whose tag was not used and is lost, destroyed, mutilated, or otherwise unusable; or placed on a harvested animal that was subsequently condemned and the carcass and all parts of the animal were surrendered to a Department employee as required under R12-4-112(B) and (C). The person shall complete and sign the affidavit furnished by the Department. The affidavit is available at any Department office or License Dealer. The person shall provide the following information on the affidavit:
1. The applicant's personal information:
    - a. Name;
    - b. Department identification number, when applicable;
    - c. Residency status and number of years of residency immediately preceding application, when applicable;
  2. The original license or tag information:
    - a. Type of license or tag;
    - b. Place of purchase;
    - c. Purchase date, when available;
  3. Disposition of the original tag for which a duplicate is being purchased.
  4. A person applying for a duplicate tag after a harvested animal that was subsequently condemned as described under subsection (D) shall also submit the condemned meat duplicate tag authorization form issued by the Department.
- E. The person shall pay the applicable duplicate fee prescribed under R12-4-102.

**Historical Note**

Amended effective March 7, 1979 (Supp. 79-2).  
 Amended effective December 4, 1980 (Supp. 80-6). Former Section R12-4-38 renumbered as Section R12-4-213 without change effective August 13, 1981 (Supp. 81-4).  
 Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4).

**R12-4-214. Repealed****Historical Note**

Former Section R12-4-67 renumbered as Section R12-4-214 without change effective August 13, 1981 (Supp. 81-4). Repealed effective December 22, 1989 (Supp. 89-4).  
 New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Repealed by final rulemaking at 27 A.A.R. 1368 (September 3, 2021), effective January 1, 2022 (Supp. 21-4).

**R12-4-215. Youth Group Two-day Fishing License**

- A. A youth group two-day fishing license authorizes a nonprofit organization or governmental entity as defined under subsection (C) that sponsors adult supervised activities for youth to take up to 25 youths fishing. The youth group two-day fishing license is only available from a Department office. The youth group two-day fishing license is valid for:
1. Two consecutive days,
  2. The take of all aquatic wildlife, and
  3. All privileges established under R12-4-207(A).
- B. A nonprofit organization or governmental entity may apply for a youth group two-day fishing license at any Department office. An applicant for a youth group two-day fishing license

shall be a resident. The applicant shall pay the fee required under R12-4-102 and provide the following information at the time of application:

1. The nonprofit organization's or governmental entity's:
    - a. Name;
    - b. Mailing address; and
    - c. Telephone number, when available;
  2. The applicant's:
    - a. Name;
    - b. Date of birth,
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Mailing address, when applicable;
    - f. Physical address;
    - g. Telephone number, when available; and
    - h. E-mail address, when available;
  3. The dates on which the nonprofit organization intends to conduct the youth group fishing activity.
  4. The approximate number of youth participating in the group fishing activity.
- C. For the purpose of this Section, "governmental entity" means any town, city, county, municipality, or other political subdivision of this state or any department, agency, board, commission, authority, division, office, public school, public charter school, public corporation, or other public entity of this state or any department agency bureau, or office of the federal government that is physically located within this state.

**Historical Note**

Adopted effective December 9, 1982 (Supp. 82-6). Section repealed, new Section adopted effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Section expired under A.R.S. § 41-1056(E) at 11 A.A.R. 4308, effective December 31, 2003 (Supp. 05-4). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-216. Crossbow Permit**

- A. For the purposes of this Section, "healthcare provider" means a person who is licensed to practice by the federal government, any state, or U.S. territory with one of the following credentials:
1. Medical Doctor,
  2. Doctor of Osteopathy,
  3. Doctor of Chiropractic,
  4. Nurse Practitioner, or
  5. Physician Assistant.
- B. A crossbow permit allows a person to use a crossbow, or any bow to be drawn and held with an assisting device, during an archery-only season, as prescribed under R12-4-318, when authorized under R12-4-304 as lawful for the species hunted.
- C. The crossbow permit does not exempt the permit holder from any other applicable method of take or licensing requirement. The permit holder shall be responsible for compliance with all applicable regulatory requirements.
- D. The crossbow permit does not expire, unless:
1. The medical certification portion of the application indicates the person has a temporary physical disability; then the crossbow permit shall be valid for a period of one year from the date the medical certification portion of the application was signed by the healthcare provider,
  2. The permit holder no longer meets the criteria for obtaining the crossbow permit, or
  3. The Commission revokes the person's hunting privileges under A.R.S. § 17-340. A person whose crossbow permit

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is revoked by the Commission may petition the Commission for a rehearing as established under R12-4-607.

- E. An applicant for a crossbow permit shall apply by submitting an application to the Department. The application form is furnished by the Department and is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). A crossbow permit applicant shall provide all of the following information on the application:
1. The applicant's:
    - a. Name;
    - b. Date of birth;
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Residency status;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available;
  2. Affirmation that:
    - a. The applicant meets the requirements of this Section, and
    - b. The information provided on the application is true and accurate, and
  3. Applicant's signature and date.
  4. The certification portion of the application shall be completed by a healthcare provider. The healthcare provider shall:
    - a. Certify the applicant has one or more of the following physical limitations:
      - i. An amputation involving body extremities required for stable function to use conventional archery equipment;
      - ii. A spinal cord injury resulting in a disability to the lower extremities, leaving the applicant nonambulatory;
      - iii. A wheelchair restriction;
      - iv. A neuromuscular condition that prevents the applicant from drawing and holding a bow;
      - v. A failed manual muscle test involving the grading of shoulder and elbow flexion and extension or an impaired range-of-motion test involving the shoulder or elbow; or
      - vi. A combination of comparable physical disabilities resulting in the applicant's inability to draw and hold a bow;
      - vii. A failed functional draw test that equals 30 pounds of resistance and involves holding it for four seconds. The functional draw test may not be used to determine eligibility for the permit when it is not associated with a disability.
    - b. Indicate whether the disability is temporary or permanent and, when temporary, specify the expected duration of the physical limitation; and
    - c. Provide the healthcare provider's:
      - i. Typed or printed name,
      - ii. License number,
      - iii. Business address,
      - iv. Telephone number, and
      - v. Signature and date;
  5. A person who holds a valid Challenged Hunter Access/Mobility Permit (CHAMP) and who is applying for a crossbow permit is exempt from the requirements of subsection (E)(4) and shall indicate "CHAMP" in the space provided for the medical certification on the crossbow permit application.

- F. In addition to the requirements listed above, at the time of application an applicant who is applying for a crossbow permit shall pay the applicable fee required under R12-4-102.
- G. All information and documentation provided by the applicant is subject to Department verification.
- H. The Department shall deny a crossbow permit when the applicant:
  1. Fails to meet the criteria prescribed under this Section,
  2. Fails to comply with the requirements of this Section, or
  3. Provides false information during the application process.
- I. The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- J. The applicant claiming a temporary or permanent disability is responsible for all costs associated with obtaining the medical documentation, re-evaluation of the information, or a second medical opinion.
- K. When acting under the authority of a crossbow permit, the crossbow permit holder shall possess the permit, and exhibit the permit upon request to any peace officer, including wildlife managers and game rangers.
- L. A crossbow permit holder shall not:
  1. Transfer the permit to another person, or
  2. Allow another person to use or possess the permit.

**Historical Note**

Adopted effective April 7, 1983 (Supp. 83-2). Repealed effective January 1, 1993; filed December 18, 1993 (Supp. 92-4). New Section adopted effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 20 A.A.R. 3045, effective January 3, 2015 (Supp. 14-4). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

**R12-4-217. Challenged Hunter Access/Mobility Permit (CHAMP)**

- A. For the purposes of this Section, the following definitions apply:

"Healthcare provider" means a person who is licensed to practice by the federal government, any state, or U.S. territory with one of the following credentials:

1. Medical Doctor,
2. Doctor of Osteopathy,
3. Doctor of Chiropractic,
4. Nurse Practitioner, or
5. Physician Assistant.

"Severe permanent disability" means one or more permanent physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, intellectual disability, muscular dystrophy, musculoskeletal disorders, neurological disorders, paraplegia, pulmonary disorders, quadriplegia and other spinal cord conditions, sickle cell anemia, and end stage renal disease or a combination of permanent disabilities resulting in comparable substantial functional limitations.

- B. The Challenged Hunter Access/Mobility Permit (CHAMP) allows a person with a severe permanent disability to perform one or more of the following activities:
1. Discharge a firearm or other legal hunting device from a motor vehicle if, under existing conditions:
    - a. The discharge is otherwise lawful;

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- b. The motor vehicle is not in motion;
  - c. The motor vehicle is not on any road, as defined under A.R.S. § 17-101; and
  - d. The motor vehicle's engine is turned off.
- 2. Discharge a firearm or other legal hunting device from a watercraft, as defined under R12-4-501; provided the motor is turned off, the sail furled, or both; and progress has ceased.
  - a. The watercraft may be drifting as a result of current or wind, beached, moored, resting at anchor, or propelled by paddle, oars, or pole.
  - b. A person may use a watercraft under power to retrieve dead or wounded wildlife.
  - c. For the purposes of this subsection, "watercraft" does not include a sinkbox.
- 3. Use off-road locations in a motor vehicle if use is not in conflict with federal or state statutes or regulations or local ordinances or regulations and the motor vehicle is used as a place to wait for game. A person shall not use a motor vehicle to chase or pursue game.
- 4. Designate an assistant to track and dispatch a wounded animal, and to retrieve the animal, in accordance with the requirements of this Section.
- C. The CHAMP holder shall comply with all applicable regulatory requirements. A CHAMP does not exempt the permit holder from any other applicable method of take or licensing requirement.
- D. The CHAMP does not expire, unless:
  - 1. The permit holder no longer meets the criteria for obtaining the CHAMP, or
  - 2. The Commission revokes the person's hunting privileges under A.R.S. § 17-340. A person whose CHAMP is revoked by the Commission may petition the Commission for a rehearing as established under R12-4-607.
- E. An applicant for a CHAMP shall apply by submitting an application to the Department. The application form is furnished by the Department and is available from any Department office and on the Department's website. The CHAMP applicant shall provide all of the following information on the application:
  - 1. The applicant's:
    - a. Name;
    - b. Date of birth;
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Residency status;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available;
  - 2. Affirmation that:
    - a. The applicant meets the requirements of this Section, and
    - b. The information provided on the application is true and accurate, and
  - 3. Applicant's signature and date.
  - 4. The certification portion of the application shall be completed by a healthcare provider. The healthcare provider shall:
    - a. Certify the applicant is a person with a severe permanent disability as defined under subsection (A), and
    - b. Provide the healthcare provider's:
      - i. Typed or printed name,
      - ii. Business address,
      - iii. Telephone number, and
      - iv. Signature and date;
- F. In addition to the requirements listed above, at the time of application an applicant who is applying for a CHAMP shall pay the applicable fee required under R12-4-102.
- G. All information and documentation provided by the applicant is subject to Department verification.
- H. The applicant claiming a severe permanent disability is responsible for all costs associated with obtaining the medical documentation, re-evaluation of the information, or a second medical opinion.
- I. The Department shall deny a CHAMP when the applicant:
  - 1. Fails to meet the criteria prescribed under this Section,
  - 2. Fails to comply with the requirements of this Section, or
  - 3. Provides false information during the application process.
- J. The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed in A.R.S. Title 41, Chapter 6, Article 10.
- K. When acting under the authority of the CHAMP, the permit holder shall possess and exhibit the permit upon request to any peace officer, including wildlife managers and game rangers.
- L. The CHAMP holder shall ensure the CHAMP vehicle placard, issued with the CHAMP, is visibly displayed on the motor vehicle or watercraft when in use.
- M. The Department shall provide a CHAMP holder with a dispatch permit that allows the CHAMP holder to designate a licensed hunter as an assistant to:
  - 1. Dispatch and retrieve an animal wounded by the CHAMP holder, or
  - 2. Retrieve wildlife killed by the CHAMP holder.
- N. The CHAMP holder shall:
  - 1. Designate an assistant only after the animal is wounded or killed.
  - 2. Ensure the designation on the dispatch permit is in ink and includes:
    - a. A description of the animal,
    - b. The assistant's name and valid Arizona hunting license number,
    - c. The date and time the animal was wounded or killed, and
  - 3. Ensure compliance with all of the following requirements:
    - a. The site where the animal is wounded and the location from which tracking begins are marked so they can be identified later.
    - b. The assistant possesses the dispatch permit and a valid hunting license while tracking and dispatching the wounded animal. When acting under the authority of the dispatch permit, the assistant shall possess and exhibit the dispatch permit and hunting license upon request to any peace officer, including wildlife managers and game rangers.
    - c. The CHAMP holder is in the field while the assistant is tracking and dispatching the wounded animal.
    - d. The assistant does not transfer the dispatch permit to anyone except that the dispatch permit may be transferred back to the CHAMP holder.
    - e. Dispatch is made by a method that is lawful for the take of the particular animal in the particular season in accordance with requirements established under R12-4-304 and R12-4-318.
    - f. The assistant attaches the dispatch permit to the carcass of the animal and returns the carcass to the CHAMP holder, and the tag of the CHAMP holder is affixed to the carcass.

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- g. If the assistant is unsuccessful in locating and dispatching the wounded animal, the assistant returns the dispatch permit to the CHAMP holder. The CHAMP holder shall strike the name and authorization of the assistant from the dispatch permit.
- O. A dispatch permit may not be reused when all spaces for designation of an assistant are filled or the dispatch permit is attached to a carcass. The CHAMP holder may request another dispatch permit from the Department if:
  1. All spaces for assistants are filled,
  2. The dispatch permit is lost, or
  3. When the CHAMP holder needs another dispatch permit for another big game hunt.
- P. A CHAMP holder shall not:
  1. Transfer the permit to another person, or
  2. Allow another person to use or possess the permit.

**Historical Note**

Adopted effective October 9, 1980 (Supp. 80-5). Former Section R12-4-59 renumbered as Section R12-4-310 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-310 renumbered as R12-4-217 and amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-310 renumbered as R12-4-217 and amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Section repealed, new Section adopted effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 20 A.A.R. 3045, effective January 3, 2015 (Supp. 14-4).

**R12-4-218. Repealed****Historical Note**

Adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Repealed effective November 7, 1996 (Supp. 96-4).

**R12-4-219. Renumbered****Historical Note**

Adopted as an emergency effective July 5, 1988 pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Correction, Historical Note, Supp. 88-3, should read, "Adopted as an emergency effective July 15, 1988..."; readopted and amended as an emergency effective October 13, 1988 pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 24, 1989 pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Former Section R12-4-219 amended and adopted as a permanent rule and renumbered as Section R12-4-424 effective April 28, 1989 (Supp. 89-2).

**R12-4-220. Repealed****Historical Note**

Adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Repealed effective January 1, 1995; filed in

the Office of the Secretary of State December 9, 1994 (Supp. 94-4).

**ARTICLE 3. TAKING AND HANDLING OF WILDLIFE****R12-4-301. Definitions**

In addition to the definitions provided under A.R.S. § 17-101 and R12-4-101, the following definitions apply to this Article unless otherwise specified:

"Administer" means to apply a drug directly to wildlife by injection, inhalation, ingestion, or any other means.

"Aircraft" means any contrivance used for flight in the air or any lighter-than-air contrivance, including unmanned aircraft systems also known as drones.

"Artificial flies and lures" means man-made devices intended as visual attractants to catch fish. Artificial flies and lures does not include living or dead organisms or edible parts of those organisms, natural or prepared food stuffs, or chemicals or organic materials intended to create a scent, flavor, or chemical stimulant to the device regardless of whether it is added or applied during or after the manufacturing process.

"Barbless hook" means any fish hook manufactured without barbs or on which the barbs have been completely closed or removed.

"Body-gripping trap" means a device designed to capture an animal by gripping the animal's body.

"Confinement trap" means a device designed to capture wildlife alive and hold it without harm.

"Crayfish net" means a net that does not exceed 36 inches on a side or in diameter and is retrieved by means of a hand-held line.

"Deadly weapon" has the same meaning as provided under A.R.S. § 13-3101.

"Device" has the same meaning as provided under A.R.S. § 17-101.

"Dip net" means any net, excluding the handle, that is no greater than three feet in the greatest dimension, that is hand-held, non-motorized, and the motion of the net is caused by the physical effort of the person.

"Drug" means any chemical substance, other than food or mineral supplements, that affects the structure or biological function of wildlife.

"Edible portions of game meat" means, for:

Upland game birds, migratory game birds and wild turkey: breast.

Bear, bighorn sheep, bison, deer, elk, javelina, mountain lion, and pronghorn antelope: front quarters, hind quarters, loins (backstraps), neck meat, and tenderloins.

Game fish: fillets of the fish.

"Evidence of legality" means the wildlife is accompanied by the applicable license, tag, stamp, or permit required by law and is identifiable as the "legal wildlife" prescribed by Commission Order, which may include evidence of species, gender, antler or horn growth, maturity, and size.

"Foothold trap" means a device designed to capture an animal by the leg or foot.

"Hybrid device" means a device with a combination of components from two or more lawful devices and is used for the



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take of wildlife, such as but not limited to a firearm, pneumatic weapon, or slingshot that shoots arrows or bolts.

“Instant kill trap” means a device designed to render an animal unconscious and insensitive to pain quickly with inevitable subsidence into death without recovery of consciousness.

“Land set” means any trap used on land rather than in water.

“Minnow trap” means a trap with dimensions that do not exceed 12 inches in depth, 12 inches in width, and 24 inches in length.

“Muzzleloading handgun” means a firearm intended to be fired from the hand, incapable of firing fixed ammunition, and loaded with black powder or synthetic black powder and a single projectile.

“Muzzleloading rifle” means a firearm intended to be fired from the shoulder, incapable of firing fixed ammunition, having a single barrel, and loaded through the muzzle with black powder or synthetic black powder and a single projectile.

“Muzzleloading shotgun” means a firearm intended to be fired from the shoulder, incapable of firing fixed ammunition, having a single or double smooth barrel and loaded through the muzzle with black powder or synthetic black powder and using ball shot as a projectile.

“Paste-type bait” means a partially liquefied substance used as a lure for animals.

“Pneumatic weapon” means a device that fires a projectile by means of air pressure or compressed gas. This does not include tools that are common in the construction and art trade such as, but not limited to, nail and rivet guns.

“Pre-charged pneumatic weapon” means an air gun or pneumatic weapon that is charged from a high compression source such as an air compressor, air tank, or internal or external hand pump.

“Prohibited possessor” has the same meaning as provided under A.R.S. § 13-3101.

“Prohibited weapon” has the same meaning as provided under A.R.S. § 13-3101.

“Rifle” means a firearm intended to be fired from the shoulder that uses the energy from an explosive in a fixed cartridge to fire a single projectile through a rifled bore for each single pull of the trigger. This does not include a pre-charged pneumatic weapon.

“Shotgun” means a firearm intended to be fired from the shoulder and that uses the energy from an explosive in a fixed shotgun shell to fire either ball shot or a single projectile through a smooth bore or rifled barrel for each pull of the trigger.

“Sight-exposed bait” means a carcass, or parts of a carcass, lying openly on the ground or suspended in a manner so that it can be seen from above by a bird. This does not include a trap flag, dried or bleached bone with no attached tissue, or less than two ounces of paste-type bait.

“Simultaneous fishing” means taking fish by using only two lines at one time and not more than two hooks or two artificial flies or lures per line.

“Single-point barbless hook” means a fishhook with a single point, manufactured without barbs, or on which the barbs have been completely closed or removed. This does not include a treble fishhook.

“Sinkbox” means a low-floating device with a depression that affords a hunter a means of concealment beneath the surface of the water.

“Smart device” means any device equipped with a target-tracking system or an electronically-controlled, electronically-assisted, or computer-linked trigger or release. This includes but is not limited to smart rifles.

“Trail Camera” means any device that is not held or manually operated by a person and is used to capture images, video, or location, time, or date data of wildlife.

“Trap flag” means an attractant made from materials other than animal parts that is suspended at least three feet above the ground.

“Water set” means any trap used and anchored in water rather than on land.

#### Historical Note

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 3, 1976, Amended effective June 7, 1976 (Supp. 76-3). Amended effective May 26, 1978 (Supp. 78-3). Editorial correction subsection (D) (Supp. 78-5). Amended effective June 4, 1979 (Supp. 79-3). Former Section R12-4-50 renumbered as Section R12-4-301 without change effective August 13, 1981 (Supp. 81-4). Amended subsection (A) effective May 12, 1982 (Supp. 82-3). Amended effective July 3, 1984 (Supp. 84-4). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read “Amended effective January 1, 1989, filed December 30, 1988” (Supp. 89-2). Amended effective February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Former R12-4-301 renumbered to R12-4-321; new Section made by final rulemaking at 18 A.A.R. 1458, effective January 1, 2013 (Supp. 12-2). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 27 A.A.R. 1368 (September 3, 2021), effective January 1, 2022 (Supp. 21-4).

#### R12-4-302. Use of Tags

- A. In addition to meeting requirements prescribed under A.R.S. § 17-331, a person who takes wildlife shall have in possession any tag required for the particular season or hunt area.
- B. A tag obtained in violation of statute or rule is invalid and shall not be used to take, transport, or possess wildlife.
- C. A person who lawfully possesses both a nonpermit-tag and a hunt permit-tag shall not take a genus or species in excess of the bag limit established by Commission Order for that genus or species.
- D. A person shall:
  1. Take and tag only the wildlife identified on the tag.
  2. Use a tag only in the season and hunt for which the tag is valid as specified by Commission Order.
- E. Except as permitted under R12-4-217, a person shall not:
  1. Allow their tag to be attached to wildlife killed by another person,
  2. Allow their tag to be possessed by another person while taking wildlife,
  3. Allow wildlife killed by that person to be tagged with another person’s tag,
  4. Attach their tag to wildlife killed by another person, or
  5. Possess a tag issued to another person while taking wildlife.

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6. Subsections (E)(2) and (5) do not apply to a tag issued to a person under 18 years of age.
- F.** Except as permitted under R12-4-217, immediately after a person kills wildlife, the person shall attach:
1. The tag to the wildlife carcass in the manner indicated on the tag, or
  2. The validation code to the wildlife carcass in the manner indicated by the Department through the person's electronic device.
- G.** A person who authorizes another person to possess, transport, or ship a portion of their lawfully taken animal shall complete the transportation and shipping portion of the tag in the manner indicated on the tag or by the Department through the person's electronic device, as applicable.
- H.** A tag is no longer valid for the take of wildlife if:
1. The tag is mutilated or the Transportation and Shipping Permit portion of the tag is signed or filled out, or
  2. The validation code is attached to a carcass.
- Historical Note**
- Former Section R12-4-51 renumbered as Section R12-4-302 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A), (D), (E), and repealed subsection (G) effective May 12, 1982 (Supp. 82-3). Amended effective March 23, 1983 (Supp. 83-2). Amended subsection (F) effective October 31, 1984 (Supp. 84-5). Amended subsections (A), (D), (F) and (G) and added a new Section (H) effective June 4, 1987 (Supp. 87-2). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Section R12-4-302 repealed, new Section R12-4-302 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Section repealed, new Section adopted effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 12 A.A.R. 683, effective April 8, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 27 A.A.R. 2966 (December 24, 2021), effective February 7, 2022 (Supp. 21-4).
- R12-4-303. Unlawful Devices, Methods, and Ammunition**
- A.** In addition to the prohibitions prescribed under A.R.S. §§ 17-301 and 17-309, the following devices, methods, and ammunition are unlawful for taking wildlife in this state:
1. A person shall not use any of the following to take wildlife:
    - a. Fully automatic firearms, including firearms capable of selective automatic fire.
    - b. Tracer or armor-piercing ammunition designed for military use.
    - c. Any smart device as defined under R12-4-301.
    - d. Any self-guided projectiles.
  2. A person shall not take big game using full-jacketed or total-jacketed bullets that are not designed to expand upon impact,
  3. A person shall not use or possess any of the following while taking wildlife:
    - a. Poisoned projectiles or projectiles that contain explosives or a secondary propellant.
    - b. Pitfalls of greater than 5-gallon size, explosives, poisons, or stupefying substances, except as permitted under A.R.S. § 17-239 or as allowed by a scientific collecting permit issued under A.R.S. § 17-238.
    - c. Any lure, attractant, or cover scent containing any cervid urine.
    - d. Electronic night vision equipment, electronically enhanced light-gathering devices, thermal imaging devices or laser sights projecting a visible light; except for devices such as laser range finders projecting a non-visible light, scopes with self-illuminating reticles, and fiber optic sights with self-illuminating sights or pins that do not project a visible light onto an animal.
  4. A person shall not by any means:
    - a. Hold wildlife at bay other than during daylight hours, unless authorized by Commission Order.
    - b. Injure, confine, place, or use a tracking device in or on wildlife for the purpose of taking or aiding in the take of wildlife.
    - c. Place any substance, device, or object in, on, or by any water source to prevent wildlife from using that water source.
    - d. Place any substance in a manner intended to attract bears.
    - e. Use a manual or powered jacking or prying device to take reptiles or amphibians.
    - f. Use dogs to pursue, tree, corner or hold at bay any wildlife for a hunter, unless that hunter is present for the entire hunt.
    - g. Take migratory game birds, except Eurasian collared-doves:
      - i. Using a shotgun larger than 10 gauge, a shotgun of any description capable of holding more than three shells unless it is plugged with a one-piece filler that cannot be removed without disassembling the shotgun so that its total capacity does not exceed three shells.
      - ii. Using electronically amplified bird calls or baits.
      - iii. By means or aid of any motordriven land, water, or air conveyance, or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of any migratory bird.
      - iv. Activities described under subsections (A)(4)(g)(i) through (A)(4)(g)(iii) are prohibited under 50 C.F.R. 20.21, revised October 1, 2015. The material incorporated by reference in this Section does not include any later amendments or editions. The incorporated material is available at any Department office, online from the Government Printing Office website [www.gpoaccess.gov](http://www.gpoaccess.gov), or may be ordered from the Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.
    - h. Discharge any of the following devices while taking wildlife within one-fourth mile (440 yards) of an occupied farmhouse or other residence, cabin, lodge or building without permission of the owner or resident:
      - i. Arrow or bolt,
      - ii. Hybrid device, or
      - iii. Pneumatic weapon .35 caliber or larger.

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- i. Participate in, organize, promote, sponsor, or solicit participation in a contest where a participant uses or intends to use any device or implement to capture or kill predatory animals or fur-bearing animals as defined under A.R.S. § 17-101. For the purposes of this subsection, “contest” means a competition among participants where participants must register or record entry and pay a fee, and prizes or cash are awarded to winning or successful participants.
- 5. A person shall not place, maintain, or use a trail camera, or images, video, to include location, time, or data from a trail camera, for the purpose of taking or aiding in the take of wildlife or locating wildlife for the purpose of taking or aiding in the take of wildlife.
- 6. A person shall not use images of wildlife produced or transmitted from a satellite or other device that orbits the earth for the purpose of:
  - a. Taking or aiding in the take of wildlife, or
  - b. Locating wildlife for the purpose of taking or aiding in the take of wildlife.
  - c. This subsection does not prohibit the use of mapping systems or programs.
- 7. A person shall not use edible or ingestible substances to aid in taking big game. The use of edible or ingestible substances to aid in taking big game is unlawful when:
  - a. A person places edible or ingestible substances for the purpose of attracting or taking big game, or
  - b. A person knowingly takes big game with the aid of edible or ingestible substances placed for the purpose of attracting wildlife to a specific location.
- 8. Subsection (A)(7) does not limit Department employees or Department agents in the performance of their official duties.
- 9. For the purposes of subsection (A)(7), edible or ingestible substances do not include any of the following:
  - a. Water.
  - b. Salt.
  - c. Salt-based materials produced and manufactured for the livestock industry.
  - d. Nutritional supplements produced and manufactured for the livestock industry and placed during the course of livestock or agricultural operations.
- B. It is unlawful for a person who is a prohibited possessor to take wildlife with a deadly weapon or prohibited weapon.
- C. Wildlife taken in violation of this Section is unlawfully taken.
- D. This Section does not apply to any activity allowed under A.R.S. § 17-302, to a person acting within the scope of their official duties as an employee of the state or United States, or as authorized by the Department.

**Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Amended effective April 29, 1977 (Supp. 77-2). Amended effective September 7, 1978 (Supp. 78-5). Former Section R12-4-52 renumbered as Section R12-4-303 without change effective August 13, 1981 (Supp. 81-4). Amended effective March 28, 1983 (Supp. 83-2). Amended subsections (A) and (C) effective October 31, 1984 (Supp. 84-5). Amended effective June 4, 1987 (Supp. 87-2). Former Section R12-4-303 repealed, new Section R12-4-303 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read “Former Section R12-4-303 repealed, new Section R12-4-303 adopted effective January 1, 1989, filed December 30, 1988” (Supp. 89-2). Amended effective February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by

final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 25 A.A.R. 2473, effective November 3, 2019 (Supp. 19-3). Amended by final rulemaking at 27 A.A.R. 1368 (September 3, 2021), effective January 1, 2022 (Supp. 21-4).

**R12-4-304. Lawful Methods for Taking Wild Mammals, Birds, and Reptiles**

- A. A hybrid device is lawful for the take of wildlife provided all components of the device are authorized for the take of that species under this Section.
- B. A person may only use the following methods to take big game when authorized by Commission Order and subject to the restrictions under R12-4-303 and R12-4-318.
  - 1. To take bear:
    - a. Centerfire rifles;
    - b. Muzzleloading rifles;
    - c. All other rifles using black powder or synthetic black powder;
    - d. Centerfire handguns;
    - e. Muzzleloading handguns;
    - f. Shotguns shooting slugs, only;
    - g. Pre-charged pneumatic weapons .35 caliber or larger;
    - h. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
    - i. Bows with a standard pull of 30 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges;
    - j. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(1)(i) to be drawn and held with an assisting device; and
    - k. Pursuit with dogs only between August 1 and December 31, provided the person shall immediately kill or release the bear after it is treed, cornered, or held at bay. For the purpose of this subsection, “release” means the person removes the dogs from the area so the bear can escape on its own after it is treed, cornered, or held at bay.
  - 2. To take bighorn sheep:
    - a. Centerfire rifles;
    - b. Muzzleloading rifles;
    - c. All other rifles using black powder or synthetic black powder;
    - d. Centerfire handguns;
    - e. Muzzleloading handguns;
    - f. Shotguns shooting slugs, only;
    - g. Pre-charged pneumatic weapons .35 caliber or larger;
    - h. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
    - i. Bows with a standard pull of 30 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges; and

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- j. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(2)(i) to be drawn and held with an assisting device.
- 3. To take bison:
  - a. Statewide, except for the management units identified under subsection (B)(3)(b):
    - i. Centerfire rifles;
    - ii. Muzzleloading rifles;
    - iii. All other rifles using black powder or synthetic black powder;
    - iv. Centerfire handguns no less than .41 Magnum or centerfire handguns with an overall cartridge length of no less than two inches;
    - v. Pre-charged pneumatic weapons 40 caliber or larger a minimum of 500 foot pounds of energy;
    - vi. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second; and
    - vii. Bows with a standard pull of 40 or more pounds, using arrows with broadheads of no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges;
    - viii. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(3)(a)(vi) to be drawn and held with an assisting device.
  - b. In Management Units 5A and 5B:
    - i. Centerfire rifles,
    - ii. Muzzleloading rifles, and
    - iii. All other rifles using black powder or synthetic black powder.
- 4. To take deer:
  - a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Muzzleloading handguns;
  - f. Shotguns shooting slugs, only;
  - g. Pre-charged pneumatic weapons .35 caliber or larger;
  - h. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
  - i. Bows with a standard pull of 30 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges; and
  - j. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(4)(i) to be drawn and held with an assisting device.
- 5. To take elk:
  - a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Muzzleloading handguns;
  - f. Shotguns shooting slugs, only;
  - g. Pre-charged pneumatic weapons 40 caliber or larger and capable of firing a minimum of 500 foot pounds of energy;
  - h. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
  - i. Bows with a standard pull of 30 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges; and
  - j. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(5)(h) to be drawn and held with an assisting device.
- 6. To take javelina:
  - a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Muzzleloading handguns;
  - f. Shotguns shooting slugs, only;
  - g. Pre-charged pneumatic weapons .35 caliber or larger;
  - h. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
  - i. Bows with a standard pull of 30 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges;
  - j. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(6)(i) to be drawn and held with an assisting device;
  - k. .22 rimfire magnum rifles; and
  - l. 5 mm rimfire magnum rifles.
- 7. To take mountain lion:
  - a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Muzzleloading handguns;
  - f. Shotguns shooting slugs or shot;
  - g. Pre-charged pneumatic weapons .35 caliber or larger;
  - h. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting

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- edges and capable of firing a minimum of 250 feet per second;
- i. Bows with a standard pull of 30 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges;
  - j. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(7)(i) to be drawn and held with an assisting device;
  - k. Artificial light, during seasons with day-long hours, provided the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail; and
  - l. Pursuit with dogs, provided the person shall immediately kill or release the mountain lion after it is treed, cornered, or held at bay. For the purpose of this subsection, "release" means the person removes the dogs from the area so the mountain lion can escape on its own after it is treed, cornered, or held at bay.
8. To take pronghorn antelope:
    - a. Centerfire rifles;
    - b. Muzzleloading rifles;
    - c. All other rifles using black powder or synthetic black powder;
    - d. Centerfire handguns;
    - e. Muzzleloading handguns;
    - f. Shotguns shooting slugs, only;
    - g. Pre-charged pneumatic weapons .35 caliber or larger;
    - h. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
    - i. Bows with a standard pull of 30 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges; and
    - j. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(8)(i) to be drawn and held with an assisting device.
  9. To take turkey:
    - a. Shotguns shooting shot;
    - b. Bows with a standard pull of 30 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges; and
    - c. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(9)(b) to be drawn and held with an assisting device.
    - d. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
- C. A person may only use the following methods to take small game, when authorized by Commission Order and subject to the restrictions under R12-4-303, R12-4-318, and R12-4-422.
    1. To take cottontail rabbits and tree squirrels:
      - a. Firearms,
      - b. Bow and arrow,
      - c. Crossbow,
      - d. Pneumatic weapons,
      - e. Slingshots,
      - f. Hand-held projectiles,
      - g. Falconry, and
      - h. Dogs.
    2. To take all upland game birds and Eurasian collared-dove:
      - a. Bow and arrow;
      - b. Falconry;
      - c. Pneumatic weapons;
      - d. Shotguns shooting shot, only;
      - e. Handguns shooting shot, only;
      - f. Crossbow;
      - g. Slingshot;
      - h. Hand-held projectiles; and
      - i. Dogs.
    3. To take migratory game birds, except Eurasian collared-dove:
      - a. Bow and arrow;
      - b. Crossbow;
      - c. Falconry;
      - d. Dogs;
      - e. Shotguns shooting shot:
        - i. Ten gauge or smaller, except that lead shot shall not be used or possessed while taking ducks, geese, swans, mergansers, common moorhens, or coots; and
        - ii. Incapable of holding more than a total of three shells as prescribed under 50 C.F.R. 20.21, published October 1, 2015. The material incorporated by reference in this subsection does not include any later amendments or editions. The material is available at any Department office, online from the Government Printing Office website [www.gpoaccess.gov](http://www.gpoaccess.gov), or may be ordered from the Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.
  - D. A person may take waterfowl from any watercraft, except a sinkbox, subject to the following conditions:
    1. The motor is shut off, the sail is furled, as applicable, and any progress from a motor or sail has ceased;
    2. The watercraft may be:
      - a. Adrift as a result of current or wind action;
      - b. Beached;
      - c. Moored;
      - d. Resting at anchor; or
      - e. Propelled by paddle, oars, or pole; and
    3. The person may only use the watercraft under power to retrieve dead or crippled waterfowl; shooting is prohibited while the watercraft is under power.
  - E. A person may take predatory and fur-bearing animals by using the following methods, when authorized by Commission Order and subject to the restrictions under R12-4-303 and R12-4-318:
    1. Firearms;
    2. Pre-charged pneumatic weapons .22 caliber or larger;
    3. Bow and arrow;
    4. Crossbow;

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5. Traps not prohibited under R12-4-307;
  6. Artificial light while taking raccoon provided the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail;
  7. Artificial light while taking coyote during seasons with day-long hours, provided the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail; and
  8. Dogs.
- F. A person may take nongame mammals and birds by any method authorized by Commission Order and not prohibited under R12-4-303, R12-4-318, and R12-4-422, subject to the following restrictions. A person:
1. Shall not take nongame mammals and birds using foot-hold traps;
  2. Shall check pitfall traps of any size daily, release non-target species, remove pitfalls when no longer in use, and fill any holes;
  3. Shall not use firearms at night; and
  4. May use artificial light while taking nongame mammals and birds, if the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail.
- G. A person may take reptiles by any method not prohibited under R12-4-303 or R12-4-318 subject to the following restrictions. A person:
1. Shall check pitfall traps of any size daily, release non-target species, remove pitfalls when no longer in use, and fill any holes;
  2. Shall not use firearms at night; and
  3. May use artificial light while taking reptiles provided the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail.

**Historical Note**

Amended effective May 21, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended effective October 20, 1977 (Supp. 77-5). Amended effective January 11, 1978 (Supp. 78-1). Amended effective September 7, 1978 (Supp. 78-5). Amended effective November 14, 1979 (Supp. 79-6). Amended effective July 22, 1980 (Supp. 80-4). Former Section R12-4-53 renumbered as Section R12-4-304 without change effective August 13, 1981 (Supp. 81-4). Amended effective May 12, 1982 (Supp. 82-3). Amended effective April 7, 1983 (Supp. 83-2). Amended subsection (I) effective June 7, 1984 (Supp. 84-3). Amended effective February 28, 1985 (Supp. 85-1). Amended effective September 16, 1985 (Supp. 85-5). Amended effective June 4, 1987 (Supp. 87-2). Former Section R12-4-304 repealed, new Section R12-4-304 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-304 repealed, new Section R12-4-304 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Former Section R12-4-304 repealed, new Section R12-4-304 adopted effective February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 8 A.A.R. 1702, effective March 11, 2002 (Supp. 02-1). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-

1). Amended by exempt rulemaking at 17 A.A.R. 2629, effective December 9, 2011 (Supp. 11-4). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

**R12-4-305. Possessing, Transporting, Importing, Exporting, and Selling Carcasses or Parts of Wildlife**

- A. A person shall ensure that evidence of legality remains with the carcass or parts of a carcass of any wildlife that the person possesses, transports, or imports until arrival at the person's permanent abode, a commercial processing plant, or the place where the wildlife is to be consumed.
- B. In addition to the requirement under subsection (A), a person possessing or transporting the following wildlife shall ensure each:
1. Big game animal, sandhill crane, and pheasant has the required valid tag attached in the manner indicated on the tag or as indicated by the Department through the person's electronic device, as applicable;
  2. Migratory game bird, except sandhill cranes, has one fully feathered wing attached;
  3. Sandhill crane and Eurasian-collared dove has either the fully feathered head or one fully feathered wing attached;
  4. Quail has attached a fully feathered head, or a fully feathered wing, or a leg with foot attached, when the current Commission Order has established separate bag or possession limits for any species of quail; and
  5. Freshwater fish has the head, tail, or skin attached so the species can be identified and the total number and required length determined.
- C. A person who has lawfully taken wildlife that requires a valid tag when prescribed by the Commission may authorize its transportation or shipment by completing and signing the Transportation and Shipping Permit portion of the valid tag or as indicated by the Department through the person's electronic device, as applicable, for that animal. A separate Transportation and Shipping Permit issued by the Department is necessary to transport or ship to another state or country any big game taken with a resident license. Under A.R.S. § 17-372(B), a person may ship other lawfully taken wildlife by common carrier after obtaining a valid Transportation and Shipping Permit issued by the Department. The person shall provide the following information:
1. Number and description of the wildlife to be transported or shipped;
  2. Name, address, license number, and license class of the person who took the wildlife;
  3. Tag number;
  4. Name and address of the person receiving a portion of the carcass of the wildlife as authorized under subsection (D), if applicable;
  5. Address of destination where the wildlife is to be transported or shipped; and
  6. Name and address of transporter or shipper.
- D. A person who lawfully takes wildlife under a tag may authorize another individual to possess the head or carcass of the wildlife as prescribed under R12-4-302.
- E. A person who receives a portion of the wildlife shall provide the identity of the person who took and gave the portion of the wildlife upon request to any peace officer, wildlife manager, or game ranger.
- F. A person shall not possess the horns of a bighorn sheep, taken by a hunter in this state, unless the horns are marked or sealed as established under R12-4-308.

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- G.** Except as provided under R12-4-307, before a person may sell, offer for sale, or export the raw pelt or unskinned carcass of a bobcat taken in this state, the person shall:
1. Present the bobcat for inspection at any Department office, and
  2. Purchase a bobcat seal by paying the fee established under R12-4-102 at any Department office or other location as determined and published by the Department. Department personnel or an authorized agent shall attach and lock the bobcat seal only to a pelt or unskinned carcass presented with a validated transportation tag.
- H.** A person who takes bear or mountain lion under A.R.S. § 17-302 may retain the carcass of the wildlife if the person has a valid hunting license and the carcass is immediately tagged with a nonpermit-tag or a valid hunt permit-tag as required under R12-4-114 and R12-4-302, provided the person has not reached the applicable bag limit for that big game animal. An animal retained under this subsection shall count toward the applicable bag limit for bear or mountain lion as authorized by Commission Order. The person shall comply with inspection and reporting requirements established under R12-4-308.
- I.** A person may possess, transport, or import only the following portions of a cervid lawfully taken in another state or country:
1. Boneless portions of meat, or meat that has been cut and packaged either personally or commercially;
  2. Clean hides and capes with no skull or soft tissue attached, except as required for proof of legality;
  3. Clean skulls with antlers, clean skull plates, or antlers with no meat or soft tissue attached, this includes velvet antlers;
  4. Finished taxidermy mounts or products; and
  5. Upper canine teeth with no meat or tissue attached.
- J.** A private game farm license holder may transport a cervid lawfully killed or slaughtered at the license holder's game farm to a licensed meat processor.
- K.** A person may possess or transport only the following portions of a cervid lawfully killed or slaughtered at a private game farm authorized under R12-4-413:
1. Boneless portions of meat, or meat that has been cut and packaged either personally or commercially;
  2. Clean hides and capes with no skull or soft tissue attached;
  3. Clean skulls with antlers, clean skull plates, or antlers with no meat or soft tissue attached, this includes velvet antlers;
  4. Finished taxidermy mounts or products; and
  5. Upper canine teeth with no meat or tissue attached.
- L.** A person who obtains bison meat as authorized under R12-4-306 may sell the meat.
- M.** Except for cervids, which are subject to requirements established under subsections (I), (J), and (K), a person may import into this state the carcasses or parts of wildlife, including aquatic wildlife, lawfully taken in another state or country if transported and exported in accordance with the laws of the state or country of origin.
- N.** A person shall not transport live crayfish from the site where taken, except as permitted under R12-4-316.
- O.** A person in possession of a common carp (*Cyprinus carpio*), buffalofish (*Ictiobus* spp.), or crayfish (families *Astacidae*, *Cambaridae*, and *Parastacidae*) carcass taken under Commission Order may sell the carcass.

**Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Former Section R12-4-54 renumbered as Section R12-4-305 without change effective August 13, 1981 (Supp. 81-4). Amended effective May 12, 1982 (Supp. 82-3). Amended

effective June 14, 1983 (Supp. 83-3). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Section repealed, new Section adopted effective April 1, 1997; filed in the Office of the Secretary of State July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 12 A.A.R. 683, effective April 8, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 27 A.A.R. 2966 (December 24, 2021), effective February 7, 2022 (Supp. 21-4).

**R12-4-306. Bison Hunt Requirements**

- A.** When authorized by Commission Order, the Department shall conduct a hunt to harvest bison from the state's bison herds.
- B.** A hunter with a bison permit-tag or nonpermit-tag shall, when required:
1. Provide a signed written acknowledgment that the hunter received, read, understands, and agrees to comply with the requirements of this Section.
  2. Hunt in the order scheduled.
  3. Be accompanied by an authorized Department employee who:
    - a. Shall designate the bison to be harvested, and
    - b. May assist in taking the bison if the hunter fails to dispatch a wounded bison within a reasonable period of time.
  4. Take only the bison designated by the Department employee.
- C.** A hunter issued a bison permit-tag or nonpermit-tag shall check out no more than three days after the end of the hunt, regardless of whether the hunter harvested a bison, did not harvest a bison, or did not participate in the bison hunt.
1. House Rock Herd (Units 12A, 12B, and 13A): a hunter may check out either in person, electronically, or by telephone with the Department's Flagstaff regional office or Jacob Lake Check station, when open during deer season.
  2. Raymond Herd (Units 5A and 5B):
    - a. A hunter may check out either in person, electronically, or by telephone with the Department's Flagstaff regional office, or when required, with the Raymond Wildlife Area headquarters.
    - b. A hunter may be required to present the harvested bison to the Department for the purpose of gathering biological data when the bison was taken in Units 5A or 5B and a Department employee did not accompany the hunter during the bison hunt.
  3. At the time of check out, the hunter shall provide all of the following information:
    - a. Hunter's name,
    - b. Hunter's contact number,
    - c. Tag number,
    - d. Sex of bison taken,
    - e. Age of the bison taken: adult or yearling,
    - f. Number of days hunted, and
    - g. Number of bison seen while hunting.
  4. An authorized Department employee who accompanies the hunter, shall conduct the check out at the end of the hunt.
- D.** Failure to comply with the requirements of this Section shall result in the invalidation of the hunter's permit-tag or nonpermit-tag, consistent with the written acknowledgment signed and agreed to by the hunter.

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**Historical Note**

Former Section R12-4-55 renumbered as Section R12-4-306 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A), (B), and (D) effective May 12, 1982 (Supp. 82-3). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). The spelling of Bison was corrected in the Section heading (Supp. 21-4).

**R12-4-307. Trapping Regulations, Licensing; Methods; Tagging of Bobcat Pelts**

- A.** An Arizona trapping license permits a person to trap predatory and fur-bearing animals.
- B.** A trapping license is required for any person 10 years of age and older. A person under the age of 10 is not required to purchase a trapping license, but shall apply for and obtain a registration number. The trapper registration number is not transferable.
- C.** A person born on or after January 1, 1967 shall successfully complete a Department-approved trapping education course before applying for a trapping license.
- D.** A person applying for a trapping registration number or trapping license shall pay the applicable fees established under R12-4-102.
- E.** A person applying for a trapping registration number or trapping license shall apply using a form furnished by the Department. The form is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). The person shall provide all of the following information on the form:
  1. The applicant's personal information:
    - a. Name;
    - b. Date of birth;
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available;
  2. Category of license:
    - a. Resident,
    - b. Nonresident, or
    - c. Youth, and
  3. The applicant's signature and date.
- F.** A trapper may only trap predatory and fur-bearing animals during trapping seasons established by Commission Order.
- G.** A trapper shall:
  1. Inspect traps daily;
  2. Kill or release all predatory and fur-bearing animals;
  3. Possess a choke restraint device that enables the trapper to release a javelina from a trap when trapping in a javelina hunt unit as designated by Commission Order;
  4. Possess a device that is designed or manufactured to restrain a trapped animal while it is being removed from a trap when its release is required under this Section; and
  5. Release, without additional injury, all animals that cannot lawfully be taken by trap.
6. Subsections (G)(3) and (G)(4) do not apply when the trapper is using a confinement trap.
- H.** A trapper shall not:
  1. Bait a confinement trap with:
    - a. A live animal;
    - b. Any edible parts of small game, big game, or game fish; or
    - c. Any part of any game bird or nongame bird.
  2. Set any trap within:
    - a. One-half mile (880 yards) of any of the following areas developed for public use:
      - i. Boat ramp or launching area,
      - ii. Camping area,
      - iii. Picnic area,
      - iv. Roadside rest area, or
      - v. Developed wildlife viewing platform.
    - b. One-half mile of any occupied farmhouse or other residence, cabin, lodge or building without permission of the owner or resident.
    - c. One-hundred yards of an interstate highway or any other highway maintained by the Arizona Department of Transportation.
    - d. Fifty feet of any trail maintained for public use by a government agency.
    - e. Seventy-five feet of any other road as defined under A.R.S. § 17-101.
    - f. Subsections (H)(2)(b), (H)(2)(c), (H)(2)(d), and (H)(2)(e) do not apply when the trapper is using a confinement trap.
  3. Set a foothold trap within 30 feet of sight-exposed bait.
  4. Use any:
    - a. Body-gripping or other instant kill trap with an open jaw spread that exceeds 5 inches for any land set or 10 inches for any water set;
    - b. Foothold trap with an open jaw spread that exceeds 7 1/2 inches for any water set;
    - c. Snare, unless authorized under subsection (I);
    - d. Trap with an open jaw spread that exceeds 6 1/2 inches for any land set; or
    - e. Trap with teeth.
- I.** A trapper who uses a foothold trap to take wildlife with a land set shall use commercially manufactured traps that meet the following specifications:
  1. A padded or rubber-jawed trap or an unpadded trap with jaws permanently offset to a minimum of 3/16 inch and a device that allows for pan tension adjustment;
  2. A foothold trap that captures wildlife by means of an enclosed bar or spring designed to prevent the capture of non-targeted wildlife or domestic animals; or
  3. A powered cable device with an inside frame hinge width no wider than 6 inches, a cable loop stop size of at least 2 inches in diameter to prevent capture of small non-target species, and a device that allows for a pan tension adjustment.
- J.** A trapper who uses a foothold trap to take wildlife with a land set shall ensure that the trap has an anchor chain equipped with at least two swivels as follows:
  1. An anchor chain 12 inches or less in length shall have a swivel attached at each end.
  2. An anchor chain greater than 12 inches in length shall have one swivel attached at the trap and one swivel attached within 12 inches of the trap. The anchor chain shall be equipped with a shock-absorbing spring that requires less than 40 pounds of force to extend or open the spring.



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- K. A trapper shall ensure that each trap has either the name and address or the registration number of the trapper marked on a metal tag attached to the trap. The registration number assigned by the Department is the only acceptable registration number.
- L. A trapper shall immediately attach a valid bobcat transportation tag to the pelt or unskinned carcass of a bobcat taken in this state. The trapper shall validate the transportation tag by providing all of the following information on the bobcat transportation tag:
  1. Current trapping license number,
  2. Management unit where the bobcat was taken,
  3. Sex of the bobcat, and
  4. Method by which the bobcat was taken.
- M. The Department shall provide transportation tags with each trapping license. Additional transportation tags are available at any Department office at no charge.
- N. A trapper shall ensure that all bobcats taken in this state have a bobcat seal attached and locked either through the mouth and an eye opening or through both eye openings no later than April 1 of each year.
  1. When available, bobcat seals are issued on a first-come, first-served basis at Department offices and other locations at those times and places as determined and published by the Department.
  2. The trapper shall pay the bobcat seal fee established under R12-4-102.
  3. Department personnel or an authorized agent shall attach and lock a bobcat seal only to a pelt or unskinned carcass presented with a validated transportation tag and a complete lower jaw identified with labels provided with the transportation tag. Department personnel or authorized agents shall collect the transportation tags and jaws before attaching the bobcat seal.
- O. Department personnel shall attach a bobcat seal to a bobcat pelt seized under A.R.S. § 17-211(E)(4) before disposal by the Department to the public.
- P. A licensed trapper shall file the annual report prescribed under A.R.S. § 17-361(D). The report form is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov).
  1. The trapper shall submit the report to Arizona Game and Fish Department, Terrestrial Wildlife Branch, 5000 W. Carefree Highway, Phoenix, AZ 85086 by April 1 of each year.
  2. A report is required even when trapping activities were not conducted.
  3. The Department shall deny a trapping license to any trapper who fails to submit an annual report until the trapper complies with reporting requirements.
- Q. Persons suffering property loss or damage due to wildlife and who take responsive measures as permitted under A.R.S. §§ 17-239 and 17-302 are exempt from this Section. This exemption does not authorize any form of trapping prohibited under A.R.S. § 17-301.

**Historical Note**

Repealed effective May 3, 1976 (Supp. 76-3). New Section R12-4-56 adopted effective September 2, 1977 (Supp. 77-5). Amended effective December 27, 1979 (Supp. 79-6). Former Section R12-4-56 renumbered as Section R12-4-307 without change effective August 13, 1981. New Section R12-4-307 amended effective August 31, 1981 (Supp. 81-4). Amended effective August 4, 1982 (Supp. 82-4). Correction, Former Section R12-4-56 renumbered as Section R12-4-307 without change effective August 13, 1981 should read "effective August 31, 1981." Amended as an emergency effective March 29,

1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-2). Amended subsections (B), (C)(6), (7), and (8) and added subsection (I)(5) as a permanent rule effective August 27, 1984 (Supp. 84-4). Amended subsection (C), paragraph (4), subsection (D), subsection (H), paragraph (1), subsection (I), paragraphs (3), (4) and (5) effective September 12, 1986 (Supp. 86-5). Amended effective March 1, 1994; filed in the Office of the Secretary of State November 23, 1993; Exhibit A - "Trapping Report" Form 2050, repealed from Section R12-4-307 (Supp. 93-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Corrected mislabeled subsection "C" to subsection "D" as per the Commission's request July 22, 1997 (Supp. 97-2). Amended effective February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 8 A.A.R. 1702, effective March 11, 2002 (Supp. 02-1). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

**R12-4-308. Wildlife Inspections, Check Stations, and Roadblocks**

- A. The Department has the authority to establish mandatory wildlife check stations.
  1. The Department shall publish in the Commission Order establishing the season the:
    - a. Location,
    - b. Check in requirements, and
    - c. Check out requirements for that specific season.
  2. The Department shall ensure a wildlife check station with a published:
    - a. Check in requirement is open:
      - i. 8:00 a.m. the day before the season until 8:00 p.m. the first day of the season, and
      - ii. 8:00 a.m. to 8:00 p.m. during each day of the season.
    - b. Check out requirement is open:
      - i. 8:00 a.m. to 8:00 p.m. during each day of the season, and
      - ii. Until 12:00 p.m. on the day after the close of the season.
  3. A hunter shall:
    - a. Check in at a wildlife check station in person before hunting when the Department includes a check in requirement in the Commission Order for that season;
    - b. Check out at a wildlife check station in person after hunting when the Department includes a check out requirement in the Commission Order for that season and shall:
      - i. Present for inspection any wildlife taken; and
      - ii. Display any license, tag, or permit required for taking or transporting wildlife.
- B. The Department may conduct inspections of lawfully taken wildlife at the Department's Phoenix and regional offices or designated locations during the posted business hours.
  1. A bighorn sheep hunter shall check out either in person or by designee within three days after the close of the season. The hunter or designee shall submit the intact horns and skull for inspection and photographing. A Department representative shall affix a mark or seal to one horn of each bighorn sheep lawfully taken under Commission Order. It is unlawful for any person to remove, alter, or obliterate the mark or seal.

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2. A hunter who harvests a bear or mountain lion shall:
    - a. Report information about the kill to the Department either in person or by telephone within 48 hours of taking the wildlife. The report shall include the:
      - i. Name of the hunter,
      - ii. Hunter's hunting license number,
      - iii. Sex of the wildlife taken,
      - iv. Management unit where the wildlife was taken,
      - v. Telephone number where the hunter can be reached for additional information, and
      - vi. Any additional information required by the Department.
    - b. Present either in person or by designee the skull, hide, and attached proof of sex for inspection within 10 days of taking the wildlife. If a hunter freezes the skull or hide before presenting it for inspection, the hunter shall prop the jaw open to allow access to the teeth and ensure that the attached proof of sex is identifiable and accessible.
  3. For seasons other than bear, bighorn sheep, or mountain lion, a hunter who harvests wildlife for which a harvest objective is established, shall report information about the kill either in person or by telephone within 48 hours of taking the wildlife. The report shall include the information required under subsection (B)(2)(a).
- C.** The Director may establish vehicle roadblocks at specific locations when necessary to ensure compliance with applicable wildlife laws. Any occupant of a vehicle at a roadblock shall, upon request, present for inspection all wildlife in possession, and provide evidence of legality as defined under R12-4-301.
- D.** This Section does not limit the game ranger or wildlife manager's authority to conduct stops, searches, and inspections authorized under A.R.S. §§ 17-211(E), 17-250(A)(4), and 17-331, or to establish voluntary wildlife survey stations to gather biological information.
- Historical Note**
- Amended effective June 29, 1978 (Supp. 78-3). Former Section R12-4-57 renumbered as Section R12-4-308 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-308 repealed, new Section R12-4-308 adopted effective May 12, 1982 (Supp. 82-3). Amended subsections (B), (D), and (F), and added subsection (G) effective July 3, 1984 (Supp. 84-4). Former Section R12-4-308 repealed, new Section R12-4-308 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-308 repealed, new Section R12-4-308 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective July 12, 1996 (Supp. 96-3). Amended effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 12 A.A.R. 683, effective April 8, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).
- R12-4-309. Authorization for Use of Drugs on Wildlife**
- A.** A person shall not administer any drug to any wildlife under the jurisdiction of the state, including but not limited to drugs used for fertility control, disease prevention or treatment, immobilization, or growth stimulation without written authorization from the Department or as otherwise provided under subsection (E). This authorization does not:
1. Exempt a person from any state or federal statute, rule, or regulation, or any municipal or county code or ordinance; or
  2. Authorize a person to engage in any activity using federally protected wildlife.
- B.** A person requesting written authorization for the use of drugs on wildlife shall submit the request in writing to the Department at 5000 W. Carefree Highway, Phoenix, AZ 85086 and at least 120 days before the anticipated start date of the activity. The written request shall include all of the following:
1. A plan that includes:
    - a. The purpose and need for the proposed activity;
    - b. A clear statement of the objectives; for fertility control the statement shall include the target wildlife population goals or densities and the anticipated time-frame for meeting these objectives;
    - c. A description of the agent, drug, or method and any mandated labeling restrictions or limitations designed to reduce or minimize detrimental effects to wildlife and humans;
    - d. Citations of published scientific literature documenting field studies on the efficacy and safety for both target and non-target species, including predators, scavengers, and humans;
    - e. A description of the activity area;
    - f. A description of the target species population and current status;
    - g. A description of the field methodology for delivery that includes the following, as applicable:
      - i. Timing,
      - ii. Sex and number of animals to be treated,
      - iii. Percentage of the population to be treated,
      - iv. Calculated population effect, and
      - v. Short and long term monitoring and evaluation procedures.
  2. Documentation regarding the experience and credentials of the applicant or the applicant's agents as it applies to the requested activity;
  3. Written permission from landowners or lessees in all locations where the drug will be administered; and
  4. Written endorsement from the agency or institution; required when the applicant is a government agency, university, or other institution. The person signing the written endorsement shall have the authority to execute the written endorsement on behalf of the agency or institution.
- C.** The Department shall notify the applicant of the Department's decision to grant or deny the request within 90 days. The Department has the authority to place conditions on the written authorization regarding:
1. Locations and time-frames,
  2. Drugs and methodology,
  3. Limitations,
  4. Reporting requirements, and
  5. Any other conditions deemed necessary by the Department.
- D.** A person with authorization shall:
1. Carry written authorization while engaged in the activity and exhibit it upon request to any peace officer, wildlife manager, or game ranger;
  2. Allow Department personnel to be present to monitor activities for compliance, public safety, and proper treatment of animals;
  3. Adhere to all drug label restrictions and precautions;
  4. Provide an annual and final report:

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- a. The annual report shall include the number of animals treated, the level of treatment effect obtained to date, and any problems including mortalities or morbidities of target animals. The person shall submit the annual report to the Department by January 31 of each year or as otherwise specified in the written authorization.
  - b. The final report shall include the end results, including the number of wildlife treated and treatment effects on target and non-target wildlife, including mortalities, morbidities, and reproductive rate changes. The person shall submit the final report to the Department no later than 90 days after the completion of the project for which the permit was issued.
5. Comply with all conditions and requirements set forth in the written authorization.
- E.** This Section does not prohibit the treatment of wildlife by a licensed veterinarian or holder of a special license in accordance with R12-4-407(B)(2) and (8), R12-4-413(K)(5), R12-4-420(J)(3), activities as authorized under R12-4-418, R12-4-420, R12-4-421, and R12-4-423, a person exempt from special licensing under R12-4-407(A)(4) and (5), or reasonable lethal removal activities for wildlife control as authorized under A.R.S. § 17-239(A).
- F.** This Section does not limit:
- 1. Department employees or Department agents in the performance of their official duties related to wildlife management,
  - 2. The practices of aquaculture facilities administered by the U.S. Fish and Wildlife Service, and commercial aquaculture facilities operating under a valid license from the Arizona Department of Agriculture, or
  - 3. The use of supplements or drugs as a part of conventional livestock operations where those supplements may incidentally be consumed by wildlife.
- G.** The Department shall take possession of and dispose of any remaining wildlife drugs administered in violation of this Section and any devices and paraphernalia used to administer those drugs as authorized under A.R.S. §§ 17-211(E), 17-231(A), and 17-240(B).
- H.** Require the person with authorization to indemnify the Department against any injury or damage resulting from the use of animal drugs.

**Historical Note**

Amended effective May 21, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended effective March 7, 1979 (Supp. 79-2). Former Section R12-4-58 renumbered as Section R12-4-309 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-309 repealed, new Section R12-4-309 adopted effective May 12, 1982 (Supp. 82-3). Amended subsection (A) effective July 3, 1984 (Supp. 84-4). Former Section R12-4-309 repealed, new Section R12-4-309 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-309 repealed, new Section R12-4-309 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective January 1, 1997; filed with the Office of the Secretary of State November 7, 1996 (Supp. 96-4). Amended effective January 1, 1999; filed with the Office of the Secretary of State December 4, 1998 (Supp. 98-4). Section repealed by final rulemaking at 8 A.A.R. 1702, effective

March 11, 2002 (Supp. 02-1). New Section made by final rulemaking at 16 A.A.R. 1460, effective September 11, 2010 (Supp. 10-3). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

**R12-4-310. Fishing Permits**

- A.** The Department may issue a fishing permit to state, county, or municipal agencies or departments and to nonprofit organizations whose primary purpose is to provide treatment and care for persons with physical, developmental, or mental disabilities.
- B.** The permit:
- 1. Is valid for any two days within a 30 day period;
  - 2. Authorizes persons with physical, developmental, or mental disabilities to fish without a fishing license upon any public waters except that fishing in the waters of the Colorado River is restricted to fishing from the Arizona shoreline only, unless the persons fishing under the authority of the permit also possess a valid Colorado River stamp from the adjacent state; and
  - 3. Does not exempt persons fishing under the authority of the permit from compliance with other statutes, Commission Orders, and rules not contained in this Section.
- C.** An applicant for a fishing permit shall submit a properly completed application to the Department. The application is furnished by the Department and is available from any Department office and online at [www.azgfd.gov](http://www.azgfd.gov).
- 1. The applicant shall provide all of the following information:
    - a. The name, address, and telephone number of the agency, department, or nonprofit organization requesting the permit;
    - b. The name, position title, and telephone number of the persons responsible for supervising the persons fishing under the authority of the permit;
    - c. The total number of persons who will be fishing under the authority of the permit;
    - d. The dates for which the permit will be used; and
    - e. The location for which the permit will be valid.
  - 2. In addition to the information required under subsection (C)(1), nonprofit organizations shall also submit:
    - a. A copy of the organization's articles of incorporation and evidence that the organization has tax-exempt status under Section 501(c) of the Internal Revenue Code, unless a current and correct copy is already on file with the Department; and
    - b. Document identifying the organization's mission.
- D.** The Department shall either grant or deny the fishing permit within the applicable overall time-frame established under R12-4-106.
- E.** The fishing permit holder shall provide instruction on fish identification, fishing ethics, safety, and techniques to the persons who will be fishing under authority of the permit curriculum outline provided by the Department.
- F.** Each person fishing under the sole authority of the fishing permit may take only one-half the regular bag limit established by Commission Order for any species, unless the regular bag limit is one, in which case the permit authorizes the regular bag limit.
- G.** The permit holder shall submit a report to the Department no later than 30 days after the end of the authorized fishing dates. The report form is furnished by the Department and is available at any Department office. The permit holder shall report all of the following information on the form:

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1. The fishing permit number and the information contained in the permit;
  2. The total number of persons who fished and total hours fished;
  3. The total number of fish caught, kept, and released, by species.
- H. The Department may deny future fishing permits to a permit holder who failed to submit the report required under subsection (G) until the permit holder complies with reporting requirements.

**Historical Note**

Adopted effective October 9, 1980 (Supp. 80-5). Former Section R12-4-59 renumbered as Section R12-4-310 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-310 renumbered as R12-4-217 and amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-310 renumbered as R12-4-217 and amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). New Section adopted November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

**R12-4-311. Exemptions from Requirement to Possess an Arizona Fishing License or Hunting License While Taking Wildlife** In addition to the exemptions prescribed under A.R.S. § 17-335, R12-4-206(E), R12-4-207(E), and R12-4-209(E) and provided the person's fishing, hunting, or trapping license privileges are not currently revoked by the Commission:

1. A fishing license is not required when a person is:
  - a. Fishing from artificial ponds, tanks, and lakes contained entirely on private lands that are not:
    - i. Open to the public, and
    - ii. Managed by the Department.
  - b. Taking from private property nonnative terrestrial mollusks, such as but not limited to brown garden snails (*Helix aspersa*) and decollata snails (*Rumina decollata*), or crustaceans, such as crayfish.
  - c. Fishing in Arizona on any designated Saturday occurring during National Fishing and Boating Week, except in waters of the Colorado River forming the common boundaries between Arizona and California, Nevada, or Utah where fishing without a license is limited to the shoreline, unless the state with concurrent jurisdiction removes licensing requirements on the same day.
  - d. Participating in an introductory fishing education program sanctioned by the Department, during scheduled program hours, only. A sanctioned program shall have a Department employee, or authorized volunteer instructor present during scheduled program hours. For the purposes of this subsection, "authorized volunteer instructor" means a person who has successfully passed the Department's required background check, or provided documentation of the person's application for a fingerprint clearance card, and sport fishing education workshop.
2. A hunting license is not required when a person is participating in an introductory hunting event organized, sanctioned, or sponsored by the Department. The person may hunt small game, fur-bearing, predator, and designated mammals during scheduled event hours, only. To hunt

migratory game birds, the person shall have any stamps required by federal regulation. The introductory hunting event shall have a Department employee, certified hunter education instructor, or authorized volunteer present during scheduled hunting hours. For the purposes of this subsection, "authorized volunteer" means a person who has successfully passed the Department's required background check, or provided documentation of the person's application for a fingerprint clearance card, and Department event best practices training. This subsection does not apply to any event that requires a participant to obtain a permit-tag or nonpermit-tag.

**Historical Note**

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended effective May 26, 1978 (Supp. 78-3). Amended effective May 31, 1979. Amended effective June 4, 1979 (Supp. 79-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-60 renumbered as Section R12-4-311 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A), (B), and (D) and added subsections (F) and (G) effective December 17, 1981 (Supp. 81-6). Amended as an emergency effective May 12, 1982, pursuant to A.R.S. § 41-1003, valid for 90 days (Supp. 82-3). Emergency certification expired. Amended subsections (A) through (E) effective December 7, 1982 (Supp. 82-6). Amended subsections (C) and (D) effective February 9, 1984 (Supp. 84-1). Amended effective December 13, 1985 (Supp. 85-6). Amended subsections (A) and (D) effective December 16, 1986 (Supp. 86-6). Former Section R12-4-311 repealed, new Section R12-4-311 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-322 repealed, new Section R12-4-311 adopted effective January 1, 1989, filed effective December 30, 1988" (Supp. 89-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

**R12-4-312. Repealed****Historical Note**

Amended effective June 4, 1979 (Supp. 79-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-61 renumbered as Section R12-4-312 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (B), (E) and (F) effective December 17, 1981 (Supp. 81-6). Amended subsections (A), (C), (D), (E), and added subsection (G) effective December 9, 1982 (Supp. 82-6). Amended subsection (A), paragraph (1) effective November 27, 1984 (Supp. 84-6). Amended effective December 13, 1985 (Supp. 85-6). Former Section R12-4-312 repealed, new Section R12-4-312 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-312 repealed, new Section R12-4-312 adopted effective January 1, 1989, filed December 30, 1988 (Supp. 89-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Repealed by final rulemaking

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at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-313. Lawful Methods of Take and Season for Aquatic Wildlife**

- A.** Subject to the restrictions of this Section, a person may take aquatic wildlife during the day or night using artificial light as prescribed under A.R.S. § 17-301. When a fish die-off is imminent or when otherwise deemed appropriate, the Commission may designate a special season by Commission Order to allow fish to be taken by hand or by any hand-held, non-motorized implement that does not discharge a projectile.
- B.** A person who possesses a valid Arizona fishing license may take aquatic wildlife by angling or simultaneous fishing as defined under R12-4-301 with any bait, artificial fly, or lure subject to the following restrictions:
1. Except for sunfish of the genus *Lepomis*, the flesh of game fish may not be used as bait.
  2. Live baitfish, as defined under R12-4-101, may only be used in designated areas prescribed by Commission Order and designated areas may subsequently be closed or restricted by Commission Order.
  3. Waterdogs may not be used as live bait in that portion of Santa Cruz County lying east and south of State Highway 82 or that portion of Cochise County lying west of the San Pedro River and south of State Highway 82.
  4. Shall not use more than two lines at any one time.
  5. The Commission may further restrict the lawful methods of take on particular waters by designating one or more of the following special seasons by Commission Order:
    - a. An “artificial flies and lures” season in which only artificial flies and lures may be used in designated areas,
    - b. A “barbless hooks” season in which only the use of barbless or single-point barbless hooks may be used in designated areas,
    - c. An “immediate kill or release” season in which a person must kill and retain the designated species as part of the person’s bag limit or immediately release the wildlife,
    - d. A “catch and immediate release” in which a person must immediately release the designated species,
    - e. An “immediate kill” season in which a person must immediately kill and retain the designated species as part of the person’s bag limit, or
    - f. A “limited-entry” season in which a limited number of permits is made available to the public for a designated species, a particular water, or both.
- C.** In addition to angling, a person who possesses a valid Arizona fishing license may also take the following aquatic wildlife using the following methods:
1. A hybrid device is lawful for the take of aquatic wildlife provided all components of the device are authorized for the take of that species under this subsection.
  2. Carp (*Cyprinus carpio*), buffalofish, mullet, tilapia, goldfish, and shad may be taken by:
    - a. Bow and arrow,
    - b. Crossbow,
    - c. Snare,
    - d. Gig,
    - e. Spear or spear gun, or
    - f. Snagging.
  3. A person shall not use any of the methods of take listed under subsection (C)(2) within 200 yards of a designated swimming area as indicated by way of posted signs or notices.
  4. Except for snagging, a person shall not use any of the methods of take listed under subsection (C)(2) within 200 yards of any boat dock or fishing pier.
  5. Striped bass may be taken by spear or spear gun in waters designated by Commission Order.
  6. Catfish may be taken by bow and arrow or crossbow in waters designated by Commission Order.
  7. Amphibians, soft-shelled turtles, mollusks, and crustaceans may be taken by minnow trap, crayfish net, hand, or with any hand-held, non-motorized implement that does not discharge a projectile, unless otherwise permitted under this Section.
  8. In addition to the methods described under subsection (C)(7), bullfrogs may be taken by:
    - a. Bow and arrow,
    - b. Crossbow,
    - c. Pneumatic weapon, or
    - d. Slingshot.
  9. Live baitfish may be taken for personal use as bait by:
    - a. A cast net not to exceed a radius of 4 feet measured from the horn to the leadline;
    - b. A minnow trap, as defined under R12-4-301;
    - c. A seine net not to exceed 10 feet in length and 4 feet in width; or
    - d. A dip net.
  10. In addition to the methods described under subsection (C)(7), crayfish may be taken with the following devices:
    - a. A trap not more than 3 feet in the greatest dimension,
    - b. A dip net as defined under R12-4-301, or
    - c. A seine net not larger than 10 feet in length and 4 feet in width.
  11. The Commission may further restrict the lawful methods of take on particular waters by designating one or more of the following special seasons by Commission Order:
    - a. A “snagging” season in which a person may use this method only at times and locations designated by Commission Order, or
    - b. A “spear or spear gun” season in which a person may use this method only at times and locations designated by Commission Order.
- D.** Aquatic wildlife taken in violation of this Section is unlawfully taken.

**Historical Note**

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 17, 1977 (Supp. 77-3). Amended effective June 29, 1978 (Supp. 78-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-62 renumbered as Section R12-4-313 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 7, 1982 (Supp. 82-6). Amended subsection (A)(7) and added subsection (E)(3) effective November 27, 1984 (Supp. 84-6). Amended subsections (A) and (E) effective December 9, 1985 (Supp. 85-6). Amended subsections (A) and (E) effective December 16, 1986 (Supp. 86-6). Former Section R12-4-313 repealed, new Section R12-4-313 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read “Former Section R12-4-313 repealed, new Section R12-4-313 adopted effective January 1, 1989, filed December 30, 1988” (Supp. 89-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective October 14, 1993 (Supp. 93-4). Amended by final rulemaking at 7 A.A.R. 2220, effective May 25, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3,

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2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

**R12-4-314. Possession, Transportation, or Importation of Aquatic Wildlife**

- A.** The Commission may prescribe legal sizes for possession of aquatic wildlife through Commission Order.
- B.** A person who possesses a valid Arizona fishing license may possess live aquatic wildlife lawfully taken on the waters where taken, but the person shall not transport the aquatic wildlife alive from the waters where taken except that:
  1. A person may transport live baitfish listed in subsection (C)(1);
  2. A person may transport live waterdogs except in the portion of Santa Cruz County lying east and south of State Highway 82 or the portion of Cochise County lying west of the San Pedro River and south of State Highway 82; and
  3. Any crayfish taken on waters within Yuma or La Paz Counties may be transported alive for use as live bait in that portion of La Paz County west of Highway 95 and south of Interstate 10, Yuma County, and on the Colorado River from the Palo Verde Diversion Dam downstream to the Southern international boundary with Mexico.
- C.** A person who possesses a valid Arizona fishing license may import, transport, or possess live baitfish, crayfish, or waterdogs for personal use as live bait only as follows:
  1. A person may possess or transport only the following live baitfish for personal use as live bait:
    - a. Fathead minnow (*Pimephales promelas*),
    - b. Golden shiners (*Notemigonus crysoleucas*),
    - c. Goldfish (*Carassius auratus*),
    - d. Longfin Dace (*Agosia chrysogaster*),
    - e. Sonora Sucker (*Catostomus insignis*),
    - f. Speckled Dace (*Rhynchithys osculus*), and
    - g. Desert Sucker (*Catostomus clarki*).
  2. A person may import for personal use live baitfish listed in subsection (C)(1) from:
    - a. California or Nevada, or
    - b. From any other state with accompanying documentation certifying that the fish are free of Furunculosis.
  3. A person may import, transport, or possess live waterdogs for personal use as bait, except in the portion of Santa Cruz County lying east and south of State Highway 82 or the portion of Cochise County lying west of the San Pedro River and south of State Highway 82.
  4. A person shall not import, transport, or move live crayfish between waters for personal use as live bait except as allowed in 12 A.A.C. 4, Article 4, or except as allowed in subsection (B)(3).
- D.** A person shall attach water-resistant identification to any unattended live boxes or stringers holding fish and ensure the identification bears the person's:
  1. Name,
  2. Address, and
  3. Fishing license number.
- E.** A person who uses a crayfish net or a minnow trap shall raise and empty the trap daily and shall attach water-resistant identification to any unattended traps and ensure the identification bears the person's:
  1. Name,
  2. Address, and

3. Fishing license number.

- F.** A person shall not knowingly disturb the crayfish net, live box, minnow trap, or stringer of another unless authorized to do so by the owner.

**Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-63 renumbered as Section R12-4-314 without change effective August 13, 1981 (Supp. 81-4). Amended subsection (B) effective December 31, 1984 (Supp. 84-6). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Section repealed by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). New Section made by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

**R12-4-315. Repealed****Historical Note**

Former Section R12-4-64 renumbered as Section R12-4-315 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

**R12-4-316. Repealed****Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Amended effective June 4, 1979 (Supp. 79-3). Amended subsections (A), (B), (C), and (D) effective December 29, 1980 (Supp. 80-6). Former Section R12-4-65 renumbered as Section R12-4-316 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (B), (C) and (F) effective February 9, 1984 (Supp. 84-1). Amended effective December 31, 1984 (Supp. 84-6). Former Section R12-4-316 repealed, new Section R12-4-316 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-316 repealed, new Section R12-4-316 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended by final rulemaking at 7 A.A.R. 2147, effective May 25, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

**R12-4-317. Repealed****Historical Note**

Renumbered, then repealed and readopted as Section R12-4-43 effective February 20, 1981 (Supp. 81-1). Former Section R12-4-66 renumbered as Section R12-4-317 without change effective August 13, 1981 (Supp. 81-4). Correction, Section R12-4-317 formerly shown as repealed should have read reserved. Former Historical Note erroneous, see R12-4-202. Section R12-4-317

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adopted effective June 20, 1984 (Supp. 84-3). Repealed effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Repealed effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). New Section made by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

#### **R12-4-318. Seasons for Lawfully Taking Wild Mammals, Birds, and Reptiles**

**A.** Methods of lawfully taking wild mammals, birds, and reptiles during seasons designated by Commission Order as "general" seasons are designated under R12-4-304.

1. Lawful devices are defined under R12-4-101 and R12-4-301.
2. Lawful devices are listed under this Section by the range of effectiveness, from greatest range to least range.
3. A hybrid device may be used in a general season, provided:
  - a. All components of the hybrid device are designated as lawful for a given species under R12-4-304, and
  - b. No components are prohibited under R12-4-303.

**B.** Methods of lawfully taking big game during seasons designated by Commission Order as "special" are designated under R12-4-304. "Special" seasons are open only to a person who possesses a special big game license tag authorized under A.R.S. § 17-346 and R12-4-120.

**C.** When designated by Commission Order, the following seasons have specific requirements and lawful methods of take more restrictive than those for general and special seasons, as established under this Section. While taking the species authorized by the season, a person participating in:

1. A "CHAMP" season shall be a challenged hunter access/mobility permit holder as established under R12-4-217.
2. A "youth-only hunt" shall be under the age of 18. A youth hunter whose 18th birthday occurs during a "youth-only hunt" for which the youth hunter has a valid permit or tag may continue to participate for the duration of that "youth-only hunt."
3. A "pursuit-only" season may use dogs to pursue bears, mountain lions, or raccoons as designated by Commission Order, but shall not kill or capture the quarry.
  - a. A person participating in a "pursuit-only" season shall possess and, at the request of Department personnel, produce an appropriate and valid hunting license and any required tag or pursuit-only permit for the wildlife pursued, even though there shall be no kill.
  - b. Pursuit is allowed regardless of whether a person has met the bag limit established under R12-4-104(J) for that genus.
  - c. A person does not commit an offense under A.R.S. § 17-309 where the person causes or allows a dog to pursue a bear, mountain lion, or raccoon when all of the following apply:
    - i. A pursuit-only season for the wildlife pursued is authorized by Commission Order;
    - ii. The person possesses a valid hunting license and tag;
    - iii. The bear, mountain lion, or raccoon is not injured or killed in the course of the pursuit.
4. A "restricted season" may use any lawful method authorized for a specific species under R12-4-304, except dogs may not be used to pursue the wildlife for which the season was established.

5. An "archery-only" season shall not use any other weapons, including crossbows or bows with a device that holds the bow in a drawn position except as authorized under R12-4-216. A person participating in an "archery-only" season may use one or more of the following methods or devices if authorized under R12-4-304 as lawful for the species hunted:

- a. Bows and arrows, and
- b. Falconry.

6. A "handgun, archery, and muzzleloader (HAM)" season may use one or more of the following methods or devices if authorized under R12-4-304 as lawful for the species hunted:

- a. Muzzleloading rifles,
- b. Handguns,
- c. Muzzleloading handguns,
- d. Bows and arrows,
- e. Crossbows or bows to be drawn and held with an assisting device, and
- f. Pre-charged pneumatic weapons capable of holding and discharging a single projectile .35 caliber or larger.

7. A "muzzleloader" season may use one or more of the following methods or devices if authorized under R12-4-304 as lawful for the species hunted:

- a. Muzzleloading rifles or muzzleloading handguns,
- b. Bows and arrows, and
- c. Crossbows or bows to be drawn and held with an assisting device.

8. A "limited weapon" season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:

- a. Bows and arrows,
- b. Crossbows or bows to be drawn and held with an assisting device,
- c. Pneumatic weapons capable of holding and discharging a single projectile .25 caliber or smaller,
- d. Hand-propelled projectiles,
- e. Any trap except foothold traps,
- f. Slingshots,
- g. Dogs,
- h. Falconry,
- i. Nets, or
- j. Capture by hand.

9. A "limited weapon hand or hand-held implement" season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:

- a. Catch-pole,
- b. Hand,
- c. Snake hook, or
- d. Snake tongs.

10. A "limited weapon-pneumatic" season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:

- a. Pneumatic weapons discharging a single projectile .25 caliber or smaller,
- b. Hand-propelled projectiles,
- c. Slingshots,
- d. Dogs,
- e. Falconry,
- f. Nets, or
- g. Capture by hand.

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11. A "limited weapon-rimfire" season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
  - a. Rifled firearms using rimfire cartridges,
  - b. Shotgun shooting shot or slug,
  - c. Bows and arrows,
  - d. Crossbows or bows to be drawn and held with an assisting device,
  - e. Pneumatic weapons,
  - f. Hand-propelled projectiles,
  - g. Any trap except foothold traps,
  - h. Slingshots,
  - i. Dogs,
  - j. Falconry,
  - k. Nets, or
  - l. Capture by hand.
12. A "limited weapon-shotgun" season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
  - a. Shotgun shooting shot or slug,
  - b. Muzzleloading shotgun,
  - c. Bows and arrows,
  - d. Crossbows or bows to be drawn and held with an assisting device,
  - e. Pneumatic weapons,
  - f. Hand-propelled projectiles,
  - g. Any trap except foothold traps,
  - h. Slingshots,
  - i. Dogs,
  - j. Falconry,
  - k. Nets, or
  - l. Capture by hand.
13. A "limited weapon-shotgun shooting shot" season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
  - a. Shotgun shooting shot,
  - b. Muzzleloading shotgun shooting shot,
  - c. Bows and arrows,
  - d. Crossbows or bows to be drawn and held with an assisting device,
  - e. Pneumatic weapons,
  - f. Hand-propelled projectiles,
  - g. Any trap except foothold traps,
  - h. Slingshots,
  - i. Dogs,
  - j. Falconry,
  - k. Nets, or
  - l. Capture by hand.
14. A "falconry-only" season shall be a falconer licensed under R12-4-422 unless exempt under A.R.S. § 17-236(C) or R12-4-407. A falconer participating in a "falconry-only" season shall use no other method of take except falconry.
15. A "raptor capture" season shall be a falconer licensed under R12-4-422 unless exempt under R12-4-407.
16. A "limited-entry" season means any hunting opportunity for which a limited number of permits is made available to the public.

**Historical Note**

Adopted effective June 4, 1987 (Supp. 87-2). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2).

Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended effective January 1, 1997; filed in the Office of the Secretary of State July 12, 1996 (Supp. 96-3). Amended effective January 1, 1998; filed in the Office of the Secretary of State November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 16 A.A.R. 1460, effective September 11, 2010 (Supp. 10-3). Amended by final rulemaking at 18 A.A.R. 1458, effective January 1, 2013 (Supp. 12-2). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final exempt rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

**R12-4-319. Use of Aircraft to Take Wildlife**

- A. A person shall not take or assist in taking wildlife from or with the aid of aircraft, including drones.
- B. Except in hunt units with Commission-ordered special seasons under R12-4-115 and R12-4-120 and hunt units with seasons only for mountain lion and no other concurrent big game season, a person shall not locate or assist in locating wildlife from or with the aid of an aircraft, including drones, in a hunt unit with an open big game season. This restriction begins 48 hours before the opening of a big game season in a hunt unit and extends until the close of the big game season for that hunt unit.
- C. A person who possesses a special big game license tag for a special season under R12-4-115 or R12-4-120 or a person who assists or will assist such a licensee shall not use an aircraft, including drones, to locate wildlife beginning 48 hours before and during a Commission-ordered special season.
- D. This Section does not apply to any person acting within the scope of official duties as an employee or authorized agent of the state or the United States to manage or protect or aid in the management or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops.
- E. For the purposes of this Section, "locate" means any act or activity that does not take or harass wildlife and is directed at locating or finding wildlife in a hunt area.

**Historical Note**

Amended effective May 21, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended effective June 12, 1979 (Supp. 79-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-68 renumbered as Section R12-4-319 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section R12-4-319 adopted as an emergency effective October 18, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4). Emergency expired. New Section adopted by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013



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(Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

**R12-4-320. Harassment of Wildlife**

- A. In addition to the provisions established under A.R.S. § 17-301, it is unlawful to harass, molest, chase, rally, concentrate, herd, intercept, torment, or drive wildlife with or from any aircraft, including drones, as defined under R12-4-301, or with or from any motorized terrestrial or aquatic vehicle.
- B. This Section does not apply to person's acting:
  1. In accordance with the provisions established under A.R.S. § 17-239; or
  2. Within the scope of official duties as an employee or authorized agent of the state or the United States to manage or protect or aid in the management or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

**R12-4-321. Restrictions for Taking Wildlife in City, County, or Town Parks and Preserves**

- A. All city, county, and town parks and preserves are closed to hunting and trapping, unless open by Commission Order.
- B. Unless otherwise provided under Commission Order or rule, a city, county, or town may:
  1. Limit or prohibit any person from hunting within one-fourth mile (440 yards) or trapping within one half mile (880 yards) of any:
    - a. Developed picnic area,
    - b. Developed campground,
    - c. Developed trailhead,
    - d. Developed wildlife viewing platform,
    - e. Boat ramp,
    - f. Shooting range,
    - g. Occupied structure, or
    - h. Golf course.
  2. Require a person entering a city, county, or town park or preserve, for the purpose of hunting, to declare the person's intent to hunt within the park or preserve, if the park or preserve has a check in process established.
  3. Allow a person to take wildlife in a city, county, or town park or preserve only during the posted park or preserve hours.
- C. The requirements of subsection (B)(1) do not apply to a reptile and amphibian limited weapon hand or hand-held implement season established by Commission Order.

**Historical Note**

New Section R12-4-321 renumbered from R12-4-301 and amended by final rulemaking at 18 A.A.R. 1458, effective January 1, 2013 (Supp. 12-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

**R12-4-322. Pickup and Possession of Wildlife Carcasses or Parts**

- A. For the purposes of this Section, the following definitions apply:
  1. "Fresh" means the majority of the wildlife carcass or part is not exposed dry bone and is comprised mainly of hair, hide, or flesh.

2. "Not fresh" means the majority of the wildlife carcass or part is exposed dry bone due to natural processes such as scavenging, decomposition, or weathering.

- B. If not contrary to federal law or regulation, a person may pick up and possess naturally shed antlers or horns or other wildlife parts that are not fresh without a permit or inspection by a Department law enforcement officer.
- C. If not contrary to federal law or regulation, a person may only pick up and possess a fresh wildlife carcass or its parts under this Section if the person notifies the Department prior to pick up and possession and:
  1. The Department's first report or knowledge of the carcass or its parts is voluntarily provided by the person wanting to possess the carcass or its parts;
  2. A Department law enforcement officer or an authorized Department employee or agent is able to observe the carcass or its parts at the site where the animal was found in the same condition and location as when the animal was originally found by the person wanting to possess the carcass or its parts; and
  3. A Department law enforcement officer, using the officer's education, training, and experience, determines the animal died from natural causes. The Department may require the person to take the officer to the site where the animal carcass or parts were found when an adequate description or location cannot be provided to the officer.
- D. If a Department law enforcement officer determines that the person wanting to possess the carcass or its parts is authorized to do so under subsection (C), the officer may authorize possession of the carcass or its parts.
- E. Wildlife parts picked up and possessed from areas under control of jurisdictions that prohibit such activity, such as other states, reservations, or national parks, are illegal to possess in this state.
- F. This Section does not authorize the pickup and possession of a threatened or endangered species carcass or its parts.

**Historical Note**

New Section made by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

**ARTICLE 4. LIVE WILDLIFE****R12-4-401. Live Wildlife Definitions**

In addition to definitions provided under A.R.S. § 17-101, and for the purposes of this Article, the following definitions apply:

"Adoption" means the transfer of custody of live wildlife to a member of the public, initiated by either the Department or its authorized agent, when no special license is required.

"Agent" means the person identified on a special license and who assists a special license holder in performing activities authorized by the special license to achieve the objectives for which the license was issued. "Agent" has the same meaning as "sublicensee" and "subpermittee" as these terms are used for the purpose of federal permits.

"Aquarium trade" means the commercial industry and its customers who lawfully trade in aquatic live wildlife.

"Aversion training" means behavioral training in which an aversive stimulus is paired with an undesirable behavior in order to reduce or eliminate that behavior.

"Captive live wildlife" means live wildlife held in captivity, physically restrained, confined, impaired, or deterred to prevent it from escaping to the wild or moving freely in the wild.

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“Captive-reared” means wildlife born, bred, raised, or held in captivity.

“Circus” means a scheduled event where a variety of entertainment is the principal business, primary purpose, and attraction. “Circus” does not include animal displays or exhibits held as an attraction for a secondary commercial endeavor.

“Commercial purpose” means the bartering, buying, leasing, loaning, offering to sell, selling, trading, exporting or importing of wildlife or their parts for monetary gain.

“Domestic” means an animal species that does not exist in the wild, and includes animal species that have only become feral after they were released by humans who held them in captivity or individuals or populations that escaped from human captivity.

“Educational display” means a display of captive live wildlife to increase public understanding of wildlife biology, conservation, and management which may or may not include soliciting payment from an audience or an event sponsor with the intent to recover costs incurred in providing the educational display. For the purposes of this Article, “to display for educational purposes” refers to display as part of an educational display.

“Educational institution” means any entity that provides instructional services or education-related services to persons.

“Endangered or threatened wildlife” means wildlife listed under 50 CFR 17.11, revised October 1, 2019, which is incorporated by reference. A copy of the list is available at any Department office, online at [www.gpo.gov](http://www.gpo.gov), or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This incorporation by reference does not include any later amendments or editions of the incorporated material.

“Evidence of lawful possession” means any license or permit authorizing possession of a specific live wildlife species or individual, or other documentation establishing lawful possession. Other forms of documentation may include, but are not limited to, a statement issued by the country or state of origin verifying a license or permit for that specific live wildlife species or individual is not required.

“Exhibit” means to display captive live wildlife in public or to allow photography of captive live wildlife for any commercial purpose.

“Exotic” means wildlife or offspring of wildlife not native to North America.

“Fish farm” means a commercial operation designed and operated for propagating, rearing, or selling aquatic wildlife for any purpose.

“Game farm” means a commercial operation designed and operated for the purpose of propagating, rearing, or selling wildlife for any purpose stated under R12-4-413.

“Health certificate” means a certificate of an inspection completed by a licensed veterinarian or federal- or state-certified inspector verifying the animal examined appears to be healthy and free of infectious, contagious, and communicable diseases.

“Hybrid wildlife” means an offspring from two different wildlife species or genera. Offspring from a wildlife species and a domestic animal species are not considered wildlife. This definition does not apply to bird hybrids as defined under the

Migratory Bird Treaty Act, under 50 CFR 21.3, revised October 1, 2019.

“Live baitfish” means any species of live freshwater fish designated by Commission Order as lawful for use in taking aquatic wildlife under R12-4-313 and R12-4-314.

“Live bait” means aquatic live wildlife used or intended for use in taking aquatic wildlife.

“Migratory birds” mean all species listed under 50 CFR 10.13 revised October 1, 2019, and no later amendments or editions. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, and is on file with the Department.

“Noncommercial purpose” means the use of products or services developed using wildlife for which no compensation or monetary value is received.

“Nonhuman primate” means any nonhuman member of the order Primate of mammals including prosimians, monkeys, and apes.

“Nonnative” means wildlife or its offspring that did not occur naturally within the present boundaries of Arizona before European settlement.

“Photography” means any process that creates durable images of wildlife or parts of wildlife by recording light or other electromagnetic radiation, either chemically by means of a light-sensitive material or electronically by means of an image sensor.

“Rehabilitated wildlife” means live wildlife that is injured, orphaned, sick, or otherwise debilitated and is provided care to restore it to a healthy condition suitable for release to the wild or for lawful captive use.

“Research facility” means any association, institution, organization, school, except an elementary or secondary school, or society that uses or intends to use live animals in research.

“Restricted live wildlife” means wildlife that cannot be imported, exported, or possessed without a special license or lawful exemption.

“Shooting preserve” means any operation where live wildlife is released for the purpose of hunting.

“Special license” means any license issued under this Article, including any additional stipulations placed on the license authorizing specific activities normally prohibited under A.R.S. § 17-306 and R12-4-402.

“Species of greatest conservation need” means any species listed in the Department’s Arizona’s State Wildlife Action Plan list Tier 1a and 1b published by the Arizona Game and Fish Department. The material is available for inspection at any Department office and on the Department’s website.

“Stock” and “stocking” means to release live aquatic wildlife into public or private waters other than the waters where taken.

“Taxa” means groups of animals within specific classes of wildlife occurring in the state with common characteristics that establish relatively similar requirements for habitat, food, and other ecological, genetic, or behavioral factors.

“Unique identifier” means a permanent marking made of alphanumeric characters that identifies an individual animal, which may include, but is not limited to, a tattoo or microchip.

“USFWS” means the United States Fish and Wildlife Service.

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“Volunteer” means a person who:

Assists a special license holder in conducting activities authorized under the special license,

Is under the direct supervision of the license holder at the premises described on the license,

Is not designated as an agent, and

Receives no compensation.

“Wildlife disease” means any disease that poses a health risk to wildlife in Arizona.

“Zoo” means any facility licensed by the Arizona Game and Fish Department under R12-4-420 or, for facilities located outside of Arizona, licensed or recognized by the applicable governing agency.

“Zoonotic” means a disease that can be transmitted from animals to humans or, more specifically, a disease that normally exists in animals but that can infect humans.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

#### R12-4-402. Live Wildlife: Unlawful Acts

- A. A person shall not perform any of the following activities with live wildlife unless authorized by a federal license or permit, this Chapter, or A.R.S. Title 3, Chapter 16:
  1. Import any live wildlife into the state;
  2. Export any live wildlife from the state;
  3. Conduct any of the following activities with live wildlife within the state:
    - a. Display,
    - b. Exhibit,
    - c. Give away,
    - d. Lease,
    - e. Offer for sale,
    - f. Possess,
    - g. Propagate,
    - h. Purchase,
    - i. Release,
    - j. Rent,
    - k. Sell,
    - l. Sell as live bait,
    - m. Stock,
    - n. Trade,
    - o. Transport; or
  4. Kill any captive live wildlife.
- B. The Department may seize, quarantine, hold, or euthanize any lawfully possessed wildlife held in a manner that poses an actual or potential threat to the wildlife, other wildlife, or the safety, health, or welfare of the public. The Department shall make reasonable efforts to find suitable placement for any animal prior to euthanizing it.
- C. A person who does not lawfully possess wildlife in accordance with this Article shall be responsible for all costs associated with the care and keeping of the wildlife.

- D. Performing activities authorized under a federal license or permit does not exempt a federal agency or its employees from complying with state permit requirements.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 23 A.A.R. 492, effective April 8, 2017 (Supp. 20-3).

#### R12-4-403. Escaped or Released Live Wildlife

- A. The Department may seize, quarantine, or euthanize any live wildlife that has been released, has escaped, or is likely to escape if the wildlife poses an actual or potential threat to:
  1. Native wildlife;
  2. Wildlife habitat; or
  3. Public health, safety, or welfare; or
  4. Property.
- B. A person shall not release live wildlife, unless specifically directed to do so by the Department or authorized under this Article.
- C. The person releasing or allowing the escape of wildlife shall be responsible for all costs incurred by the Department associated with seizing or quarantining the wildlife.
- D. All special license holders shall be subject to the requirements of this Section.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

#### R12-4-404. Possession of Live Wildlife Taken Under an Arizona Hunting or Fishing License

- A. A person may take live wildlife from the wild under a valid Arizona hunting or fishing license provided the current Commission Order authorizes a live bag and possession limit for that wildlife and the individual possesses the appropriate hunting or fishing license and special license, when applicable.
- B. Except for live baitfish which may only be possessed and transported as established under R12-4-316, a person may conduct any of the following activities with wildlife taken under an Arizona hunting or fishing license provided the activity is for a noncommercial purpose:
  1. Export,
  2. Kill,
  3. Place on educational display,
  4. Possess,
  5. Propagate, and
  6. Transport.
- C. A person possessing wildlife or offspring of wildlife taken under this Section shall dispose of the wildlife or offspring of wildlife using any one or more of the following methods:
  1. Giving the wildlife as a gift,
  2. Exporting the wildlife to another state or jurisdiction, or
  3. Disposing of the wildlife as directed by the Department.
- D. A person shall not use wildlife or offspring of wildlife taken under this Section for commercial purposes.
- E. A person exporting live wildlife for a noncommercial purpose shall verify exported live wildlife and offspring of wildlife shall not be:

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1. Bartered,
  2. Leased,
  3. Offered for sale,
  4. Purchased,
  5. Rented,
  6. Sold, or
  7. Used for any commercial purpose.
- F.** A person may temporarily hold and release live wildlife possessed under this Section into the wild, provided the person did not remove the wildlife from the immediate area where it was taken.
- G.** A person shall not exceed the possession limit of live wildlife established by Commission Order for that species.
1. Offspring of wildlife possessed under this Section shall count towards the established possession limit.
  2. A person may possess offspring of amphibians or reptiles in excess of the possession limit for no more than 12 months from the date of birth or hatching.
  3. On or before the day the offspring reach 12 months of age, the person possessing them shall dispose of them as prescribed under subsection (C).
  4. A person is prohibited from releasing offspring of propagated wildlife into the wild.
- H.** A person may use reptiles and amphibians taken under a valid Arizona hunting license for the purpose of providing aversion or avoidance training when the current Commission Order authorizes a live bag and possession limit for that reptile or amphibian.
- I.** A person may sell photographs of wildlife taken under a valid hunting or fishing license.
- J.** A person who possesses live wildlife or offspring of wildlife taken under this Section shall comply with the requirements prescribed under R12-4-425 if the wildlife becomes listed as restricted wildlife under R12-4-406.
- conveyed directly to its final destination for preparation as food; or
3. The aquatic wildlife is used only for the aquarium trade or a fish farm and is accompanied by a valid license or permit issued by another state or the United States that allows the wildlife to be transported into this state.
    - a. A person in the aquarium trade shall:
      - i. Only use aquatic wildlife used in the aquarium trade as a pet or in an educational display, and
      - ii. Keep aquatic wildlife used in the aquarium trade in an aquarium or enclosed pond that does not allow the wildlife to leave the aquarium or pond and does not allow other live aquatic wildlife to enter the aquarium or pond.
    - b. A person in the aquarium trade shall not use or possess aquatic wildlife listed as restricted live wildlife under R12-4-406.
- C.** A person shall obtain the appropriate special license listed under R12-4-409(A) before importing aquatic live wildlife for any purpose not stated under subsection (B), unless exempt under this Chapter.
- D.** A person may purchase, possess, exhibit, transport, propagate, trade, rent, lease, give away, sell, offer for sale, export, or kill wildlife or aquatic wildlife or its offspring without an Arizona license or permit if the wildlife is lawfully imported and possessed as prescribed under subsections (A) or (B).

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-405. Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit**

- A.** A person may import mammals, birds, amphibians, and reptiles not listed as restricted wildlife under R12-4-406 without a special license required under this Article, provided the animals are:
1. Lawfully possessed under a:
    - a. Lawful exemption; or
    - b. Valid license, permit, or other form of authorization from another state, the United States, or another country; and
  2. Accompanied by the health certificate required under 3 A.A.C. 2, Article 6, and this Article, when applicable.
- B.** A person may import live aquatic wildlife not listed as restricted wildlife under R12-4-406 without a special license under the following conditions:
1. The aquatic wildlife is lawfully possessed under a lawful exemption, valid license, permit, or other form of authorization from another state, the United States, or another country; and
  2. The aquatic wildlife is used only for restaurants or markets that are licensed to sell food to the public and the wildlife is killed before it is transported from the restaurant or market, or, if transported alive from the market, is
- conveyed directly to its final destination for preparation as food; or
3. The aquatic wildlife is used only for the aquarium trade or a fish farm and is accompanied by a valid license or permit issued by another state or the United States that allows the wildlife to be transported into this state.
    - a. A person in the aquarium trade shall:
      - i. Only use aquatic wildlife used in the aquarium trade as a pet or in an educational display, and
      - ii. Keep aquatic wildlife used in the aquarium trade in an aquarium or enclosed pond that does not allow the wildlife to leave the aquarium or pond and does not allow other live aquatic wildlife to enter the aquarium or pond.
    - b. A person in the aquarium trade shall not use or possess aquatic wildlife listed as restricted live wildlife under R12-4-406.
- C.** A person shall obtain the appropriate special license listed under R12-4-409(A) before importing aquatic live wildlife for any purpose not stated under subsection (B), unless exempt under this Chapter.
- D.** A person may purchase, possess, exhibit, transport, propagate, trade, rent, lease, give away, sell, offer for sale, export, or kill wildlife or aquatic wildlife or its offspring without an Arizona license or permit if the wildlife is lawfully imported and possessed as prescribed under subsections (A) or (B).

**R12-4-406. Restricted Live Wildlife**

- A.** In order to lawfully possess wildlife listed as restricted under this Section, for any activity prohibited under A.R.S. §§ 17-255.02, 17-306, R12-4-902, or this Article, a person shall possess:
1. All applicable federal licenses and permits; and
  2. The appropriate special license listed under R12-4-409(A); or
  3. Act under a lawful exemption authorized under A.R.S. § 17-255.04, R12-4-314, R12-4-404, R12-4-405, R12-4-407, R12-4-425, R12-4-427, and R12-4-430.
- B.** The Commission recognizes the online taxonomic classification from the Integrated Taxonomic Information System as the authority in determining the designations of restricted live mammals, birds, reptiles, amphibians, fish, crustaceans, and mollusks referenced under this Article. The Integrated Taxonomic Information System is available at any Department office and at [www.itis.gov](http://www.itis.gov).
- C.** All of the following are considered restricted live wildlife and are subject to the requirements of this Article, unless otherwise specified:
1. Hybrid wildlife, as defined under R12-4-401, resulting from the interbreeding of at least one parent species of wildlife that is listed as restricted under this Section. Hybrid wildlife that is the progeny of a restricted wildlife species and a nonrestricted wildlife species is considered restricted wildlife.
  2. Transgenic species, unless otherwise specified under this Article. For the purposes of this Section, "transgenic species" means any organism that has had genes from

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another organism put into its genome through direct human manipulation of that genome. Transgenic species do not include natural hybrids or individuals that have had their chromosome number altered to induce sterility. A transgenic animal is considered wildlife if the genetic material originated from a restricted wildlife species.

- D. Domestic animals, as defined under R12-4-401, are not subject to restrictions under A.R.S. Title 17, 12 A.A.C. 4, or Commission Orders.
- E. For subsections (F) through (M), the common names are provided as examples only and are not all-inclusive of the order, family, or genus.
- F. Unless otherwise specified, all mammals listed below are considered restricted live wildlife:
  1. All species of the order *Afrosoricida*. Common names include: golden moles and tenrecs.
  2. All species of the following families of the order *Artiodactyla*. Common name: even-toed ungulates:
    - a. The family *Antilocapridae*. Common name: prong-horns.
    - b. The family *Bovidae*. Common names include: antelopes, bison, buffalo, cattle, duikers, gazelles, goats, oxen, and sheep. Except the following genera which are not restricted:
      - i. The genus *Bubalus*. Common name: water buffalo.
      - ii. The genus *Bison*. Common name: American bison, bison, or buffalo.
    - c. The family *Cervidae*. Common names include: cervid, deer, elk, moose, red deer, and wapiti.
    - d. The family *Tayassuidae*. Common name: peccaries.
  3. All species of the order *Carnivora*. Common names include: bears, foxes, ocelot, raccoons, servals, skunks, wolves, and weasels.
  4. All species of the order *Chiroptera*. Common name: bats.
  5. All species of the genus *Didelphis*. Common name: American opossums.
  6. All species of the order *Erinaceomorpha*. Common names include: European hedgehogs, gymnures, and moonrats. Except members of the genus *Atelerix*, which are not restricted. Common name: longeared and pygmy hedgehogs.
  7. All species of the order *Lagomorpha*. Common names include: hares, pikas, and rabbits. Except for members of the genus *Oryctolagus* containing domestic rabbits, which are not wildlife and are not restricted.
  8. All nonhuman primates. Common names include: chimpanzees, gorillas, macaques, orangutans, and spider monkeys.
  9. All species of the following families of the order *Rodentia*. Common name: rodents:
    - a. The family *Capromyidae*. Common name: hutias.
    - b. The family *Castoridae*. Common name: beavers.
    - c. The family *Dipodidae*. Common name: jumping mouse.
    - d. The family *Echimyidae*. Common names include: coypus and nutrias.
    - e. The family *Erethizontidae*. Common name: new world porcupines.
    - f. The family *Geomyidae*. Common name: pocket gophers.
    - g. The family *Sciuridae*. Common names include: chipmunks, marmots, prairie dogs, squirrels, and woodchucks.
  10. All species of the order *Soricomorpha*. Common names include: desmans, moles, shrews, and shrew-moles.
  11. All species of the order *Xenarthra*. Common names include: anteaters, armadillos, and edentates, or sloths.
- G. Birds listed below are considered restricted live wildlife:
  1. The following species within the family *Phasianidae*. Common names: grouse, pheasants, partridges, quail, and turkeys:
    - a. *Alectoris chukar*. Common name: chukar.
    - b. *Callipepla gambelii*. Common name: Gambel's quail.
    - c. *Callipepla squamata*. Common name: scaled quail.
    - d. *Colinus virginianus*. Common name: northern bobwhite. Restricted only in game management units 36A, 36B, and 36C as prescribed under R12-4-108.
    - e. *Cyrtonyx montezumae*. Common name: harlequin, Mearn's, or Montezuma quail.
    - f. *Dendragapus obscurus*. Common name: dusky grouse.
    - g. *Mealagris gallopavo gallopavo*, *M. g. intermedia*, *M. g. merriami*, *M. g. mexicana*, *M. g. osceola*, *B. g. silvestris*, and *M. ocellata*. Common name: wild turkey.
  2. All species listed under the Migratory Bird Treaty Act listed under 50 CFR 10.13 revised October 1, 2019, and no later amendments or editions. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, and is on file with the Department.
- H. Reptiles listed below are considered restricted live wildlife:
  1. All species of the order *Crocodylia*. Common names include: alligators, caimans, crocodiles, and gavials.
  2. All species of the following families or genera of the order *Squamata*:
    - a. The family *Atractaspididae*. Common name: burrowing asps.
    - b. The following species and genera of the family *Colubridae*:
      - i. *Boiga irregularis*. Common name: brown tree snake.
      - ii. *Dispholidus typus*. Common name: boomslang.
      - iii. *Rhabdophis*. Common name: keelback.
      - iv. *Thelotornis kirtlandii*. Common names include: bird snake or twig snake.
    - c. The family *Elapidae*. Common names include: Australian elapids, cobras, coral snakes, kraits, mambas, and sea snakes.
    - d. The family *Helodermatidae*. Common names include: Gila monster and Mexican beaded lizard.
    - e. The family *Viperidae*. Common names include: pit and true vipers, including rattlesnakes.
  3. The following species of the order *Testudines*:
    - a. All species of the family *Chelydridae*. Common name: snapping turtles.
    - b. All species of the genus *Gopherus*. Common names include: gopher tortoises, including the desert tortoise.
- I. Amphibians listed below are considered restricted live wildlife. The following species within the order *Anura*, common names frogs and toads:
  1. The species *Bufo horribilis*, *Bufo marinus*, *Bufo schneideri*. Common names include: giant or marine toads.
  2. All species of the genus *Rana*. Common names include: bullfrogs and leopard frogs. Except bullfrogs possessed under A.R.S. § 17-102.
  3. All species of the genus *Xenopus*. Common name: clawed frogs.

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- J.** Fish listed below are considered restricted live wildlife:
1. All species of the family *Acipenseridae*. Common name: sturgeon.
  2. The species *Amia calva*. Common name: bowfin.
  3. The species *Aplodinotus grunniens*. Common name: freshwater drum.
  4. The species *Arapaima gigas*. Common name: bony tongue.
  5. All species of the genus *Astyanax*. Common name: tetra.
  6. The species *Belonesox belizanus*. Common name: pike topminnow.
  7. All species, both marine and freshwater, of the orders *Carcharhiniformes*, *Heterodontiformes*, *Hexanchiformes*, *Lamniformes*, *Orectolobiformes*, *Pristiophoriformes*, *Squaliformes*, *Squatiniiformes*, and except for all species of the families *Brachaeluridae*, *Hemiscylliidae*, *Orectolobidae*, and *Triakidae*; genera of the family *Scyliorhinidae*, including *Aulohalaelurus*, *Halaehurus*, *Haploblepharus*, *Poroderma*, and *Scyliorhinus*; and genera of the family *Parascylliidae*, including *Cirrhoscyllium* and *Parascyllium*. Common name: sharks.
  8. All species of the family *Centrarchidae*. Common name: sunfish.
  9. All species of the family *Cetopsidae* and *Trichomycteridae*. Common name: South American catfish.
  10. All species of the family *Channidae*. Common name: snakehead.
  11. All of the species *Cirrhinus mrigala*, *Gibelion catla*, and *Labeo rohita*. Common name: Indian carp.
  12. All species of the family *Clariidae*. Common names include: airbreathing catfish or labyrinth.
  13. All species of the family *Clupeidae* except threadfin shad, species *Dorosoma petenense*. Common names include: herring and shad.
  14. The species *Ctenopharyngodon idella*. Common names include: white amur or grass carp.
  15. The species *Cyprinella lutrensis*. Common name: red shiner.
  16. The species *Electrophorus electricus*. Common name: electric eel.
  17. All species of the family *Esocidae*. Common names include: pickerels and pike.
  18. All species of the family *Hiodontidae*. Common names include: goldeye and mooneye.
  19. The species *Hoplias malabaricus*. Common name: tiger fish.
  20. The species *Hypophthalmichthys molitrix*. Common name: silver carp.
  21. The species *Hypophthalmichthys nobilis*. Common name: bighead carp.
  22. All species of the family *Ictaluridae*. Common name: catfish.
  23. All species of the genus *Lates* and *Luciolates*. Common name: Nile perch.
  24. All species of the family *Lepisosteidae*. Common name: gar.
  25. The species *Leuciscus idus*. Common names include: ide and whitefish.
  26. The species *Malapterurus electricus*. Common name: electric catfish.
  27. All species of the family *Moronidae*. Common name: temperate bass.
  28. The species *Mylopharyngodon piceus*. Common name: black carp.
  29. All species of the family *Percidae*. Common names include: pike and walleye perches.
  30. All species of the family *Petromyzontidae*. Common name: lamprey.
  31. The species *Polyodon spathula*. Common name: American Paddlefish.
  32. All species of the family *Potamotrygonidae*. Common name: stingray.
  33. All species of the genera *Pygocentrus*, *Pygopristis*, and *Serrasalmus*. Common name: piranha.
  34. All species of the family *Salmonidae*. Common names include: salmon and trout.
  35. The species *Scardinius erythrophthalmus*. Common name: rudd.
  36. All species of the family *Serranidae*. Common name: bass.
  37. The following species, and hybrid forms, of the Genus *Tilapia*: *O. aureus*, *O. mossambica*; *O. niloticus*, *O. urolepis hornorum* and *T. zilli*. Common name: tilapia.
  38. The species *Thymallus arcticus*. Common name: Arctic grayling.
- K.** Crustaceans listed below are considered restricted live wildlife:
1. All freshwater species within the families *Astacidae*, *Cambaridae*, and *Parastacidae*. Common name: crayfish.
  2. The species *Eriocheir sinensis*. Common name: Chinese mitten crab.
- L.** Mollusks listed below are considered restricted live wildlife:
1. The species *Corbicula fluminea*. Common name: Asian clam.
  2. All species of the family *Dreissenidae*. Common names include: quagga and zebra mussel.
  3. The species *Euglandina rosea*. Common name: rosy wolfsnail.
  4. The species *Mytilopsis leucophaea*. Common names include: Conrad's false dark mussel or false mussel.
  5. All species of the genus *Pomacea*. Common names include: apple snail or Chinese mystery snail.
  6. The species *Potamopyrgus antipodarum*. Common name: New Zealand mud snail.
- M.** All wildlife listed within Aquatic Invasive Species Director's Order #1.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2220, effective May 25, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 18 A.A.R. 196, effective January 10, 2012 (Supp. 12-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-407. Exemptions from Special License Requirements for Restricted Live Wildlife**

- A.** All live cervids may only be imported, possessed, or transported as authorized under R12-4-430.
- B.** A person is not required to possess a special license to lawfully possess restricted live wildlife under the following circumstances:
1. A person may possess, transport, or give away a desert tortoise (*Gopherus morafkai*) or the progeny of a desert tortoise provided the person lawfully possessed the desert

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- tortoise prior to April 28, 1989 or obtained the tortoise through a Department authorized adoption program. A person who receives a desert tortoise that is given away under this Section is also exempt from special license requirements.
- a. A person shall not:
    - i. Export a live desert tortoise from this state unless authorized in writing by the Department's special license administrator. A person may only export a live desert tortoise to an education or research institution or zoo located in another state.
    - ii. Possess desert tortoise in excess of the possession limit established under Commission Order 43.
    - iii. Propagate lawfully possessed desert tortoises or their progeny unless authorized in writing by the Department's special license administrator.
    - vi. Release a desert tortoise into the wild.
  - b. A person who possesses a desert tortoise and is moving out-of-state shall gift the desert tortoise to an Arizona resident or to the Department's Tortoise Adoption Program.
2. A licensed veterinarian may possess restricted wildlife while providing medical care to the wildlife and may release rehabilitated wildlife as directed in writing by the Department, provided:
    - a. The veterinarian keeps records of restricted live wildlife as required by the Veterinary Medical Examining Board, and makes the records available for inspection by the Department.
    - b. The Department assumes no financial responsibility for any care the veterinarian provides, except care that is specifically authorized by the Department.
  3. A person may transport restricted live wildlife through this state provided the person:
    - a. Transports the wildlife through the state within 72 continuous and consecutive hours;
    - b. Ensures at least one person is continually present with, and accountable for, the wildlife while in this state;
    - c. Ensures the wildlife is neither transferred nor sold to another person;
    - d. Ensures the wildlife is accompanied by evidence of lawful possession, as defined under R12-4-401;
    - e. Ensures a health certificate required under this Article accompanies the wildlife described on the health certificate, when applicable; and
    - f. Ensures the carcasses of any wildlife that die while in transport through this state are disposed of only as directed by the Department.
  4. A person may exhibit, export, import, possess, and transport restricted live wildlife for a circus, temporary animal exhibit, or government-authorized state or county fair, provided the person:
    - a. Possesses evidence of lawful possession as defined under R12-4-401, for the wildlife;
    - b. Ensures the evidence of lawful possession accompanies the wildlife described on that evidence;
    - c. Ensures a health certificate required under this Article accompanies the wildlife described on the health certificate, when applicable;
    - d. Ensures the wildlife does not come into physical contact with the public;
    - e. Keeps the wildlife under complete control by safe and humane means; and
    - f. Ensures the wildlife is not in this state for more than 60 consecutive days.
  5. A person may export, import, possess, and transport restricted live wildlife for the purpose of commercial photography, provided the person:
    - a. Possesses evidence of lawful possession as defined under R12-4-401 for the wildlife;
    - b. Ensures the evidence of lawful possession accompanies the wildlife described on that evidence;
    - c. Ensures a health certificate required under this Article accompanies the wildlife described on the health certificate, when applicable;
    - d. Ensures the wildlife does not come into physical contact with the public;
    - e. Keeps the wildlife under complete control by safe and humane means; and
    - f. Ensures the wildlife is not in this state for more than 60 consecutive days.
  6. A person may exhibit, import, possess, and transport restricted live wildlife for advertising purposes other than photography, provided the person:
    - a. Ensures the wildlife is accompanied by evidence of lawful possession as defined under R12-4-401;
    - b. Ensures the evidence of lawful possession accompanies the wildlife described on that evidence;
    - c. Ensures a health certificate required under this Article accompanies the wildlife described on the health certificate, when applicable;
    - d. Maintains the wildlife under complete control by safe and humane means;
    - e. Prevents the wildlife from coming into contact with the public or being photographed with the public;
    - f. Does not charge the public a fee to view the wildlife; and
    - g. Exports the wildlife from the state within 10 days of importation.
  7. A person may export restricted live wildlife, provided the person:
    - a. Ensures the wildlife is accompanied by evidence of lawful possession as defined under R12-4-401;
    - b. Ensures the evidence of lawful possession accompanies the wildlife described on that evidence;
    - c. Maintains the wildlife under complete control by safe and humane means;
    - d. Prevents the wildlife from coming into contact with the public or being photographed with the public;
    - e. Does not charge the public a fee to view the wildlife; and
    - f. Exports the wildlife from the state within 10 days of importation.
  8. A person may possess restricted live wildlife taken alive under R12-4-404, R12-4-405, and R12-4-427, provided the person possesses the wildlife in compliance with those Sections.
  9. A person who holds a falconry license issued by another state or country is exempt from obtaining an Arizona Sport Falconry License under R12-4-422, unless remaining in this state for more than 180 consecutive days.
    - a. The falconer licensed in another state or country shall present a copy of the out-of-state or out-of-country falconry license, or its equivalent, to the Department upon request.
    - b. A falconer licensed in another state or country and who remains in this state for more than the 180-day period shall apply for an Arizona Sport Falconry

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License in order to continue practicing sport falconry in this state.

10. A person may export, give away, import, kill, possess, propagate, purchase, trade, and transport restricted live wildlife provided the person is doing so for a medical or scientific research facility registered with the United States Department of Agriculture under 9 CFR Subpart C 2.30 revised January 1, 2019, which is incorporated by reference in this Section. The incorporated material is available at any Department office, online at [www.gpo.gov](http://www.gpo.gov), or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This incorporation by reference contains no future editions or amendments.
  11. A person may import and transport restricted live game fish, crayfish, and the following species, and hybrid forms, of the Genus *Tilapia*, *O. aureus* *O. mossambica*; *O. niloticus*, *O. urolepis hornorum* and *T. zilli* directly to restaurants or markets licensed to sell food to the public, when accompanied by a current valid transporter license issued under A.A.C. R3-2-1007.
  12. A person operating a restaurant or market licensed to sell food to the public may exhibit, offer for sale, possess, and sell restricted live game fish or crayfish, provided the live game fish and crayfish are killed before being transported from the restaurant or market.
  13. A person may export, giveaway, import, kill, possess, propagate, purchase, and trade transgenic animals provided the person is doing so for a medical or scientific research facility.
- C. An exemption granted under this Section is not valid for any wildlife protected by federal law nor does it allow the take of wildlife from the wild.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2220, effective May 25, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1). The Commission requested an error be corrected in subsection R12-4-407(B)(1)(a)(ii) which was amended by final rulemaking in Supp. 21-1. Under Commission Order 43 *possession limits*, of a desert tortoise are established, not *bag limits* as submitted and published. Documentation of the Commission's intent to use the term *possession limits* is published at 21 A.A.R. 324; see also Commission Order 43, Note #4 (Supp. 21-2).

**R12-4-408. Holding Wildlife for the Department**

- A. A game ranger may authorize a person to possess or transport live wildlife on behalf of the Department if the wildlife is needed as evidence in a pending civil or criminal proceeding.
- B. With the exception of live cervids, the Department has the authority to allow a person to possess and transport captive live wildlife for up to 72 hours or as otherwise directed by the Department.
- C. The Director has the authority to allow a person to hold a live cervid on behalf of the Department.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-409. General Provisions and Penalties for Special Licenses**

- A. A special license is required when a person intends to conduct any activity using restricted live wildlife. Special licenses are listed as follows:
  1. Aquatic wildlife stocking license, established under R12-4-410;
  2. Game bird license, established under R12-4-414;
  3. Live bait dealer's license, established under R12-4-411;
  4. Private game farm license, established under R12-4-413;
  5. Scientific activity license, established under R12-4-418;
  6. Sport falconry license, established under R12-4-422;
  7. White amur stocking and restocking license, established under R12-4-424;
  8. Wildlife holding license, established under R12-4-417;
  9. Wildlife rehabilitation license, established under R12-4-423;
  10. Wildlife service license, established under R12-4-421; and
  11. Zoo license, established under R12-4-420.
- B. An applicant for a special license listed under subsection (A) shall:
  1. Submit an application to the Department meeting the specific application requirements established under the applicable governing Section.
    - a. Applications for special licenses are furnished by the Department and are available at any Department office and on the Department's website.
    - b. An application is required upon initial application for a special license and when renewing a special license. A renewal application is appropriate where there are no changes to the:
      - i. Licensed facility location,
      - ii. Species of wildlife held under the special license, or
      - iii. Staff conducting the wildlife activities under the license.
  2. Be at least 18 years of age, unless applying for a Game Bird Field Training or Sport Falconry license.
  3. Pay all applicable fees required under R12-4-412.
- C. At the time of application, the person shall certify:
  1. The information provided on the application is true and correct to the applicant's knowledge;
  2. The applicant shall comply with any municipal, county, state or federal code, ordinance, statute, regulation, or rule applicable to the license held; and
  3. The applicant's live wildlife privileges are not currently suspended or revoked in this state, any other state or territory, or by the United States.
- D. A special license obtained by fraud or misrepresentation is invalid from the date of issuance.
- E. The Department shall either grant or deny a special license within the applicable overall time-frame established for that special license under R12-4-106.
- F. In addition to the criteria prescribed under the applicable governing Section, the Department shall deny a special license when:
  1. When it is in the best interest of public health or safety or the welfare of the wildlife;



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2. The applicant's live wildlife privileges are revoked or suspended in this state, any other state, or by the United States;
  3. The applicant was convicted of illegally holding or possessing live wildlife within five years preceding the date of application for the special license;
  4. The applicant knowingly provides false information on an application;
  5. The person fails to meet the requirements established under the applicable governing Section or this Section. The Department shall provide a written notice to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- G.** A special license holder may only engage in activities using federally-protected wildlife when the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license. A special license issued by the Department does not:
1. Exempt the license holder from any municipal, county, state or federal code, ordinance, statute, regulation, or rule; or
  2. Authorize the license holder to engage in any activity using wildlife that is protected by federal regulation.
- H.** The Department may place additional stipulations on a special license whenever it is determined necessary to:
1. Conserve wildlife populations,
  2. Prevent the introduction and proliferation of wildlife diseases,
  3. Prevent wildlife from escaping,
  4. Protect public health or safety, or
  5. Ensure humane care and treatment of wildlife.
- I.** A special license holder shall keep live wildlife in a facility according to the captivity standards prescribed under R12-4-428 and as otherwise required under this Article. The captivity standards prescribed under R12-4-428 are not applicable to a special license holder licensed under R12-4-410, R12-4-411, R12-4-422, and R12-4-424.
- J.** A special license holder shall keep records in compliance with the requirements established under the governing Section for a period of at least five years and shall make the records available for inspection to the Department upon request.
- K.** The Department may conduct an inspection of an applicant's or license holder's facility at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
- L.** Upon determining a disease or other emergency condition exists that poses an immediate threat to the public or the welfare of any wildlife, the Department may immediately order a cessation of operations under the special license and, if necessary, order the humane disposition or quarantine of any exposed, contaminated or affected wildlife.
1. When directed by the Department, a special license holder shall:
    - a. Perform disease testing,
    - b. Submit biological samples to the Department or its designee,
    - c. Surrender the wildlife to the Department,
    - d. Quarantine the wildlife, or
    - e. Humanely euthanize the wildlife.
  2. The license holder shall:
    - a. Ensure any disease or other emergency condition under this subsection is diagnosed by a person professionally certified to make the diagnosis.
    - b. Be responsible for all costs associated with the testing and treatment of the contaminated and affected wildlife.
- M.** If a condition exists, including disease or any violation of this Article, that poses a threat to the public or the welfare of any wildlife, but the threat does not constitute an emergency, the Department may issue a written notice of the condition to the special license holder specifying a reasonable period of time for the license holder to remedy the noticed condition. The notice of condition shall be delivered to the special license holder by certified mail or personal service. Failure of the license holder to remedy the noticed condition within the time specified by the Department is a violation under subsection (N).
- N.** A special license holder shall not:
1. Violate any provision of the governing Section or this Section;
  2. Violate any provision of the special license that the person possesses, including any stipulations specified on the special license;
  3. Violate A.R.S. § 13-2908, relating to criminal nuisance;
  4. Violate A.R.S. § 13-2910, relating to cruelty to animals; or
  5. Refuse to allow the inspection of facilities, wildlife, or required records.
- O.** The Department may take one or more of the following actions when a special license holder is convicted of a criminal offense involving cruelty to animals, violates subsection (N), or fails to comply with any requirement established under the governing Section or this Section:
1. File criminal charges,
  2. Suspend or revoke a special license,
  3. Humanely dispose of the wildlife,
  4. Seize or seize in place any wildlife held under a special license.
  5. A person may appeal to the Commission any Department action listed under this subsection as prescribed under A.R.S. Title 41, Chapter 6, Article 10, except the filing of criminal charges.
- P.** A special license holder who wishes to continue conducting activities authorized under the special license shall submit a renewal application to the Department on or before the special license expiration date.
1. The current license will remain valid until the Department grants or denies the new special license.
  2. If the Department denies the renewal application and the license holder appeals the denial to the Commission as prescribed under subsection (F)(4), the license holder may continue to hold the wildlife until:
    - a. The date on which the Commission makes its final decision on the appeal, or
    - b. The final date on which a person may request judicial review of the decision.
  3. A special license holder who fails to submit a renewal application to the Department before the date the license expires, cannot lawfully possess any live wildlife currently possessed under the license.
- Q.** A special license holder who no longer wishes to continue conducting activities authorized under the special license shall notify the Department in writing of this decision no less than 30 days prior to ceasing wildlife related activities. This notice shall include the proposed disposition of all wildlife held under the special license.

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- R. If required by the governing Section, a special license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year. The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.
  2. The special license becomes invalid if the special license holder fails to submit the annual report by January 31 of each year.
  3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
  4. When the license holder is acting as a representative of an institution, organization, or agency for the purposes of the special license, the license holder shall submit the report required under subsection this Section:
    - a. By January 31 of each year the license holder is affiliated with the institution, organization, or agency; or
    - b. Within 30 days of the date of termination of the license holder's affiliation with the institution, organization, or agency.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-410. Aquatic Wildlife Stocking License; Restocking License**

- A. An aquatic wildlife stocking or restocking license allows a person to import, possess, purchase, stock, and transport any restricted species designated on the license at the location specified on the license.
- B. The aquatic wildlife stocking or restocking license is valid for no more than 20 consecutive days, except that an aquatic wildlife stocking or restocking license is valid for one calendar year when issued to a political subdivision of the state for the purpose of vector control.
- C. In addition to the requirements established under this Section, an aquatic wildlife stocking or restocking license holder shall comply with the special license requirements established under R12-4-409.
- D. The aquatic wildlife stocking and restocking license holder shall be responsible for compliance with all applicable regulatory requirements. The licenses do not:
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- E. The Department shall deny an aquatic wildlife stocking or restocking license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny an aquatic wildlife stocking license when:
1. The Department determines that issuance of the license will result in a negative impact to native wildlife; or
  2. The applicant proposes to use aquatic wildlife that is not compatible with, or poses a threat to, any wildlife within the river drainage or the area where the stocking is to occur.
- F. An applicant for an aquatic wildlife stocking or restocking license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is furnished by the Department and is available at any Department office and on the Department's website. An applicant shall provide the following on the application:
1. The applicant's information:
    - a. Name;
    - b. Mailing address; and
    - c. Department ID number, when applicable;
  2. When the applicant proposes to use the aquatic wildlife for a commercial purpose the applicant's business:
    - a. Name;
    - b. Mailing address; and
    - c. Telephone number;
  3. Aquatic wildlife species information:
    - a. Common name of the aquatic wildlife species;
    - b. Number of animals for each species; and
    - c. Approximate size of the aquatic wildlife that will be used under the license;
  4. The purpose for introducing the aquatic wildlife species;
  5. For each location where the aquatic wildlife will be stocked, the owner's:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Physical address or general location of the stocking site, to include river drainage and the Global Positioning System location;
  6. A detailed description or diagram of the facilities where the applicant will stock the aquatic wildlife, which includes:
    - a. Size of waterbody proposed for stocking aquatic wildlife;
    - b. Nearest river, stream, or other freshwater system;
    - c. Points where water enters each waterbody, when applicable;
    - d. Points where water leaves each waterbody, when applicable; and
    - e. Location of fish containment barriers;
  7. For each supplier from whom the applicant will obtain aquatic wildlife, the supplier's:
    - a. Name;
    - b. Mailing address; and
    - c. Telephone number;
  8. The dates on which the person will stock aquatic wildlife;
  9. Any other information required by the Department; and
  10. The certification required under R12-4-409(C).
- G. In addition to the requirements listed under subsection (F), when an applicant wishes to stock an aquatic species in an area where that species has not yet been introduced, is not currently established, or there is potential for conflict with Department efforts to conserve wildlife, the applicant shall also submit a

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written proposal to the Department at the time of application. The written proposal shall contain all of the following information:

1. Anticipated benefits resulting from the introduction of the aquatic live wildlife species;
  2. Potential adverse economic impacts;
  3. Potential dangers the introduced aquatic species may possibly create for native aquatic species and game fish, to include all of the following:
    - a. Determination of whether or not the introduced aquatic species is compatible with native aquatic species or game fish;
    - b. Potential ecological problems created by the introduced aquatic species;
    - c. Anticipated hybridization concerns with introducing the aquatic species; and,
    - d. Future plans designed to evaluate the status and impact of the species after it is introduced.
  4. Assessment of probable impacts to sensitive species in the area using the list generated by the Department's Online Environmental Review Tool, which is available on the Department's website. The proposal must address each species listed.
- H.** An application for an aquatic restocking license is considered to be a renewal of the license when there are no changes to the:
1. Aquatic wildlife species,
  2. The purpose for introducing the aquatic wildlife species, and
  3. The facilities where the applicant stocked the aquatic wildlife.
- I.** An applicant for an aquatic wildlife stocking or restocking license shall pay all applicable fees required under R12-4-412.
- J.** An aquatic wildlife stocking or restocking license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  2. Obtain all aquatic wildlife, live eggs, fertilized eggs, and milt from a licensed fish farm operator or a private non-commercial fish pond certified to be free of diseases and causative agents through the following actions:
    - a. An inspection shall be performed by a qualified fish health inspector or fish pathologist at the fish farm or pond where the aquatic wildlife or biological material is held before it is shipped to the license holder.
    - b. The inspection shall be conducted no more than 12 months prior to the date on which the aquatic wildlife or biological material is shipped to the license holder. The Department may require additional inspections at any time prior to stocking.
    - c. The applicant shall submit a copy of the certification to the Department prior to conducting any stocking activities.
  3. Maintain records associated with the license for a period of five years following the date of disposition.
  4. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
  5. Possess the license or legible copy of the license while conducting any activities authorized under the aquatic stocking license and presents it for inspection upon the request of any Department employee or agent.

6. Dispose of wildlife only as authorized under this Section or as directed in writing by the Department.

- K.** An aquatic wildlife stocking or restocking license holder shall comply with the requirements established under R12-4-409.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-411. Live Bait Dealer's License**

- A.** A live bait dealer's license allows a person to perform any of the following activities using the aquatic live wildlife listed under subsection (B): exhibit for sale, export, import, kill, offer for sale, possess, purchase, sell, trade, or transport.
- B.** A live bait dealer's license allows a person to perform any of the activities listed under subsection (A) with any or all of the following aquatic live wildlife:
1. Desert Sucker, *Catostomus clarkii*;
  2. Fathead minnow, *Pimephales promelas*;
  3. Golden shiner, *Notemigonus crysoleucas*;
  4. Goldfish, *Carassius auratus*;
  5. Longfin Dace, *Agosia chrysogaster*;
  6. Speckled Dace, *Rhynchichthys osculus*; and
  7. Waterdogs, *Ambystoma tigrinum*, except in that portion of Santa Cruz County lying east and south of State Highway 82, or that portion of Cochise County lying west of the San Pedro River and south of State Highway 82.
- C.** A live bait dealer's license expires on the last day of the third December from the date of issuance.
- D.** In addition to the requirements established under this Section, a live bait dealer license holder shall comply with the special license requirements established under R12-4-409.
- E.** The live bait dealer's license holder shall be responsible for compliance with all applicable regulatory requirements. The license does not:
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- F.** The Department shall deny a live bait dealer's license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- G.** An applicant for a live bait dealer's license shall submit an application to the Department. The application is available from any Department office and on the Department's website. An applicant shall provide the following information on the application:
1. The applicant's information:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Department ID number, when applicable;

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2. The applicant's business:
  - a. Name;
  - b. Mailing address; and
  - c. Telephone number of the applicant's business;
3. Wildlife species information:
  - a. Common name of all wildlife species; and
  - b. The number of animals for each species that will be sold under the license.
4. For each location where the wildlife will be used, the owner's:
  - a. Name;
  - b. Mailing address;
  - c. Telephone number; and
5. A detailed description or diagram of the facilities where the applicant will hold the wildlife;
6. For each supplier from whom the applicant will obtain wildlife, the supplier's:
  - a. Name;
  - b. Mailing address;
  - c. Telephone number;
7. Any other information required by the Department; and
8. The certification required under R12-4-409(C).

**H.** An applicant for a live bait dealer's license shall pay all applicable fees required under R12-4-412.

**I.** A live bait dealer's license holder shall:

1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
2. Obtain live baitfish from a facility certified free of the diseases and causative agents through the following actions:
  - a. An inspection shall be performed by a qualified fish health inspector or fish pathologist at the facility where the wildlife is held before it is shipped to the license holder.
  - b. The inspection shall be conducted no more than 12 months prior to the date on which the aquatic wildlife or biological material is shipped to the license holder. The Department may require additional inspections at any time prior to shipping.
  - c. The applicant shall submit a copy of the certification to the Department prior to conducting any activities authorized under the license.
  - d. The live bait dealer's license holder shall include a copy of the certification in each shipment.
3. Maintain records associated with the license for a period of five years following the date of disposition.
4. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
5. Possess the license or legible copy of the license while conducting activities authorized under the live bait dealers license and presents it for inspection upon the request of any Department employee or agent.
6. Dispose of aquatic wildlife only as authorized under this Section or as directed by the Department.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 7 A.A.R. 2220, effective May 25, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final

rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

#### R12-4-412. Special License Fees

- A.** A person who applies for a special license authorized under this Article shall pay all applicable fees at the time of application. The fees listed below include a \$20 application processing fee.
- B.** An initial license fee is required upon initial application or when an applicant fails to renew a special license before the license expires.
- C.** A renewal license fee is required when an applicant submits an application to renew the special license before the license expires and provided there are no changes to any of the following:
  1. Licensed facility location,
  2. Species of wildlife held under the special license, and
  3. Staff conducting the wildlife activities under the license.

Short-term Special License Fees	Initial License	Valid For
Aquatic Wildlife Stocking License	\$100	20-days
Aquatic Wildlife Restocking License	\$20	20-days
Aquatic Wildlife Stocking License issued to a political subdivision of the state	no fee	365-days
Aquatic Wildlife Restocking License issued to a political subdivision of the state	no fee	365-days
Game Bird Field Trial License	\$45	10-days
White Amur Stocking License	\$270	20-days
White Amur Restocking License	\$120	20-days

Three-year Special License Fees	Initial License	Renewal License
Game Bird Field Training License	\$95	\$45
Game Bird Hobby License	\$80	\$40
Game Bird Shooting Preserve License	\$425	\$155
Live Bait Dealer's License	\$125	\$35
Private Game Farm License	\$395	\$145
Scientific Activity License	\$70	\$70
Sport Falconry License validates an Arizona hunting or combination hunting and fishing license for hunting or taking quarry with a trained raptor.	\$145	\$145
Wildlife Holding License	\$20	\$20
Wildlife Rehabilitation License	\$20	\$20
Wildlife Service License	\$245	\$95
Zoo License	\$425	\$155

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Repealed effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). New Section adopted effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Section repealed by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final exempt rulemaking at 27 A.A.R. 400, effective July 1, 2021 (Supp. 21-1).

#### R12-4-413. Private Game Farm License

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- A.** A private game farm license authorizes a person to commercially farm and sell captive pen-reared game birds as specified on the license at the location designated on the license.
1. A private game farm license allows the license holder to display for sale, give away, import, offer for sale, possess, propagate and rear, purchase, rent or lease, sell, trade, or transport captive pen-reared game birds carcasses or parts.
  2. The Private Game Farm License expires on the last day of the third December from the date of issuance.
- B.** Private game farm captive pen-reared game birds may be killed or slaughtered, but a person shall not kill or allow the captive pen-reared game birds to be killed by hunting or in a manner that could be perceived as hunting or recreational sport harvest while under the care and control of the private game farm license holder.
- C.** Private game farm captive pen-reared game birds shall not be killed by a person who pays a fee to the owner of the private game farm for killing the captive pen-reared game birds, nor shall the game farm owner accept a fee for killing the captive pen-reared game birds, except as authorized under R12-4-414.
- D.** A private game farm licenses authorizes the use of only the following captive-reared game birds:
1. *Alectoris chukar*, Chukar;
  2. *Anas platyrhynchos*, Mallard duck, provided all mallard ducks and progeny are physically marked as required under 50 CFR 21.13, revised October 1, 2019, which is incorporated by reference;
  3. *Callipepla californica*, California or valley quail;
  4. *Callipepla gambelii*, Gambel's quail;
  5. *Callipepla squamata*, Scaled quail;
  6. *Colinus virginianus*, Northern bobwhite;
  7. *Cyrtonyx montezumae*, Montezuma or Mearns' quail;
  8. *Dendragapus obscurus*, Dusky grouse;
  9. *Oreortyx pictus*, Mountain Quail; and
  10. *Phasianus colchicus*, Ringneck and whitewing pheasant;
  11. For subsection (D)(2), the incorporated by material is available at any Department office, online at [www.gpo.gov](http://www.gpo.gov), or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This incorporation by reference does not include any later amendments or editions of the incorporated material.
- E.** The Department shall deny an application for:
1. A new private game farm license for mammals. The Department may accept a renewal application for a private game farm license holder currently permitted to possess mammals, provided the license holder is in compliance with all applicable requirements under R12-4-409, R12-4-428, R12-4-430, and this Section.
  2. A private game farm license for Northern bobwhite, *Colinus virginianus*, in game management units 36A, 36B, and 36C, as prescribed under R12-4-108.
- F.** In addition to the requirements established under this Section, a private game farm holder shall comply with the special license requirements established under R12-4-409.
- G.** The private game farm license holder shall be responsible for compliance with all applicable regulatory requirements. The license does not:
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- H.** The Department shall deny a private game farm license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission. An applicant applying for a private game farm license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use captive pen-reared game birds. The application is furnished by the Department and is available at any Department office and on the Department's website. An applicant shall provide the following information on the application:
1. The applicant's information:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Department ID number, when applicable;
  2. The applicant's business:
    - a. Name;
    - b. Mailing address; and
    - c. Telephone number;
  3. For captive pen-reared game birds to be used under the license:
    - a. Common name of the captive pen-reared game birds species;
    - b. Number of birds for each species; and
    - c. When the applicant is renewing the private game farm license, the species and number of captive pen-reared game birds for each species currently held in captivity under the license;
  4. For each location where the applicant proposes to use the captive pen-reared game birds will be used, the land owner's:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Physical address or general location description and Global Positioning System location;
  5. A detailed description or diagram of the facilities where the applicant will hold the captive pen-reared game birds, and a description of how the facilities comply with the requirements established under R12-4-428 and any other captivity standards established under this Section;
  6. For each wildlife supplier from whom the special license applicant will obtain wildlife, the supplier's:
    - a. Name;
    - b. Mailing address; and
    - c. Telephone number;
  7. Any other information required by the Department; and
  8. The certification required under R12-4-409(C).
- J.** An applicant for a private game farm license shall pay all applicable fees required under R12-4-412.
- K.** A private game farm license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  2. Ensure each shipment of live captive pen-reared game birds imported into the state is accompanied by a health certificate or other similar form that indicates the captive pen-reared game birds identified on the form appears to be healthy and free of infectious, contagious, and communicable diseases.

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- a. The certificate or other similar form shall be issued no more than 30 days prior to the date on which the captive pen-reared game birds shipped.
- b. A copy of the certificate shall be submitted to the Department prior to importation.
3. Ensure the following documentation accompanies each shipment of captive pen-reared game birds made by the game farm:
  - a. Name of the private game farm license holder,
  - b. Private game farm license number,
  - c. Date captive pen-reared game birds were shipped,
  - d. Number of captive pen-reared game birds, by species, included in the shipment,
  - e. Name of the person or common carrier transporting the shipment, and
  - f. Name of the person receiving the shipment.
4. Provide each person who transports a captive pen-reared game birds carcass from the site of the game farm with a receipt that includes all of the following:
  - a. Date the captive pen-reared game birds were purchased, traded, or given as a gift;
  - b. Name of the game farm; and
  - c. Number of captive pen-reared game birds carcasses, by species, being transported.
5. Ensure each facility is inspected by the attending veterinarian at least once every year.
6. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
7. Maintain records of all captive pen-reared game birds possessed under the license for a period of three years. In addition to the information required under subsections (M)(4)(a) through (M)(4)(e), the records shall also include:
  - a. The private game farm license holder's:
    - i. Name;
    - ii. Mailing address;
    - iii. Telephone number; and
    - iv. Special license number;
  - b. Copies of all federal, state, and local licenses, permits, and authorizations required for the lawful operation of the private game farm;
  - c. Copies of the annual report required under subsection (M);
  - d. Number of all captive pen-reared game birds, by species and the date it was obtained;
  - e. Source of all captive pen-reared game birds and the date it was obtained;
  - f. Number of offspring propagated by all captive pen-reared game birds; and
  - g. For all captive pen-reared game birds disposed of by the license holder:
    - i. Number, species, and date of disposition; and
    - ii. Manner of disposition to include the names and addresses of persons to whom the captive pen-reared game birds were bartered, given, or sold, when authorized.
8. Immediately report to the Department any mortality event that results in the loss of 10% or more of the adult captive pen-reared game birds held on the facility within any seven day period and allow the Department to collect samples from the affected game birds for disease testing purposes as prescribed under A.R.S. § 17-250.
- L. A private game farm license holder shall not:
  1. Propagate hybrid wildlife or domestic birds with captive pen-reared game birds; or
  2. Possess domestic species under the special license.
- M. A private game farm license holder shall submit an annual report to the Department before January 31 of each year for activities performed under the license for the previous calendar year. The report form is furnished by the Department.
  1. A report is required regardless of whether or not activities were performed during the previous year.
  2. The private game farm license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
  3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
  4. The annual report shall include all of the following information, as applicable:
    - a. Number of captive pen-reared game birds, by species;
    - b. Source of all captive pen-reared game birds that the license holder obtained or propagated;
    - c. Date on which the captive pen-reared game birds was obtained or propagated;
    - d. Date on which the captive pen-reared game birds was disposed of and the manner of disposition; and
    - e. Name of person who received captive pen-reared game birds disposed of by barter, given as a gift, or sale.
- N. Except for cervids which shall be disposed of only as established under R12-4-430, a private game farm license holder who no longer uses the captive pen-reared game birds for a commercial purpose shall dispose of the captive pen-reared game birds as follows:
  1. Export,
  2. Transfer to another private game farm licensed under this Section,
  3. Transfer to a zoo licensed under R12-4-420,
  4. Transfer to a medical or scientific research facility exempt under R12-4-407,
  5. As directed by the Department, or
  6. As otherwise authorized under this Section.
- O. A private game farm license holder shall comply with the requirements established under R12-4-428 and R12-4-430.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-414. Game Bird License**

- A. A game bird license authorizes a person to conduct certain activities with the captive pen-reared game birds specified on the license and only at the location or locations specified on the license, as described below:
  1. Game Bird Hobby:
    - a. Authorizes a license holder to:
      - i. Possess no more than 50 captive pen-reared game birds at any one time;

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- ii. Export, import, kill, possess, propagate, purchase, and transport the captive pen-reared game birds specified on the license for personal, noncommercial purposes only; and
    - iii. Gift a captive pen-reared game bird to another special license holder who is authorized to possess the game bird species.
  - b. The following captive pen-reared game bird species may be possessed by a Game Bird Hobby license holder:
    - i. *Alectoris chukar*, Chukar;
    - ii. *Callipepla californica*, California or valley quail;
    - iii. *Callipepla gambelii*, Gambel's quail;
    - iv. *Callipepla squamata*, Scaled quail;
    - v. *Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D);
    - vi. *Cyrtonyx montezumae*, Montezuma or Mearns' quail; and
    - vii. *Dendragapus obscurus*, Dusky grouse.
  - c. The license holder shall immediately report to the Department any mortality event that results in the loss of 10% or more of the adult game birds held on the facility and allow the Department to collect samples from the affected game birds for disease testing purposes as prescribed under A.R.S. § 17-250.
  - d. The Game Bird Hobby license expires on the last day of the third December from the date of issuance.
- 2. Game Bird Shooting Preserve:
  - a. Authorizes a license holder to:
    - i. Release captive pen-reared game birds for the purpose of hunting or shooting.
    - ii. Export, display, gift, import, kill, offer for sale, possess, propagate, purchase, trade, and transport the captive pen-reared game birds specified on the license.
  - b. The following captive pen-reared game bird species may be possessed by a Game Bird Shooting Preserve license holder:
    - i. *Alectoris chukar*, Chukar;
    - ii. *Anas platyrhynchos*, Mallard duck, provided all mallard ducks and progeny are physically marked as required under 50 CFR 21.13, revised October 1, 2019, which is incorporated by reference;
    - iii. *Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D); and
    - iv. *Phasianus colchicus*, Ringneck and White-wing pheasant.
  - c. The license holder shall:
    - i. Restrict the release and take of the live captive pen-reared game birds on private lands to an area not more than 1,000 acres.
    - ii. Immediately report to the Department any mortality event that results in the loss of 10% or more of the adult game birds held on the facility and allow the Department to collect samples from the affected game birds for disease testing purposes as prescribed under A.R.S. § 17-250.
  - d. The license holder may charge a fee to allow persons to take captive pen-reared game birds on the shooting preserve.
    - e. A person is not required to possess a hunting license when taking a captive pen-reared game bird released under the provisions of this Section.
    - f. A captive pen-reared game bird released under a Game Bird Shooting Preserve license may be taken with any method designated under R12-4-304.
    - g. The Game Bird Shooting Preserve license expires on the last day of the third December from the date of issuance.
- 3. Game Bird Field Trial:
  - a. Authorizes a license holder to:
    - i. Release and take captive pen-reared game birds for the purpose of conducting a competition to test the performance of hunting dogs in one field trial event;
    - ii. Import, kill, possess, purchase within the state, and transport the captive pen-reared game birds specified on the license for one field trial event; and
    - iii. Export, gift, kill, or transport any captive pen-reared game bird held after the field trial event.
  - b. The following captive pen-reared game bird species may be possessed by a Game Bird Field Trial license holder:
    - i. *Alectoris chukar*, Chukar;
    - ii. *Anas platyrhynchos*, Mallard duck, provided all mallard ducks and progeny are physically marked as required under 50 CFR 21.13, revised October 1, 2019, which is incorporated by reference;
    - iii. *Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D);
    - iv. *Phasianus colchicus*, Ringneck and White-wing pheasant.
  - c. A person is not required to possess a hunting license in order to participate in a field trial event held under the provisions of this Section.
  - d. A captive pen-reared game bird released under a Game Bird Field Trial license may be taken with any method designated under R12-4-304.
  - e. The Game Bird Field Trial license is valid for no more than ten consecutive days.
- 4. Game Bird Field Training:
  - a. Authorizes a license holder to:
    - i. Release and take released live captive pen-reared game birds specified on the license for the purpose of training a dog or raptor to hunt game birds; and
    - ii. Import, possess, purchase within the state, and transport the captive pen-reared game birds specified on the license; and
    - iii. Export, gift, kill, or transport any captive pen-reared game bird possessed under the license.
  - b. The following captive pen-reared game bird species may be possessed by a Game Bird Field Training license holder:
    - i. *Alectoris chukar*, Chukar;
    - ii. *Anas platyrhynchos*, Mallard duck, provided all mallard ducks and progeny are physically marked as required under 50 CFR 21.13, revised October 1, 2019, which is incorporated by reference;
    - iii. *Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D)(2)(b);

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- iv. *Phasianus colchicus*, Ringneck and White-wing pheasant.
  - c. A person is not required to possess a hunting license when taking a captive pen-reared game bird released under the provisions of this Section.
  - d. A captive pen-reared game bird released under a Game Bird Field Training license may be taken with any method designated under R12-4-304.
  - e. The Game Bird Field Training license expires on the last day of the third December from the date of issuance.
5. For subsections (A)(2)(b)(ii), (A)(3)(b)(ii), and (A)(4)(b)(ii), the incorporated material is available at any Department office, online at [www.gpo.gov](http://www.gpo.gov), or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This incorporation by reference does not include any later amendments or editions of the incorporated material.
- B.** In addition to the requirements established under this Section, a game bird license holder shall comply with the special license requirements established under R12-4-409.
- C.** The game bird license holder shall be responsible for compliance with all applicable regulatory requirements. The license does not:
- 1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  - 2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- D.** The Department shall deny a game bird license to a person who fails to meet the requirements under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department may deny a game bird license when:
- 1. The applicant proposes to release captive pen-reared game birds:
    - a. At a location where an established wild population of the same species exists.
    - b. During nesting periods of upland game birds or waterfowl that nest in the area.
  - 2. The applicant requests a license:
    - a. For the sole purpose described under subsection (A)(1) and proposes to possess more than 50 captive pen-reared game birds at any one time.
    - b. To possess Northern bobwhites, *Colinus virginianus*, in any one of the following game management units, as described under R12-4-108; 36A, 36B, and 36C.
  - 3. The Department determines the:
    - a. Authorized activity listed under this Section may pose a threat to native wildlife, wildlife habitat, or public health or safety.
    - b. Escape of any species listed on the application may pose a threat to native wildlife or public health or safety.
    - c. Release of captive pen-reared game birds may interfere with a wildlife or habitat restoration program.
- E.** An applicant for a game bird license shall submit an application to the Department. A person applying for multiple Game Bird Field Trial licenses shall submit a separate application for each date and location where a competition will occur. The application is furnished by the Department and is available at any Department office and on the Department's website. An applicant shall provide the following information on the application:
- 1. The applicant's information:
    - a. Name;
    - b. Mailing address, when applicable;
    - c. Physical address;
    - d. Telephone number; and
    - e. Department ID number, when applicable;
  - 2. For captive pen-reared game birds to be used under the license:
    - a. Common name of game bird species;
    - b. Number of animals for each species; and
    - c. When the applicant is renewing a Game Bird Hobby or Shooting Preserve license, the species and number of animals for each species currently held in captivity under the license;
  - 3. The type of game bird license:
    - a. Game Bird Hobby;
    - b. Game Bird Shooting Preserve;
    - c. Game Bird Field Trial; or
    - d. Game Bird Field Training;
  - 4. For each location where captive pen-reared game birds will be held, the owner's:
    - a. Name;
    - b. Mailing address, when applicable;
    - c. Telephone number; and
    - d. Physical address or general location description and Global Positioning System location, when available;
  - 5. For each location where captive pen-reared game birds will be released, the land owner's or agency's:
    - a. Name;
    - b. Mailing address, when applicable;
    - c. Telephone number; and
    - d. Physical address or general location description and Global Positioning System location, when available; and
  - 6. For each captive pen-reared game bird supplier from whom the applicant will obtain game birds, the supplier's:
    - a. Name;
    - b. Mailing address; and
    - c. Telephone number;
  - 7. An applicant who is applying for a Game Bird Shooting Preserve or Field Trial license and intends to use the captive pen-reared game birds for a commercial purpose shall also provide the applicant's business:
    - a. Name;
    - b. Mailing address; and
    - c. Telephone number;
  - 8. An applicant who intends to use the captive pen-reared game birds for an activity affiliated with a sponsoring organization shall also provide the organization's:
    - a. Name;
    - b. Mailing address; and
    - c. Telephone number of the organization chair or local chapter;
  - 9. An applicant who is applying for a Game Bird Field Trial license shall also specify the range of dates within which the field trial event will take place, not to exceed a 10-day period;



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10. An applicant who is applying for a Game Bird Hobby or Game Bird Shooting Preserve license shall also provide a detailed description or diagram of the facilities where the applicant will hold captive pen-reared game birds and a description of how the facilities comply with the requirements established under R12-4-428 and any other captivity standards established under this Section;
  11. Any other information required by the Department; and
  12. The certification required under R12-4-409(B).
- F.** An applicant for a game bird license shall pay all applicable fees required under R12-4-412.
- G.** A game bird license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  2. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
  3. Possess the license or legible copy of the license while conducting any activity authorized under the game bird license and present it for inspection upon the request of any Department employee or agent.
  4. Ensure each shipment of captive pen-reared game birds imported into the state is accompanied by a health certificate.
    - a. The certificate shall be issued no more than 30 days prior to the date on which the game birds are shipped.
    - b. A copy of the certificate shall be submitted to the Department prior to importation.
  5. Provide each person who transports captive pen-reared game birds taken under the game bird license with documentation that includes all of the following:
    - a. Name of the game bird license holder;
    - b. Game bird license number;
    - c. Date the captive pen-reared game bird was obtained;
    - d. Number of captive pen-reared game birds, by species; and
    - e. When the captive pen-reared game birds are being shipped:
      - i. Name of the person or common carrier transporting the shipment, and
      - ii. Name of the person receiving the shipment.
  6. Maintain records of all captive pen-reared game birds possessed under the license for a period of five years. In addition to the information required under subsections (G)(5)(a) through (G)(5)(b), the records shall also include:
    - a. The game bird license holder's:
      - i. Name;
      - ii. Mailing address;
      - iii. Telephone number; and
      - iv. Special license number;
    - b. Copies of the annual report required under subsection (H);
  7. Dispose of captive pen-reared game birds only as authorized under this Section or as directed by the Department.
  8. Conduct license activities solely at the locations and within the timeframes approved by the Department. A Game Bird License holder may request permission to amend the license to conduct activities authorized under the license at an additional location by submitting the application required under subsection (E) to the Department.
- H.** A game bird license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year. The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.
  2. The game bird license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
  3. The Department shall not process the special license holder's renewal application until the annual report is received by the Department.
  4. The annual report shall include all of the following information, as applicable:
    - a. Number of all captive pen-reared game birds, by species and the date obtained;
    - b. Source of all captive pen-reared game birds and the date obtained;
    - c. Number of offspring propagated by all captive pen-reared game birds; and
    - d. For all captive pen-reared game birds disposed of by the license holder:
      - i. Number, species, and date of disposition; and
      - ii. Manner of disposition to include the names and addresses of persons to whom the wildlife was bartered, given, or sold, when authorized.
- I.** A game bird license holder shall comply with the requirements established under R12-4-428.
- J.** A game bird released under a game bird license and found outside of the location specified on the license shall become property of the state and is subject to the requirements prescribed under A.R.S. Title 17 and 12 A.A.C. 4, Article 3.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 23 A.A.R. 2557, effective September 6, 2017 (Supp. 17-3). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-415. Repealed****Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Repealed by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-416. Repealed****Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Repealed by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-417. Wildlife Holding License**

- A.** A wildlife holding license authorizes a person to display for educational purposes, euthanize, export, give away, import, photograph for commercial purposes, possess, propagate, purchase, or transport, restricted and nonrestricted live wildlife lawfully:

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1. Held under a valid hunting or fishing license for a purpose listed under subsection (C),
  2. Collected under a valid scientific activity license issued under R12-4-418,
  3. Obtained under a valid wildlife rehabilitation license issued under R12-4-423,
  4. Or as otherwise authorized by the Department.
- B.** A wildlife holding license expires on the last day of the third December from the date of issuance, or, if the license holder is a representative of an institution, organization, or agency described under subsection (C)(4), upon termination of the license holder's affiliation with that entity, whichever comes first.
- C.** A wildlife holding license is valid for the following purposes, only:
1. Advancement of science;
  2. Lawfully possess restricted or nonrestricted live wildlife when it is:
    - a. Necessary to give humane treatment to live wildlife that is declared unsuitable for release by a licensed veterinarian, and is therefore unable to meet its own needs in the wild; or
    - b. Previously possessed under another special license and the primary purpose for that special license no longer exists;
  3. Promotion of public health or welfare;
  4. Provide education under the following conditions:
    - a. The applicant is an educator affiliated or partnered with an educational institution; and
    - b. The educational institution permits the use of live wildlife.
  5. Photograph for a commercial purpose live wildlife provided:
    - a. The wildlife will be photographed without posing a threat to other wildlife or the public, and
    - b. The photography will not adversely impact other affected wildlife in this state, or
  6. Wildlife management.
- D.** The Department shall deny an application for a wildlife holding license for the possession of cervids.
- E.** In addition to the requirements established under this Section, a wildlife holding license holder shall comply with the special license requirements established under R12-4-409.
- F.** The license holder shall be responsible for compliance with all applicable regulatory requirements. The wildlife holding license does not:
1. Exempt the license holder or their agent from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  2. Authorize the license holder or their agent to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- G.** The Department shall deny a wildlife holding license to a person who fails to meet the requirements established under R12-4-409 or this Section, or when the person's wildlife holding privileges are suspended or revoked in any state. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny a wildlife holding when:
1. It is in the best interest of public health or safety or the welfare of the wildlife; or
  2. The issuance of the license will adversely impact other wildlife or their habitat in the state.
- H.** An applicant for a wildlife holding license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is furnished by the Department and is available at any Department office and on the Department's website. The applicant shall provide the following information:
1. The applicant's information:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Department ID number, when applicable;
  2. If the applicant will use the wildlife for a commercial purpose, the applicant's business:
    - a. Name;
    - b. Mailing address; and
    - c. Telephone number;
  3. If the applicant will use wildlife for activities authorized by a scientific institution that employs, contracts, or is similarly affiliated with the applicant, the institution's:
    - a. Name;
    - b. Mailing address; and
    - c. Telephone number;
  4. For wildlife to be used under the license:
    - a. Common name of the wildlife species;
    - b. Number of animals for each species;
    - c. When the application is for the use of multiple species, the applicant shall list each species and the number of animals for each species; and
    - d. When the applicant is renewing the wildlife holding license, the species and number of animals for each species currently held in captivity under the license;
  5. For wildlife to be used for educational purposes:
    - a. The affiliated educational institution's:
      - i. Name;
      - ii. Mailing address; and
      - iii. Telephone number of the educational institution;
    - b. A copy of the established curriculum utilizing sound educational objectives; and
    - c. A plan for how the applicant will address any safety concerns associated with the use of live wildlife in a public setting.
  6. For each location where the applicant proposes to hold the wildlife, the owner's:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Physical address or general location description and Global Positioning System location;
  7. A detailed description and diagram, or photographs, of the facilities where the applicant will hold the wildlife and a description of how the facilities comply with the requirements established under R12-4-428, and any other captivity standards that may be established under this Section;
  8. The dates that the applicant will begin and end holding wildlife;
  9. A clear description of how the applicant intends to dispose of the wildlife once the proposed activity for which the license was issued ends;
  10. Any other information required by the Department; and

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11. The certification required under R12-4-409(C).
  12. For subsection (H)(7), the Department may, at its discretion, accept documented current certification or approval by the applicant's institutional animal care and use committee or similar committee in lieu of the description, diagram, and photographs of the facilities.
- I.** In addition to the requirements listed under subsection (H), at the time of application, an applicant for a wildlife holding license shall also submit:
1. Evidence of lawful possession, as defined under R12-4-401;
  2. A statement of the applicant's experience in handling and providing care for the wildlife to be held or experience relevant to handling or providing care for wildlife;
  3. A written proposal that contains all of the following information:
    - a. A detailed description of the activity the applicant intends to perform under the license;
    - b. Purpose for the proposed activity;
    - c. The contribution the proposed activity will make to one or more of the primary purposes listed under subsection (C).
    - d. For an applicant who wishes to possess restricted or nonrestricted live wildlife for the purpose of providing humane treatment, a written explanation stating why the wildlife is unable to meet its own needs in the wild and the following information for the licensed veterinarian who will provide care for the wildlife:
      - i. Name;
      - ii. Mailing address; and
      - iii. Telephone number;
- J.** An applicant for a wildlife holding license shall pay all applicable fees required under R12-4-412.
- K.** A wildlife holding license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  2. Maintain records associated with the license for a period of five years following the date of disposition.
  3. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
  4. Possess the license or legible copy of the license while conducting any activity authorized under the wildlife holding license and presents it for inspection upon the request of any Department employee or agent.
  5. Permanently mark any restricted live wildlife used for lawful activities under the authority of the license, when required by the Department.
  6. Ensure that a copy of the license accompanies any transportation or shipment of wildlife made under the authority of the license.
  7. Surrender wildlife held under the license to the Department upon request.
- L.** A wildlife holding license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year or as indicated under subsection (O). The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.
  2. The wildlife holding license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
  3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
  4. The annual report shall include all of the following information, as applicable:
    - a. A list of animals held during the year, the list shall be by species and include the source and date on which the wildlife was acquired.
    - b. The permanent mark or identifier of the wildlife, such as name, number, or another identifier for each animal held during the year, when required by the Department. This designation or identifier shall be provided with other relevant reported details for the holding or disposition of the individual animal;
    - c. Whether the wildlife is alive or dead.
    - d. The current location of the wildlife.
    - e. A list of all educational displays where the wildlife was utilized to include the date, location, institution or audience, approximate attendance, and wildlife used.
- M.** A wildlife holding license holder may authorize an agent to assist the license holder in conducting activities authorized under the wildlife holding license, provided the agent's wildlife privileges are not suspended or revoked in any state.
1. The license holder shall obtain written authorization from the Department before allowing a person to act as an agent.
  2. The license holder shall notify the Department in writing within 10 calendar days of terminating any agent.
  3. The Department may suspend or revoke the license holder's license if an agent violates any requirement of this Section or Article or any stipulations placed upon the license.
  4. An agent may possess wildlife for the purposes outlined under subsection (C), under the following conditions:
    - a. The agent shall possess evidence of lawful possession, as defined under R12-4-401, for all wildlife possessed by the agent;
    - b. The agent shall return the wildlife to the primary license holder's facility within two days of receiving the wildlife.
- N.** A wildlife holding license holder or their agent shall not barter, give as a gift, loan for commercial activities, offer for sale, sell, trade, or dispose of any restricted or nonrestricted live wildlife, offspring of restricted or nonrestricted live wildlife, or their parts except as stipulated on the wildlife holding license or as directed in writing by the Department.
- O.** A wildlife holding license is no longer valid once the primary purpose for which the license was issued, as prescribed in subsection (C), no longer exists. When this occurs, the wildlife holding license holder shall immediately submit the annual report required under (L) to the Department.
- P.** A wildlife license holder shall comply with the requirements established under R12-4-409, R12-4-428, and R12-4-430.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

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Amended by final rulemaking at 27 A.A.R. 321, effective  
July 1, 2021 (Supp. 21-1).

**R12-4-418. Scientific Activity License**

- A.** A scientific activity license allows a person to conduct any of the following activities with wildlife when specified on the license:
1. Capture, hold, and release wildlife as directed by the Department,
  2. Collection of dead wildlife,
  3. Display,
  4. Photograph for noncommercial purposes,
  5. Possess,
  6. Propagate,
  7. Take of live wildlife,
  8. Transport, and
  9. Use for educational purposes.
- B.** The Department issues five types of scientific collecting licenses:
1. Academic institution,
  2. Government agency,
  3. Non-governmental organization,
  4. Nonprofit organization, and
  5. Personal.
- C.** A person may apply for a scientific activity license only when the license is requested for:
1. The purpose of wildlife management, gathering information valuable to the maintenance of wild populations, education, the advancement of science, or promotion of the public health or welfare;
  2. A purpose that is in the best interest of the wildlife or the species, will not adversely impact other affected wildlife in this state, and may be authorized without posing a threat to wildlife or public safety; and
  3. A purpose that does not unnecessarily duplicate previously documented projects.
- D.** A scientific activity license expires on December 31 of each year.
- E.** For the protection of wildlife or public safety, the Department has the authority to take any one or more of the following actions:
1. Rescind or modify any method of take authorized by the license;
  2. Restrict the number of animals for each species or other taxa the license holder may take under the license;
  3. Restrict the age, condition, or location of wildlife the license holder may take under the license; or
  4. Deny or substitute the number of specimens and taxa requested on an application.
- F.** The license holder shall be responsible for compliance with all applicable regulatory requirements. The scientific activity license does not:
1. Exempt the license holder or their agent from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  2. Authorize the license holder or their agent to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- G.** The Department may deny a scientific activity license to a person who fails to meet the requirements established under R12-4-409 or this Section, or when the person's scientific activity privileges are suspended or revoked in any state. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny a scientific activity license when:
1. It is in the best interest of the wildlife.
  2. The issuance of the license will adversely impact other wildlife or their habitat in the state; or
  3. It is in the best interest of public health or safety.
- H.** An applicant for a scientific activity license shall submit an application to the Department. The application is furnished by the Department and is available from any Department office, and on the Department's website. A person applying for a scientific activity license shall provide the following information on the application:
1. The applicant's information:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Department ID number; when applicable;
  2. If the applicant will use wildlife for activities supported by a scientific, educational, or government institution, nonprofit organization, or agency that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the institution's:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number of the institution; and
    - d. The applicant's title or a description of the nature of affiliation with the institution or nonprofit organization;
  3. When the applicant is renewing the scientific activity license, the species and number of animals for each species currently held in captivity;
  4. For each location where the live wildlife will be held, the land owner's:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Physical address or general location description and Global Positioning System location;
  5. A detailed description and diagram, photographs, or documented current certification or approval by the applicant's institutional animal care and use committee or similar committee of the facilities of the facilities where the applicant will hold the wildlife and a description of how the facilities comply with the requirements established under R12-4-428, and any other captivity standards that may be established under this Section;
  6. List of activities the applicant intends to perform under the license;
  7. Purpose and justification for the use of wildlife as established under subsection (B);
  8. When the applicant intends to use wildlife for educational purposes, the proposal shall also include the:
    - a. Minimum number of presentations the applicant anticipates to provide under the license;
    - b. Name, title, address, and telephone number of persons whom the applicant has contacted to offer educational presentations; and
    - c. Number of specimens the applicant already possesses for any species requested on the application;
  9. Applicant's relevant qualifications and experience in handling and, when applicable, providing care for the wildlife to be held under the license;
  10. Methods of take that the applicant will use, to include:

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- a. Justification for using the method, and
  - b. Proposed method of disposing wildlife taken under the license and any subsequent offspring, when applicable;
- 11. Any other information required by the Department; and
- 12. The certification required under R12-4-409(C).
- J.** An applicant for a scientific activity license shall pay all applicable fees required under R12-4-412.
- K.** A scientific activity license holder shall:
  - 1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  - 2. Possess the license or legible copy of the license while conducting any activity authorized under the scientific activity license and presents it for inspection upon the request of any Department employee or agent.
  - 3. Notify the Department in writing within 10 calendar days of terminating any agent.
  - 4. Use the most humane and practical method possible prescribed under R12-4-304, R12-4-313, or as directed by the Department in writing.
  - 5. Conduct activities authorized under the scientific activity license only at the locations and time periods specified on the scientific activity license.
  - 6. Dispose of wildlife, wildlife parts, or offspring, only as directed by the Department.
  - 7. Maintain records associated with the license for a period of five years following the date of disposition.
- L.** A scientific activity license holder shall not:
  - 1. Exhibit any wildlife held under the license, unless the person also possesses a zoo license authorized under R12-4-420.
  - 2. Administer any drug to any wildlife during the term of the scientific activity license without advance written authorization from the Department, unless the drug is administered in the course of treatment by a licensed veterinarian.
- M.** A scientific activity license holder may request authorization to allow an agent to assist the license holder in carrying out activities authorized under the scientific activity license by submitting a written request to the Department.
  - 1. An applicant may request the ability to allow a person to act as an agent on the applicant's behalf, provided:
    - a. An employment or supervisory relationship exists between the applicant and the agent, and
    - b. The agent's privilege to take or possess live wildlife is not suspended or revoked in any state.
  - 2. The license holder shall obtain approval from the Department prior to allowing the agent assist in any activities.
  - 3. The license holder is liable for all acts the agent performs under the authority of this Section.
  - 4. The Department, acting on behalf of the Commission, may suspend or revoke a license for violation of this Section by an agent.
  - 5. The license holder shall ensure the agent possesses a legible copy of the license while conducting any activity authorized under the scientific activity license and presents it for inspection upon the request of any Department employee or agent.
- N.** A scientific activity license holder may submit to the Department a written request to amend the license to add or delete an agent, location, project, or other component documented on the license at any time during the license period.
- O.** A scientific activity license holder shall submit an annual report to the Department before January 31 of each year. The report form is furnished by the Department.
  - 1. A report is required regardless of whether or not activities were performed during the previous year.
  - 2. The scientific activity license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
  - 3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
  - 4. The Department may stipulate submission of additional interim reports upon license application or renewal.
- P.** A scientific activity license holder who wishes to permanently hold wildlife species collected under the license in Arizona that will no longer be used for activities authorized under the license shall apply for and obtain a wildlife holding license in compliance with R12-4-417 or another appropriate special license.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-419. Repealed****Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Repealed by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-420. Zoo License**

- A.** A zoo license allows a person to exhibit, export, euthanize, display for educational purposes, give away, import, offer for sale, possess, propagate, purchase, sell, or transport any lawfully possessed restricted and nonrestricted live wildlife.
- B.** A person may apply for a zoo license only for a commercial facility open to the public where the principal business is holding wildlife in captivity for exhibition purposes and for one or more of the following purposes:
  - 1. Advancement of science or wildlife management;
  - 2. Promotion of public health or welfare;
  - 3. Public education; or
  - 4. Wildlife conservation.
- C.** A zoo license expires on the last day of the third December from the date of issuance.
- D.** In addition to the requirements established under this Section, a zoo license holder shall comply with the special license requirements established under R12-4-409.
- E.** The zoo license holder shall be responsible for compliance with all applicable regulatory requirements; the license does not:
  - 1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  - 2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.

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- F. The Department shall deny a zoo license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny a zoo license when:
1. It is in the best interest of the wildlife; or
  2. The issuance of the license will adversely impact other wildlife or their habitat in the state;
- G. An applicant for a zoo license shall submit an application to the Department. The application is furnished by the Department and is available from any Department office, and on the Department's website. An applicant shall provide the following information on the application:
1. The applicant's information:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Department ID number, when applicable;
  2. If the applicant is employed by, contracted with, or affiliated with an educational or scientific institution, the applicant shall provide the institution's:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number;
  3. Wildlife species to be held under the license;
    - a. Common and current scientific name of the wildlife species; and
    - b. Number of individuals for each species;
  4. If the applicant is renewing the zoo license, the number of animals of each species that are currently in captivity, and evidence of lawful possession as defined under R12-4-401;
  5. For each location where the wildlife will be exhibited, the land owner's:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Physical address or general location description and Global Positioning System location;
  6. A detailed description and diagram of the facilities where the applicant will hold the wildlife and a description of how the facilities comply with the requirements established under R12-4-428;
  7. A description of how the facility or operation meets the definition of a zoo, as defined under A.R.S. § 17-101(A)(26);
  8. The purpose of the license, as described under subsection (B);
  9. Any other information required by the Department; and
  10. The certification required under R12-4-409(C).
- H. In addition to the requirements listed under subsection (G), an applicant for a zoo license shall also submit at the time of application:
1. Proof of current licensing by the United States Department of Agriculture under 9 CFR Subpart A, Animal Welfare;
  2. Photographs of the facility when the zoo is not accredited by the Association of Zoos and Aquariums or Zoological Association of America.
  3. For subsection, (H)(1), 9 CFR Subpart A, Animal Welfare revised January 1, 2019, and no later amendments or editions, which is incorporated by reference. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, and is on file with the Department.
- I. An applicant for a zoo license shall pay all applicable fees required under R12-4-412.
- J. A zoo license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  2. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
  3. Ensure each facility is inspected by the attending veterinarian at least once every year.
  4. Hold all wildlife in such a manner designed to prevent wildlife from escaping from the facility specified on the license.
  5. Hold all wildlife in a manner designed to prevent the entry of unauthorized persons or other wildlife.
  6. Hold all wildlife lawfully possessed under the zoo license in the facility specified on the license, except when transporting the wildlife:
    - a. To or from a temporary exhibit;
    - b. For medical treatment; or
    - c. Other activities approved by the Department in writing.
  7. Ensure a temporary exhibit shall not exceed 60 consecutive days at any one location, unless approved by the Department in writing.
  8. Clearly display a sign at the facility's main entrance that states the days of the week and hours when the facility is open for viewing by the general public.
  9. Ensure all wildlife held under the license that has the potential to come into contact with the public is tested for zoonotic diseases appropriate to the species no more than 12 months prior to importation or display. Any wildlife that tests positive for a zoonotic disease shall not be imported into this state without review and approval by the Department in writing.
  10. Dispose of the following wildlife only as directed by the Department:
    - a. Wildlife obtained under a scientific activity license; or
    - b. Wildlife loaned to the zoo by the Department.
  11. Maintain records of all wildlife possessed under the license for a period of five years following the date of disposition. In addition to the information required under subsections (H)(1) through (H)(3), the records shall also include:
    - a. Number of all restricted live wildlife, by species and the date it was obtained;
    - b. Source of all restricted live wildlife and the date it was obtained;
    - c. Number of offspring propagated by all restricted live wildlife; and
    - d. For all restricted live wildlife disposed of by the license holder:
      - i. Number, species, and date of disposition; and
      - ii. Method of disposition.
- K. A zoo license holder shall not:

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1. Accept any wildlife that is donated, purchased, or otherwise obtained without accompanying evidence of lawful possession.
2. Import into this state any wildlife that may come into contact with the public and tests positive for zoonotic disease, as established under subsection (J)(9).
- L. A zoo license holder shall dispose of restricted live wildlife in this state by:
  1. Giving, selling, or trading the wildlife to:
    - a. Another zoo licensed under this Section;
    - b. An appropriate special license holder or appropriately licensed or permitted facility in another state or country authorized to possess the wildlife being disposed;
  2. Giving selling, or donating the wildlife to a medical or scientific research facility exempt from special license requirements under R12-4-407;
  3. Exporting the wildlife to a zoo certified by the Association of Zoos and Aquariums or Zoological Association of America; or
  4. As otherwise directed by the Department.
- M. A zoo license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year. The report form is furnished by the Department.
  1. A report is required regardless of whether or not activities were performed during the previous year.
  2. The zoo license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
  3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
  4. The report shall summarize the current species inventory, and acquisition and disposition of all wildlife held under the license.
- N. A zoo license holder shall request the authority to possess a new species of restricted live wildlife by submitting a written request to the Department prior to acquisition, unless the wildlife was:
  1. Held under the previous year's zoo license and included in the previous annual report, or
  2. Authorized in advance by the Department in writing.
- O. A zoo license holder shall comply with the requirements established under R12-4-409, R12-4-426, R12-4-428, and R12-4-430, as applicable.
- A. A wildlife service license authorizes a person to provide, advertise, or offer assistance in removing the live wildlife listed below to the general public. For the purposes of this Section, the following wildlife, as defined under A.R.S. § 17-101(B), are designated live wildlife:
  1. Furbearing animals;
  2. Javelina (*Pecari tajacu*);
  3. Nongame animals;
  4. Predatory animals; and
  5. Small game.
- B. A wildlife service license is not required when conducting pest control removal services authorized under A.R.S. § Title 3, Chapter 20 for the following wildlife not protected under federal regulation:
  1. Rodents, except those in the family Sciuridae;
  2. European starlings (*Sturnus vulgaris*);
  3. Rosy-faced lovebirds (*Agapornis roseicollis*);
  4. House sparrows (*Passer domesticus*);
  5. Eurasian collared-doves (*Streptopelia decaocto*);
  6. Rock pigeons (*Columba livia*); and
  7. Any other non-native wildlife species.
- C. A wildlife service license allows a person to conduct activities that facilitate the removal and relocation of live wildlife listed under subsection (A) when the wildlife causes property damage, poses a threat to public health or safety, or if the health or well-being of the wildlife is threatened by its immediate environment. Authorized activities include, but are not limited to, capture, removal, transportation, and relocation.
- D. The wildlife service license expires on the last day of the third December from the date of issuance.
- E. An employee of a governmental public safety agency is not required to possess a wildlife service license when the employee is acting within the scope of the employee's official duties.
- F. In addition to the requirements established under this Section, a wildlife service license holder shall comply with the special license requirements established under R12-4-409.
- G. The wildlife service license holder shall be responsible for compliance with all applicable regulatory requirements; the license does not:
  1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- H. The Department shall deny a wildlife service license to a person who fails to meet the requirements established under R12-4-409 or this Section or when the person's wildlife service privileges are suspended or revoked in any state. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- I. An applicant for a wildlife service license shall submit an application to the Department. The application is furnished by the Department and is available from any Department office and on the Department's website. An applicant shall provide the following information on the application:
  1. The applicant's information:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number;

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Subsections (J) through (O) omitted in supplement 15-4; errors corrected at the request of the Commission at R18-91 (Supp. 18-1). Subsections (A) through (I) amendments omitted in supplement 15-4; full text has been included as submitted at 21 A.A.R. 2813, File No. R15-155, effective December 5, 2015 (Supp. 19-1). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

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- d. Physical description, to include the applicant's eye color, hair color, height, and weight; and
    - e. Department ID number, when applicable;
  - 2. If the applicant will perform license activities for a commercial purpose, the applicant's business:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Hours and days of the week the applicant will be available for service;
  - 3. The designated wildlife species or groups of species listed under subsection (A) that will be removed under the license;
  - 4. The methods that the wildlife license holder will use to perform authorized activities;
  - 5. The general geographic area where services will be performed;
  - 6. Any other information required by the Department; and
  - 7. The certification required under R12-4-409(C).
- J.** In addition to the requirements listed under subsection (I), at the time of application, an applicant for a wildlife service license shall also submit:
- 1. Proof the applicant has a minimum of six months full-time employment or volunteer experience handling wildlife of the species or groups designated on the application; and
  - 2. A written proposal that contains all of the following information:
    - a. Applicant's experience in the capture, handling, and removal of wildlife;
    - b. Specific species the applicant has experience capturing, handling, or removing;
    - c. General location and dates when the activities were performed;
    - d. Methods used to carry out the activities;
    - e. The methods used to dispose of the wildlife.
- K.** When renewing a license without change to the species or species groups authorized under the current license, the wildlife service license holder may reference supporting materials previously submitted in compliance with subsection (J).
- L.** An applicant for a wildlife service license shall pay all applicable fees required under R12-4-412.
- M.** A wildlife service license holder shall:
- 1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  - 2. Facilitate the removal and relocation of designated wildlife in a manner that:
    - a. Is least likely to cause injury to the wildlife; and
    - b. Will prevent the wildlife from coming into contact with the general public.
  - 3. Obtain special authorization from the Department regional office that has jurisdiction over the area where the activities will be conducted when performing any activities involving javelina.
  - 4. Release captured designated wildlife only as follows:
    - a. Without immediate threat to the animal or potentially injurious contact with humans;
    - b. During an ecologically appropriate time of year;
    - c. Into a suitable habitat;
    - d. In the same geographic area as the animal was originally captured, except that birds may be released at any location statewide within the normal range of that species in an ecologically suitable habitat; and
  - e. In an area designated by the Department regional office that has jurisdiction over the area where it was captured.
- 5. Euthanize the wildlife using the safest, quickest, and most humane method available.
  - 6. Dispose of all wildlife that is euthanized or that otherwise dies while possessed under the license by burial or incineration within 30 days of death, unless otherwise directed by the Department.
  - 7. Possess the license or legible copy of the license while conducting any wildlife service activity and presents it for inspection upon the request of any Department employee or agent.
  - 8. Inform the Department in writing within five working days of any change in telephone number, area of service, or business hours or days.
  - 9. Maintain records associated with the license for a period of five years following the date of disposition.
- N.** A wildlife service license holder may submit to the Department a written request to amend the license to add or delete authority to control and release designated species of wildlife, provided the request meets the requirements of this Section.
- O.** A wildlife service license holder shall not:
- 1. Exhibit wildlife or parts of wildlife possessed under the license.
  - 2. Possess designated wildlife beyond the period necessary to transport and relocate or euthanize the wildlife.
  - 3. Retain any parts of wildlife.
- P.** A wildlife service license holder may:
- 1. Euthanize designated wildlife only when authorized by the Department.
  - 2. Give injured or orphaned wildlife to a wildlife rehabilitation license holder.
- Q.** A wildlife service license holder shall submit an annual report to the Department before January 31 of each year on activities performed under the license for the previous calendar year. The report form is furnished by the Department.
- 1. A report is required regardless of whether or not activities were performed during the previous year.
  - 2. The wildlife service license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
  - 3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
  - 4. The annual report shall provide a list of all services performed under the license to include:
    - a. The date and location of service;
    - b. The number and species of wildlife removed, and
    - c. The method of disposition for each animal removed, including the location and date of release.
- R.** A wildlife service license holder shall comply with the requirements established under R12-4-409 and R12-4-428.

**Historical Note**

Adopted effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-422. Sport Falconry License**



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- A. In addition to the definitions provided under A.R.S. § 17-101, R12-4-101, and R12-4-401, and for the purposes of this Section, the following definitions apply:
- “Abatement” means the use of a trained raptor to scare, flush, or haze wildlife to manage depredation or other damage, including threats to human health and safety, caused by the wildlife.
- “Captive-bred raptor” means a raptor hatched in captivity.
- “Hack” means the temporary release of a raptor into the wild to condition the raptor for use in falconry.
- “Hybrid” has the same meaning as prescribed under 50 CFR 21.3, revised October 1, 2019. This incorporation by reference contains no future editions or amendments. The incorporated material is available at any Department office, online at [www.gpo.gov](http://www.gpo.gov), or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.
- “Imping” means using a molted feather to replace or repair a damaged or broken feather.
- “Imprint” has the same meaning as prescribed under 50 CFR 21.3, revised October 1, 2019. This incorporation by reference contains no future editions or amendments. The incorporated material is available at any Department office, online at [www.gpo.gov](http://www.gpo.gov), or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.
- “Retrices” means a raptor’s tail feathers.
- “Sponsor” means a licensed General or Master falconer with a valid Arizona Sport Falconry license who has committed to mentoring an Apprentice falconer.
- “Suitable perch” means a perch that is of the appropriate size and texture for the species of raptor using the perch.
- “Wild raptor” means a raptor taken from the wild, regardless of how long the raptor is held in captivity or whether the raptor is transferred to another licensed falconer or other permit type.
- B. An Arizona Sport Falconry license permits a person to capture, possess, train, and transport a raptor for the purpose of sport falconry in compliance with the Migratory Bird Treaty Act and the Endangered Species Act of 1973.
- The sport falconry license validates the appropriate license for hunting or taking quarry with a trained raptor. When taking quarry using a raptor, a person must possess a valid:
    - Sport falconry license, and
    - Appropriate hunting license.
  - The sport falconry license is valid until the third December from the date of issuance.
  - A licensed falconer may capture, possess, train, or transport wild, captive-bred, or hybrid raptors, subject to the limitations established under subsections (H)(1), (H)(2), and (H)(3), as applicable.
- C. The Department shall comply with the licensing time-frame established under R12-4-106.
- D. A resident who possesses or intends to possess a raptor for the purpose of sport falconry shall hold an Arizona Sport Falconry license, unless the person is exempt under A.R.S. § 17-236(C) or possesses only raptors not listed under 50 CFR Part 10.13, revised October 1, 2019, and no later amendments or editions. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, and is on file with the Department.
- E. In addition to the requirements established under this Section, a licensed falconer shall also comply with special license requirements established under R12-4-409.
- F. The sport falconry license holder shall be responsible for compliance with all applicable regulatory requirements; the license does not:
- Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations;
  - Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license; or
  - Authorize a licensed falconer to capture or release a raptor or practice falconry on public lands where prohibited or on private property without permission from the land owner or land management agency.
- G. The Department shall deny a sport falconry license to a person who fails to meet the requirements established under R12-4-409, or this Section. The Department shall provide a written notice to an applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- H. The Department may issue a Sport Falconry license for the following levels to an eligible person:
- Apprentice level license:
    - An Apprentice falconer shall:
      - Be at least 12 years of age; and
      - Have a written statement from a sponsor who is a licensed Master Falconer or a General Falconer while practicing falconry as an apprentice. The written statement shall meet the requirements established under subsection (K)(3)(a)(vi). When a sponsorship is terminated, the apprentice is prohibited from practicing falconry until a new sponsor is acquired. After acquiring a new sponsor, an apprentice shall submit a written statement from the new sponsor to the Department within 30 days. The written statement shall meet the requirements established under subsection (K)(3)(a)(vi).
    - An Apprentice falconer may possess only one raptor at a time for use in falconry.
    - An Apprentice falconer is prohibited from possessing any:
      - Species listed under 50 CFR 17.11, revised October 1, 2019, and subspecies,
      - Raptor taken from the wild as a nestling,
      - Raptor that has imprinted on humans,
      - Bald eagle (*Haliaeetus leucocephalus*),
      - White-tailed eagle (*Haliaeetus albicilla*),
      - Steller’s sea-eagle (*Haliaeetus pelagicus*), or
      - Golden eagle (*Aquila chrysaetos*).
      - For the purposes of subsection (H)(1)(c)(i), this incorporation by reference contains no future editions or amendments. The incorporated material is available at any Department office, online at [www.gpo.gov](http://www.gpo.gov), or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.
  - General level license:

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- a. A General falconer shall:
    - i. Be at least 16 years of age; and
    - ii. Have submit a written statement provided by the Apprentice Falconer's sponsor, stating that the General falconer practiced falconry as an apprentice falconer for at least two years, including maintaining, training, flying, and hunting with a raptor for at least four months in each year. An applicant cannot substitute any falconry school program or education to shorten the two-year Apprentice period.
  - b. A General falconer may possess:
    - i. Up to three raptors at a time for use in falconry; and
    - ii. Up to the total number of federally permitted or sub-permitted raptors as indicated on the Master falconer's respective federal abatement or propagation permit.
  - c. A General falconer is prohibited from possessing a:
    - i. Bald eagle,
    - ii. White-tailed eagle,
    - iii. Steller's sea-eagle, or
    - iv. Golden eagle.
3. Master level license:
- a. A Master falconer shall have practiced falconry as a General falconer for at least five years using raptors possessed by that falconer.
  - b. A Master falconer may possess:
    - i. Any species of wild, captive-bred, or hybrid raptor;
    - ii. Any number of captive-bred raptors provided they are trained and used in the pursuit of wild game;
    - iii. Up to three of the following species, provided the requirements established under subsection (H)(3)(d) are met: Golden eagle, White-tailed eagle, or Steller's Sea eagle; and
    - iv. Up to the total number of federally permitted abatement or propagation raptors as indicated on the Master falconer's respective federal abatement or propagation permit.
  - c. A Master falconer is prohibited from possessing:
    - i. More than three eagles,
    - ii. A bald eagle, or
    - iii. More than five wild caught raptors.
  - d. A Master falconer who wishes to possess an eagle shall apply for and receive approval from the Department before possessing an eagle for use in falconry. The licensed falconer shall submit the following documentation to the Department before a request may be considered:
    - i. Proof the licensed falconer has experience in handling large raptors such as, but not limited to, ferruginous hawks (*Buteo regalis*) and goshawks (*Accipiter gentilis*);
    - ii. Information regarding the raptor species, to include the type and duration of the activity in which the experience was gained; and
    - iii. Written statements of reference from two persons who have experience handling or flying large raptors such as, but not limited to, eagles, ferruginous hawks, and goshawks. Each written statement shall contain a concise history of the author's experience with large raptors, and an assessment of the applicant's ability to care for and fly an eagle in falconry.
- I. A sponsor shall:
    1. Be at least 18 years of age.
    2. Have practiced falconry as a Master or General falconer for at least two years.
    3. Sponsor no more than three apprentices at any one time.
    4. Notify the Department within 30 consecutive days after a sponsorship is terminated.
    5. Determine the appropriate species of raptor for possession by an apprentice.
    6. Provide instruction to the Apprentice falconer pertaining to:
      - a. Husbandry, training, and trapping of raptors held for falconry;
      - b. Hunting with a raptor; and
      - c. Relevant wildlife laws and regulations.
  - J. A falconer licensed in another state or country is exempt from obtaining an Arizona Sport Falconry license under R12-4-407(B)(9), unless the falconer remains in Arizona for more than 180 consecutive days. A falconer licensed in another state or country and who remains in this state for more than the 180-day period shall apply for an Arizona Sport Falconry license in order to continue practicing sport falconry in this state. The falconer licensed in another state or country shall present a copy of the out-of-state or out-of-country falconry license, or its equivalent, to the Department upon request.
    1. A falconer licensed in another state shall:
      - a. Comply with all applicable state and federal falconry regulations,
      - b. Possess only those raptors authorized under the out-of-state sport falconry license, and
      - c. Provide a health certificate for each raptor possessed under the out-of-state sport falconry license when the raptor is present in this state for more than 30 consecutive days. The health certificate may be issued after the date of the interstate importation, but shall have been issued no more than 30 consecutive days prior to the interstate importation.
    2. A falconer licensed in another country may possess, train, and use for falconry only those raptors authorized under the out-of-country sport falconry license, provided the import of that species into the United States is not prohibited. This subsection does not prohibit the falconer from flying or training a raptor lawfully possessed by any other licensed falconer.
    3. A falconer licensed in another country is prohibited from leaving an imported raptor in this state, unless authorized under federal permit. The falconer shall report the death or escape of a raptor possessed by that falconer to the Department as established under subsection (O)(1) or prior to leaving the state, whichever occurs first.
    4. A falconer licensed in another country shall:
      - a. Comply with all applicable state and federal falconry regulations;
      - b. Comply with falconry licensing requirements prescribed by the country of licensure not in conflict with federal or state law;
      - c. Notify the Department no less than 30 consecutive days prior to importing a raptor into this state;
      - d. Provide a health certificate, issued no earlier than 30 consecutive days prior to the date of importation, for each raptor imported into this state; and
      - e. Attach two functioning radio transmitters to any raptor imported into this country by the falconer while flown free in this state by any falconer.
  - K. An applicant for a Sport Falconry license shall pass the examination required under subsection (N), ensure their raptor

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housing facility is inspected and meets the requirements established under subsection (M), and submit an application to the Department. The application is furnished by the Department and is available at any Department office and on the Department's website.

1. An applicant shall provide the following information on the application:
  - a. Falconry level desired;
  - b. Name;
  - c. Date of birth;
  - d. Mailing address;
  - e. Telephone number, when available;
  - f. Department I.D. number;
  - g. Applicant's physical description, to include the applicant's eye color, hair color, height, and weight;
  - h. Arizona hunting license number, when available;
  - i. Number of years of experience as a falconer;
  - j. Current Falconry license level;
  - k. Physical address of a housing facility when the raptor is kept at another location, when applicable;
  - l. Information documenting all raptors possessed by the applicant at the time of application, to include:
    - i. Species;
    - ii. Subspecies, when applicable;
    - iii. Age;
    - iv. Sex;
    - v. Band or microchip number, as applicable;
    - vi. Date and source of acquisition; and
  - m. The certification required under R12-4-409(C);
  - n. Parent or legal guardian's signature, when the applicant is under the age of 18;
  - o. Date of application; and
  - p. Any other information required by the Department.
2. An applicant shall certify that the applicant has read and is familiar with applicable state laws, rules, and the regulations under 50 CFR Part 13 and the other applicable parts in 50 CFR Chapter I, Subchapter B and that the information submitted is complete and accurate to the best of their knowledge and belief.
3. In addition to the information required under subsection (K)(1), a person applying for:
  - a. An Apprentice level license shall also provide the sponsor's:
    - i. Name,
    - ii. Date of birth,
    - iii. Mailing address,
    - iv. Department I.D. number,
    - v. Telephone number, and
    - vi. A written statement from the sponsor stating that the falconer agrees to sponsor the applicant.
  - b. A General level license shall also provide:
    - i. Information documenting the applicant's experience in maintaining falconry raptors, to include the species and period of time each raptor was possessed while licensed as an Apprentice falconer; and
    - ii. A written statement from the sponsor certifying that the applicant has practiced falconry at the Apprentice falconer level for at least two years, and maintained, trained, flown, and hunted with a raptor for at least four months in each year.
  - c. A Master level license shall certify that the falconer has practiced falconry as a General falconer with his or her own raptors for at least five years.
- L. An applicant for any level Sport Falconry license shall pay all applicable fees required under R12-4-412.
- M. The Department shall inspect the applicant's raptor housing facilities, materials, and equipment to verify compliance with the requirements established under R12-4-409(I), and this Section before issuing a Sport Falconry license. The applicant or licensed falconer shall ensure all raptors currently possessed by the falconer and kept in the housing facility are present at the time of inspection.
  1. The Department may inspect a housing facility, equipment, raptors, or records:
    - a. At any time before or during the license period to determine compliance with this Section,
    - b. After a change of location, when the Department cannot verify the housing facility is the same facility as the one approved by a previous inspection, or
    - c. Prior to the acquisition of a new species or addition of another raptor when the previous inspection does not indicate the housing facilities can accommodate a new species or additional raptor.
    - d. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
  2. A licensed falconer shall notify the Department no more than five business days after changing the location of a housing facility.
  3. When a housing facility is located on property not owned by the licensed falconer, the falconer shall provide a written statement signed and dated by the property owner at the time of inspection. The written statement shall specify that the licensed falconer has permission to keep a raptor on the property and the property owner permits the Department to inspect the falconry housing facility at any reasonable time of day and in the presence of the licensed falconer.
  4. A licensed falconer shall ensure the housing facility:
    - a. Provides a healthy and safe environment,
    - b. Is designed to keep predators and domestic animals out,
    - c. Is designed to avoid injury to the raptor,
    - d. Is easy to access,
    - e. Is easy to clean, and
    - f. Provides access to fresh water and sunlight.
  5. In addition to the requirements established under R12-4-409(I):
    - a. A licensed falconer shall ensure housing facilities where raptors are held:
      - i. Has a suitable perch that is protected from extreme temperatures, wind, and excessive disturbance for each raptor;
      - ii. Has at least one opening for sunlight; and
      - iii. Has walls that are solid, constructed of vertical bars spaced narrower than the width of the body of the smallest raptor housed therein, or any other suitable materials approved by the Department. A nestling may be kept in any suitable container or enclosure until it is capable of flight.
    - b. A licensed falconer shall possess all of the following equipment:
      - i. At least one flexible, weather-resistant leash;
      - ii. One swivel appropriate to the raptor being flown;
      - iii. At least one water container, available to each raptor kept in the housing facility, that is at

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- least two inches deep and wider than the length of the largest raptor using the container;
- iv. A reliable scale or balance suitable for weighing raptors, graduated in increments of not more than 15 grams;
  - v. Suitable equipment that protects the raptor from extreme temperatures, wind, and excessive disturbance while transporting or housing a raptor when away from the permanent housing facility where the raptor is kept; and
  - vi. At least one pair of jesses constructed of suitable material or Alymeri jesses consisting of an anklet, grommet, and removable strap that attaches the anklet and grommet to a swivel. The falconer may use a one-piece jess only when the raptor is not being flown.
6. A licensed falconer may keep a falconry raptor inside the falconer's residence provided a suitable perch is supplied. The falconer shall ensure all flighted raptors kept inside a residence are tethered or otherwise restrained at all times, unless the falconer is moving the raptor into or out of the residence. This subsection does not apply to nestlings, which do not need to be tethered or otherwise restrained.
  7. A licensed falconer may keep multiple raptors together in one enclosure untethered only when the raptors are compatible with each other.
  8. A licensed falconer may keep a raptor temporarily outdoors in the open provided the raptor is continually under observation by the falconer or an individual designated by the falconer.
  9. A licensed falconer may keep a raptor in a temporary housing facility that the Department has inspected and approved for no more than 120 consecutive days.
  10. A licensed falconer may keep a raptor in a temporary housing facility that the Department has not inspected or approved for no more than 30 consecutive days. The falconer shall notify the Department of the temporary housing facility prior to the end of the 30-day period. The Department may inspect a temporary housing facility as established under R12-4-409(J).
- N.** Prior to the issuance of a Sport Falconry license, an applicant shall:
1. Present proof of a previously held state-issued sport falconry license, or
  2. Correctly answer at least 80% of the questions on the Department administered written examination.
    - a. A person whose Sport Falconry license is expired more than five years shall take the examination. The Department shall issue to an eligible applicant a license for the sport falconry license type previously held by the applicant after the applicant correctly answers at least 80% of the questions on the written examination and presents proof of the previous Sport Falconry license.
    - b. A person who holds a falconry license issued in another country shall correctly answer at least 80% of the questions on the written examination. The Department shall determine the level of license issued based upon the applicant's documentation.
- O.** A licensed falconer shall:
1. Submit a paper copy of the 3-186A form to report any of the following raptor possession changes to the Department no more than 10 business days after the occurrence:
    - a. Acquisition,
    - b. Banding,
    - c. Escape into the wild without recovery after 30 consecutive days have passed,
    - d. Death,
    - e. Microchipping,
    - f. Rebanding,
    - g. Release,
    - h. Take, or
    - i. Transfer.
  2. Submit a copy of the falconer's federal propagation report, when applicable.
  3. Submit a copy of the falconer's federal abatement report, when applicable.
  4. Upon discovering the theft of a raptor, the falconer shall immediately report the theft of a raptor to the Department and USFWS by:
    - a. Contacting the Department's regional office within 48 hours; and
    - b. Submitting the electronic 3-186A form within 10 days.
- P.** A licensed falconer shall print and maintain copies of all required 3-186A form and associated documents for each abatement, falconry, and propagation raptor possessed by the falconer, as applicable. The falconer shall retain copies of all required documents for a period of five years from the date on which the raptor left the falconer's possession.
- Q.** A licensed falconer or a person with a valid falconry license, or its equivalent, issued by any state meeting federal falconry standards may capture a raptor for the purpose of falconry only when authorized by Commission Order.
1. A falconer attempting to capture a raptor shall possess:
    - a. A valid Arizona Sport Falconry license or valid falconry license, or its equivalent, issued by another state, and
    - b. Any required Arizona hunt permit-tag issued to the licensed falconer for take of the authorized raptor, and
    - c. A valid Arizona hunting or combination license. A short-term combination hunting and fishing license is not valid for capturing a raptor under this subsection.
  2. An Apprentice falconer may take from the wild:
    - a. Any raptor not prohibited under subsection (H)(1)(c) that is less than one year of age, except nestlings, or
    - b. An adult raptor.
  3. A General or Master falconer may take from the wild:
    - a. A raptor of any age, including nestlings, provided at least one nestling remains in the nest; or
    - b. An adult raptor.
  4. A licensed falconer shall take no more than two raptors from the wild for use in falconry each calendar year. For the purpose of take limits, a raptor is counted towards the licensed falconer's take limit by the falconer who originally captured the raptor.
  5. A falconer attempting to capture a raptor shall:
    - a. Not use stupefying substances;
    - b. Use a trap or bird net that is not likely to cause injury to the raptor;
    - c. Ensure that each trap or net the falconer is using is continually attended; and
    - d. Ensure that each trap used for the purpose of capturing a raptor is marked with the falconer's name, address, and license number.
  6. A licensed falconer shall report the injury of any raptor injured due to capture techniques to the Department. The falconer shall transport the injured raptor to a veterinarian or licensed rehabilitator and pay for the cost of the injured

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- raptor's care and rehabilitation. After the initial medical treatment is completed, the licensed falconer shall either:
- a. Keep the raptor and the raptor shall count towards the falconer's take and possession limit, or
  - b. Transfer the raptor to a permitted wildlife rehabilitator and the raptor shall not count against the falconer's take or possession limit.
7. When a licensed falconer takes a raptor from the wild and transfers the raptor to another falconer who is present at a capture site, the falconer receiving the raptor is responsible for reporting the take of the raptor.
  8. A General or Master falconer may capture a raptor that will be transferred to another licensed falconer who is not present at the capture site. The falconer who captured the raptor shall report the take of the raptor and the capture shall count towards the General or Master falconer's take limit. The General or Master falconer may then transfer the raptor to another falconer.
  9. A General or Master falconer may capture a raptor for another licensed falconer who cannot attend the capture due to a long-term or permanent physical impairment. The licensed falconer with the physical impairment is responsible for reporting the take of the raptor and the raptor shall count against their take and possession limits.
  10. A licensed falconer may capture any raptor displaying a seamless metal band, or any other item identifying it as a falconry raptor, regardless of whether the falconer is prohibited from possessing the raptor. The capturing falconer shall return the recaptured raptor to the falconer of record. The raptor shall not count towards the capturing falconer's take or possession limits, provided the capturing falconer reports the temporary possession of the raptor to the Department no more than five consecutive days after capturing the raptor.
    - a. When the falconer of record cannot or does not wish to possess the raptor, the falconer who captured the raptor may keep the raptor, provided the falconer is eligible to possess the species and may do so without violating any requirement established under this Section.
    - b. When the falconer of record cannot be located, the Department shall determine the disposition of the recaptured raptor.
  11. A licensed falconer may capture and shall report the capture of any raptor wearing a transmitter to the Department no more than five business days after the capture. The falconer shall attempt to contact the researcher or licensed falconer who applied the transmitter and facilitate the replacement or retrieval of the transmitter and raptor. The falconer may possess the raptor for no more than 30 consecutive days while waiting for the researcher or falconer to retrieve the transmitter and raptor. The raptor shall not count towards the falconer's take or possession limits, provided the falconer reports the temporary possession of the raptor to the Department no more than five consecutive days after capturing the raptor. The Department shall determine the disposition of a raptor when the researcher or falconer does not replace the transmitter or retrieve the raptor within the initial 30-day period.
  12. A licensed falconer may capture any raptor displaying a federal Bird Banding Laboratory (BBL) aluminum research band or tag, except a peregrine falcon (*Falco peregrinus*). A licensed falconer who captures a raptor wearing a research band or tag shall report the following information to BBL and the Department:
    - a. Species,
    - b. Band or tag number,
    - c. Location of the capture, and
    - d. Date of capture.
  - e. A person can report the capture of a raptor wearing a research band or tag to BBL by submitting information regarding the capture online at the BBL website.
  13. A licensed falconer may recapture a falconer's lost or any escaped falconry raptor at any time. The Department does not consider the recapture of a wild falconry raptor as taking a raptor from the wild.
  14. When attempting to trap a raptor in Cochise, Graham, Pima, Pinal, or Santa Cruz counties, a licensed falconer shall:
    - a. Not begin trapping while a northern aplomado falcon (*Falco femoralis septentrionalis*) is observed in the vicinity of the trapping location.
    - b. Suspend trapping when a northern aplomado falcon arrives in the vicinity of the trapping location.
  15. In addition to the requirements in subsection (Q)(14), an apprentice falconer shall be accompanied by a General or Master falconer when attempting to capture a raptor in Cochise, Graham, Pima, Pinal, or Santa Cruz counties.
  16. A licensed Master falconer may take up to two golden eagles from the wild only as authorized under 50 CFR Parts 21 and 22. The Master falconer may:
    - a. Capture a golden eagle or an immature or sub-adult golden eagle during the time a livestock depredation area and associated depredation permit or depredation control order are in effect as declared by USDA Wildlife Services and permitted under 50 CFR 22.23, or upon the request of the Arizona Governor pursuant to 50 CFR 22.31 and 22.32.
    - b. Take a nestling from its nest or a nesting adult golden eagle in a livestock depredation area if a biologist representing the agency responsible for declaring the depredation area determines the adult eagle is preying on livestock or wildlife and that any nestling of the adult will be taken by a falconer authorized to possess it or by the biologist and transferred to a person authorized to possess it.
    - c. The falconer shall inform the Department of the capture plans in person, in writing, or by telephone at least three business days before trapping is initiated. The falconer may send written notification to the Arizona Game and Fish Department's Law Enforcement Programs Coordinator at 5000 West Carefree Highway, Phoenix, Arizona 85086.
  17. A licensed falconer shall ensure any falconry activities the falconer is conducting do not cause unlawful take under the Endangered Species Act of 1973, 16 U.S.C. § 1531 et seq., or the Bald and Golden Eagle Protection Act, 16 U.S.C. §§ 668 through 668d. The Department or USFWS may provide information regarding where take is likely to occur. The falconer shall report the take of any federally listed threatened or endangered species or bald or golden eagle to the USFWS Arizona Ecological Services Field Office.
- R.** A licensed falconer shall comply with all of the following banding requirements:
1. A licensed falconer shall ensure the following raptors are banded after capture:
    - a. Northern Goshawk,
    - b. Harris's hawk (*Parabuteo unicinctus*), and
    - c. Peregrine falcon.

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2. The falconer shall request a band no more than five consecutive days after the capture of a raptor by contacting the Department. A Department representative or a General or Master licensed falconer may attach the USFWS leg band to the raptor.
  3. A licensed falconer shall not use a counterfeit, altered, or defaced band.
  4. A falconer holding a federal propagation permit shall ensure a raptor bred in captivity wears a seamless metal band furnished by USFWS, as prescribed under 50 CFR 21.30.
  5. A licensed falconer may remove the rear tab on a band and smooth any imperfections on the surface, provided doing so does not affect the band's integrity or numbering.
  6. A licensed falconer shall report the loss of a band to the Department no more than five business days after discovering the loss. The falconer shall reband the raptor with a new USFWS leg band furnished by the Department.
- S.** A licensed falconer may request Department authorization to implant an ISO-compliant [134.2 kHz] microchip in lieu of a band into a captive-bred raptor or raptor listed under subsection (R)(1).
1. The falconer shall submit a written request to the Department.
  2. The falconer shall retain a copy of the Department's written authorization and any associated documentation for a period of five years from the date the raptor permanently leaves the falconer's possession.
  3. The falconer is responsible for the cost of implanting the microchip and any associated veterinary fees.
- T.** A licensed falconer may allow a falconry raptor to feed on any species of wildlife incidentally killed by the raptor for which there is no open season or for which the season is closed, but shall not take such wildlife into possession.
- U.** A General or Master falconer may hack a falconry raptor. Any raptor the falconer is hacking shall count towards the falconer's possession limit during hacking.
1. A falconer is prohibited from hacking a raptor near the nesting area of a federally threatened or endangered species or in any other location where the raptor is likely to disturb or harm a federally listed threatened or endangered species. The Department may provide information regarding where this is likely to occur.
  2. A licensed falconer shall ensure any hybrid raptor flown free or hacked by the falconer is equipped with at least two functioning radio transmitters.
- V.** A licensed falconer may release:
1. A wild-caught raptor permanently into the wild under the following circumstances:
    - a. The raptor is native to Arizona,
    - b. The falconer removes the raptor's falconry band and any other falconry equipment prior to release, and
    - c. The falconer releases the raptor in a suitable habitat and under suitable seasonal conditions.
  2. A captive-bred raptor permanently into the wild only when the raptor is native to Arizona and the Department approves the release of the raptor. The falconer shall request permission to release the captive-bred raptor by contacting the Department. When permitted by the Department and before releasing the captive-bred raptor, the General or Master falconer shall hack the captive-bred raptor in a suitable habitat and the appropriate season.
3. A licensed falconer is prohibited from intentionally releasing any hybrid or non-native raptor permanently into the wild.
- W.** A Master falconer may conduct and receive payment for abatement conducted with a falconry raptor or federally permitted abatement raptor. The falconer shall apply for and obtain all required federal permits prior to conducting any abatement activities. The falconer shall comply with the reporting requirement under subsection (O). A General falconer may conduct abatement activities only when authorized under the federal permit held by the Master falconer.
- X.** A person other than a licensed falconer may temporarily care for a falconry raptor for no more than 45 consecutive days, unless approved by the Department. The raptor under temporary care shall remain in the falconer's facility. The raptor shall continue to count towards the falconer's possession limit. An unlicensed caretaker shall not fly the raptor. The falconer may request an extension from the Department to the temporary possession period if extenuating circumstances occur. The Department shall evaluate extension requests on a case-by-case basis.
- Y.** A licensed falconer may serve as a caretaker for another licensed falconer's raptor for no more than 120 consecutive days, unless approved by the Department. The falconer shall provide the temporary caretaker with a signed and dated statement authorizing the temporary possession of each raptor and a copy of USFWS form 3-186A that shows that the licensed falconer is the possessor of each raptor. The statement shall also include the temporary possession period and activities the caretaker may conduct with the raptor. The raptor under temporary care shall not count toward the caretaker's possession limit. The temporary caretaker may fly or train the raptor when permitted by the falconer in writing. The falconer may request an extension from the Department to the temporary possession period if extenuating circumstances occur. The Department shall evaluate extension requests on a case-by-case basis.
- Z.** A General or Master falconer may assist any federally licensed wildlife rehabilitator in conditioning a raptor the licensed falconer is authorized to possess in preparation for the raptor's release to the wild. The falconer may temporarily remove the raptor from the rehabilitation facilities while conditioning the raptor. The raptor shall remain under the rehabilitator's license and shall not count towards the falconer's possession limit. The rehabilitator shall provide the licensed falconer with a written statement authorizing the falconer to assist the rehabilitator. The written statement shall also identify the raptor by species, type of injury, and band number, when available. The licensed falconer shall return the raptor to the rehabilitator within the 180-day period established under R12-4-423(T), unless the raptor is:
1. Released into the wild in coordination with the rehabilitator and as authorized under this subsection,
  2. Allowed to remain with the rehabilitator for a longer period of time as authorized under R12-4-423(U), or
  3. Transferred permanently to the falconer, provided the falconer may legally possess the raptor and the Department approves the transfer. The raptor shall count towards the falconer's possession limit.
- AA.** A licensed falconer may use a raptor possessed for falconry in captive propagation, when permitted by USFWS. A licensed falconer is not required to transfer a raptor from a Sport Falconry license to another license when the raptor is used for captive propagation less than eight months in a year.
- BB.** A General or Master licensed falconer may use a lawfully possessed raptor in a conservation education program presented in a public venue. An Apprentice falconer, under the direct super-

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vision of a General or Master falconer, may use a lawfully possessed raptor in a conservation education program presented in a public venue. The primary use for a raptor is falconry; a licensed falconer shall not possess a raptor solely for the purpose of providing a conservation education program. The falconer shall ensure the focus of the conservation education program is to provide information about the biology, ecological roles, and conservation needs of raptors and other migratory birds. The falconer may charge a fee for presenting a conservation education program; however, the fee shall not exceed the amount required to recoup the falconer's costs for providing the program. As a condition of the Sport Falconry License, the licensed falconer agrees to indemnify the Department, its officers, and employees. The falconer is liable for any damages associated with the conservation education activities.

**CC.** A licensed falconer may allow the photography, filming, or similar uses of a falconry raptor possessed by the licensed falconer, provided:

1. The falconer is not compensated for these activities; and
2. The final product from these activities:
  - a. Promotes the practice of falconry;
  - b. Provides information about the biology, ecological roles, and conservation needs of raptors and other migratory birds;
  - c. Endorses a nonprofit falconry organization or association, products, or other endeavors related to falconry; or
  - d. Is used in scientific research or science publications.

**DD.** A licensed falconer may use or dispose of lawfully possessed falconry raptor feathers. A falconer shall not buy, sell, or barter falconry raptor feathers. A falconer may possess feathers for imping from each species of raptor that the falconer currently possesses or has possessed.

1. The licensed falconer may transfer or receive feathers for imping from:
  - a. Another licensed falconer,
  - b. A licensed wildlife rehabilitator, or
  - c. Any licensed propagator located in the United States.
2. A licensed falconer may donate falconry raptor feathers, except bald and golden eagle feathers, to:
  - a. Any person or institution permitted to possess falconry raptor feathers,
  - b. Any person or institution exempt from the permit requirement under 50 CFR 21.12, or
  - c. A non-eagle feather repository. The Department may provide information regarding the submittal of falconry raptor feathers to a non-eagle feather repository.
3. A licensed falconer shall gather primary and secondary flight feathers or retrices that are molted or otherwise lost from a golden eagle and either retain the feathers for imping purposes or submit the feathers to the U.S. Fish and Wildlife Service, National Eagle Repository, Rocky Mountain Arsenal, Building 128, Commerce City, Colorado 80022.
4. A falconer whose license is either revoked or expired shall dispose of all falconry raptor feathers in the falconer's possession.

**EE.** Arizona licensed falconers importing raptors into Arizona shall have a health certificate issued no more than 30 consecutive days:

1. Prior to the international importation, or
2. Prior to or after the inter-state importation.

**FF.** A licensed falconer may conduct any of the following activities with any captive-bred raptor provided the raptor is wear-

ing a seamless band and the person receiving the raptor possesses an appropriate special license:

1. Barter,
2. Offer for barter,
3. Gift,
4. Purchase,
5. Sell,
6. Offer for sale, or
7. Transfer.

**GG.** A licensed falconer is prohibited from conducting any of the following activities with any wild-caught raptor protected under the Migratory Bird Treaty Act:

1. Barter,
2. Offer for barter,
3. Purchase,
4. Sell, or
5. Offer for sale.

**HH.** A licensed falconer may transfer:

1. Any wild-caught falconry raptor lawfully captured in Arizona with or without a permit tag to another Arizona Sport Falconry License holder at any time.
  - a. The raptor shall count towards the take limit for that calendar year for the falconer taking the raptor from the wild.
  - b. The raptor shall not count against the take limit of the falconer receiving the raptor.
2. Any wild-caught falconry raptor to another license or permit type under this Article or federal law, provided the raptor has been used in the sport of falconry for at least two years preceding the transfer.
3. A wild-caught falconry sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperii*), merlin (*Falco columbarius*), or American kestrel (*Falco sparverius*) to another license or permit type under this Article or federal law, provided the raptor has been used in the sport of falconry for at least one-year preceding the transfer.
4. Any hybrid or captive-bred raptor to another licensed falconer or permit type under this Article or federal law at any time.
5. Any falconry raptor that is no longer capable of being flown, as determined by a veterinarian, to another permit type at any time. The licensed falconer shall provide a copy of the documentation from the veterinarian stating that the raptor is not useable in falconry to the Federal Migratory Bird Permits office that administers the other permit type.

**II.** A licensed falconer shall not transfer a wild-caught raptor species to a licensed falconer in another state for at least one year from the date of capture if either resident or nonresident take is managed through Commission Order by way of a permit-tag, nonpermit-tag, or annual harvest quota system. However, a licensed falconer may transfer a wild-caught raptor that is not managed through Commission Order by way of a permit-tag, nonpermit-tag, or annual harvest quota system to a licensed falconer in another state at any time.

**JJ.** A surviving spouse, executor, administrator, or other legal representative of a deceased or incapacitated licensed falconer shall transfer any raptor held by the licensed falconer to another licensed falconer no more than 90 consecutive days after the death of the falconer. The Department shall determine the disposition of any raptor not transferred prior to the end of the 90-day period.

**KK.** A licensed falconer shall conduct the following activities, as applicable, no more than 10 business days after either the

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death of a falconry raptor or the final examination of a deceased raptor by a veterinarian:

1. Dispose of any raptor suspected or confirmed with West Nile Virus or poisoning, except for lead poisoning, by incineration.
2. For a bald or golden eagle, send the entire body, including all feathers, talons, and other parts, to the National Eagle Repository;
3. For any euthanized non-eagle raptor, to prevent secondary poisoning of other wildlife, the falconer shall either submit the carcass to a non-eagle repository or burn, bury, or otherwise destroy the carcass;
4. For all other species:
  - a. Submit the carcass to a non-eagle repository;
  - b. Submit the carcass to the Department for submission to a non-eagle repository;
  - c. Donate the body or feathers to any person or institution exempt under 50 CFR 21.12 or authorized by USFWS to acquire and possess such parts or feathers;
  - d. Retain the carcass or feathers for imping purposes as established under subsection (DD);
  - e. Burn, bury, or otherwise destroy the carcass; or
  - f. Mount the raptor carcass. The falconer shall ensure any microchip implanted in the raptor is not removed and any band attached to the raptor remains on the mount. The falconer may use the mount for a conservation education program. The falconer shall ensure copies of the license and all relevant 3-186A forms are retained with the mount. The mount shall not count towards the falconer's possession limit.
5. A license holder submitting a carcass or parts of a carcass of any raptor that has been euthanized shall ensure a tag indicating the raptor was euthanized is attached to the carcass or parts of the carcass before submitting it to the National Eagle Repository or non-eagle repository, as applicable.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended effective April 4, 1997 (Supp. 97-2). Amended by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Amended by final rulemaking at 18 A.A.R. 958, effective January 1, 2013 (Supp. 12-2). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-423. Wildlife Rehabilitation License**

- A. For the purposes of this Section, "volunteer" means a person who:
  1. Is not designated as an agent, as defined under R12-4-401,
  2. Assists a wildlife rehabilitation license holder without compensation, and
  3. Is under the direct supervision of the license holder at the location specified on the wildlife rehabilitation license.
- B. A wildlife rehabilitation license is issued for the sole purpose of restoring and returning wildlife to the wild through rehabilitative services. The license allows a person 18 years of age or older to conduct any of the following activities with live injured, disabled, orphaned or otherwise debilitated wildlife specified on the rehabilitation license:

1. Capture;
  2. Euthanize;
  3. Export to a licensed zoo, when authorized by the Department;
  4. Receive from the public;
  5. Rehabilitate;
  6. Release;
  7. Temporarily possess;
  8. Transport; or
  9. Transfer to one of the following:
    - a. Licensed veterinarian for treatment or euthanasia;
    - b. Another appropriately licensed special license holder;
    - c. Licensed zoo, when authorized by the Department; or
  10. As otherwise directed in writing by the Department.
- C. A wildlife rehabilitation license authorizes the possession of the following taxa or species:
    1. Amphibians;
    2. Reptiles;
    3. Birds:
      - a. Non-passerines, birds in any order other than those named in subsections (b) through (e);
      - b. Birds in the orders *Falconiformes* or *Strigiformes*, raptors;
      - c. Birds in the order, *Galliformes* quails and turkeys;
      - d. Birds in the order *Columbiformes*, doves;
      - e. Birds in the order *Trochiliformes*, hummingbirds; and
      - f. Birds in the order *Passeriformes*, passerines;
    4. Mammals:
      - a. Nongame mammals;
      - b. Bats;
      - c. Big game mammals other than cervids: bighorn sheep, bison, black bear, javelina, mountain lion, pronghorn;
      - d. Carnivores: bobcat, coati, coyote, foxes, raccoons, ringtail, skunks, and weasels; and
      - e. Small game mammals.
  - D. A wildlife rehabilitation license authorizes the possession of the following taxa or species only when specifically requested at the time of application:
    1. Eagles;
    2. Species listed under 50 CFR 17.11, revised October 1, 2019; and
    3. The Department's Tier 1 Species of Greatest Conservation Need, as defined under R12-4-401.
    4. For the purposes of subsection (D)(2), this incorporation by reference contains no future editions or amendments. The incorporated material is available at any Department office, online at [www.gpo.gov](http://www.gpo.gov), or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.
  - E. All wildlife held under the license is the property of the state and shall be surrendered to the Department upon request.
  - F. The wildlife rehabilitation license expires on the last day of the third December from the date of issuance.
  - G. In addition to the requirements established under this Section, a wildlife rehabilitation license holder shall comply with the special license requirements established under R12-4-409.
  - H. The Department shall deny a wildlife rehabilitation license to a person who fails to meet the requirements and criteria established under R12-4-409, R12-4-428, or this Section or when the person's wildlife rehabilitation license is suspended or revoked in any state. The Department shall provide the written



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notice established under R12-4-409 to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

- I. The wildlife rehabilitation license holder shall be responsible for compliance with all applicable regulatory requirements; the license does not:
  1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations;
  2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license; or
  3. Authorize the license holder to conduct any activities that constitutes the practice of veterinary medicine as prescribed under A.R.S. § 32-2231 whether or not a fee, compensation, or reward is directly or indirectly promised, offered, expected, received or accepted, unless the license holder is currently licensed to practice veterinary medicine in the state of Arizona.
- J. Before applying for a wildlife rehabilitation license, a person shall correctly answer at least 80% of the questions on the Department administered written examination. The Department shall consider only those parts of the examination that are applicable to the taxa of wildlife for which the license is sought in establishing the qualifications of the applicant.
  1. Examinations are provided by appointment, only.
  2. An applicant may request a verbal or written examination.
  3. The examination shall include questions regarding:
    - a. Wildlife rehabilitation;
    - b. Safe handling of wildlife;
    - c. Transporting wildlife;
    - d. Humane treatment;
    - e. Nutritional requirements;
    - f. Behavioral requirements;
    - g. Developmental requirements;
    - h. Ecological requirements;
    - i. Habitat requirements;
    - j. Captivity standards established under R12-4-428;
    - k. Human and wildlife safety considerations;
    - l. State statutes, rules, and regulations regarding wildlife rehabilitation; and
    - m. National Wildlife Rehabilitation Association minimum standards for wildlife rehabilitation.
  4. The applicant must successfully complete the examination within three years prior to the date on which the initial application for the license is submitted to the Department.
- K. An applicant for a wildlife rehabilitation license shall submit an application to the Department. The application is furnished by the Department and is available at any Department office and on the Department's website. The applicant shall provide the following information on the application:
  1. The applicant's information:
    - a. Name;
    - b. Date of birth;
    - c. Mailing address;
    - d. Telephone number;
    - e. Housing facility address, if different from mailing address;
    - f. Physical address or general location description and Global Positioning System location; and
    - g. Department ID number, when applicable;
  2. The wildlife taxa or species listed under subsection (C) that will be possessed under the license;
  3. For each location where the applicant proposes to use wildlife, the land owner's:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Physical address or general location description and Global Positioning System location;
  4. A detailed description, diagram, and photographs of the housing facility where the applicant will hold the wildlife, and a description of how the housing facility complies with the captivity standards established under this Section;
  5. Any other information required by the Department; and
  6. The certification required under R12-4-409(C).
- L. In addition to the requirements listed under subsection (K), at the time of application, an applicant for a wildlife rehabilitation license shall also submit:
  1. Any one or more of the following:
    - a. A valid, current license issued by a state veterinary medical examination authority that authorizes the applicant to practice as a veterinarian;
    - b. Proof of at least six months of experience performing wildlife rehabilitative work with an average of at least eight hours each week for the taxa or species of animal listed on the application; or
    - c. A current and valid license, permit, or other form of authorization issued by another state or the federal government that allows the applicant to perform wildlife rehabilitation;
  2. Proof the applicant successfully completed the examination required under subsection (J) no more than three years prior to submitting the initial application;
  3. An affidavit signed by the applicant affirming either of the following:
    - a. The applicant is a licensed veterinarian; or
    - b. A licensed veterinarian is reasonably available to provide veterinary services as necessary to facilitate rehabilitation of wildlife.
  4. A written statement describing:
    - a. The applicant's preferred method of disposing of non-releasable live wildlife as listed under subsection (B); and
    - b. The applicant's training and experience in handling, capturing, rehabilitating, and caring for the taxa or species when the applicant is applying for a license to perform authorized activities with taxa or species of wildlife listed under subsection (C).
- M. A wildlife rehabilitation license holder who wishes to continue activities authorized under the license shall renew the license before it expires.
  1. When renewing a license without change to the species, location, or design of the facility where wildlife is held as authorized under the current license, the license holder may reference supporting materials previously submitted in compliance with subsection (K).
  2. A license holder applying for a renewal of the license shall successfully complete the examination at the time of renewal when the annual report submitted under subsection (Z) indicates the license holder did not perform any rehabilitative activities under the license.
  3. A license holder applying for a renewal of the license shall submit proof the license holder has completed the

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continuing education requirement established under subsection (N).

- N. During the license period a wildlife rehabilitation license holder shall complete eight or more hours of continuing education sessions on wildlife rehabilitation or veterinary medicine. Acceptable continuing education sessions may be obtained from:

1. An accredited university or college;
2. The National Wildlife Rehabilitators Association, 2625 Clearwater Rd. Suite 110, St. Cloud, MN 56301;
3. The International Wildlife Rehabilitation Council, PO Box 3197, Eugene, OR 97403; or
4. Other applicable training opportunities approved by the Department in writing. A license holder who wishes to use other applicable training to meet the eight hour continuing education requirement shall request approval of the other applicable training prior to participating in the education session.

- O. At the time of application, a wildlife rehabilitation license holder may request authorization to allow an agent to assist the license holder in carrying out activities authorized under the wildlife rehabilitation license by submitting a written request to the Department.

1. An applicant may request the ability to allow a person to act as an agent on the applicant's behalf, provided:
  - a. An employment or supervisory relationship exists between the applicant and the agent,
  - b. The agent submits proof of at least six months of experience performing wildlife rehabilitative work with an average of at least eight hours each week, and
  - c. The agent's privilege to take or possess live wildlife is not suspended or revoked in any state.
  - d. An agent shall allow the Department to conduct inspections of an agent's facility when the agent intends to possess wildlife for more than 48 hours. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
2. The license holder shall obtain approval from the Department prior to allowing the agent assist in any activities.
3. The license holder is liable for all acts the agent performs under the authority of this Section.
4. The Department, acting on behalf of the Commission, may suspend or revoke a license for violation of this Section by an agent.
5. The license holder shall ensure the agent possesses a legible copy of the license while conducting any activity authorized under the wildlife rehabilitation license and presents it for inspection upon the request of any Department employee or agent.

- P. At any time during the license period, a wildlife rehabilitation license holder may request permission to amend the license to add or delete an agent or a location where wildlife is held; or to obtain authority to rehabilitate additional taxa of wildlife. To request an amendment, the license holder shall submit the following information to the Department, as applicable:

1. To add or delete an agent, the information stated in subsections (K)(1) through (K)(4) as applicable to the agent, and proof of at least six months of experience performing wildlife rehabilitative work with an average of at least eight hours each week;
2. To add or delete a location, the information stated in subsection (K)(1) through (K)(5); and

3. To obtain authority to rehabilitate additional taxa or wildlife, the information stated in subsection (K)(1) through (K)(5) and (L)(1) through (L)(4).

- Q. A wildlife rehabilitation license holder authorized to rehabilitate wildlife species listed under subsection (C)(3)(c), (C)(4)(c) and (C)(4)(d) or (D) shall contact the Department within 24 hours of receiving the individual animal to obtain instructions in handling or transferring that animal. While awaiting instructions, the license holder shall ensure that emergency veterinary care is provided as necessary.

- R. A wildlife rehabilitation license holder shall:

1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
2. Maintain records associated with the license for a period of five years following the date of disposition.
3. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
4. Ensure each facility is inspected by the attending veterinarian at least once every year.
5. Capture, remove, transport, and release wildlife held under the requirements of this Section in a manner that is least likely to cause injury to the affected wildlife.
6. Conduct rehabilitation only at the location listed on the license.
7. Be responsible for all expenses incurred, including veterinary expenses, and all actions taken under the license, including all actions or omissions of all agents and volunteers when performing activities under the license.
8. Immediately surrender wildlife held under the license to the Department upon request.
9. Dispose of all wildlife that is euthanized or that otherwise dies within 30 days of death either by burial, incineration, or transfer to a scientific research institution, except that the license holder shall transfer all carcasses of endangered or threatened species, species listed under the Department's Tier 1 Species of Greatest Conservation Need, or eagles as directed by the Department.
10. Maintain a current log that records the information specified under subsection (Z).
11. Possess the license or legible copy of the license at each authorized location and while conducting any rehabilitation activities and presents it for inspection upon the request of any Department employee or agent.
12. Ensure a copy of the wildlife rehabilitation license accompanies each transfer or shipment of wildlife.
13. Dispose of any raptor suspected or confirmed with West Nile Virus or poisoning, except for lead poisoning, by incineration.
14. Except as specified under subsection (R)(12), transfer the carcass or parts of the carcass of a deceased raptor as follows:
  - a. For a bald or golden eagle, send the entire body, including all feathers, talons, and other parts, to the National Eagle Repository, see <https://www.fws.gov/eaglerepository/factsheets.php>;
  - b. For any euthanized non-eagle raptor, to prevent secondary poisoning of other wildlife, either submit the carcass to a non-eagle repository or burn, bury, or otherwise destroy the carcass;
  - c. For all other species:
    - i. Submit the carcass to a non-eagle repository;

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- ii. Submit the carcass to the Department for submission to a non-eagle repository.
  - S. A wildlife rehabilitation license holder shall not:
    - 1. Display for educational purposes any wildlife held under the license.
    - 2. Exhibit any wildlife held under the license.
    - 3. Permanently possess any wildlife held under the license.
  - T. A wildlife rehabilitation license holder may possess all wildlife for no more than 90 days. Except a bird may be possessed for no more than 180 days, unless the Department has authorized possession for a longer period of time.
  - U. A license holder may request permission to possess wildlife for a longer period of time than specified in subsection (T) by submitting a written request to the Department.
    - 1. The Department shall approve or deny the request within ten days of receiving the request.
    - 2. For requests made due to a medical necessity, the Department may require the license holder to provide a written statement listing the medical reasons for the extension, signed by a licensed veterinarian.
    - 3. The license holder may continue to hold the specified wildlife while the Department considers the request.
    - 4. If the request is denied, the Department shall send a written notice to the license holder which shall include specific, time-dated directions for the surrender or disposition of the animal.
  - V. A wildlife rehabilitation license holder who also possesses a federal rehabilitator license may allow a licensed falconer to assist in conditioning a raptor in preparation for the raptor's release to the wild.
    - 1. The license holder may allow the licensed falconer to temporarily remove the raptor from the license holder's facility while conditioning the raptor.
    - 2. The license holder shall provide the licensed falconer with a written statement authorizing the falconer to assist the license holder.
    - 3. The written statement shall identify the raptor by species, type of injury, and band number, when available.
    - 4. The license holder shall ensure the licensed falconer returns the raptor to the license holder within the 180-day period established under subsection (T).
  - W. A wildlife rehabilitation license holder may hold wildlife under the license after the wildlife reaches a state of restored health only for the amount of time reasonably necessary to prepare the wildlife for release. Rehabilitated wildlife shall be released:
    - 1. In an area without immediate threat to the wildlife or contact with humans;
    - 2. During an ecologically appropriate time of year and time of day; and
    - 3. Into a suitable habitat in the same geographic area where the animal was originally obtained; or
    - 4. In an area designated by the Department.
  - X. Wildlife that is not releasable after the time-frames specified in subsection (T) shall be transferred, disposed of, or euthanized as determined by the Department.
  - Y. To permanently hold rehabilitated wildlife declared unsuitable for release by a licensed veterinarian, a wildlife rehabilitation license holder shall apply for and obtain a wildlife holding license in compliance with under R12-4-417.
  - Z. A wildlife rehabilitation license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year. The report form is furnished by the Department.
    - 1. A report is required regardless of whether or not activities were performed during the previous year.
  - 2. The wildlife rehabilitation license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
  - 3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
  - 4. The annual report shall contain the following information:
    - a. The license holder's:
      - i. Name;
      - ii. Mailing address; and
      - iii. Telephone number;
    - b. Each agent's:
      - i. Name;
      - ii. Mailing address; and
      - iii. Telephone number;
    - c. The permit or license number of any federal permits or licenses that relate to any rehabilitative function performed by the license holder;
    - d. For activities related to federally-protected wildlife, a copy of the rehabilitator's federal permit report of activities related to federally-protected wildlife; and
    - e. An itemized list of each animal held under the license during the calendar year for which activity is being reported. For each animal held by the license holder or agent, the itemization shall include:
      - i. Species;
      - ii. Condition that required rehabilitation;
      - iii. Date of acquisition;
      - iv. Source of acquisition;
      - v. Location of acquisition;
      - vi. Age class at acquisition, when reasonably determinable;
      - vii. Status at disposition or end-of-year in relation to the condition requiring rehabilitation;
      - viii. Method of disposition;
      - ix. Location of disposition; and
      - x. Date of disposition.
- AA. A wildlife rehabilitation license holder shall comply with the requirements established under R12-4-409, R12-4-428, and R12-4-430, as applicable.

**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).  
 Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4).  
 Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3).  
 Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-424. White Amur Stocking License; Restocking License****A. For the purposes of this Section:**

"Closed aquatic system" means any body of water, water system, canal system, or series of lakes, canals, or ponds where triploid white amur are prevented from entering or exiting the system by any natural or man-made barrier, as determined by the Department.

"Triploid" means a species having three homologous sets of chromosomes that renders the individuals sterile.

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- B. A white amur stocking or restocking license allows a person to import, possess, stock in a closed aquatic system, and transport triploid white amur (*Ctenopharyngodon idella*).
- C. The white amur stocking or restocking license is valid for no more than 20 consecutive days.
- D. In addition to the requirements established under this Section, a white amur stocking or restocking license holder shall comply with the special license requirements established under R12-4-409.
- E. The white amur stocking or restocking license holder shall be responsible for compliance with all applicable regulatory requirements; the licenses do not:
  1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- F. The Department shall deny a white amur stocking or restocking license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny a white amur stocking or restocking license when it determines the issuance of the license may result in a negative impact on native wildlife.
- G. An applicant for a white amur stocking or restocking license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to stock white amur. The application is furnished by the Department and is available from any Department office and on the Department's website. The applicant shall provide the following information on the application:
  1. The applicant's information:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Department ID number, when applicable;
  2. For each location where the white amur will be held, stocked, or restocked, the land owner's:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Physical address or general location description and Global Positioning System location;
    - e. For the purposes of this subsection, the following systems may qualify as separate locations, as determined by the Department:
      - i. Each closed aquatic system;
      - ii. Each separately managed portion of a closed aquatic system; or
      - iii. Multiple separate closed aquatic systems owned, controlled, or legally held by the same applicant where stocking is to occur;
  3. A detailed description and diagram of each enclosed aquatic system where the applicant will stock and hold the white amur, as prescribed under A.R.S. § 17-317, which shall include the following information, as applicable:
    - a. A description of how the system meets the definition of a "closed aquatic system" in subsection (A);
    - b. Size of waterbody proposed for stocking;
    - c. Nearest river, stream, or other freshwater system;
    - d. Points where water enters into each water body;
    - e. Points where water leaves each water body; and
    - f. Location of fish containment barriers;
- 4. For each wildlife supplier from whom the applicant will obtain white amur, the supplier's:
  - a. Name;
  - b. Mailing address; and
  - c. Telephone number;
- 5. The number and average length of white amur to be stocked;
- 6. The dates white amur will be stocked, or restocked;
- 7. Any other information required by the Department; and
- 8. The certification required under R12-4-409(C).
- H. When the Department determines an applicant proposes to stock white amur in a watershed in a manner that conflicts with the Department's efforts to conserve wildlife, in addition to the requirements listed under subsection (G), the applicant shall also submit a written proposal to the Department at the time of application. The written proposal shall contain all of the following:
  1. Anticipated benefits from introducing white amur;
  2. Potential risks introducing white amur may create for wildlife, including:
    - a. Whether white amur are compatible with native aquatic species or game fish; and
    - b. Method for evaluating the potential impact introducing white amur will have on wildlife;
  3. Assessment of probable impacts to sensitive species in the area using the list generated by the Department's Online Environmental Review Tool, which is available on the Department's website. The proposal must address each species listed.
- I. A person may apply for a white amur restocking license provided there are no changes to the closed aquatic system. The restocking application license application must include the inspection certification from the supplier of white amur as required under subsection (K)(2).
- J. A person applying for a white amur stocking or restocking license shall pay all applicable fees as prescribed under R12-4-412.
- K. A white amur stocking and restocking license holder shall comply with the requirements established under R12-4-409.
  1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  2. Obtain all aquatic wildlife, live eggs, fertilized eggs, and milt from a licensed fish farm operator or a private non-commercial fish pond certified free of the diseases and causative agents through the following actions:
    - a. An inspection shall be performed by a qualified fish health inspector or fish pathologist at the fish farm or pond where the aquatic wildlife or biological material is held before it is shipped to the license holder.
    - b. The inspection shall be conducted no more than 12 months prior to the date on which the aquatic wildlife or biological material is shipped to the license holder. The Department may require additional inspections at any time prior to stocking.
    - c. The applicant shall submit a copy of the certification to the Department prior to conducting any stocking activities.

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3. Maintain records associated with the license for a period of five years following the date of disposition.
  4. Allow the Department to conduct inspections of an applicant's or license holder's facility, records, and any waters proposed for stocking at any time before or during the license period to determine compliance with the requirements of this Article and to determine the appropriate number of white amur to be stocked. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
  5. Ensure all shipments of white amur are accompanied by a USFWS, or similar agent, certificate confirming the white amur are triploid.
  6. Possess the license or legible copy of the license while conducting any activities authorized under the white amur stocking or restocking license and presents it for inspection upon the request of any Department employee or agent.
- L. A white amur stocking or restocking license holder shall comply with the requirements established under R12-4-409.

**Historical Note**

Adopted as an emergency effective July 5, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3).

Correction, Historical Note, Supp. 88-3, should read, "Adopted as an emergency effective July 15, 1988..."; readopted and amended as an emergency effective October 13, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted as an emergency effective January 24, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Former Section R12-4-219 amended and adopted as a permanent rule and renumbered as Section R12-4-424 effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-425. Restricted Live Wildlife Lawfully Possessed without License or Permit Before the Effective Date of Article 4 or Any Subsequent Amendments**

- A. A person who lawfully possessed restricted live wildlife without a license or permit from the Department before the effective date of this Section or any subsequent amendments to R12-4-406, this Section, or this Article may continue to possess the wildlife and to use it for any purpose that was lawful, except propagation, before the effective date of R12-4-406, this Section, or this Article or any subsequent amendments, provided the person complies with the requirements established under subsections (A)(1) or (A)(2).
1. The person submits written notification to the Department's regional office in which the restricted live wildlife is held. The person shall submit the written notification to the regional office within 30 calendar days of the effective date of any subsequent amendments to this Section, R12-4-406, or this Article. The written notification shall include all of the following information:
    - a. The number of individuals of each species,
    - b. The purpose for which it is possessed, and

- c. The unique identifier for each individual wildlife possessed by the person, as established under subsection (F); or
  2. The person maintains documentation of the restricted live wildlife held. The documentation shall include:
    - a. The number of individuals of each species,
    - b. Proof the individuals were legally acquired before the effective date of the amendment causing the wildlife to be restricted,
    - c. The purpose for which it is used, and
    - d. The unique identifier for each wildlife possessed by the person, as established under subsection (F).
  3. The person shall report the birth or hatching of any progeny conceived before and born after the effective date of this Section, R12-4-406, or this Article to the Department and comply with the requirements established under subsection (F).
- B. The person shall ensure the written notification described under subsection (A)(1) and (A)(2) includes the person's name, address, and the location where the wildlife is held. A person who maintains their own documentation under subsection (A)(2) shall make it available to the Department upon request.
- C. The person shall retain the documentation required under subsections (A)(1) and (A)(2) until the person disposes of the wildlife as described under subsection (D).
- D. A person who possesses wildlife under this Section shall dispose of it using any one of the following methods:
  1. Exportation;
  2. Euthanasia;
  3. Transfer to an Arizona special license holder, provided the special license authorizes possession of the species involved; or
  4. As otherwise directed by the Department in writing.
- E. If a person transfers restricted live wildlife possessed under this Section to a special license holder:
  1. The exemption for that wildlife under this Section expires, and
  2. The special license holder shall use, possess, and report the wildlife in compliance with this Article and any stipulations applicable to that special license.
- F. A person who exports wildlife held under this Section shall not import the wildlife back into this state unless the person obtains a special license prior to importing the wildlife back into this state.
- G. A person who possesses wildlife under this Section shall permanently and uniquely mark the wildlife with a unique identifier as follows:
  1. Within 30 calendar days of the effective date of this Section, R12-4-406, or this Article if the person has notified the Department as provided under subsection (A)(1); or
  2. Within 30 calendar days of receiving written notice from the Department directing the person to permanently mark the wildlife.
- H. A person possessing a desert tortoise (*Gopherus agassizii*) is not subject to the requirements of this Section and shall comply with requirements established under R12-4-404 and R12-4-407.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

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Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-426. Possession of Nonhuman Primates**

- A. A person is prohibited from possessing a nonhuman primate, unless authorized under a special license or lawful exemption.
- B. A person shall not import a nonhuman primate into this state unless:
  - 1. A person lawfully possessing a nonhuman primate shall ensure the primate is tested and reported to be free of any zoonotic disease that poses a serious health risk as determined by the Department. Zoonotic diseases that pose a serious health risk include, but are not limited to:
    - a. Tuberculosis;
    - b. Simian Herpes B virus;
    - c. Simian Immunodeficiency Virus;
    - d. Simian T Lymphotropic Virus; and
    - e. Gastrointestinal pathogens such as, but not limited to, Shigella, Salmonella, E. coli, and Giardia.
  - 2. A qualified person, as determined by the Department, performs the test and provides the test results; and
  - 3. The tests required under subsection (B)(1) are:
    - a. Conducted no more than 30 days before the person imports the nonhuman primate; and
    - b. The person submits the results to the Department prior to importation.
- C. A person lawfully possessing the nonhuman primate shall contain the primate within the confines of the person's private property or licensed facility.
- D. A person possessing a nonhuman primate may only transport the primate by way of a secure cage, crate, or carrier. A person possessing a primate shall only transport the primate to the following locations:
  - 1. To or from a licensed veterinarian;
  - 2. Into or out of the state for lawful purposes.
- E. A person lawfully possessing a nonhuman primate that bit, scratched, or otherwise exposed a human to pathogenic organisms, as determined by the Department, shall ensure the primate is examined and laboratory tested for the presence of pathogens as follows:
  - 1. The Department shall prescribe examinations and laboratory testing for the presence of pathogens.
  - 2. The person shall have the nonhuman primate examined by a state licensed veterinarian who shall perform any examinations or laboratory tests as directed by the Department.
    - a. The licensed veterinarian shall provide the laboratory results to the Department within 24 hours of receiving the results.
    - b. The Department shall notify the exposed person and the Department of Health Services, Vector Borne and Zoonotic Disease Section within 10 days of receiving notice of the test results.
  - 3. The person possessing the nonhuman primate shall pay all costs associated with the examination, laboratory testing, and maintenance of the primate.
- F. A person lawfully possessing a nonhuman primate shall ensure a primate that tests positive for a zoonotic disease that poses a serious health risk to humans, or is involved in more than one incident of biting, scratching, or otherwise exposing a human to pathogenic organisms, is maintained in captivity or disposed of as directed in writing by the Department.
- G. A zoo license holder or a person using nonhuman primates at a research facility, as defined under R12-4-401, possessing a primate that bit, scratched, or otherwise exposed a human to pathogenic organisms shall quarantine and test the primate in accordance with procedures approved by the Department.

- H. A person lawfully possessing a nonhuman primate is subject to the requirements established under R12-4-428.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Rule expired December 31, 1989; text rescinded (Supp. 93-2). New Section adopted by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Section R12-4-426(C) corrected to include subsection (C)(1), under A.R.S. § 41-1011 and A.A.C. R1-1-108, Office File No. M11-77, filed March 4, 2011 (Supp. 10-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-427. Exemptions from Requirements to Possess a Wildlife Rehabilitation License**

- A. A person may possess, provide rehabilitative care to, and release to the wild any live wildlife listed below that is injured, orphaned, or otherwise debilitated:
  - 1. The order *Passeriformes*: non-Migratory Bird Treaty Act listed passerine birds;
  - 2. The order *Columbiformes*: non-Migratory Bird Treaty Act listed doves;
  - 3. The family *Phasianidae*: quail, pheasant, and chukars;
  - 4. The order *Rodentia*: rodents; and
  - 5. The order *Lagomorpha*: hares and rabbits.
- B. This Section does not:
  - 1. Exempt the person from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  - 2. Authorize the person to engage in authorized activities using federally-protected wildlife, unless the person possesses a valid license, permit, or other form of documentation issued by the United States that authorizes the license holder to use that wildlife in a manner consistent with the special license.
- C. This Section does not authorize the possession of any of the following:
  - 1. Eggs of wildlife;
  - 2. Wildlife listed as Species of Greatest Conservation Need, as defined under R12-4-401;
  - 3. Migratory birds, as defined under R12-4-101; or
  - 4. More than 25 animals at the same time.
- D. A person taking and caring for wildlife listed under this Section is not required to possess a hunting license.
- E. A person shall only take wildlife listed under subsection (A) by hand or by a hand-held implement.
- F. A person shall not possess wildlife lawfully held under this Section for more than 60 days.
- G. The exemptions granted under this Section shall not apply to any person who, by their own action, has unlawfully injured, orphaned, or otherwise debilitated the wildlife.
- H. If the wildlife is rehabilitated and suitable for release, the person who possesses the wildlife shall release it within the 60-day period established under subsection (C):
  - 1. Into a habitat that is suitable to sustain the wildlife, or
  - 2. As close as possible to the same geographic area from where it was taken.
- I. If the wildlife is not rehabilitated within the 60-day period or the wildlife requires care normally provided by a veterinarian, the person who possesses it shall:
  - 1. Transfer it to a wildlife rehabilitation license holder or veterinarian;
  - 2. Euthanize it; or

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3. Obtain a wildlife holding permit as established under R12-4-417.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-428. Captivity Standards**

- A.** For the purposes of this Section, “animal” means any wildlife possessed under a special license, unless otherwise indicated.
- B.** A person possessing wildlife under a special license authorized under this Article shall comply with the minimum standards for the humane treatment of animals established under this Section.
- C.** A person possessing wildlife under an authority granted under this Article shall ensure all facilities meet the following minimum standards:
1. The facility shall be:
    - a. Constructed of material of sufficient strength to resist any force the animal may be capable of exerting against it.
    - b. Constructed in a manner designed to reasonably prevent the animal’s escape or the entry of unauthorized persons, wildlife, or domestic animals.
    - c. Constructed and maintained in good condition to protect animals from injury, disease, or death and to enable the humane practices established under this Section.
  2. If electricity is required to comply with related requirements established under this Section, each facility shall be equipped with safe, reliable and adequate electric power.
    - a. All electric wiring shall be constructed and maintained in accordance with all applicable governmental building codes.
    - b. Electrical construction and maintenance shall be sufficient to ensure that no animal has direct contact with any electrical wiring or electrical apparatus, and the animal is fully protected from any possibility of injury, shock, or electrocution.
  3. Each animal shall be supplied with sufficient potable water to meet its needs.
    - a. All water receptacles shall be kept in clean and sanitary condition.
    - b. Water shall be readily available and monitored at least once daily or more often when the needs of the animal or environmental conditions dictate.
    - c. If potable water is not accessible to the animal at all times, it shall be provided as often as necessary for the health and comfort of the animal.
  4. Food shall be suitable, wholesome, palatable, free from contamination, and of sufficient appeal, quantity, and nutritive value to maintain the good health of each animal held in the facility.
    - a. Each animal’s diet shall be prepared based upon the nutritional needs and preferences of the animal with consideration for the animal’s age, species, condition, size, and all veterinary directions or recommendations in regard to diet.
    - b. Each animal shall be fed as often as its needs dictate, taking into consideration behavioral adaptations, veterinary treatment or recommendations, normal fasts, or other professionally accepted humane practices.
  5. The facility shall be kept sanitary and regularly cleaned as the nature of the animal requires:
    - a. Adequate provision shall be made for the removal and disposal of animal waste, food waste, unusable bedding materials, trash, debris and dead animals not intended for food.
    - b. The facility shall be maintained to minimize the potential of parasite, pest, and vermin infestation, disease, and unseemly odors.
    - c. Excreta shall be removed from the primary enclosure facility as often as necessary to prevent contamination, minimize hazard of disease, and reduce unseemly odors.
    - d. The sanitary condition of the facility shall be monitored at least once daily.
    - e. When the facility is cleaned by hosing, flushing, or the introduction of any chemical substances, adequate measures shall be taken to ensure the animal has no direct contact with any chemical substance and is not directly sprayed with water, steam, or chemical substances or otherwise wetted involuntarily.
  6. A sanitary and humane method shall be provided to rapidly eliminate excess water from the facility. If drains are utilized, they shall be:
    - a. Properly constructed.
    - b. Kept in good condition to avoid foul odors or parasite, pest, or vermin infestation.
    - c. Installed in a manner that prevents the backup or accumulation of debris or sewage.
  7. No animal shall be exposed to any human activity or environment that may have an inhumane or harmful effect upon the animal or that is inconsistent with the purpose of the special license.
  8. Facilities shall not be constructed or maintained in proximity to any physical condition which may pose any health threat or unnecessary stress to the animal.
  9. Persons caring for the animals shall conduct themselves in a manner that prevents the spread of disease, minimizes stress, and does not threaten the health of the animal.
  10. All animals housed in the same facility or within the same enclosed area shall be compatible and shall not pose a

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- substantial threat to the health, life or well-being of any other animal in the same facility or enclosure, whether or not the other animals are held under a special license. This subsection shall not apply to live animals utilized as food items in the enclosures.
11. Facilities for the enclosure of animals shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement to make normal postural and social adjustments.
    - a. The facility area shall be large enough and constructed in a manner to allow the animal proper and adequate exercise as is characteristic to each animal's natural behavior and physical needs.
    - b. Facilities for digging or burrowing animals shall have secure safe floors below materials supplied for digging or burrowing activity.
    - c. Animals that naturally climb or perch shall be provided with safe and adequate climbing or perching apparatus.
    - d. Animals that naturally live in an aquatic environment shall be supplied with sufficient access to safe water so as to meet their aquatic behavioral needs.
    - e. The facility and holding environment shall be structured to reasonably promote the physical and psychological well-being of any animal held in the facility.
  12. A special license holder shall ensure that a sufficient number of properly trained personnel are utilized to meet all the humane husbandry practices established under this Section. The license holder shall be responsible for the actions of all animal care personnel and all other persons that come in contact with the animals.
  13. The special license holder shall designate a veterinarian licensed to practice in this state as the primary treating veterinarian for each species of animal to be held.
    - a. The license holder shall ensure that all animals in their care receive proper, adequate, and humane veterinary care as the needs of each animal dictate.
    - b. Each animal held for more than one year shall be inspected by the attending veterinarian at least once every year. The inspection report shall demonstrate the veterinarian inspected the health of the animal and the condition of its enclosure.
    - c. Every animal shall promptly receive licensed veterinary care whenever it appears that the animal is injured, sick, wounded, diseased, infected by parasites, or behaving in a substantially abnormal manner, including but not limited to exhibiting loss of appetite, abnormal weight loss or lethargy.
    - d. All medications, treatments and other directions prescribed by the attending veterinarian shall be properly administered by the license holder, authorized agent, or volunteer. A license holder, authorized agent, or volunteer shall not administer prescription medicine, unless under the direction of a veterinarian.
  14. Any animal that is suspected of or diagnosed as harboring any infectious or transmissible disease, whether or not the animal is held under a special license, shall be isolated immediately upon suspicion or diagnosis.
    - a. The isolated animal shall continue to be kept in a humane manner as required under this Section.
    - b. When there is an animal with an infectious or transmissible disease in any animal facility, whether or not the animal is held under a special license, the facility shall be sanitized so as to reasonably eliminate the chance of other animals being exposed to infection. Sanitation procedures may include, but are not limited to:
      - i. Washing facilities or animal-related materials with appropriate disinfectants, soaps or detergents;
      - ii. Appropriate application of hot water or steam under pressure; and
      - iii. Replacement of gravel, dirt, sand, water, or food.
      - vi. All residue of chemical agents utilized in the sanitation process shall be reasonably eliminated from the facility before any animal is returned to the facility.
    - c. Parasites, pests, and vermin shall be controlled and eliminated so as to ensure the continued health and well-being of all animals.
- D.** In addition the standards established under subsection (C), a person shall ensure all indoor facilities meet the following minimum standards:
1. Heating and cooling equipment shall be sufficient to regulate the temperature of the facility to the optimal temperature zone of the species being held to provide a healthy, comfortable, and humane living environment.
  2. Indoor facilities shall be adequately ventilated with fresh air to provide for the healthy, comfortable, and humane keeping of any animal and to minimize drafts, odors, and moisture condensation.
  3. Indoor facilities shall have lighting of a quality, distribution, and duration as is appropriate for the biological needs of the animals held and to facilitate the inspection and maintenance of the facility.
    - a. Artificial lighting, when used, shall be utilized in regular cycles as the animal's needs dictate.
    - b. Lighting shall be designed to protect the animals from excessive or otherwise harmful aspects of illumination.
- E.** In addition the standards established under subsection (C), a person shall ensure that all outdoor facilities meet the following minimum standards:
1. Sufficient shade to prevent the overheating or discomfort of any animal shall be provided.
  2. Sufficient shelter appropriate to protect animals from normal climatic conditions throughout the year.
  3. Each animal shall be acclimated to outdoor climatic conditions before they are housed in any outdoor facility or otherwise exposed to the extremes of climate.
- F.** A person who handles an animal shall ensure the animal is handled in an expeditious and careful manner to ensure no unnecessary discomfort, behavioral stress, or physical harm to the animal.
1. An animal shall be transported in a secure, expeditious, careful, temperature appropriate, and humane manner. An animal shall not be transported in any manner that poses a substantial threat to the life, health, or behavioral well-being of the animal.
  2. An animal placed on public exhibit or educational display shall be handled in a manner that minimizes the risk of harm to members of the public and to the animal, which includes but is not limited to providing and maintaining a sufficient distance or barrier between the animal and the viewing public.
  3. Any restraint or equipment used on an animal shall not cause physical harm or unnecessary discomfort.



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- G. The Department may impose additional requirements on facilities that hold animals to meet the needs of the particular animal and ensure public health and safety.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-429. Expired****Historical Note**

New Section made by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 3127, effective July 1, 2002 for a period of 180 days (Supp. 02-3). Emergency rulemaking renewed under A.R.S. § 41-1026(D) for an additional 180-day period at 9 A.A.R. 132, effective December 27, 2002 (Supp. 02-4). Section expired effective June 24, 2003 (Supp. 03-2).

**R12-4-430. Importation, Handling, and Possession of Cervids**

- A. The Department shall not issue a new special license authorizing the possession of a live cervid, except as provided under R12-4-418 and R12-4-420.
- B. A person shall not import a live cervid into Arizona, except a zoo license holder may import any live nonnative cervid for exhibit, educational display, or propagation provided the nonnative cervid is quarantined for 30 days upon arrival and is procured from a facility that meets all of the following requirements:
1. The exporting facility has a disease surveillance program and no history of chronic wasting disease or other wildlife disease that pose a serious health risk to wildlife or humans and there is accompanying documentation from the facility certifying there is no history of disease at the facility or within 50 miles of the facility;
  2. The nonnative cervid is accompanied by a health certificate, issued no more than 30 days prior to importation by a licensed veterinarian in the jurisdiction of origin; and
  3. The nonnative cervid is accompanied by evidence of lawful possession, as defined under R12-4-401.
- C. A person shall not transport a live cervid within Arizona, except to:
1. Export the live cervid from Arizona for a lawful purpose;
  2. Transport the live cervid to a facility for the purpose of slaughter, when the slaughter will take place within five days of the date of transport;
  3. Transport the live cervid to or from a licensed veterinarian for medical care;
  4. Transport the live cervid to a new holding facility owned by, or under the control of, the cervid owner, when all of the following apply:
    - a. The current holding facility has been sold or closed;
    - b. Ownership, possession, custody, or control of the cervid will not be transferred to another person; and
    - c. The owner of the cervid has prior written approval from the Department; or
  5. Transport the live nonnative cervid within Arizona for the purpose of procurement or propagation when all of the following apply:
    - a. The nonnative cervid is transported to or from a zoo licensed under R12-4-420;
    - b. The nonnative cervid is quarantined for 30 days upon arrival at its destination;
- c. The nonnative cervid is procured from a facility that meets all of the requirements established under subsection (B)(1) through (B)(3).
- D. A person who lawfully possesses a live cervid, except any cervid held under a private game farm or zoo license, shall comply with the requirements established under R12-4-425.
- E. A person shall comply with the requirements established under R12-4-305 when transporting a cervid carcass, or its parts, from a licensed private game farm.
- F. In addition to the recordkeeping requirements of R12-4-413 and R12-4-420, a person who possesses a live cervid under a private game farm or zoo license shall:
1. Permanently mark each live cervid with either an individually identifiable microchip or tattoo within 30 days of acquisition or birth of the cervid and ensure each cervid is marked with an ear tag that identifies the farm of origin in a manner that is clearly visible from a distance of 100 feet;
  2. Report the death of any cervid to the Department within seven calendar days of finding the cervid;
  3. Include in the annual report submitted to the Department before January 31 of each year, the following for each native cervid in the license holder's possession:
    - a. Name of the license holder,
    - b. License holder's mailing address,
    - c. License holder's telephone number,
    - d. Number and species of live cervids held,
    - e. The microchip or tattoo number of each live native cervid held,
    - f. The disposition of all cervids that were moved or died during the current reporting period,
    - g. The results of chronic wasting disease testing for all cervids one year of age and older that die during the current reporting period,
    - h. The license holder shall also submit copies of all veterinary care records that occurred during the previous year, and
    - i. Any other information required by the Department to ensure compliance with this Section.
- G. The holder of a private game farm, scientific activity, zoo license, or a person possessing a cervid under R12-4-425, shall ensure that the retropharyngeal lymph nodes or obex from the head of a cervid over one year of age that dies while held under the special licenses is collected by either a licensed veterinarian or the Department and submitted within 72 hours of the time of death to an Animal and Plant Health Inspection Service certified veterinary diagnostic laboratory for chronic wasting disease analysis. A list of approved laboratories is available at any Department office and on the Department's website or [www.aphis.usda.gov](http://www.aphis.usda.gov). The license holder shall:
1. Ensure the shipment of the deceased animal's tissues is made by a common, private, or contract carrier that utilizes a tracking number system to track the shipment.
  2. Include all of the following information with the shipment of the deceased animal's tissues, the license holder's:
    - a. Name,
    - b. Mailing address, and
    - c. Telephone number.
  3. Designate, on the sample submission form, test results shall be sent to the Department within 10 days of completing the analysis. The sample submission form is furnished by the diagnostic laboratory providing the test.
  4. Be responsible for all costs associated with the laboratory analysis.

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5. Notify the Department within 72 hours of receiving a suspect or positive result.
- H.** A person who possesses a cervid shall comply with all procedures for:
1. Tuberculosis control and eradication for cervids as prescribed under the United States Department of Agriculture publication "Bovine Tuberculosis Eradication: Uniform Methods and Rules" USDA APHIS 91-45-011, revised January 1, 2005, which is incorporated by reference in this Section.
  2. Prevention, control, and eradication of Brucellosis in cervids as prescribed under the United States Department of Agriculture publication "Brucellosis in Cervidae: Uniform Methods and Rules" U.S.D.A. A.P.H.I.S. 91-45-16, effective September 30, 2003.
  3. The incorporated material is available at any Department office, online at [www.aphis.usda.gov](http://www.aphis.usda.gov), or may be ordered from the USDA APHIS Veterinary Services, Cattle Disease and Surveillance Staff, P.O. Box 96464, Washington D.C. 20090-6464.
  4. The material incorporated by reference in this Section does not include any later amendments or editions.
- I.** A person who possesses a cervid shall maintain records required under this Section for a period of at least five years and shall make the records available for inspection to the Department upon request.
- J.** The Department has the authority to seize, euthanize, and dispose of any cervid possessed in violation of this Section, at the owner's expense.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**ARTICLE 5. BOATING AND WATER SPORTS****R12-4-501. Boating and Water Sports Definitions**

In addition to the definitions provided under A.R.S. § 5-301, the following definitions apply to this Article unless otherwise specified:

"Abandoned watercraft" means any watercraft that has remained:

- On private property without the consent of the private property owner;
- Unattended for more than 48 hours on a highway, public street, or other public property;
- Unattended for more than 72 hours on state or federal lands; or
- Unattended for more than 14 days on state or federal waterways, unless in a designated mooring or anchorage area.

"Aids to navigation" means buoys, beacons, or other fixed objects placed on, in, or near the water to mark obstructions to navigation or to direct navigation through channels or on a safe course.

"Authorized third-party provider" means an entity that has been awarded a written agreement with the Department, pursuant to a competitive bid process, to perform limited or specific services on behalf of the Department.

"AZ number" means the Department-assigned identification number with the prefix "AZ."

"Bill of sale" means a written agreement transferring ownership of a watercraft that includes all of the following information:

- Name of buyer;
- Name of seller;
- Manufacturer of the watercraft, when known;
- Hull identification number, unless exempt under R12-4-505;
- Purchase price and sales tax paid, when applicable; and
- Signature of seller.

"Boats keep out" in reference to a regulatory marker means the operator or user of a watercraft, or a person being towed by a watercraft on water skis, an inflatable device, or similar equipment shall not enter.

"Certificate of number" means the Department-issued document that is proof that a motorized watercraft is registered in the name of the owner.

"Certificate of origin" means a document provided by the manufacturer of a new watercraft or its distributor, its franchised new watercraft dealer, or the original purchaser establishing the initial chain of ownership for a watercraft, such as but not limited to:

- Manufacturer's certificate of origin (MCO);
- Manufacturer's statement of origin (MSO);
- Importer's certificate of origin (ICO);
- Importer's statement of origin (ISO); or
- Builder's certification (Form CG-1261).

"Controlled-use marker" means an anchored or fixed marker on the water, shore, or a bridge that controls the operation of watercraft, water skis, surfboards, or similar devices or equipment.

"Dealer" means any person who engages in whole or in part in the business of buying, selling, or exchanging new or used watercraft, or both, either outright or on conditional sale, consignment, or lease.

"Homemade watercraft" means a watercraft that is not fabricated or manufactured for resale and to which a manufacturer has not attached a hull identification number. If a watercraft is assembled from a kit or constructed from an unfinished manufactured hull and does not have a manufacturer assigned hull identification number it is a "homemade watercraft."

"Hull identification number" means a number assigned to a specific watercraft by the manufacturer or by a government jurisdiction as prescribed by the U.S. Coast Guard.

"Junk watercraft" means any hulk, derelict, wreck, or parts of any watercraft in an unseaworthy or dilapidated condition that cannot be profitably dismantled or salvaged for parts or profitably restored.

"Letter of gift" means a document transferring ownership of a watercraft that includes all of the following information:

- Name of previous owner;

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Name of new owner;

Manufacturer of the watercraft, when known;

Hull identification number, unless exempt under R12-4-505;

A statement that the watercraft is a gift; and

Signature of previous owner.

“Livery” means a business authorized to rent or lease watercraft with or without an operator for recreational, non-commercial use as prescribed under A.R.S. § 5-371.

“Manufacturer” means any person engaged in the business of manufacturing or importing new watercraft for the purpose of sale or trade.

“Motorized watercraft” means any watercraft propelled by machinery and powered by electricity, fossil fuel, or steam.

“No ski” in reference to a regulatory marker means a person shall not be towed on water skis, an inflatable device, or similar equipment.

“No wake” in reference to a regulatory marker has the same meaning as “wakeless speed” as defined under A.R.S. § 5-301.

“Operate” in reference to a watercraft means use, navigate, or employ.

“Owner” in reference to a watercraft means a person who claims lawful possession of a watercraft by virtue of legal title or equitable interest that entitles the person to possession.

“Personal flotation device” means a U.S. Coast Guard approved wearable or throwable device for use on any watercraft, as prescribed under A.R.S. §§ 5-331, 5-350(A), and R12-4-511.

“Regatta” means an organized water event of limited duration affecting the public use of waterways, for which a lawful jurisdiction has issued a permit.

“Registered owner” means the person or persons to whom a watercraft is currently registered by any jurisdiction.

“Registration decal” means the Department-issued decal that is proof of watercraft registration.

“Regulatory marker” means a waterway marker placed on, in, or near the water to convey general information or indicate the presence of:

A danger, or

A restricted or controlled-use area.

“Release of interest” means a statement surrendering or abandoning unconditionally any claim or right of ownership or use in a watercraft.

“Sound level” means the noise level measured in decibels on the A-weighted scale of a sound level instrument that conforms to recognized industry standards and is maintained according to the manufacturer’s instructions.

“Staggered registration” means the system of renewing watercraft registrations in accordance with the schedule provided under R12-4-504.

“State of principal operation” means the state in whose waters the watercraft is used or will be operated most during the calendar year.

“Throwable personal flotation device” means a U.S. Coast Guard approved Type IV device for use on any watercraft such as, but not limited to, a buoyant cushion, ring buoy, or horse-shoe buoy.

“Unreleased watercraft” means a watercraft for which there is no written release of interest from the registered owner.

“Watercraft” means a boat or other floating device of rigid or inflatable construction designed to carry people or cargo on the water and propelled by machinery, oars, paddles, or wind action on a sail. Exceptions are sea-planes, makeshift contrivances constructed of inner tubes or other floatable materials that are not propelled by machinery, personal flotation devices worn or held in hand, and other objects used as floating or swimming aids.

“Watercraft agent” means a person authorized by the Department to collect applicable fees for the registration and numbering of watercraft.

“Watercraft registration” means the validated certificate of number and validating decals issued by the Department.

“Wearable personal flotation device” means a U.S. Coast Guard approved Type I, Type II, Type III, or Type V device for use on any watercraft such as, but not limited to, an off-shore lifejacket, near-shore buoyant vest, special-use wearable device, or flotation aid.

#### Historical Note

Editorial correction subsection (A) (Supp. 78-5). Former

Section R12-4-83 renumbered as Section R12-4-501 without change effective August 13, 1981 (Supp. 81-4).

Former Section R12-4-501 renumbered to R12-4-515, new Section R12-4-501 adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19

A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

#### R12-4-502. Application for Watercraft Registration

A. Only motorized watercraft as defined under R12-4-501 are subject to watercraft registration.

B. A person shall apply for watercraft registration under A.R.S. § 5-321 using a form furnished by the Department and available at any Department office or on the Department’s website. The applicant shall provide the following information for registration of all motorized watercraft except homemade watercraft, which are addressed under subsection (C):

1. Arizona residency certification statement, signed by the watercraft owner;
2. Type of watercraft;
3. Propulsion type;
4. Engine drive type;
5. Overall length of watercraft;
6. Make and model of watercraft, if known;
7. Year built or model year, if known;
8. Hull identification number;
9. Hull material;

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10. Fuel type;
  11. Category of use;
  12. Watercraft or AZ number previously issued for the watercraft, if any;
  13. State of principal operation; and
  14. For watercraft:
    - a. Owned by a person:
      - i. Legal name;
      - ii. Mailing address;
      - iii. Date of birth; and
      - iv. Signature of each applicant.
    - b. Owned by a business:
      - i. Name of business;
      - ii. Business address;
      - iii. Tax Identification Number; and
      - iv. Signature and title of authorized representative on behalf of the business.
    - c. Held in a trust:
      - i. Name of trust;
      - ii. Primary trustee's address;
      - iii. Tax Identification Number, required when the trust is held by two or more persons;
      - iv. Date of trust; and
      - iv. Signature of each trustee, unless the trust instrument authorizes the signature of one trustee to bind the trust.
  15. When ownership of the watercraft is in more than one name, the applicant shall indicate ownership designation by use of one of the following methods:
    - a. Where ownership is joint tenancy with right of survivorship, the applicant shall use "and/or" between the names of the owners. To transfer registration of the watercraft, each owner shall provide a signature. Upon legal proof of the death or incompetency of either owner, the remaining owner may transfer registration of the watercraft.
    - b. Where ownership is a tenancy in common the applicant shall use "and" between the names of the owners. To transfer registration of the watercraft, each owner shall provide a signature. In the event of the death or incompetency of any owner, the disposition of the watercraft shall be handled through appropriate legal proceedings.
    - c. Where the ownership is joint tenancy or is community property with an express intent that either of the owners has full authority to transfer registration, the applicant shall use "or" between the names of the owners. Each owner shall sign the application for registration. To transfer registration, either owner's signature is sufficient for transfer.
- C. The builder, owner, or owners of a homemade watercraft shall present the watercraft for inspection at a Department office. The applicant shall provide the following information for registration of homemade watercraft, using the same ownership designations specified in subsection (A)(15):
1. Type of watercraft;
  2. Propulsion type;
  3. Engine drive type;
  4. Overall length of watercraft;
  5. Year built;
  6. Hull material;
  7. Fuel type;
  8. Category of use;
  9. Each owner's:
    - a. Name,
    - b. Mailing address, and
    - c. Date of birth;
  10. State of principal operation;
  11. Whether the watercraft was assembled from a kit or rebuilt from a factory or manufacturer's hull;
  12. Hull identification number, if assigned; and
  13. Signature of the applicant, acknowledged before a Notary Public or witnessed by a Department employee.
- D. As prescribed under A.R.S. § 5-321, the applicant shall submit a use tax receipt issued by the Arizona Department of Revenue with the application for registration unless any one of the following conditions apply:
1. The applicant is exempt from use tax as provided under 15 A.A.C. Chapter 5,
  2. The applicant is transferring the watercraft from another jurisdiction to Arizona without changing ownership,
  3. The applicant submits a bill of sale or receipt showing the sales or use tax was paid at the time of purchase, or
  4. The applicant submits a notarized affidavit of exemption stating that the acquisition of the watercraft was for rental or resale purposes.
- E. An applicant for a watercraft dealer registration authorized under A.R.S. § 5-322(F), shall be a business offering watercraft for sale or a watercraft manufacturer registered by the U.S. Coast Guard. A person shall display dealer registration for watercraft demonstration purposes only. For the purposes of this Section, "demonstration" means to operate a watercraft on the water for the purpose of selling, trading, negotiating, or attempting to negotiate the sale or exchange of interest in new watercraft, and includes operation by a manufacturer for purposes of testing a watercraft. Demonstration does not include operation of a watercraft for personal purposes by a dealer or manufacturer or an employee, family member, or an associate of a dealer or manufacturer. The watercraft dealer registration is subject to invalidation pursuant to R12-4-506 if a watercraft with displayed dealer registration is used for purposes other than those authorized under A.R.S. § 5-322(F) or this Section. A watercraft dealer registration applicant shall submit an application to the Department. The application is furnished by the Department and is available at any Department office. The applicant shall provide the following information on the application:
1. All business names used for the sale or manufacture of watercraft in Arizona;
  2. Mailing address and telephone number for each business for which a watercraft dealer registration is requested;
  3. Tax privilege license number;
  4. U.S. Coast Guard manufacturer identification code, when applicable;
  5. Total number of certificates of number and decals requested; and
  6. The business owner's or manager's:
    - a. Name,
    - b. Business address,
    - c. Telephone number, and
    - d. Signature.
- F. In addition to submitting the application form and any other information required under this Section, the applicant for watercraft registration shall submit one or more of the following additional forms of documentation:
1. Original title if the watercraft is titled in another state;
  2. Original registration if the watercraft is from a non-titling state;
  3. Bill of sale as defined under R12-4-501 if the watercraft has never been registered or titled in any state;

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4. Letter of gift as defined under R12-4-501 if the watercraft was received as a gift and was never registered or titled in any state;
  5. Court order or other legal documentation establishing lawful transfer of ownership;
  6. Letter of deletion, required when the watercraft was previously documented by the U.S. Coast Guard;
  7. Statement of facts form furnished by the Department and available from any Department office when none of the documentation identified under subsections (F)(1) through (F)(6) exists either in the possession of the watercraft owner or in the records of any jurisdiction responsible for registering or titling watercraft. An applicant for watercraft registration under a statement of facts shall present the watercraft for inspection at a Department office. The statement of facts form shall include the following information:
    - a. Hull identification number,
    - b. Certification that the watercraft meets one of the following conditions:
      - i. The watercraft was manufactured prior to 1972, is 12 feet in length or less, and is not propelled by an inboard engine;
      - ii. The watercraft is owned by the applicant and has never been registered or titled;
      - iii. The watercraft was owned in a state that required registration, but was never registered or titled; or
      - iv. The watercraft was purchased, received as a gift, or received as a trade and has not been registered, titled, or otherwise documented in the past five years.
    - c. Signature of the applicant, acknowledged before a Notary Public or witnessed by a Department employee.
  8. An original certificate of origin when all of the following conditions apply:
    - a. The watercraft was purchased as new,
    - b. The applicant is applying for watercraft registration within a year of purchasing the watercraft, and
    - c. The certificate of origin is not held by a lien holder.
- G.** If the watercraft is being transferred to a person other than the original listed owner, the applicant for a watercraft registration shall submit a release of interest. The Department may require the applicant to provide a release of interest that is acknowledged before a Notary Public or witnessed by a Department employee when the Department is unable to verify the signature on the release of interest.
- H.** If the original title is held by a lien holder, the applicant for a watercraft registration shall submit a form furnished by the Department and available from any Department office along with a copy of the title. The applicant shall comply with the following requirements when submitting the form:
1. The applicant shall provide the following information on the form:
    - a. Applicant's name,
    - b. Applicant's mailing address,
    - c. Make and model of watercraft, and
    - d. Watercraft hull identification number.
  2. The applicant shall ensure the lien holder provides the following information on the form:
    - a. Lien holder's name,
    - b. Lien holder's mailing address,
    - c. Name of person completing the form on behalf of the lien holder,
    - d. Title of person completing the form on behalf of the lien holder, and
    - e. Signature of the person completing the form on behalf of the lien holder, acknowledged before a Notary Public or witnessed by a Department employee.
- I.** If the watercraft's original title or registration is lost, the Department shall register a watercraft upon receipt of one of the following:
1. A letter or printout from any jurisdiction responsible for registering or titling watercraft that verifies the owner of record for that specific watercraft;
  2. A printout of the Vessel Identification System for that specific watercraft from the U.S. Coast Guard and verification from the appropriate state agency that the information regarding the owner of record for that specific watercraft is correct and current;
  3. A statement of facts by the applicant as described under subsection (F)(7) if the watercraft has not been registered, titled, or otherwise documented in the past five years; or
  4. The abandoned or unreleased watercraft approval letter issued by the Department, as established under R12-4-507(I).
- J.** The Department shall issue a watercraft registration within 30 calendar days of receiving a valid application and the documentation required under this Section from the applicant or a watercraft agent authorized under R12-4-509.
- K.** All watercraft registrations and supporting documentation are subject to verification by the Department and to the requirements established under R12-4-505. The Department shall require a watercraft to be presented for inspection to verify the information provided by an applicant if the Department has reason to believe the information provided by the applicant is inaccurate or the applicant is unable to provide the required information.
- L.** The Department shall deem an application invalid if the Department receives legal documentation of any legal action that may affect ownership of that watercraft.
- M.** The Department shall invalidate a watercraft registration if the registration is obtained by an applicant who makes a false statement or provides false information on any application, statement of facts, or written instrument submitted to the Department.

**Historical Note**

Former Section R12-4-84 renumbered as Section R12-4-502 without change effective August 13, 1981 (Supp. 81-4). Amended effective January 2, 1985 (Supp. 85-1). Former Section R12-4-502 repealed, new Section R12-4-502 adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-503. Renewal of Watercraft Registration; Duplicate Watercraft Registration or Decal**

- A.** The owner of a registered watercraft shall renew the watercraft's registration no later than the day before the prior registration period expires.
1. To renew a watercraft's registration in person or by mail, an applicant shall pay the registration fee authorized under R12-4-504 and present any one of the following:
    - a. Current or prior certificate of number,

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- b. Valid driver's license,
  - c. Valid Arizona Motor Vehicle Division identification card,
  - d. Valid passport, or
  - e. Department-issued renewal notice.
2. The owner of a registered watercraft may renew a watercraft registration by accessing the Department's online system and paying the applicable watercraft registration fee authorized under R12-4-504.
- B.** The owner of a registered watercraft may obtain a duplicate watercraft registration or decal in person or by mail. To obtain a duplicate watercraft registration or decal in person or by mail, an applicant shall:
- 1. Complete and submit an application for a duplicate certificate and/or decal form to the Department or its authorized agent, available from any Department office and on the Department's website; and
  - 2. Pay the duplicate watercraft registration fee authorized under R12-4-504.
- C.** If made available by the Department, the owner of a registered watercraft may obtain a duplicate watercraft registration or decal by accessing the Department's online system and paying the duplicate watercraft registration fee authorized under R12-4-504.
- D.** When a request for a watercraft registration renewal or duplicate watercraft registration or decal is submitted by mail or online, the Department shall mail the registration or decal, as applicable, to the address of record, unless the Department receives a notarized request from the registered owner instructing the Department to mail the duplicate registration or decal to another address.

**Historical Note**

Former Section R12-4-85 renumbered as Section R12-4-503 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-503 renumbered to R12-4-519, new Section R12-4-503 adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-504. Watercraft Fees; Penalty for Late Registration; Staggered Registration Schedule**

- A.** The following fees are required, when applicable as authorized under A.R.S. §§ 5-321 and 5-322:
- 1. Motorized watercraft registration fees are assessed as follows:
    - a. Twelve feet and less: \$20
    - b. Twelve feet one inch through sixteen feet: \$22
    - c. Sixteen feet one inch through twenty feet: \$30
    - d. Twenty feet one inch through twenty-six feet: \$35
    - e. Twenty-six feet one inch through thirty-nine feet: \$39
    - f. Thirty-nine feet one inch through sixty-four feet: \$44
    - g. Sixty-four feet one inch and over: \$66
    - h. For the purposes of this subsection, the length of the motorized watercraft shall be measured in the same manner prescribed under A.R.S. § 5-321(C).
  - 2. Motorized watercraft transfer fee: \$13.

- 3. Duplicate motorized watercraft registration: \$8.
  - 4. Duplicate decal: \$8.
  - 5. Watercraft dealer certificate of number: \$20.
  - 6. Abandoned or unreleased watercraft application fee: \$100.
  - 7. Unclaimed towed watercraft application fee: \$100.
- B.** The Department or its agent shall collect the entire registration fee for a late registration renewal and a penalty fee of \$5, unless exempt under A.R.S. § 5-321(L) or the expiration date falls on a Saturday, Sunday, or state holiday, and the registration is renewed before the close of business on the next working day. The Department or its agent shall not assess a penalty fee when a renewal is mailed before the expiration date, as evidenced by the postmark.
- C.** All new watercraft registrations expire 12 months after the date of issue.
- D.** Resident and nonresident watercraft registration renewals:
- 1. Shall be valid for a period of 7 to 18 months depending on the expiration month.
    - a. This provision applies to the initial renewal period only.
    - b. The Department shall prorate fees accordingly.
  - 2. May be renewed up to six months prior to the expiration month.
  - 3. Shall expire on the last day of the month indicated by the last two numeric digits of the AZ number, as shown in the following table:

Last two numeric digits of AZ number										Expiration month
00	12	24	36	48	60	72	84	96		December
01	13	25	37	49	61	73	85	97		January
02	14	26	38	50	62	74	86	98		February
03	15	27	39	51	63	75	87	99		March
04	16	28	40	52	64	76	88			April
05	17	29	41	53	65	77	89			May
06	18	30	42	54	66	78	90			June
07	19	31	43	55	67	79	91			July
08	20	32	44	56	68	80	92			August
09	21	33	45	57	69	81	93			September
10	22	34	46	58	70	82	94			October
11	23	35	47	59	71	83	95			November

- E.** Watercraft dealer, manufacturer, and governmental use registration renewals expire on October 31 of each year.
- F.** Livery and all other commercial use registration renewals expire on November 30 of each year.

**Historical Note**

Amended effective December 5, 1978 (Supp. 78-6). Amended effective March 6, 1980 (Supp. 80-2). Former Section R12-4-86 renumbered as Section R12-4-504 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-504 repealed, new Section R12-4-504 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 9 A.A.R. 1613, effective July 5, 2003 (Supp. 03-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by exempt rulemaking pursuant to A.R.S. § 41-1005(A)(2)(b) at 21 A.A.R. 1046, effective June 16, 2015 (Supp. 15-2). Amended by final exempt rulemaking at 23 A.A.R. 1034; amended by final

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rulemaking at 23 A.A.R. 1732, both effective August 5, 2017 (Supp. 17-2).

**R12-4-505. Hull Identification Numbers**

- A. The Department shall not register a watercraft without a hull identification number.
- B. The Department shall verify watercraft manufactured after November 1, 1972 have a primary hull identification number that complies with the requirements established under 33 C.F.R. 181, subpart C. The Department shall assign a hull identification number when the watercraft hull identification number does not meet the requirements established under 33 C.F.R. 181, subpart C.
- C. The hull identification number shall be fully visible and unobstructed at all times. Watercraft manufactured prior to August 1, 1984, are exempt from this requirement provided the obstruction is original equipment and was attached by the manufacturer.
- D. The Department shall assign a hull identification number to a watercraft with a missing hull identification number only if the Department determines:
  1. The hull identification number was not intentionally or illegally removed or altered, unless the application is accompanied by an order of forfeiture, order of seizure, or other civil process;
  2. The missing hull identification number was caused by error of the manufacturer or a government jurisdiction; or
  3. The watercraft is a homemade watercraft as defined under R12-4-501.
- E. The Department may assign a hull identification number within 30 days of receipt of a valid application, as described under R12-4-502.
- F. The Department may accept a bill of sale presented with a missing or nonconforming hull identification number for registration purposes only when:
  1. The hull identification number matches the nonconforming hull identification number on the watercraft;
  2. Supporting evidence exists that the seller is the owner of the watercraft;
  3. The watercraft is homemade and does not have a hull identification number; or
  4. The watercraft was manufactured prior to November 1, 1972.
- G. Within 30 days of issuance, the applicant or registered owner shall:
  1. Burn, carve, stamp, emboss, mold, bond, or otherwise permanently affix each hull identification number to a non-removable part of the watercraft in a manner that ensures any alteration, removal, or replacement will be obvious.
  2. Ensure the characters of each hull identification number affixed to the watercraft are no less than 1/4 inch in height.
  3. Permanently affix the hull identification number as follows:
    - a. On watercraft with transoms, affix the hull identification number to the right or starboard side of the transom within two inches of the top of the transom or hull/deck joint, whichever is lower.
    - b. On watercraft without a transom, affix the hull identification number to the starboard outboard side of the hull, back or aft within one foot of the stern and within two inches of the top of the hull, gunwale, or hull/deck joint, whichever is lower.
    - c. On a catamaran or pontoon boat, affix the hull identification number on the aft crossbeam within one foot of the starboard hull attachment.

- d. As close as possible to the applicable location established under subsections (a), (b), or (c) when rails, fittings, or other accessories obscure the visibility of the hull identification number.
  - e. Affix a duplicate of the visibly affixed hull identification number in an unexposed location on a permanent part of the hull.
4. Certify to the Department that the hull identification number was permanently affixed to the watercraft. The certification statement is furnished by the Department when a hull identification number is issued. The certification statement shall include the location of the permanently affixed hull identification number.

**Historical Note**

Amended effective January 1, 1980 (Supp. 79-6). Former Section R12-4-87 renumbered as Section R12-4-505 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-505 repealed, new Section R12-4-505 adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-506. Invalidation of Watercraft Registration and Decals**

- A. Any watercraft registration obtained by fraud or misrepresentation is invalid from the date of issuance.
- B. A certificate of number and any decals issued by the Department under R12-4-502 are invalid if any one of the following occurs:
  1. Any check, money order, or other currency certificate presented to the Department for payment of watercraft registration or renewal is found to be non-negotiable;
  2. Any person whose name appears on the certificate of number loses ownership of the watercraft by legal process;
  3. Arizona is no longer the state of principal operation;
  4. The watercraft is documented by the U.S. Coast Guard;
  5. An applicant provides incomplete or incorrect information to the Department and fails to provide the correct information within 30 days after a request by the Department;
  6. The Department revokes the certificate of number, AZ numbers, and decals as provided under A.R.S. § 5-391(I);
  7. The Department or its agent erroneously issued a certificate of number or any decals;
  8. A watercraft bearing a dealer registration is used for any purpose not authorized under R12-4-502(E); or
  9. A watercraft registered or used as a livery is operated in violation of A.R.S. § 5-371 or R12-4-514.
- C. A person shall surrender the invalid certificate of number and decals to the Department within 15 calendar days of receiving written determination from the Department that the certificate of number or decals are invalid, unless the person appeals the Department's determination to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- D. The Department shall not validate or renew an invalid watercraft registration or decals until the reason for invalidity is corrected or no longer exists.

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**Historical Note**

Adopted effective December 4, 1984 (Supp. 84-6). Amended subsection (B) effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended subsection (B) effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Former Section R12-4-506 repealed, new Section R12-4-506 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-507. Transfer of Ownership of an Abandoned or Unreleased Watercraft**

- A. A person who has knowledge and custody of a watercraft abandoned on private property owned by that person may attempt to obtain ownership of the watercraft by way of the abandoned watercraft transfer process. A lienholder of foreclosed real property may assign an agent to act on its behalf.
  - B. The last registered owner of an abandoned or unreleased watercraft is presumed to be responsible for the watercraft, unless the watercraft is reported stolen.
  - C. The operator of a self-storage facility located in this state and having a possessory lien shall comply with the requirements prescribed under A.R.S. Title 33, Chapter 15, Article 1 when attempting to obtain ownership of a watercraft abandoned while in storage.
  - D. A person having a possessory lien under a written agreement shall comply with the requirements prescribed under A.R.S. Title 33, Chapter 7, Article 6 when attempting to obtain ownership of a watercraft for which repairs or service fees remain unpaid.
  - E. Only a person acting within the scope of official duties as an employee or authorized agent of a government agency may order the removal of a watercraft abandoned on public property or a public waterway.
  - F. A person seeking ownership of an abandoned or unreleased watercraft shall submit an application to the Department and pay the fee established under R12-4-504. The application is furnished by the Department and available at any Department office. The application shall include the following information, if available:
    1. Hull identification number, unless exempt under R12-4-505;
    2. Registration number;
    3. Decal number;
    4. State of registration;
    5. Year of registration;
    6. Name, address, and daytime telephone number of the person who found the watercraft;
    7. For abandoned watercraft:
      - a. Address or description of the location where the watercraft was found;
      - b. Whether the watercraft was abandoned on private or public property, and
      - c. When applicable, for watercraft abandoned on private property, whether the applicant is the legal owner of the property;
    8. Condition of the watercraft: wrecked, stripped, or intact;
    9. State in which the watercraft will be operated;
    10. Length of time the watercraft was abandoned;
    11. Reason why the applicant believes the watercraft is abandoned; and
  12. Signature of the applicant, acknowledged before a Notary Public or witnessed by a Department employee.
- G. This state and its agencies, employees, and agents are not liable for relying in good faith on the contents of the application.
  - H. The Department shall attempt to determine the name and address of the registered owner by:
    1. Conducting a search of its watercraft database when documentation indicates the watercraft was previously registered in this state, or
    2. Requesting the watercraft record from the other state when documentation indicates the watercraft was previously registered in another state.
  - I. If the Department is able to determine the name and address of the registered owner, the Department shall send written notice of the applicant's attempt to register the watercraft to the owner by certified mail, return receipt requested.
    1. If service is successful or upon receipt of a response from the registered owner, the Department shall send the following written notification to the applicant, as appropriate:
      - a. If the registered owner provides a written release of interest in the watercraft, the Department shall mail the release of interest and an abandoned or unreleased watercraft approval letter to the applicant. The applicant shall apply for watercraft registration in compliance with the requirements established under R12-4-502.
      - b. If the registered owner provides written notice to the Department refusing to release interest in the watercraft, the Department shall notify the applicant of the owner's refusal. The Department shall not register the watercraft to the applicant unless the applicant provides proof of ownership and complies with the requirements established under R12-4-502.
      - c. If the registered owner does not respond to the notice in writing within 30 days from the date of receipt, the Department shall notify the applicant of the owner's failure to respond. The Department shall not register the watercraft to the applicant unless the applicant provides proof of ownership and complies with the requirements established under R12-4-502.
      - d. If the registered owner does not respond to the notice within 180 days from the date of receipt of the notice, this failure to act shall constitute a waiver of interest in the watercraft by any person having an interest in the watercraft, and the watercraft shall be deemed abandoned for all purposes. The Department shall mail an abandoned or unreleased watercraft approval letter to the applicant. The applicant shall apply for watercraft registration in compliance with the requirements established under R12-4-502.
    2. If the written notice is returned unclaimed or refused, the Department shall notify the applicant within 15 days of the notice being returned that the attempt to contact the registered owner was unsuccessful.
  - J. If the Department is unable to identify or serve the registered owner, the Department shall post a notice of intent on the Department's website within 45 days of the Department's notification to the applicant as provided in subsection (I)(2).
    1. The notice shall include a statement of the Department's intent to transfer ownership of the watercraft ten days after the date of posting, unless the Department receives notice from the registered owner refusing to release interest in the watercraft within that ten-day period following posting.



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2. If the watercraft remains unclaimed after the ten-day period, the Department shall mail an abandoned or unreleased watercraft approval letter to the applicant. The applicant shall apply for watercraft registration in compliance with the requirements established under R12-4-502.
- K.** A government agency may submit an application for authorization to dispose of a junk watercraft abandoned on state or federal lands or waterways. The application is furnished by the Department and is available at any Department Office. Upon receipt of the application, the Department shall attempt to determine the name and address of the registered owner. If the Department is unable to identify and serve the registered owner, the Department shall publish a notice of intent to authorize the disposal of the junk watercraft as described under subsection (J).
  1. The published notice shall include a statement of the Department's intent to authorize the disposal of the watercraft ten days after the date of publication, unless the Department receives notice from the registered owner refusing to release interest in the watercraft within that ten-day period following publication.
  2. If the watercraft remains unclaimed after the ten-day period, the Department shall mail an authorization to dispose of the junk watercraft to the government agency. The government agency may dispose of the abandoned watercraft and all indicia for that watercraft in any manner the agency determines expedient or convenient.

**Historical Note**

Adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 9 A.A.R. 1613, effective July 5, 2003 (Supp. 03-2). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final exempt rulemaking at 23 A.A.R. 1034; amended by final rulemaking at 23 A.A.R. 1732, both effective August 5, 2017 (Supp. 17-2).

**R12-4-508. New Watercraft Exchanges**

- A.** A person may request a no-fee replacement registration for a new watercraft, provided all of the following conditions apply:
  1. The person purchased the newly registered watercraft from a new watercraft dealer,
  2. The person returned the watercraft to the new watercraft dealer within 30 days of purchase, and
  3. The new watercraft dealer exchanged the returned watercraft for a watercraft of the same year, make, and model within the same 30 day period.
- B.** To obtain a no-fee replacement registration, the person shall submit the original watercraft registration and a letter from the new watercraft dealer to the Department. The letter shall include all of the following information:
  1. A statement that the original watercraft was replaced,
  2. The hull identification number for the original watercraft,
  3. The hull identification number for the replacement watercraft,
  4. The buyer's name, and
  5. The new watercraft dealer's name.

**Historical Note**

Adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

**R12-4-509. Watercraft Dealers; Agents**

- A.** The Department may authorize a watercraft dealer to act as an agent on behalf of the Department for the purpose of issuing temporary certificates of number valid for 45 days for new or used watercraft, provided:
  1. The applicant's previous authority to act as a watercraft agent under A.R.S. § 5-321(I) has not been canceled by the Department within the preceding 24 months, and
  2. The applicant is a business located and operating within this state and sells watercraft.
- B.** An applicant seeking watercraft agent authorization shall submit an application to the Department. The application is furnished by the Department and available at the Arizona Game and Fish Department, 5000 W. Carefree Highway, Phoenix, AZ 85086. The applicant shall provide the following information on the application:
  1. Principal business or corporation name, address, and telephone number or if not a corporation, the full name, address, and telephone number of all owners or partners;
  2. Name, address, and telephone number of the owner or manager responsible for compliance with this Section;
  3. Whether the applicant has previously issued temporary certificates of number under A.R.S. § 5-321(I);
  4. All of the following information specific to the location from which new watercraft are to be sold and temporary certificates of number issued:
    - a. Name of owner or manager;
    - b. Business hours;
    - c. Business telephone number;
    - d. Business type;
    - e. Storefront name; and
    - f. Street address;
  5. Manufacturers of the watercraft to be sold; and
  6. Signature of person named under subsection (B)(2).
- C.** The Department shall either approve or deny the application within the licensing time-frame established under R12-4-106.
- D.** Authorization to act as a watercraft agent is specific to the dealer's business location designated on the application and approved by the Department, unless the dealer is participating in a boat show for the purpose of selling watercraft.
- E.** The watercraft agent shall:
  1. Use the assigned watercraft agent number when issuing a temporary certificate of number,
  2. Use the online application system and forms supplied by the Department; and
  3. Collect the appropriate fee as prescribed under R12-4-504 and R12-4-527.
- F.** A watercraft agent is prohibited from issuing a temporary certificate of number for a watercraft when:
  1. The watercraft is involved in legal proceedings such as, but not limited to, a marital dissolution, probate, or bankruptcy proceeding;
  2. The watercraft is abandoned or unreleased;
  3. The watercraft is homemade; or
  4. The watercraft has a nonconforming HIN.
- G.** A watercraft agent issuing a temporary certificate of number to the purchaser of a watercraft shall comply with all the following:
  1. The watercraft agent shall obtain a completed application that complies with the requirements established under R12-4-502.
  2. The watercraft agent shall identify to the applicant the state registration fee and the nonresident boating safety infrastructure fee, when applicable, separately from any other costs.
  3. The fees collected under subsection (E)(3) shall be submitted electronically to the Department prior to the sub-

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mission of the documentation required under subsection (G)(4).

4. Within five business days of issuing a temporary certificate of number, a watercraft agent shall deliver or mail the following documentation to the Arizona Game and Fish Department, Watercraft Agent Representative, 5000 W. Carefree Highway, Phoenix, AZ 85086:

- a. For a new watercraft:
  - i. Original application;
  - ii. Original or copy of the bill of sale issued by the watercraft agent; and
  - iii. Original certificate of origin;
- b. For a used watercraft:
  - i. Original application;
  - ii. Original or copy of the bill of sale issued by the watercraft agent;
  - iii. Ownership document, such as but not limited to a title, bill of sale, letter of gift or U.S. Coast Guard letter of deletion when the watercraft was previously documented by the U.S. Coast Guard; and
  - iv. Lien release, when applicable.

- H. The Department may cancel the watercraft agent's authorization if the agent does any one of the following:

1. Fails to comply with the requirements established under this Article;
2. Submits more than one electronic payment dishonored because of insufficient funds, payments stopped, or closed accounts to the Department within a calendar year;
3. Predates, postdates, alters, or provides or knowingly allows false information to be provided on an application for a temporary certificate of number; or
4. Falsifies the application for authorization as a watercraft agent.

- I. The Department shall provide a written notice to the person stating the reason for the denial or cancellation of watercraft agent status, as applicable. The person may appeal the denial or cancellation to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 9 A.A.R. 1613, effective July 5, 2003 (Supp. 03-2). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-510. Refund of Fees Paid in Error**

- A. The Department shall issue a refund for watercraft registration fees paid and, when applicable, the Nonresident Boating Safety Infrastructure fee when:
  1. The registered owner has erroneously paid those fees twice for the same watercraft;
  2. The registered owner has erroneously paid those fees for a watercraft that has already been sold to another individual; or
  3. The registered owner registered the watercraft in error.
- B. To request a refund of fees paid in error, the person applying for the refund shall surrender all of the following to the Department:
  1. Original certificate of number;
  2. Registration decals; and
  3. Nonresident Boating Safety Infrastructure Decal, when applicable.

- C. A person requesting a refund of fees shall submit the request to the Department within 30 calendar days of the date the payment was received by the Department.

- D. The Department shall not refund:
  1. A late registration penalty fee.
  2. A fee collected by an authorized third-party provider. A person who paid their watercraft registration fee to a third-party provider shall request a refund of fees from that third-party provider.

**Historical Note**

Adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-511. Personal Flotation Devices**

- A. For the purpose of this Section, "wear" means:
  1. The personal flotation device is worn according to the manufacturer's design or recommended use;
  2. All of the device's closures are fastened, snapped, tied, zipped, or secured according to the manufacturer's design or recommended use; and
  3. The device is adjusted for a snug fit.
- B. The operator of a canoe, kayak, or other watercraft shall ensure the watercraft is equipped with at least one correctly-sized, U.S. Coast Guard-approved, wearable personal flotation device that is in good and serviceable condition for each person on board the watercraft. The operator of any watercraft shall also ensure the wearable personal flotation devices on board the watercraft are readily accessible and available for immediate use.
- C. In addition to the personal flotation devices described under subsection (B), the operator of a watercraft that is 16 feet or more in length shall ensure the watercraft is also equipped with a U.S. Coast Guard-approved throwable personal flotation device: buoyant cushion, ring buoy, or horseshoe buoy. Canoes and kayaks are not subject to this subsection.
- D. The operator of a watercraft shall ensure a person twelve years of age or under on board a watercraft shall wear a U.S. Coast Guard approved wearable personal flotation device whenever the watercraft is underway.
- E. The operator of a personal watercraft shall ensure each person aboard the personal watercraft is wearing a wearable personal flotation device approved by the U.S. Coast Guard whenever the personal watercraft is underway.
- F. Subsections (B), (C), and (D) do not apply to the operation of a racing shell or rowing skull during competitive racing or supervised training, if the racing shell or rowing skull is manually propelled, recognized by a national or international association for use in competitive racing, and designed to carry and does carry only equipment used solely for competitive racing.

**Historical Note**

Amended effective May 26, 1978 (Supp. 78-3). Former Section R12-4-80 renumbered as Section R12-4-511 without change effective August 13, 1981 (Supp. 81-4). Amended effective May 27, 1992 (Supp. 92-2). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective

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July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-512. Fire Extinguishers Required for Watercraft**

- A. The operator of watercraft shall ensure all required fire extinguishers are readily accessible and available for immediate use.
- B. As prescribed under A.R.S. § 5-332, an operator of a:
  1. Watercraft less than 26 feet in length shall carry one U.S. Coast Guard-approved B-I type fire extinguisher on board if the watercraft has one or more of the following:
    - a. An inboard engine,
    - b. Closed compartments where portable fuel tanks may be stored,
    - c. Double bottoms not sealed to the hull or which are not completely filled with flotation materials,
    - d. Closed living spaces,
    - e. Closed stowage compartments in which combustible or flammable materials are stored,
    - f. Permanently installed fuel tanks (fuel tanks that cannot be moved in case of a fire or other emergency are considered permanently installed), and
    - g. A fixed fire extinguishing system installed in the engine compartment.
  2. Watercraft 26 feet to less than 40 feet shall carry on board the following equipment as designated and approved by the U.S. Coast Guard:
    - a. At least two B-I type hand-portable fire extinguishers or at least one B-II type hand-portable fire extinguisher, or
    - b. At least one B-I type approved hand-portable fire extinguisher if a fixed fire extinguishing system is installed in the engine compartment.
  3. Watercraft 40 feet to not more than 65 feet shall carry on board the following equipment as designated and approved by the U.S. Coast Guard:
    - a. At least three B-I type hand-portable fire extinguishers or at least one B-I and one B-II type hand-portable fire extinguishers, or
    - b. At least two B-I type hand-portable fire extinguishers or at least one B-II type hand-portable fire extinguisher when a fixed fire extinguishing system is installed in the engine compartment.

**Historical Note**

Former Section R12-4-81 renumbered as Section R12-4-512 without change effective August 13, 1981 (Supp. 81-4). Amended effective June 14, 1990 (Supp. 90-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

**R12-4-513. Watercraft Incident and Casualty Reports**

- A. The operator or owner of a watercraft involved in any collision, incident or other casualty resulting in injury, death, or property damage exceeding \$500 shall submit the report required under A.R.S. § 5-349 to the Department. The report shall be made on a form furnished by the Department or provided by the law enforcement officer investigating the collision, incident, or other casualty. The operator or owner of the watercraft shall complete the form in full and clearly identify on the form any information that is either not applicable or unknown. The operator or owner of the watercraft submitting the report shall provide all of the information required under 33 C.F.R. 173.57.
- B. The person completing the form shall deliver, mail, or email the form to the Arizona Game and Fish Department, Law

Enforcement Branch at 5000 W. Carefree Hwy, Phoenix, AZ 85086 or BoatAccidentReporting@azgfd.gov, as applicable.

- C. The operator or owner of a watercraft involved in any collision, incident or other casualty resulting in injury or death shall submit the report to the Department no later than 48 hours after the incident.
- D. The operator or owner of a watercraft involved in any collision, incident or other casualty resulting only in property damage exceeding \$500 shall submit the report to the Department no later than five days after the incident.

**Historical Note**

Adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-514. Liveries**

- A. A person who rents, leases, or offers any watercraft for compensation, with or without an operator, for recreational, non-commercial use shall register the watercraft as a livery as established under R12-4-502.
- B. A watercraft owned by a boat livery that requires registration and does not have the certificate of number on board shall be identified while in use by means of a:
  1. Placard or some other form of display that is affixed to the watercraft and is visible when the watercraft is underway. The placard or other form of display shall indicate the business name and current phone number of the livery.
  2. Receipt provided by the livery to the person operating the rented watercraft. The receipt shall contain the following information:
    - a. Business name and address of the livery as shown on the certificate of number,
    - b. Watercraft registration number as issued by the Department,
    - c. Beginning date and time of the rental period, and
    - d. Written acknowledgment on the receipt of compliance with the requirements prescribed under A.R.S. § 5-371, signed by both the livery operator or their agent and the renter.
- C. A person operating a rented or leased watercraft or operating a passenger for hire watercraft shall carry the registration or receipt onboard and produce it upon request to any peace officer.
- D. Failure to comply with the requirements prescribed under A.R.S. § 5-371 and this Section may result in the invalidation of the watercraft registration and decals as provided under A.R.S. § 5-391(A) and R12-4-506.

**Historical Note**

Adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-515. Display of AZ Numbers and Registration Decals**

- A. A person shall not use, operate, moor, anchor, or grant permission to use, operate, moor, or anchor a watercraft on the boundaries of this state unless such watercraft displays a valid number and current registration decal in the manner established under subsection (B). This Section does not apply to undocumented watercraft displaying a valid temporary num-

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bering certificate authorized under R12-4-509 or exempt under A.R.S. § 5-322.

- B.** The owner of a watercraft shall display the AZ number and registration decals as follows:

1. The AZ numbers shall:
  - a. Be clearly visible and painted on or attached to each exterior side of the forward half of a non-removable portion of the watercraft;
  - b. Be in a color that contrasts with the watercraft's background color so as to be easily read from a distance;
  - c. Include the letters "AZ" and the suffix, separated by a hyphen or equivalent space between the letters "AZ" and the suffix; and
  - d. Read from left to right in well-proportioned block letters that are not less than three inches in height, excluding outline.
2. The registration decals shall be affixed three inches in front of "AZ" on both sides of the forward half of a non-removable portion of the watercraft.

- C.** On watercraft so constructed that it is impractical or impossible to display the AZ numbers in a prominent position on the forward half of the hull or permanent superstructure, the AZ numbers may be displayed on brackets or fixtures securely attached to the forward half of the watercraft.
- D.** Persons possessing a dealer watercraft certificate of number issued under A.R.S. § 5-322(F) shall visibly display the AZ numbers and validating registration decals as established under this Section, except that the numbers and decals may be printed or attached to temporary, removable signs that are securely attached to the watercraft being demonstrated.
- E.** Expired registration decals issued by any jurisdiction shall be covered or removed from the watercraft, so that only the current registration decals are visible.
- F.** Invalid watercraft AZ numbers and registration decals shall not be displayed on any watercraft. The owner of the watercraft shall surrender the AZ numbers and registration decals to the Department in compliance with R12-4-506(C).

#### Historical Note

Section R12-4-515 renumbered from R12-4-501 and amended effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

#### R12-4-516. Watercraft Sound Level Restriction

- A.** A person shall not operate a watercraft upon the waters of this state if the watercraft emits a noise level that exceeds any of the following.
1. A noise level of 86 dB(A), measured at a distance of 50 feet or more from the watercraft on the "A" weighted scale of a sound level instrument that conforms to recognized industry standards and is maintained according to the manufacturer's instructions.
  2. For engines manufactured:
    - a. Before January 1, 1993, a noise level of 90 dB(A) when subjected to the Society of Automotive Engineers Recommended Practice stationary sound level test SAEJ2005, revised July 2004 and containing no later editions or amendments; and
    - b. On or after January 1, 1993, a noise level of 88 dB(A) when subjected to the Society of Automotive Engineers Recommended Practice stationary sound level test SAEJ2005, revised July 2004 and containing no later editions or amendments; or

3. A noise level of 75 dB(A) measured as specified in the Society of Automotive Engineers Recommended Practice shoreline sound test SAEJ1970, revised September 2003 and containing no later editions or amendments.

- B.** The materials incorporated by reference in subsection (A) may be viewed at any Department office and are available for purchase from SAE International, 400 Commonwealth Dr, Warrendale, PA 15096-0001 or online at [www.sae.org](http://www.sae.org).
- C.** A measurement of noise level that is in compliance with this Section does not preclude the conducting of a test or multiple tests of noise levels.
- D.** A peace officer authorized to enforce the provisions of this Section who has reason to believe a watercraft is being operated in violation of the noise levels established in this Section may direct the operator of the watercraft to submit the watercraft to an onsite test to measure noise level.
- E.** An operator of a watercraft who receives a request from a peace officer to test the noise level of the watercraft under subsection (D) shall allow the watercraft to be tested. If, based on a measurement or test to determine the noise level of a watercraft administered under this Section, the noise level of the watercraft exceeds one or more of the decibel level standards in subsection (A), the operator of the watercraft shall take immediate measures to correct the violation as prescribed under A.R.S. § 5-391(C).
- F.** This Section shall not apply to watercraft operated under permits issued in accordance with A.R.S. § 5-336(C).

#### Historical Note

Former Section R12-4-82 renumbered as Section R12-4-516 without change effective August 13, 1981 (Supp. 81-4). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

#### R12-4-517. Watercraft Motor and Engine Restrictions

- A.** A person operating a motorized watercraft on the following waters shall only use an electric motor not exceeding 10 manufacturer-rated horsepower:
1. Ackre Lake
  2. Bear Canyon Lake
  3. Bunch Reservoir
  4. Carnero Lake
  5. Chaparral Park Lake
  6. Cluff Ponds
  7. Coconino Reservoir
  8. Coors Lake
  9. Dankworth Pond
  10. Dogtown Reservoir
  11. Fortuna Lake
  12. Goldwater Lake
  13. Granite Basin Lake
  14. Horsethief Basin Lake
  15. Hulsey Lake
  16. J.D. Dam Lake
  17. Knoll Lake
  18. Lee Valley Lake
  19. McKellips Park Lake
  20. Pratt Lake
  21. Quigley Lake
  22. Redondo Lake
  23. Riggs Flat Lake
  24. Roper Lake
  25. Santa Fe Lake
  26. Scott's Reservoir
  27. Sierra Blanca Lake

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28. Soldier Lake (in Coconino County)
  29. Stehr Lake
  30. Stoneman Lake
  31. Tunnel Reservoir
  32. Whitehorse Lake
  33. Willow Valley Lake
  34. Woodland Reservoir
  35. Woods Canyon Lake
- B.** A person operating a motorized watercraft on the following waters shall use only a single electric motor or single gasoline engine not exceeding 10 manufacturer-rated horsepower:
1. Arivaca Lake
  2. Ashurst Lake
  3. Becker Lake
  4. Big Lake
  5. Black Canyon Lake
  6. Blue Ridge Reservoir
  7. Cataract Lake
  8. Chevelon Canyon Lake
  9. Cholla Lake Hot Pond
  10. Concho Lake
  11. Crescent Lake
  12. Fool Hollow Lake
  13. Kaibab Lake
  14. Kinnikinick Lake
  15. Little Mormon Lake
  16. Lower Lake Mary
  17. Luna Lake
  18. Lynx Lake
  19. Marshall Lake
  20. Mexican Hay Lake
  21. Nelson Reservoir
  22. Parker Canyon Lake
  23. Peña Blanca Lake
  24. Rainbow Lake
  25. River Reservoir
  26. Show Low Lake
  27. Whipple Lake
  28. White Mountain Lake (in Apache County)
  29. Willow Springs Lake
- C.** A person shall not operate a watercraft on Frye Mesa Reservoir, Rose Canyon Lake, or Snow Flat Lake, except as authorized under subsection (D).
- D.** A person who possesses a valid use permit issued by the U.S. Forest Service may operate a non-motorized watercraft only on Rose Canyon Lake on any Tuesday, Wednesday, or Thursday during June and July from 9:30 a.m. to 4:30 p.m. Mountain Time Zone. This subsection does not exempt the person from complying with all applicable requirements imposed by federal or state laws, rules, regulations, or orders.
- E.** This Section does not apply to watercraft of governmental agencies or to Department-approved emergency standby watercraft operated by lake concessionaires if operating to address public safety or public welfare.

**Historical Note**

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended as an emergency effective July 9, 1976 (Supp. 76-4). Amended effective June 4, 1979 (Supp. 79-3). Former Section R12-4-89 renumbered as Section R12-4-517 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A) and (C) effective December 17, 1981 (Supp. 81-6). Amended effective December 28, 1982 (Supp. 82-6). Amended subsections (A) through (C) effective December 4, 1984 (Supp. 84-6). Amended effective November 7, 1996 (Supp. 96-4).

Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by exempt rulemaking at 17 A.A.R. 1189, effective May 24, 2011 (Supp. 11-2). Subsection (A)(9) corrected clerical error (Supp. 11-3). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-518. Regattas**

- A.** When a regatta permit is issued by the Coast Guard, the person in control of the regatta shall at all times be responsible for compliance with the stipulations as prescribed within the regatta permit. Such stipulations may include but not be limited to:
1. A specified number of patrol or committee boats and identified as such.
  2. Availability of emergency medical services.
  3. Spectator control if there exists a danger that life or property is in jeopardy.
- B.** Non-compliance with any stipulation of an authorized permit which jeopardizes the public welfare shall be cause to terminate the regatta until the person in control or a person designated by the one in control satisfactorily restores compliance.
- C.** When a regatta applicant is informed in writing by the Coast Guard that a permit is not required, such regatta may take place, but shall not relieve the regatta sponsor of any responsibility for the public welfare or confer any exemption from state boating and watersports laws and rules.
- D.** The regatta sponsor and all participants shall comply with aquatic invasive species requirements established under A.R.S. Title 17, Chapter 2, Article 3.1 and 12 A.A.C. 4, Article 11.

**Historical Note**

Adopted effective March 5, 1982 (Supp. 82-2). Amended by final rulemaking at 18 A.A.R. 196, effective January 10, 2012 (Supp. 12-1).

**R12-4-519. Reciprocity**

As authorized under A.R.S. § 5-322(E), all watercraft currently numbered or exempt from numbering under the provisions of their state of principal operation are exempt from numbering for a period of 90 days after entering this state.

**Historical Note**

Section R12-4-519 renumbered from R12-4-503 and amended effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

**R12-4-520. Arizona Aids to Navigation System**

- A.** The Arizona aids to navigation system is the same as that prescribed under 33 C.F.R. 62, revised July 1, 2014, which is incorporated by reference in this Section. The incorporated material is available at any Department office, online at [www.gpoaccess.gov](http://www.gpoaccess.gov), or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This Section does not include any later amendments or editions of the incorporated material.
- B.** A person shall not mark the waterways or their shorelines in this state with mooring buoys, regulatory markers, aids to navigation, lights, or other types of permitted waterway marking devices, without authorization from the governmental agency or the private interest having jurisdiction on such waters.
- C.** A person shall not moor or fasten a watercraft to any marker not intended for mooring, or willfully damage, tamper with, remove, obstruct, or interfere with any aid to navigation, regu-

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latory marker or other type of permitted waterway marking devices, except in the performance of authorized maintenance responsibilities or as authorized under R12-4-518 or this Section.

- D.** If a government agency or private interest has not exercised its authority to control watercraft within its jurisdiction under A.R.S. § 5-361, or if waters are directly under the jurisdiction of the Commission, the Department has the authority to control watercraft within that jurisdiction in accordance with the following guidelines:
1. The Department may place controlled-use markers only where controlled operation of watercraft is necessary to protect life, property, or habitat, and shall move or remove the markers only if the need for the protection changes.
  2. The restrictions imposed are clearly communicated to the public by wording on the markers, such as those defined under R12-4-501.
- E.** A governmental agency, excluding federal agencies with jurisdiction over federal navigable waterways, has the authority to control watercraft within that jurisdiction in accordance with the following guidelines:
1. A government agency may place controlled-use markers only where controlled operation of watercraft is necessary to protect life, property, or habitat, and shall move or remove the markers only if the need for the protection changes.
  2. The restrictions imposed are clearly communicated to the public by wording on the markers, such as those defined under R12-4-501.
- F.** Any person may request establishment, change, or removal of controlled-use markers on waters under the jurisdiction of the Commission or on waters not under the jurisdiction of another government agency by submitting a written request providing the reasons for the request to the Arizona Game and Fish Department, 5000 W. Carefree Hwy, Phoenix, AZ 85086.
1. The Department shall either approve or deny the request within 60 days of receipt.
  2. A person may appeal the Department's denial of a request to the Commission as an appealable agency action under A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Section R12-4-520 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-521. Repealed****Historical Note**

Section R12-4-520 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Repealed by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-522. Repealed****Historical Note**

Section R12-4-520 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013

(Supp. 13-1). Repealed by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-523. Controlled Operation of Watercraft**

- A.** A person shall not operate any watercraft, or use any watercraft to tow a person on water skis, a surfboard, inflatable device, or similar object, device or equipment in a manner contrary to the area restrictions imposed by lawfully placed controlled-use markers, except for:
1. Law enforcement officers acting within the scope of their lawful duties;
  2. Persons involved in rescue operations;
  3. Persons engaged in government-authorized activities; and
  4. Persons participating in a regatta, during the time limits of the event only.
- B.** The exemptions listed under subsection (A) do not authorize any person to operate a watercraft in a careless, negligent, or reckless manner as prescribed under A.R.S. § 5-341.

**Historical Note**

Section R12-4-520 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

**R12-4-524. Towed Water Sports**

- A.** An operator of a watercraft shall ensure an observer is on duty at all times when a person is being towed behind the watercraft or is surfing a wake created by the watercraft. The observer shall:
1. Be twelve years of age or older;
  2. Be physically capable and mentally competent to act as an observer; and
  3. Continually observe the person or persons being towed behind the watercraft or surfing a wake created by the watercraft.
- B.** The operator of a watercraft shall ensure a person being towed behind the watercraft or riding a wake created by the watercraft is wearing a wearable personal flotation device approved by the U.S. Coast Guard whenever the watercraft is underway. This subsection applies to any contrivance designed for or used to tow a person behind a watercraft or ride the wake created by a watercraft regardless of whether or not the contrivance is attached to the watercraft. This includes, but is not limited to, boards, discs, hydrofoils, kites, inflatables, and water skis.
- C.** A person shall not operate a watercraft while a person is holding onto or is physically attached to any transom structure of the watercraft, including but not limited to a swim platform, swim deck, swim step, and swim ladder. This subsection does not apply to a person who is:
1. Assisting with docking or departure activities,
  2. Exiting or entering the watercraft, or
  3. Engaging in law enforcement or emergency rescue activity.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-525. Revocation of Watercraft Certificate of Number, AZ Numbers, and Decals**

- A.** For the purposes of this Section, "person" has same meaning as prescribed under A.R.S. § 5-301.

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- B. Upon notice of conviction of a person under A.R.S. § 5-391(G), the Department shall revoke for a period not to exceed two years the certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals of any Arizona registered watercraft owned by that person and involved in the violation.
- C. Upon notice of conviction of a person under A.R.S. § 5-391(H), the Department shall revoke for a period not to exceed one year the certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals for any Arizona registered watercraft owned by that person and involved in the violation.
- D. Upon receiving notice of conviction, the Department shall serve notice under A.R.S. §§ 41-1092.03 and 41-1092.04 on the person convicted that the certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals of watercraft the person owns are subject to revocation.
- E. A person whose certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals are subject to revocation may request a hearing. The person shall submit a written request to the Arizona Game and Fish Department, Director's Office, 5000 W. Carefree Hwy, Phoenix, AZ 85086, within 30 calendar days of receiving the notice described under subsection (D).
- F. If the person requests a hearing, the Department shall, within 60 days of receiving the request, schedule a hearing as prescribed under A.R.S. § 41-1092.05.
- G. After a final decision to revoke the person's certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals, the Department shall serve upon the person an Order of Revocation. Within 15 calendar days of receipt of the notice, the person shall surrender to the Department the revoked certificates of number and decals.
- H. The revocation of the certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals does not affect the legal title to or any property rights in the watercraft. Upon receipt of an application to transfer watercraft registration by the new watercraft owner, the Department shall terminate the revocation and allow the owner to transfer the owner's entire interest in the watercraft if the Department is satisfied the transfer is proposed in good faith and not for the purpose of defeating the revocation.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

**R12-4-526. Unlawful Mooring**

- A. A person, as defined under A.R.S. § 5-301, shall not moor, anchor, fasten to the shore, or otherwise secure a watercraft in any public body of water for more than 14 days within any period of 28 consecutive days unless:
  - 1. The waters are a special anchorage area as defined under A.R.S. § 5-301,
  - 2. Authorized for private dock or moorage, or
  - 3. Authorized by the government agency or private interest having jurisdiction over the waters.
- B. A person shall remove an abandoned or submerged watercraft from public waters within 72 hours of notice by registered mail or personal service of notice to remove such watercraft.
- C. The owner of any abandoned watercraft shall be responsible for all towing and storage fees resulting from the removal of the watercraft from public waters.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-527. Transfer of Ownership of a Towed Watercraft**

- A. For the purpose of this Section, "towed watercraft" means a watercraft that has been impounded by or is in the possession of a towing company located in this state.
- B. Within 15 days of impounding a watercraft, a towing company shall submit a request to the Department for watercraft registration information as prescribed under A.R.S. § 5-324 and in compliance with A.R.S. § 5-399. The towing company shall present the towed watercraft to the closest Department office for identification if there is no discernible hull identification number or state-issued registration number.
- C. Within 15 days of receiving the watercraft registration information from the Department, the towing company shall provide written notification by certified mail return receipt requested to the owner and lienholder, if known, of the watercraft's location.
- D. If a watercraft remains unclaimed after mailing the notice required under subsection (C) of this Section, the towing company shall submit all of the following to the Department within 15 days of sending the written notification to the owner and lienholder, when known:
  - 1. Evidence of compliance with notification requirements prescribed under A.R.S. § 5-399 and subsection (C);
  - 2. A report on a form furnished by the Department and available at any Department office. The form shall include all of the following information:
    - a. Name of towing company;
    - b. Towing company's business address;
    - c. Towing company's business telephone number;
    - d. Towing company's Arizona Department of Public Safety tow truck permit number;
    - e. Towed watercraft's hull identification number;
    - f. Towed watercraft's state-issued registration number, registration decal, and year of expiration, if known;
    - g. Towed watercraft's trailer license number, if available;
    - h. State and year of trailer registration, if available;
    - i. Towed watercraft's color and manufacturer;
    - j. Towed watercraft's condition, whether intact, stripped, damaged, or burned, along with a description of any damage;
    - k. Date the watercraft was towed;
    - l. Location from which the towed watercraft was removed;
    - m. Entity that ordered the removal of the towed watercraft, and if a law enforcement agency, include officer badge number, jurisdiction, and copy of report or towing invoice;
    - n. Location where the towed watercraft is stored; and
    - o. Name and signature of towing company's authorized representative; and
  - 3. The unclaimed towed watercraft application fee authorized under A.R.S. § 5-399.03(2) and established under R12-4-504.
- E. The towing company shall notify the Department within 24 hours if the watercraft is released, returned to, redeemed, or repossessed by the owner, lienholder, or by a person identified in the Department's record as having an interest in the watercraft.

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- F. If the Department is unsuccessful in its attempt to identify or contact the registered owner or lienholder of the towed watercraft and has determined the towed watercraft is not stolen, the towing company shall:
1. Follow the application procedures established under A.R.S. § 5-399.02(B), and
  2. Apply for watercraft registration as established under R12-4-502.
- G. A towing company that obtains ownership of a watercraft pursuant to A.R.S. § 5-399.02 and this Section shall maintain the following records for a period of three years from the date the Department transferred ownership of the towed watercraft:
1. The request made pursuant to A.R.S. § 5-324.
  2. The notification provided pursuant to A.R.S. § 5-399.
  3. The application for transfer of ownership pursuant to A.R.S. § 5-399.02.
  4. Any other documents required by the Department.
- B. The nonresident recreational watercraft owner shall carry and display proof of payment of the fee while the watercraft is underway, moored, or anchored on the waterways of this state. Acceptable proof of payment includes any one of the following:
1. A current Arizona Watercraft Certificate of Number indicating the NBSIF was paid,
  2. A current Arizona Watercraft Temporary Certificate of Number indicating the NBSIF was paid, or
  3. A current Arizona Watercraft Registration Decal indicating the NBSIF was paid.

**Historical Note**

Adopted effective October 22, 1976 (Supp. 76-5). Former Section R12-4-90 renumbered as Section R12-4-529 without change effective August 13, 1981 (Supp. 81-4). Repealed effective May 27, 1992 (Supp. 92-2). New Section made by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**Historical Note**

New Section made by emergency rulemaking under A.R.S. § 41-1026 at 9 A.A.R. 1241, effective May 26, 2003 for a period of 180 days (Supp. 03-1). Emergency rulemaking repealed under A.R.S. § 41-1026(E) and permanent new Section made by final rulemaking at 9 A.A.R. 1613, effective July 5, 2003 (Supp. 03-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final exempt rulemaking at 23 A.A.R. 1034; amended by final rulemaking at 23 A.A.R. 1732, both effective August 5, 2017 (Supp. 17-2).

**R12-4-528. Watercraft Checkpoints**

- A. A law enforcement agency may establish a watercraft checkpoint to ensure public safety on state waterways, to screen for unsafe or impaired watercraft operators, or to gather demographic, statistical, and compliance information related to watercraft activities.
- B. An individual may be required to perform the following during a watercraft stop or at a watercraft checkpoint:
1. Stop or halt as directed when being hailed by a peace officer or entering the established checkpoint boundary as prescribed under A.R.S. § 5-391, and
  2. Provide evidence of required safety equipment and registration documentation prescribed under A.R.S. Title 5, Chapter 3, Boating and Water Sports.
- C. This Section does not limit any state peace officer's authority to conduct routine watercraft patrol efforts prescribed under A.R.S. Title 5, Chapter 3, Boating and Water Sports.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

**R12-4-529. Nonresident Boating Safety Infrastructure Fees; Proof of Payment**

- A. Before placing that watercraft on the waterways of this state, a nonresident owner of a recreational watercraft who establishes this state as the state of principal operation shall pay the applicable Nonresident Boating Safety Infrastructure Fee (NBSIF) as authorized under A.R.S. §§ 5-326 and 5-327:
1. Twelve feet and less: \$80
  2. Twelve feet one inch through sixteen feet: \$88
  3. Sixteen feet one inch through twenty feet: \$192
  4. Twenty feet one inch through twenty-six feet: \$224
  5. Twenty-six feet one inch through thirty-nine feet: \$253
  6. Thirty-nine feet one inch through sixty-four feet: \$286
7. Sixty-four feet one inch and over: \$429
8. For the purposes of this subsection, the length of the motorized watercraft shall be measured in the same manner prescribed under A.R.S. § 5-321(C).
- B. The nonresident recreational watercraft owner shall carry and display proof of payment of the fee while the watercraft is underway, moored, or anchored on the waterways of this state. Acceptable proof of payment includes any one of the following:
1. A current Arizona Watercraft Certificate of Number indicating the NBSIF was paid,
  2. A current Arizona Watercraft Temporary Certificate of Number indicating the NBSIF was paid, or
  3. A current Arizona Watercraft Registration Decal indicating the NBSIF was paid.
- Historical Note**
- Adopted effective October 22, 1976 (Supp. 76-5). Former Section R12-4-90 renumbered as Section R12-4-529 without change effective August 13, 1981 (Supp. 81-4). Repealed effective May 27, 1992 (Supp. 92-2). New Section made by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).
- R12-4-530. Authorized Third-party Providers; Agents**
- A. The Department may enter into a contract with a private entity to perform limited or specific services on behalf of the Department in accordance with state procurement laws and rules.
1. The Department may authorize a person to be a third-party provider. An authorized third-party provider shall meet the requirements established by the Department and shall be selected through a competitive bid process.
  2. The Department may authorize a third-party provider to perform any one or more of the following services:
    - a. Watercraft transfer.
    - b. Watercraft registration renewal.
    - c. Duplicate watercraft registration and decal.
    - d. New watercraft registration.
- B. A person shall not engage in any business pursuant to this Section unless the Department authorizes the person to engage in the business.
- C. The Department shall establish minimum quality standards of service and a quality assurance program for authorized third-party providers to ensure that an authorized third-party provider is complying with the minimum standards.
- D. The Department may:
1. Conduct investigations.
  2. Conduct audits.
  3. Make on-site inspections in compliance with A.R.S. § 41-1009.
  4. Require an authorized third-party or employees or agents of an authorized third-party be certified to perform the services prescribed in this Article.
- E. An authorized third-party provider shall remit to the Department all fees established under R12-4-504 and R12-4-529 it collects.
1. An authorized third-party provider may collect and retain a reasonable and commensurate fee for its services.
  2. Each authorized third-party provider that holds itself out as providing services to the public shall identify to the applicant the Department's registration fee and the nonresident boating safety infrastructure fee, when applicable, separately from any other costs.
- F. A third-party who is authorized pursuant to this Section shall:



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1. Maintain records in a form and manner prescribed by the Department.
  2. Allow access to the records during regular business hours to authorized representatives of the Department or any law enforcement agency to ensure compliance with all applicable statutes and rules.
- G.** The Department may suspend or cancel an authorization or certification, or both, granted pursuant to this Section if the Department determines that the third-party provider or certificate holder has done any of the following:
1. Made a material misrepresentation or misstatement in the application for authorization or certification.
  2. Has been convicted of fraud or a watercraft related felony in any state or jurisdiction of the U.S. within the ten years immediately preceding the date a criminal records check is complete.
  3. Has been convicted of a felony, other than a felony described in subsection (G)(2), in any state or jurisdiction of the U.S. within the five years immediately preceding the date a criminal records check is complete.
  4. Violated a rule or policy adopted by the Department.
  5. Failed to keep and maintain records required by this Section.
  6. Failed to remit to the Department all fees established under R12-4-504 and R12-4-529 it collects.
  7. Allowed an unauthorized person to engage in any business pursuant to this Section.
- K.** If the Department has reasonable grounds to believe that a certificate holder or other person employed by an authorized third-party provider has committed a serious violation, the Department may order a summary suspension of the third provider's authorization granted pursuant to this Section pending formal suspension or cancellation proceedings. For the purposes of this subsection, "serious violation" means:
1. Watercraft registration fraud.
  2. Improper disclosure of personal information.
  3. Bribery.
  4. Theft.
- L.** On determining that grounds for suspension or cancellation of an authorization or certification, or both, exist, the Department shall give written notice to the third-party provider or certificate holder to appear at a hearing before the Department to show cause why the authorization or certification should not be suspended or canceled.
1. After consideration of the evidence presented at the hearing, the Department shall serve notice of the finding and order to the third-party or certificate holder.
  2. If a third-party authorization or a certification is suspended or canceled, the third-party or certificate holder may appeal the decision pursuant to A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2). Subsection reference in subsection (G)(3) corrected (Supp. 21-1).

**R12-4-531. Reserved**

**R12-4-532. Reserved**

**R12-4-533. Reserved**

**R12-4-534. Reserved**

**R12-4-535. Reserved**

**R12-4-536. Reserved**

**R12-4-537. Reserved**

**R12-4-538. Reserved**

**R12-4-539. Reserved**

**R12-4-540. Reserved**

**R12-4-541. Repealed**

**Historical Note**

Former Section R12-4-88 renumbered as Section R12-4-541 without change effective August 13, 1981 (Supp. 81-4). Amended effective April 5, 1985 (Supp. 85-2). Repealed effective May 27, 1992 (Supp. 92-2).

**R12-4-542. Repealed**

**Historical Note**

Adopted as an emergency effective August 31, 1981, valid for ninety (90) days after filing pursuant to A.R.S. § 41-1003 (Supp. 81-4). Former Section R12-4-542 adopted as an emergency now adopted as permanent with further amendment effective March 5, 1982 (Supp. 82-2). Amended effective March 29, 1985 (Supp. 85-2). Repealed effective May 27, 1992 (Supp. 92-2).

**R12-4-543. Repealed**

**Historical Note**

Adopted effective January 29, 1982 (Supp. 82-1). Amended effective August 19, 1983 (Supp. 83-4). Amended subsection (A) effective July 3, 1984 (Supp. 84-4). Amended effective March 29, 1985 (Supp. 85-2). Correction, subsection (A), paragraph (2) as certified effective March 29, 1985 (Supp. 86-3). Amended subsection (A) effective June 18, 1987 (Supp. 87-2). Amended as an emergency effective May, 15, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Amended and readopted as an emergency effective August 25, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Emergency expired. Emergency amendments adopted with changes effective January 5, 1990 (Supp. 90-1). Repealed effective May 27, 1992 (Supp. 92-2).

**R12-4-544. Repealed**

**Historical Note**

Adopted effective August 19, 1983 (Supp. 83-4). Amended subsection (A) effective July 3, 1984 (Supp. 84-4). Amended subsection (A) effective June 18, 1987 (Supp. 87-2). Repealed effective May 27, 1992 (Supp. 92-2).

**R12-4-545. Repealed**

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**Historical Note**

Adopted effective April 5, 1985 (Supp. 85-2). Amended by emergency effective May 18, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-2). Emergency amendments readopted effective August 28, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-3). Emergency expired. Repealed effective May 27, 1992 (Supp. 92-2).

**ARTICLE 6. RULES OF PRACTICE BEFORE THE COMMISSION****R12-4-601. Definitions**

The following definitions apply to this Article unless otherwise specified:

“Appealable agency action” has the same meaning as provided under A.R.S. § 41-1092.

“Business day” means any day other than a furlough day, Saturday, Sunday, or holiday.

“Commission Chair” means the person who presides over the Arizona Game and Fish Commission.

“Contested case” has the same meaning as provided under A.R.S. § 41-1001.

“Ex parte communication” means any oral or written communication with a Commissioner by a party concerning a substantive issue in a contested proceeding that is not part of the public record.

“Party” has the same meaning as provided under A.R.S. § 41-1001.

“Respondent” means the person named as the respondent in a notice of hearing issued by the Department.

**Historical Note**

Adopted effective December 22, 1987 (Supp. 87-4). Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Amended by final rulemaking at 16 A.A.R. 1465, effective July 13, 2010 (Supp. 10-3). Section R12-4-601 renumbered to R12-4-602; new Section R12-4-601 made by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-602. Petition for Rule or Review of Practice or Policy**

A. A person may petition the Commission under A.R.S. § 41-1033 for a:

1. Rulemaking action relating to a Commission rule, including making a new rule or amending or repealing an existing rule; or
2. Review of an existing Department practice or substantive policy statement alleged to constitute a rule.

B. To act under A.R.S. § 41-1033 and this Section, a person shall submit a petition form to the Arizona Game and Fish Department, Director’s Office, 5000 W. Carefree Highway, Phoenix, AZ 85086. The form is available at any Department office and on the Department’s website.

C. A petitioner shall address only one rule, practice, or substantive policy in the petition.

D. A petitioner shall submit the petition form to the Arizona Game and Fish Department, Director’s Office, 5000 W. Carefree Highway, Phoenix, AZ 85086. The petition form is furnished by the Department and is available at any Department office and on the Department’s website. A petitioner shall provide all of the following information:

1. Petitioner identification:

- a. When the petition is submitted by a private person, the person’s:
  - i. Name;
  - ii. Physical and mailing address, if different from the physical address;
  - iii. Contact telephone number; and
  - iv. Email, when available;

- b. When the petition is submitted by an organization or private group;
  - i. Name of organization or group;
  - ii. Name and title of the organization’s or group’s representative;
  - iii. Physical and mailing address, if different from the physical address;
  - iv. Representative’s contact telephone number; and

- v. Email, when available;
- c. When the petition is submitted by a public agency;
  - i. Name of the public agency;
  - ii. Name and title of the agency’s representative;
  - iii. Physical and mailing address if different from the physical address;
  - iv. Representative’s contact telephone number; and

- v. Email, when available;

2. Type of request:

- a. Adopt, amend, or repeal a rule, or
- b. Review of a practice or substantive policy statement;

3. When the petition is for rulemaking action:

- a. Statement of the rulemaking action sought, including the Arizona Administrative Code citation of all existing rules, and the specific language of a new rule or rule amendment; and
- b. Reasons for the rulemaking action, including an explanation of why an existing rule is inadequate, unreasonable, unduly burdensome, or unlawful;

4. When the petition is for a review of an existing practice or substantive policy statement:

- a. Subject matter of the existing practice or substantive policy statement, and
- b. Reasons why the existing practice or substantive policy statement constitutes a rule;

5. When the petitioner is a public agency, a summary of issues raised in any public meeting or hearing regarding the petition or any written comments offered by the public.

6. Any other information required by the Department;

7. Petitioner’s signature; and

8. Date on which the petition was signed.

E. In addition to the requirements listed under subsection (D), a person may submit supporting information with a petition, including:

1. Statistical data; and
2. A list of other persons likely to be affected by the rulemaking action or the review, with an explanation of the likely effects.

F. When a petitioner submits a petition that addresses the same substantive issue considered by the Commission within the previous year, the petitioner shall also provide an additional written statement that includes rationale not previously considered by the Commission in making the previous decision.

G. The Department shall determine whether the petition complies with this Section within 15 business days after the date on which the petition was received.

1. If the petition complies with this Section:

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- a. The Department shall place the petition on a Commission open meeting agenda.
  - b. The petitioner may present oral testimony at that open meeting under R12-4-604.
  - c. The Commission shall render a final decision on the petition as prescribed under A.R.S. § 41-1033.
2. If a petition does not comply with this Section:
- a. The Director shall return the petition to the petitioner, and
  - b. Indicate in writing why the petition does not comply with this Section. The petitioner shall be afforded the opportunity to resubmit a corrected petition.

**Historical Note**

Adopted effective December 22, 1987 (Supp. 87-4).  
 Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Section R12-4-602 renumbered to R12-4-603; new Section R12-4-602 renumbered from R12-4-601 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-603. Written Comments on Proposed Rules**

- A. Under A.R.S. § 41-1023, a person may submit written statements, arguments, data, and views on a proposed rulemaking published by the Secretary of State in the Arizona Administrative Register.
- B. A person submitting a written comment to the Commission for consideration in a final decision on the rulemaking may voluntarily provide their name and mailing address. The Commission may only consider written comments that:
  - 1. Are received on or before the close of record date, as published by the Secretary of State in the Arizona Administrative Register; and
  - 2. Are submitted to the agency contact identified in the Department's notice of proposed rulemaking as published by the Secretary of State in the Arizona Administrative Register.
  - 3. In addition, a person submitting a comment submitted on behalf of a group or organization shall include a statement that the comment represents the official position of the group or organization. A comment submitted on behalf of a group or organization that does not contain this statement shall be considered the comment of the person submitting the comment, and not that of the group or organization.

**Historical Note**

Adopted effective December 22, 1987 (Supp. 87-4).  
 Amended effective November 10, 1997 (Supp. 97-4).  
 Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Section R12-4-603 renumbered to R12-4-604; new Section R12-4-603 renumbered from R12-4-602 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-604. Oral Proceedings Before the Commission**

- A. The Commission may allow an oral proceeding on any matter on the Commission's agenda. At an oral proceeding, the Commission Chair:
  - 1. Is responsible for conducting the proceeding.
  - 2. May administer an oath to a witness before receiving testimony.
  - 3. May order the removal of any person who is disrupting a proceeding.
  - 4. May limit the number of presentations or the time for testimony regarding a particular issue.

- B. A person desiring to speak at an oral proceeding shall first request permission to speak from the Commission Chair.
- C. Technical rules of evidence do not apply to an oral proceeding, and no informality in any proceeding or in the manner of taking testimony invalidates any order, decision, or rule made by the Commission.
- D. The Commission authorizes the Director to designate a hearing officer for oral proceedings to take public input on proposed rulemaking.
- E. The Commission authorizes the Director to continue a scheduled proceeding to a later Commission meeting. To request a continuance, a petitioner shall:
  - 1. Deliver the request to the Director no later than 24 hours before the scheduled proceeding;
  - 2. Demonstrate that the proceeding has not been continued more than twice; and
  - 3. Demonstrate good cause for the continuance.

**Historical Note**

Adopted effective December 22, 1987 (Supp. 87-4).  
 Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Section R12-4-604 renumbered to R12-4-605; new Section R12-4-604 renumbered from R12-4-603 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-605. Ex Parte Communication**

- A. A party shall not communicate, either directly or indirectly, with a Commissioner about any substantive issue in a pending contested case or appealable agency action, unless:
  - 1. All parties are present;
  - 2. The communication occurs during the scheduled proceeding, where an absent party failed to appear after proper notice; or
  - 3. It is by written motion with a copy provided to all parties.
- B. A Commissioner who receives an ex parte communication shall place on the public record of the proceeding:
  - 1. A copy of the written communication;
  - 2. A summary of the oral communication; and
  - 3. The Commissioner's response to any such ex parte communication.
- C. The provisions of this Section apply from the date that a notice of hearing for a contested case or an appealable agency action is served on the parties.

**Historical Note**

Adopted effective December 22, 1987 (Supp. 87-4).  
 Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Section R12-4-605 renumbered to R12-4-606; new Section R12-4-605 renumbered from R12-4-604 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-606. Standards for Revocation, Suspension, or Denial of a License**

- A. Under A.R.S. § 17-340, when the Department makes a recommendation to the Commission for license revocation, the Commission shall hold a hearing and may revoke, suspend, or deny any hunting, fishing, or trapping license for a person convicted of any of the following offenses:
  - 1. Killing or wounding a big game animal during a closed season.
  - 2. Possessing a big game animal taken during a closed season.
  - 3. Destroying, injuring, or molesting livestock while hunting, fishing, or trapping.

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4. Damaging or destroying personal property, growing crops, notices or signboards, or other improvements while hunting, fishing, or trapping.
  5. Bartering, selling, or offering to sell unlawfully taken wildlife or wildlife parts.
  6. Careless use of a firearm while hunting, fishing, or trapping that results in the injury or death of any person.
  7. Applying for or obtaining a license or permit by fraud or misrepresentation in violation of A.R.S. § 17-341.
  8. Knowingly allowing another person to use the person's big game tag, except as provided under A.R.S. § 17-332(D).
  9. Entering upon a game refuge or other area closed to hunting, trapping or fishing and taking, driving, or attempting to drive wildlife from the area in violation of A.R.S. §§ 17-303 and 17-304.
  10. Unlawfully posting state or federal lands in violation of A.R.S. § 17-304(B).
  11. Unlawfully using aircraft to take, assist in taking, harass, chase, drive, locate, or assist in locating wildlife in violation of A.R.S. § 17-340(A)(8).
  12. Unlawfully taking or possessing big game.
  13. Unlawfully taking or possessing small game or fish.
  14. Unlawfully taking or possessing wildlife species.
  15. Unlawful take of any bird or the removal of its nest or eggs.
  16. Littering a public hunting or fishing area while taking wildlife.
  17. Waste of edible portions of a game species under A.R.S. § 17-309, in violation of A.R.S. § 17-309(A)(5).
  18. Any violation for which a license can be revoked under A.R.S. § 17-340.
  19. Any violation of A.R.S. § 17-306.
- B.** Under A.R.S. §§ 17-238, 17-334, 17-340, 17-362, 17-363, and 17-364, when the Department makes a recommendation to the Commission for license revocation, the Commission shall hold a hearing and may revoke any fur dealer, guide, taxidermy, license dealers license, or special license (as defined under R12-4-401) in any case where license revocation is authorized by law.

**Historical Note**

Adopted effective December 22, 1987 (Supp. 87-4).  
 Amended effective November 10, 1997 (Supp. 97-4).  
 Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Section R12-4-606 renumbered to R12-4-607; new Section R12-4-606 renumbered from R12-4-605 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-607. Proceedings for License Revocation, Suspension, or Denial of Right to Obtain a License, and Civil Damages**

- A.** The Director may commence a proceeding for the Commission to revoke, suspend or deny a license under A.R.S. §§ 17-236, 17-238, 17-334, 17-340, 17-362, 17-363, and 17-364. The Director may also commence a proceeding for the Commission to impose a civil penalty under A.R.S. § 17-314.
- B.** The Commission shall conduct a hearing concerning revocation, suspension, or denial of the right to obtain a license in accordance with the Administrative Procedure Act, A.R.S. Title 41, Chapter 6, Article 10. In a proceeding conducted under A.R.S. § 17-340, a respondent shall limit testimony to facts that show why the license should not be revoked or denied. Because the Commission does not have the authority to consider or change the conviction, a respondent is not permitted to raise this issue in the proceeding. The Commission

shall permit a respondent to offer testimony or evidence relevant to the Commission's decision to impose a civil penalty or order a civil action for the recovery of wildlife parts.

- C.** If a respondent does not appear for a hearing on the date scheduled, at the time and location noticed, no further opportunity to be heard shall be provided, unless a rehearing or review is granted under R12-4-608. If the respondent does not wish to attend the hearing, the respondent may submit written testimony to the Department before the hearing date designated in the Notice of Hearing. The Commission shall ensure that written testimony received at the time of the hearing is read into the record at the hearing.
- D.** The Commission shall base its decision on the officer's case report, a summary prepared by the Department, a certified copy of the court record, and any testimony presented at the hearing. The Department shall supply the respondent with a copy of each document provided to the Commission for use in reaching a decision.
- E.** Any party may apply to the Commission for issuance of a subpoena to compel the appearance of any witness or the production of documents at any Commission hearing. No less than 10 calendar days before the hearing, the party shall file a written application that provides the name and address of the witness, the subject matter of the expected testimony, the documents sought to be produced, and the date, time, and place of the hearing. The Commission Chair has the authority to issue the subpoenas.
1. A party shall have a subpoena served as prescribed in the Arizona Rules of Civil Procedure, Rule 45. An employee of the Department may serve a subpoena at the request of the Commission Chair.
  2. A party may request that a subpoena be amended at any time before the deadline provided in this Section for filing the application. The party shall have the amended subpoena served as provided in subsection (E)(1).
- F.** The Commission may vote to use the services of the office of administrative hearings to conduct a hearing concerning revocation, suspension, or denial of the right to obtain a license and to make a recommendation to the Commission, which shall review and accept, reject or modify the recommendation and issue its decision in an open meeting. When the Department receives a recommendation from the administrative law judge at least 30 days prior to the next regularly scheduled Commission meeting, the Department shall place the recommendation on the agenda for that meeting. A recommendation from the administrative law judge received after this time shall be considered at the next regularly scheduled open meeting.
- G.** A license revoked by the Commission is suspended on the date of the hearing and revoked upon issuance of the findings of fact, conclusions of law, and order. If a respondent appeals the Commission's order revoking a license, the license is revoked after all appeals have been exhausted. A denial of the right to obtain a license is effective for a period determined by the Commission as authorized under A.R.S. § 17-340, beginning on the date of the hearing.
- H.** A license suspended by the Commission is suspended on the date of the hearing, and suspended upon issuance of the findings of fact, conclusions of law, and order. If a respondent appeals the Commission's order suspending a license, the license is suspended after all appeals have been exhausted. The suspension of a license is effective for a period determined by the Commission as authorized under A.R.S. § 17-340, beginning on the date of the hearing.

**Historical Note**

Adopted effective June 13, 1977 (Supp. 77-3). Former Section R12-4-14 renumbered as Section R12-4-115

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without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-115 renumbered without change as Section R12-4-607 effective December 22, 1987 (Supp. 87-4). Amended effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Section R12-4-607 renumbered to R12-4-608; new Section R12-4-607 renumbered from R12-4-606 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-608. Rehearing or Review of Commission Decisions**

- A. A party shall exhaust the party's administrative remedies by filing a motion for rehearing or review as provided in this Section. Failure to file a motion for rehearing or review within 30 days of service of the Commission's decision has the effect of prohibiting the party from seeking judicial review of the Commission's decision.
- B. A party in a contested case or appealable agency action before the Commission may file a motion for rehearing or review of a Commission decision, specifying the grounds upon which the motion is based. The motion for rehearing or review shall be filed within 30 calendar days after service of the Commission's decision. For purposes of this subsection a decision is served when personally delivered or mailed by certified mail to the party's last known residence or place of business.
- C. A party may amend a motion for rehearing or review at any time before the Commission rules upon the motion. A written response to a motion for rehearing or review may be filed and served within 15 days after service of the motion for rehearing or review. The Commission may require that the parties file supplemental memoranda on any issue raised in a motion or response, and allow for oral argument.
- D. The Commission has the authority to grant rehearing or review for any of the following causes materially affecting the moving party's rights:
  1. Irregularity in the proceedings of the Commission, or any order or abuse of discretion that deprived the moving party of a fair hearing;
  2. Misconduct of the Commission, its staff, an administrative law judge, or the prevailing party;
  3. Accident or surprise that could not have been prevented by ordinary prudence;
  4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the original hearing;
  5. Excessive or insufficient penalties;
  6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the proceeding; or
  7. That the findings of fact or decision is not justified by the evidence or is contrary to law.
- E. The Commission may either deny the motion for rehearing or review or grant a rehearing or review for any of the reasons listed under subsection (E). The Commission's order granting a rehearing or review shall specify the grounds for the order, and any rehearing shall cover only those grounds upon which the rehearing or review was granted.
- F. After giving the party notice and an opportunity to be heard, the Commission may grant a motion for a rehearing or review for a reason not stated in the motion.
- G. Within the time-frame for filing the motion for rehearing or review, the Commission may grant a rehearing or review on its own initiative for any reason for which the Commission may have granted relief on motion of a party.
- H. When the Commission grants a rehearing or review, the Commission shall hold the rehearing or review at its next regularly

scheduled meeting or within 90 days of issuance of the order granting the rehearing or review. With the consent of the parties, the Commission may proceed to conduct the rehearing or review in the same meeting in which the Commission granted the rehearing or review.

- I. The Commission may take additional testimony, amend findings of fact and conclusions of law, and affirm, modify or reverse the original decision.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective May 27, 1992 (Supp. 92-1). Amended effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 853, effective January 31, 2002 (Supp. 02-1). New Section R12-4-608 renumbered from R12-4-607 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-609. Commission Orders**

- A. Except as provided under subsection (B):
  1. At least 14 calendar days before a meeting where the Commission will consider a Commission Order, the Department shall:
    - a. Post a public meeting notice and agenda in accordance with A.R.S. § 38-431.02; and
    - b. Issue a public notice of the recommended Commission Order in print and electronic media.
  2. The Department shall ensure the public meeting notice and agenda includes:
    - a. The date, time, and location of the Commission meeting where the Commission Order will be considered;
    - b. A statement that the public may attend and present written comments at or before the meeting; and
    - c. A statement that a copy of the proposed Commission Order shall be made available to the public 10 calendar days before the meeting. Copies are available for public inspection on the Department's website and at Department offices in Phoenix, Pinetop, Flagstaff, Kingman, Yuma, Tucson, and Mesa.
  3. The Commission may make changes to the recommended Commission Order at the Commission meeting.
- B. The requirements of subsection (A) do not apply to a Commission Order that establishes:
  1. A supplemental hunt as authorized under R12-4-115;
  2. A special season for persons who possess a special license tag issued under A.R.S. § 17-346 and R12-4-120, and
  3. A special season that allows fish to be taken by additional methods on waters where a fish die-off is imminent as established under R12-4-317(C).
- C. The Department shall publish the content of all Commission orders and make them available to the public free of charge.

**Historical Note**

Adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-610. Petitions for the Closure of State or Federal**

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**Lands to Hunting, Fishing, Trapping, or Operation of Motor Vehicles**

- A.** A person requesting that the Commission consider closing state or federal land to hunting, fishing, or trapping as provided under A.R.S. § 17-304(B) or R12-4-110, or closing roads or trails on state lands as provided under R12-4-110, shall submit a petition as prescribed in this Section before the Commission will consider the request.
- B.** A petitioner shall not address more than one contiguous closure request in a petition.
- C.** A petitioner submitting a petition that addresses the same contiguous closure request previously considered and denied by the Commission shall provide an additional written statement that includes rationale not previously considered by the Commission.
- D.** A petitioner shall submit the petition form to the Arizona Game and Fish Department, Director's Office, 5000 W. Carefree Highway, Phoenix, AZ 85086. The petition form is furnished by the Department and is available at any Department office and on the Department's website. The petition form shall contain all of the following information:
  1. Petitioner identification:
    - a. When the petitioner is the leaseholder of the area proposed for closure:
      - i. Name of person;
      - ii. Lease number;
      - iii. Physical and mailing address, if different from the physical address;
      - iv. Contact telephone number; and
      - v. Email, when available;
    - b. When the petitioner is anyone other than the leaseholder of the area proposed for closure:
      - i. Name of person;
      - ii. Lease number;
      - iii. Physical and mailing address, if different from the physical address;
      - iv. Contact telephone number;
      - v. Email, when available; and
      - vi. Name of each group or organization or organizations that the petitioner represents; or
    - c. When the petitioner is a public agency:
      - i. Name of person;
      - ii. Name of agency;
      - iii. Petitioner's title;
      - iv. Lease number;
      - v. Agency's physical and mailing address, if different from the physical address;
      - vi. Contact telephone number; and
      - vii. Email, when available;
  2. Type of closure requested:
    - a. Hunting,
    - b. Fishing,
    - c. Trapping, or
    - d. Operation of motor vehicles.
  3. Reason for petition:
    - a. Each reason why the closure should be considered under R12-4-110, A.R.S. § 17-304(B), or A.R.S. § 17-452(A);
    - b. Any data or other justification supporting the reasons for the closure with clear reference to any exhibits that may be attached to the petition;
    - c. Each person or segment of the public the petitioner believes will be impacted by the closure, including any other valid licensees, lessees, or permittees that will or may be affected, and how they will be impacted, including both positive and negative impacts;
    - d. If the petitioner is a public agency, a summary of issues raised in any public hearing or public meeting regarding the petition and a copy of written comments received by the petitioning agency; and
    - e. A proposed alternate access route, under R12-4-110.
- E.** A concise map identifying the specific location of the proposed closure;
- F.** Petitioner's signature;
- G.** Date on which the petition was signed; and
- H.** Any other information required by the Department.
- I.** The Department shall determine whether the petition complies with the requirements established under A.R.S. § 17-452, R12-4-110, and this Section within 15 business days after receiving the petition.
  1. If the petition meets these requirements, and provided the petitioner has not agreed to an alternative solution or withdrawn the petition, the Department, in accordance with the schedule in subsection (F), shall place the petition on the agenda for the Commission's next regularly scheduled open meeting and provide written notice to the petitioner of the meeting date.
  2. If a petition does not comply with the requirements prescribed under A.R.S. § 17-452, R12-4-110, and this Section:
    - a. The Department shall return the petition to the petitioner, and
    - b. Indicate in writing why the petition does not comply with this Section.
  3. If the Department returns a petition to a petitioner for a reason that cannot be corrected, the Department shall serve on the petitioner a notice of appealable agency action under A.R.S. § 41-1092.03.
- J.** When the Department receives a petition not less than 60 calendar days before a regularly scheduled Commission meeting, the Department shall place the petition on the agenda for that meeting. A petition received after this time will be considered at the next regularly scheduled open meeting.
- K.** The petitioner may:
  1. Present oral testimony in support of the petition at the Commission meeting, in accordance with the provisions established under R12-4-604.
  2. Withdraw the petition or request a continuance to a later regularly scheduled open meeting at any time.

**Historical Note**

Adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Amended by final rulemaking at 16 A.A.R. 1465, effective July 13, 2010 (Supp. 10-3). Amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-611. Petition for a Hearing Before the Commission When No Remedy is Provided in Statute, Rule, or Policy**

- A.** A person may request a hearing before the Commission when an administrative remedy does not exist under statute, rule, or policy by submitting a petition as prescribed by this Section.
- B.** A petitioner shall submit the petition form to the Arizona Game and Fish Department, Director's Office, 5000 W. Carefree Highway, Phoenix, AZ 85086. The petition form is furnished by the Department and is available at any Department office and on the Department's website. The petition form shall contain all of the following information:

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1. Petitioner identification:
    - a. When the petitioner is a private person:
      - i. Name of person;
      - ii. Physical and mailing address, if different from the physical address;
      - iii. Contact telephone number; and
      - iv. Email, when available;
    - b. When the petitioner is a private group or organization:
      - i. Name of the person designated as the contact for the group or organization;
      - ii. Physical and mailing address, if different from the physical address;
      - iii. Contact telephone number;
      - iv. Email, when available; or
    - c. When the petitioner is a public agency:
      - i. Name of person,
      - ii. Name of agency,
      - iii. Petitioner's title,
      - iv. Agency's physical and mailing address, if different from the physical address,
      - v. Contact telephone number, and
      - vi. Email, when available;
  2. Statement of Facts and Issues:
    - a. Description of issue to be resolved, and
    - b. Any facts relevant to resolving the issue;
  3. Specific proposed remedy;
  4. Petitioner's signature;
  5. Date on which the petition was signed; and
  6. Any other information required by the Department.
- C. If a petition does not comply with this Section, the Department shall:
1. Return the petition to the petitioner, and
  2. Indicate in writing why the petition does not comply with this Section.
- D. After the Department receives a petition that complies with this Section, the Department shall place the petition on the agenda of a regularly scheduled Commission meeting.
- E. If the Commission votes to deny a petition, the Department shall not accept a subsequent petition on the same issue, unless the petitioner presents new evidence or reasons for considering the subsequent petition.
- F. This Section does not apply to the following:
1. An action related to a license revocation, suspension, denial, or civil penalty;
  2. An unsuccessful hunt permit-tag draw application that did not involve an error on the part of the Department; or
  3. The reinstatement of a bonus point, except as authorized under R12-4-107(M).

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Amended by final rulemaking at 16 A.A.R. 1465, effective July 13, 2010 (Supp. 10-3). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**ARTICLE 7. HERITAGE GRANTS****R12-4-701. Heritage Grant Definitions**

In addition to the definitions provided under A.R.S. §§ 17-101 and 17-296, the following definitions apply to this Article:

"Administrative subunit" means a branch, chapter, department, division, section, school, or other similar divisional entity of an eligible applicant. For example, an individual:

Administrative department, but not an entire city government;

Field office or project office, but not an entire agency; or

School, but not an entire school district.

"Eligible applicant" means any public agency, non-governmental organization, or nonprofit organization that meets the applicable requirements of this Article.

"Facilities" means any structure or site improvements.

"Fund" means the Arizona Game and Fish Commission Heritage Fund, established under A.R.S. § 17-297.

"Grant agreement" means a document that details the terms and conditions of a grant project.

"Grant effective date" means the date the Department Director signs the Grant Agreement.

"In-kind" means contributions other than cash, which include individual and material resources that the applicant makes available to the project, e.g. a public employee's salary, volunteer time, materials, supplies, space, or other donated goods and services.

"Participant" means an eligible applicant who has been awarded a grant from the Heritage Fund.

"Project" means an activity, or series of related activities, or services described in the specific project scope of work and results in specific end products.

"Project period" means the time during which a participant shall complete all approved work and related expenditures associated with an approved project.

"Public agency" means the federal government or any federal department or agency, an Indian tribe, this state, all state departments, agencies, boards, and commissions, counties, school districts, public charter schools, cities, towns, all municipal corporations, administrative subunits, and any other political subdivision.

"Publicly held lands" means federal, public, and reserved land, State Trust Land, and other lands within Arizona that are owned, controlled, or managed by the federal government, a state agency, or political subdivision.

"Term of public use" means the time period during which the project or facility is expected to be maintained for public use.

**Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Amended by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

**R12-4-702. General Provisions; Heritage Grant Fund Requirements**

A. The Department, in its sole discretion, may make Heritage Fund Grants available for projects that:

1. Are located in Arizona or benefit Arizona wildlife or its habitat; and
2. Meet the criteria established in the Heritage Grant application materials.

B. The Department shall:

1. Provide public notice of the time, location, and due date for application submission; and

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2. Furnish materials necessary to complete the application.
- C. An applicant seeking Heritage Grant funding shall submit to the Department a Heritage Fund Grant application according to a schedule of due dates determined by the Director. An applicant shall provide the following information on the Heritage Grant application form:
  1. The name of the applicant;
  2. Any county and legislative district where the project will be developed or upon which the project will have a direct impact;
  3. The name, title, mailing address, e-mail address, and telephone number of the individual responsible for the day-to-day management of the proposed project;
  4. Identification of the application criterion established in the Heritage Grant application materials;
  5. A descriptive project title;
  6. The name of the site, primary location, and any other locations of the project;
  7. Description of the:
    - a. Scope of work and the objective of the proposed project,
    - b. Methods for achieving the objective, and
    - c. Desired result of the project;
  8. The beginning and ending dates for the project;
  9. The resources needed to accomplish the project, including grant monies requested, and, if applicable, evidence of secured matching funds or contributions; and
  10. Any additional supporting information required by the Department.
  11. Signature and date. The person signing the grant application form shall have the authority to enter into agreements, accept funding, and fulfill the terms of the Grant Agreement on behalf of the applicant.
- D. A person applying for multiple projects shall submit a separate application for each project.
- E. An applicant shall demonstrate ownership or control of the project. Ownership or control may be demonstrated through fee title, lease, easement, or agreement. For all other project types related to sites not controlled by an applicant, an applicant shall provide written permission from the property owner authorizing the project activities and access. The applicant's proof of ownership or control or written permission shall demonstrate:
  1. Permission for access is not revocable at will by the property owner, and
  2. Public access will be granted to the project site for the life of the project, unless the purpose of the project proposal is to limit access.
- F. Heritage Grant proposals are competitive and the Department shall make awards based on a proposed project's compatibility with the priorities of the Department, as approved by the Commission.
- G. The Department may require an applicant to modify the application prior to awarding a Heritage Grant, if the Department determines that the modification is necessary for the successful completion of the project.
- H. When applicable, the Department shall not release Heritage Grant funds until after the Department has consulted with the State Historic Preservation Office regarding the proposed project's potential impact on historic and archaeological properties and resources.
- I. The Department shall notify an applicant in writing of the results of the applicant's submission and announce Heritage Grant awards at a regularly scheduled open meeting of the Commission.
- J. A participant shall:
  1. Sign the Grant Agreement before the Department transfers any grant funds.
  2. Deposit transferred Heritage Grant funds in a dedicated account carrying the name and number of the project. In the event the funds are deposited in an interest-bearing account, any interest earned shall be:
    - a. Used for the purpose of furthering the project, with prior approval from the Department; or
    - b. Remitted to the Department upon completion of the project.
  3. Complete the project as specified under the terms and conditions of the Grant Agreement.
  4. Use awarded Heritage Grant funds solely for the project described in the application and as approved by the Department.
  5. Bear full responsibility for performance of its subcontractors to ensure compliance with the Grant Agreement.
  6. Pay all costs associated with the operation and maintenance of properties, facilities, equipment, services, publications, and other media funded by a Heritage Grant for the term of public use as specified in the Grant Agreement.
  7. Submit records that substantiate the expenditure of Heritage Grant funds. In addition, each participant shall retain and shall contractually require each subcontractor to retain all books, accounts, reports, files, and any other records relating to the acquisition and performance of the contract for a period of five years from the end date of the project period. The Department may inspect and audit participant and subcontractor records as prescribed under A.R.S. § 35-214. Upon the Department's request, a participant or subcontractor shall produce a legible copy of these records.
  8. Allow Department employees or agents to conduct inspections and reviews:
    - a. To ensure compliance with all terms and conditions established under the Grant Agreement.
    - b. Before release of the final payment.
  9. Give public acknowledgment of Heritage Fund grant assistance for the term of public use of a project. If a project involves acquisition of property, development of public access, or renovation of a habitat site, the participant shall install a permanent sign describing the funding sources. The participant may include the cost of this signage as part of the original project. The participant is responsible for maintenance or replacement of the sign as required. For other project types, the participant shall include Heritage Fund grant funding acknowledgment on any publicly available or accessible products resulting from the project.
- K. A participant shall not:
  1. Begin a project described in the application until after the grant effective date.
  2. Use Heritage Grant funds for the purpose of producing income unless authorized by the Department. A participant shall use all income generated to further the purpose of the approved project or surrender the income to the original funding source.
  3. Comingle Heritage Grant funds with any other funds.
  4. Use Heritage Grant funds to pay the salary of any public agency employee. A participant may use a public agency's employee's time as in-kind match for the project specified in the Grant Agreement.
- L. The parties may amend the terms of the Grant Agreement by mutual written consent. The Department shall prepare any



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approved amendment in writing, and both the Department and the Grantee shall sign the amendment.

- M. The Department and the participant may amend the Grant Agreement during the project period. A participant seeking to amend the Grant Agreement shall submit a written request that includes justification to amend the Grant Agreement. The Department shall prepare any approved amendment in writing and both the Department and the participant shall sign the amendment.
- N. A participant shall submit project status reports, as required in the Grant Agreement. If a participant fails to submit a project status report, the Department may not release any remaining grant monies until the participant has submitted all past due project status reports. The project status report shall include the following information, as applicable:
  - 1. Progress in completing approved work;
  - 2. Itemized, cumulative project expenditures;
  - 3. A financial accounting of:
    - a. Heritage Grant Funds,
    - b. Matching funds,
    - c. Donations, and
    - d. Income derived from project funds;
  - 4. Any delays or problems that may prevent the on-time completion of the project; and
  - 5. Any other information required by the Department.
- O. At the end of the project period and for each year until the end of the term of public use, a participant shall:
  - 1. Certify compliance with the Grant Agreement, and
  - 2. Complete a post-completion report form furnished by the Department.
- P. Upon completion of approved project elements, if a balance of awarded Heritage Grant funds remains, the participant may:
  - 1. Use the unexpended funds for an additional project consistent with the original scope of work, when approved by the Department; or
  - 2. Surrender the unexpended funds to the Department.
- Q. Upon completion of the project a participant shall:
  - 1. Surrender equipment with an acquisition cost of more than \$500 to the Department upon completion, or
  - 2. Use equipment purchased with Heritage Grant funds in a manner consistent with the purposes of the Grant Agreement.
- R. A participant may request an extension beyond the approved project period by writing to the Department.
  - 1. Requests for an extension shall be submitted by the participant no later than 30 days before the end of the project period.
  - 2. If approved, an extension shall be signed by both the participant and the Department.
- S. A participant that has a Heritage Grant funded project in extension shall not apply for, nor be considered for, further Heritage Grants until the administrative subunit's project under extension is completed.
- T. In addition, the Department may administratively extend the project period for good cause such as, but not limited to, inclement weather, internal personnel changes, or to complete the final closure documents.
- U. A participant that failed to comply with the terms and conditions of a Grant Agreement shall not apply for, nor be considered for, further Heritage Grants until the participant's project is brought into compliance.
- V. If a participant is not in compliance with the Grant Agreement, the Department may:
  - 1. Terminate the Grant Agreement,
  - 2. Seek recovery of grant monies awarded, and

- 3. Classify the participant as ineligible for Heritage Fund Grants for a period of up to five years.

**Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Amended by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

**R12-4-703. Repealed****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-703 renumbered to R12-4-705; new Section R12-4-703 made by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

**R12-4-704. Repealed****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-704 repealed; new Section R12-4-704 renumbered from R12-4-709 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

**R12-4-705. Repealed****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-705 repealed; new Section R12-4-705 renumbered from R12-4-703 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

**R12-4-706. Repealed****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-706 repealed; new Section R12-4-706 renumbered from R12-4-710 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

**R12-4-707. Repealed****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-707 repealed; new Section R12-4-707 renumbered from R12-4-711 and amended by final rulemaking at 19 A.A.R. 768, effective

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June 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

**R12-4-708. Repealed****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-708 repealed; new Section R12-4-708 renumbered from R12-4-712 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

**R12-4-709. Renumbered****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-709 renumbered to R12-4-704 by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

**R12-4-710. Renumbered****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-710 renumbered to R12-4-706 by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

**R12-4-711. Renumbered****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-711 renumbered to R12-4-707 by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

**R12-4-712. Renumbered****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-712 renumbered to R12-4-708 by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

**ARTICLE 8. WILDLIFE AREAS AND DEPARTMENT PROPERTY****R12-4-801. General Provisions****A. Wildlife Areas:**

1. Wildlife areas shall be established to:
  - a. Provide protective measures for wildlife, habitat, or both;
  - b. Allow for hunting, fishing, and other recreational activities that are compatible with wildlife habitat conservation and education;
  - c. Allow for special management or research practices; and
  - d. Enhance wildlife and habitat conservation.
2. Wildlife areas shall be:
  - a. Lands owned, leased, or otherwise managed by the Commission;

- b. Federally-owned lands of unique wildlife habitat where cooperative agreements provide wildlife management and research implementation; or
    - c. Any lands with property interest conveyed to the Commission by any entity, through an approved land use agreement, including but not limited to deeds, patents, leases, conservation easements, special use permits, licenses, management agreements, inter-agency agreements, letter agreements, and right-of-entry, where the property interest conveyed is sufficient for management of the lands consistent with the objectives of the wildlife area.
  3. Land qualified for wildlife areas shall be:
    - a. Lands with unique topographic or vegetative characteristics that contribute to wildlife,
    - b. Lands where certain wildlife species are confined because of habitat demands,
    - c. Lands that can be physically managed and modified to attract wildlife, or
    - d. Lands that are identified as critical habitat for certain wildlife species during critical periods of their life cycles.
  4. The Department may restrict public access to and public use of wildlife areas and the resources of wildlife areas for up to 90 days when necessary to protect property, ensure public safety, or to ensure maximum benefits to wildlife. Closures or restrictions exceeding 90 days shall require Commission approval.
  5. Closures of all or any part of a wildlife area to public entry, and any restriction to public use of a wildlife area, shall be listed in this Article or shall be clearly posted at each entrance to the wildlife area. No person shall conduct an activity restricted by this Article or by such posting.
  6. When a wildlife area is posted against travel except on existing roads, no person shall drive a motor-operated vehicle over the countryside except by road.
  7. The Department may post signs that place additional restrictions on the use of wildlife areas. Such restrictions may include the timing, type, or duration of certain activities, including the prohibition of access or nature of use.
  8. A person shall not access or use any wildlife area or facility in violation of any Department actions authorized under subsection (A)(7) when signs are posted providing notice of the restrictions.
- B. Commission-owned real property and -managed lands other than Wildlife Areas:**
1. The Department may take action to manage public access and use of any Commission-owned real property or facilities. Such actions may include restrictions on the timing, type, or duration of certain activities, including the prohibition of access or nature of use.
  2. A person shall not access or use any Commission-owned real property, facilities, or -managed lands in violation of any Department actions authorized under subsection (B)(1), if signs are posted providing notice of the restrictions.

**Historical Note**

New Section adopted by exempt rulemaking at 6 A.A.R. 1731, effective May 1, 2000 (Supp. 00-2). Amended by exempt rulemaking at 17 A.A.R. 800, effective June 20, 2011 (Supp. 11-2). Amended by exempt rulemaking at 18 A.A.R. 1070, effective June 15, 2012 (Supp. 12-2). Amended by exempt rulemaking at 22 A.A.R. 951, effective June 7, 2016 (Supp. 16-2). Amended by final exempt

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rulemaking at 27 A.A.R. 242, effective April 5, 2021  
(Supp. 21-1).

**R12-4-802. Wildlife Area and Other Department Managed Property Restrictions**

**A.** No person shall violate the following restrictions on Wildlife Areas:

1. Alamo Wildlife Area (located in Units 16A and 44A):
  - a. Posted portions closed to all public entry.
  - b. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
2. Allen Severson Wildlife Area (located in Unit 3B):
  - a. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - b. Posted portions closed to discharge of all firearms from April 1 through July 25 annually.
  - c. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from April 1 through July 25 annually.
3. Aravaipa Canyon Wildlife Area (located in Units 31 and 32):
  - a. Access through the Aravaipa Canyon Wildlife Area within the Aravaipa Canyon Wilderness Area is by permit only, available through the Safford Office of the Bureau of Land Management.
  - b. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of all firearms.
4. Arivaca Lake Wildlife Area (located in Unit 36B):
  - a. Open fires allowed in designated areas only.
  - b. Wood collecting limited to dead and down material, for onsite noncommercial use only.
  - c. Overnight public camping in the wildlife area allowed in designated areas only, for no more than 14 days within a 30-day period.
  - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
5. Arlington Wildlife Area (located in Unit 39):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). No motorized travel is permitted within agriculture and crop production areas. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Target or clay bird shooting permitted in designated areas only.
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except:
    - i. Posted portions around Department housing are closed to the discharge of all firearms; and
    - ii. Wildlife area is closed to the discharge of centerfire rifled firearms.
6. Base and Meridian Wildlife Area (located in Units 39, 26M, and 47M):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel is not permitted on the wildlife area, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. No target or clay bird shooting.
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of centerfire rifled firearms.
7. Becker Lake Wildlife Area (located in Unit 1):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. The Becker Lake boat launch access road and parking areas along with any other posted portions of the wildlife area will be closed to all public entry from one hour after sunset to one hour before sunrise daily.
  - f. Posted portions closed to all public entry.
  - g. Posted portions closed to hunting.
  - h. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of rifled firearms.
8. Bog Hole Wildlife Area (located in Unit 35B):
  - a. Motorized vehicle travel is not permitted on the wildlife area. This subsection does not apply to Department authorized vehicles or law enforcement, fire response or other emergency vehicles.
  - b. Open to all hunting in season, by foot access only, as permitted under R12-4-304 and R12-4-318.
9. Chevelon Canyon Ranches Wildlife Area (located in Unit 4A):
  - a. Open fires allowed in designated areas only.
  - b. Wood collecting limited to dead and down material, for onsite noncommercial use only.
  - c. Overnight public camping allowed in designated areas only, for no more than 14 days within a 30-day period.
  - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. No target or clay bird shooting.
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
10. Chevelon Creek Wildlife Area (located in Unit 4B):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads or areas only. This subsection does not apply

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- to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Posted portions closed to all public entry.
  - f. Additional posted portions closed to all public entry from October 1 through February 1 annually.
  - g. No target or clay bird shooting.
  - h. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from October 1 through February 1 annually.
11. Cibola Valley Conservation and Wildlife Area (located in unit 43A):
    - a. No open fires.
    - b. No firewood cutting or gathering.
    - c. No overnight public camping.
    - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). No motorized travel is permitted within agriculture and crop production areas. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - e. Posted portions closed to all public entry.
    - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
  12. Clarence May and C.H.M. May Memorial Wildlife Area (located in Unit 29):
    - Closed to hunting, except for predator hunts authorized by Commission Order.
  13. Cluff Ranch Wildlife Area (located in Unit 31):
    - a. Open fires allowed in designated areas only.
    - b. Wood collecting limited to dead and down material, for onsite noncommercial use only.
    - c. Overnight public camping allowed in designated areas only, for no more than 14 days within a 30-day period.
    - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - e. Posted portions around Department housing and Pond Three are closed to discharge of all firearms.
    - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of centerfire rifled firearms.
  14. Coal Mine Spring Wildlife Area (located in Unit 34A):
    - a. Overnight public camping allowed for no more than 14 days within a 30-day period.
    - b. Motorized vehicle travel is not permitted on the wildlife area, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response or other emergency vehicles.
    - c. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
  15. Colorado River Nature Center Wildlife Area (located in Unit 15D):
    - a. No open fires.
    - b. No firewood cutting or gathering.
    - c. No overnight public camping.
    - d. Motorized vehicle travel permitted on designated roads or areas only. This subsection does not apply to Department authorized vehicles, law enforcement, fire response, or other emergency vehicles.
    - e. Closed to the discharge of firearms.
    - f. Closed to hunting.
  16. Fool Hollow Lake Wildlife Area (located in Unit 3C):
    - a. No open fires.
    - b. No firewood cutting or gathering.
    - c. No overnight public camping.
    - d. Motorized vehicle travel permitted on designated roads, trails, or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - e. The parking area adjacent to Sixteenth Avenue and other posted portions of the wildlife area will be closed to all public entry daily from one hour after sunset to one hour before sunrise, except for anglers possessing a valid fishing license accessing Fool Hollow Lake/Show Low Creek.
    - f. Closed to the discharge of firearms.
    - g. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of firearms.
  17. House Rock Wildlife Area (located in Unit 12A):
    - a. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles, law enforcement, fire response, or other emergency vehicles.
    - b. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
    - c. Members of the public shall remain in an enclosed vehicle at all times when within one-quarter mile of the House Rock bison herd, except when taking bison or accompanied by Department personnel.
  18. Jacques Marsh Wildlife Area (located in Unit 3B):
    - a. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - b. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of rimfire and centerfire rifled firearms.
  19. Lamar Haines Wildlife Area (located in Unit 7):
    - a. No open fires.
    - b. Wood cutting by permit only and collecting limited to dead and down material, for noncommercial use only. Members of the public shall obtain a wood cutting permit from the Flagstaff Game and Fish Department regional office.
    - c. Overnight public camping allowed for no more than 14 days within a 30-day period.
    - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.

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20. Lower San Pedro River Wildlife Area (located in Units 32 and 37B):
  - a. Open fires allowed in designated areas only. The following acts are prohibited:
    - i. Building, attending, maintaining, or using a fire without removing all flammable material from around the fire to adequately prevent the fire from spreading from the fire pit.
    - ii. Carelessly or negligently throwing or placing any ignited substance or other substance that may cause a fire.
    - iii. Building, attending, maintaining, or using a fire in any area that is closed to fires.
    - iv. Leaving a fire without completely extinguishing it.
  - b. Wood collecting limited to dead and down material, for onsite noncommercial use only.
  - c. Overnight public camping allowed in designated areas only, for no more than 14 days within a 30-day period.
  - d. Motorized vehicle travel permitted on designated roads, trails, or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Posted portions closed to all public entry.
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting.
  - g. Parking allowed within 300 feet of designated open roads and in designated areas only.
  - h. Discharge of a firearm or pre-charged pneumatic weapon prohibited within 1/4 mile of buildings.
  - i. A person shall not use a metal detector or similar device except as authorized by the Department. This subsection does not apply to law enforcement officers in the scope of their official duties, or to persons duly licensed, permitted, or otherwise authorized to investigate historical or cultural artifacts by a government agency with regulatory authority over cultural or historic artifacts.
21. Luna Lake Wildlife Area (located in Unit 1):
  - a. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - b. Posted portions closed to all public entry from February 15 through July 31 annually.
  - c. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except when closed to hunting from April 1 through July 31 annually.
22. Manhattan Claims Wildlife Area (located in Unit 29):
  - a. Wood collecting limited to dead and down material, for onsite noncommercial use only.
  - b. Overnight public camping allowed for no more than 14 days within a 30-day period.
  - c. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
23. Mittry Lake Wildlife Area (located in Unit 43B):
  - a. Open fires allowed in designated areas only.
  - b. Wood collecting limited to dead and down material, for onsite noncommercial use only.
  - c. Overnight public camping allowed in designated areas only, for no more than 14 days within a 30-day period.
  - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Posted portions closed to all public entry.
  - f. Mittry Lake is a "No Ski" waterway as defined under R12-4-501.
  - g. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
24. Planet Ranch Conservation and Wildlife Area (located in Units 16A and 44A):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. Overnight public camping allowed in designated areas only, for no more than 14 days within a 30-day period.
  - d. Motorized vehicle travel permitted on designated roads, trails, or areas only, except for big game retrieval as permitted under R12-4-110(H), outside the posted Lower Colorado River Multi-Species Conservation Program habitat area. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Posted portions closed to public entry.
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting.
25. Powers Butte (Mumme Farm) Wildlife Area (located in Unit 39):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). No motorized travel is permitted within agriculture and crop production areas. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. If conducted during an event approved under R12-4-125, target or clay bird shooting is permitted in designated areas only.
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except:
    - i. Posted portions around Department housing are closed to the discharge of all firearms; and
    - ii. Wildlife area is closed to the discharge of centerfire rifled firearms.
26. Quigley-Achee Wildlife Area (located in Unit 41):
  - a. No open fires.
  - b. No overnight public camping.
  - c. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). No motorized travel is permitted within agriculture and crop production areas. This subsection does not apply to Department

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- authorized vehicles or law enforcement, fire response, or other emergency vehicles.
- d. Posted portions closed to all public entry.
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting.
27. Raymond Wildlife Area (located in Unit 5B):
    - a. Open fires allowed in designated areas only.
    - b. Overnight public camping permitted in designated sites only, for no more than 14 days within a 30-day period.
    - c. Motorized vehicle travel permitted on designated roads, trails, or areas only, except for big game retrieval as permitted under R12-4-110(H). All-terrain and utility type vehicles are prohibited. For the purpose of this subsection, all-terrain and utility type vehicle means a motor vehicle having three or more wheels fitted with large tires and is designed chiefly for recreational use over roadless, rugged terrain. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - d. Posted portions closed to all public entry from May 1 through July 29 annually.
    - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting periodically during hunting seasons.
    - f. Members of the public shall remain in an enclosed vehicle at all times when within one-quarter mile of the Raymond bison herd, except when taking bison or accompanied by Department personnel.
  28. Robbins Butte Wildlife Area (located in Unit 39):
    - a. No open fires.
    - b. No firewood cutting or gathering.
    - c. No overnight public camping.
    - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - e. Parking in designated areas only.
    - f. If conducted during an event approved under R12-4-125, target or clay bird shooting is permitted in designated areas only.
    - g. Open to all hunting in season as permitted under R12-4-304 and R12-4-318 except the wildlife area is closed to the discharge of centerfire rifled firearms.
  29. Roosevelt Lake Wildlife Area (located in Units 22, 23, and 24B):
    - a. Posted portions closed to all public entry from November 15 through February 15 annually.
    - b. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). No motorized travel is permitted within agriculture and crop production areas. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - c. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from November 15 through February 15 annually.
  30. Santa Rita Wildlife Area (located in Unit 34A):
    - a. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
    - b. No firewood cutting or gathering.
    - c. Overnight public camping allowed in designated areas only, for no more than 14 days within a 30-day period.
    - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - e. Closed to the discharge of all firearms.
    - f. Open to all hunting as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of all firearms.
  31. Sipe White Mountain Wildlife Area (located in Unit 1):
    - a. Open fires allowed in designated areas only.
    - b. No firewood cutting or gathering.
    - c. Overnight public camping allowed in designated areas only, for no more than 14 days within a 30-day period.
    - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions around Department housing is closed to the discharge of all firearms.
  32. Springerville Marsh Wildlife Area (located in Unit 2B):
    - a. No open fires.
    - b. No firewood cutting or gathering.
    - c. No overnight public camping.
    - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - e. Closed to the discharge of all firearms.
    - f. Open to all hunting as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of all firearms.
  33. Sunflower Flat Wildlife Area (located in Unit 8):
    - a. Overnight public camping allowed for no more than 14 days within a 30-day period.
    - b. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - c. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
  34. Three Bar Wildlife Area (located in Unit 22):
    - a. Motorized vehicle travel:
      - i. Is permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H).
      - ii. Is prohibited within the Three Bar Wildlife and Habitat Study Area.
      - iii. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - b. Open to all hunting in season, as permitted under R12-4-304 and R12-4-318.
  35. Tucson Mountain Wildlife Area (located in Unit 38M):
    - a. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except:
      - i. Portions posted closed to hunting,
      - ii. Portions closed to hunting as identified on the online check-in system wildlife area map, and
      - iii. Firearms and pre-charged pneumatic weapons are prohibited for the take of wildlife.
    - b. Archery hunters must check-in online with the Arizona Game and Fish Department prior to going afield.

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36. Upper Verde River Wildlife Area (located in Unit 8 and 19A):
    - a. No open fires.
    - b. No firewood cutting or gathering.
    - c. No overnight public camping allowed.
    - d. Motorized vehicle travel is not permitted, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire department, or other emergency vehicles.
    - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
  37. Wenima Wildlife Area (located in Unit 2B):
    - a. No open fires.
    - b. No firewood cutting or gathering.
    - c. No overnight public camping.
    - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - e. No target or clay bird shooting.
    - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
  38. White Mountain Grasslands Wildlife Area (located in Unit 1):
    - a. No open fires.
    - b. No firewood cutting or gathering.
    - c. Overnight public camping allowed in designated areas only, for no more than 14 days within a 30-day period.
    - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - e. Posted portions closed to all public entry.
    - f. If conducted during an event approved under R12-4-125, target or clay bird shooting is permitted in designated areas only.
    - g. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
  39. Whitewater Draw Wildlife Area (located in Unit 30B):
    - a. No open fires except as authorized by the Department.
    - b. Overnight public camping allowed in designated areas only, for no more than 14 days within a 30-day period.
    - c. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - d. Posted portions closed to all public entry from October 15 through March 15 annually.
    - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except:
      - i. The wildlife area is closed to the discharge of centerfire rifled firearms, and
      - ii. Posted portions closed to hunting from October 15 through March 15 annually.
  40. Willcox Playa Wildlife Area (located in Unit 30A):
    - a. Open fires allowed in designated areas only.
  - b. Wood collecting limited to dead and down material, for onsite noncommercial use only.
  - c. Overnight public camping allowed in designated areas only, for no more than 14 days within a 30-day period.
  - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Posted portions closed to all public entry from October 15 through March 15 annually.
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from October 15 through March 15 annually.
- B.** Notwithstanding Commission Order 40, public access and use of the Hirsch Conservation Education Area and Biscuit Tank is limited to activities conducted and offered by the Department and in accordance with the Department's special management objectives for the property, which include, but are not limited to, flexible harvest, season, and methods that:
1. Allow for a variety of fishing techniques, fish harvest, fish consumption, and catch and release educational experiences;
  2. Maintain a healthy, productive, and balanced fish community; and
  3. Provide public education activities and training courses that are compatible with the management of aquatic wildlife.

**Historical Note**

New Section adopted by exempt rulemaking at 6 A.A.R. 1731, effective May 1, 2000 (Supp. 00-2). Amended by exempt rulemaking at 8 A.A.R. 2107, effective May 1, 2002 (Supp. 02-2). Amended by exempt rulemaking at 9 A.A.R. 3141, effective August 23, 2003 (Supp. 03-2). Amended by exempt rulemaking at 10 A.A.R. 1976, effective May 14, 2004 (Supp. 04-2). Amended by exempt rulemaking at 11 A.A.R. 1927, effective May 20, 2005 (Supp. 05-2). Amended by exempt rulemaking at 12 A.A.R. 1698, effective May 19, 2006 (Supp. 06-2). Amended by exempt rulemaking at 13 A.A.R. 1741, effective May 18, 2007 (Supp. 07-2). Amended by exempt rulemaking at 14 A.A.R. 1841, effective April 22, 2008 (Supp. 08-2). Amended by exempt rulemaking at 16 A.A.R. 397, effective March 5, 2010 (Supp. 10-1). Amended by exempt rulemaking at 17 A.A.R. 800, effective June 20, 2011 (Supp. 11-2). Amended by exempt rulemaking at 18 A.A.R. 1070, effective June 15, 2012 (Supp. 12-2). Amended by exempt rulemaking at 19 A.A.R. 931, effective June 17, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 841, effective June 17, 2014 (Supp. 14-1). Amended by exempt rulemaking at 22 A.A.R. 951, effective June 7, 2016 (Supp. 16-2). Amended by exempt rulemaking at 22 A.A.R. 2209, effective October 4, 2016 (Supp. 16-4). Amended by final exempt rulemaking at 27 A.A.R. 242, effective April 5, 2021 (Supp. 21-1).

**R12-4-803. Wildlife Area and Other Department Managed Property Boundary Descriptions****A.** For the purposes of this Section:

"B.C." means brass cap.

"B.C.F." means brass cap flush.

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"G&SRB&M" means Gila and Salt River Base and Meridian.

"M&B" means metes and bounds.

"R" means Range line.

"T" means Township line.

**B. Wildlife Areas are described as follows:**

1. Alamo Wildlife Area: The Alamo Wildlife Area shall be those areas described as follows:

T10N, R13W; Section 3 N1/2, SW1/4, SE1/4 Mohave County only; Section 4, E1/2SW1/4, SE1/4; Section 9, NE1/4, E1/2NW1/4; Section 10, NW1/4NW1/4, NE1/4NW1/4 within designated Wilderness Area. T11N, R11W; Section 7, S1/2SW1/4; Section 18, N1/2 NW1/4; T11N, R12W; Section 4, Lots 2, 3 and 4, SW1/4NE1/4, S1/2NW1/4, SW1/4, W1/2SE1/4; Section 5, Lot 1, SE1/4NE1/4, E1/2SE1/4; Section 7, S1/2, SE1/4 NE1/4; Section 8, NE1/4, S1/2NW1/4, S1/2; Section 9; Section 10, S1/2NW1/4, S1/2; Section 11, S1/2S1/2; Section 12, S1/2S1/2; Section 13, N1/2, N1/2SW1/4, NW1/4SE1/4; Section 14, N1/2, E1/2SE1/4; Section 15, N1/2, SW1/4SW1/4, SW1/4SE1/4; Section 16, 17, 18 and 19; Section 20, N1/2, N1/2SW1/4; Section 21, NW1/4; Section 29, SW1/4, SW1/4SE1/4; Section 30; Section 31, N1/2, N1/2S1/2; Section 32, NW1/4, N1/2SW1/4; T11N, R13W; Section 12, SE1/4SW1/4, SW1/4SE1/4, E1/2SE1/4; Section 13; Section 14, S1/2NE1/4, SE1/4SW1/4, SE1/4; Section 22, S1/2SW1/4, SE1/4; Section 23, E1/2, E1/2NW1/4, SW1/4NW1/4, SW1/4; Section 24, 25 and 26; Section 27, E1/2, E1/2W1/2; Section 34, E1/2, E1/2NW1/4, SW1/4; Section 35 W1/2, W1/2NE1/4; T12N, R12W; Section 19, E1/2, SE1/4SW1/4; Section 20, NW1/4NW1/4, SW1/4SW1/4; Section 28, W1/2SW1/4; Section 29, W1/2NW1/4, S1/2, SE1/4NW1/4; Section 30, E1/2, E1/2NW1/4, NE1/4SW1/4; Section 31, NE1/4NE1/4; Section 32, N1/2, N1/2SE1/4, SE1/4SE1/4; Section 33, W1/2E1/2, W1/2; all in G&SRB&M, Mohave and La Paz Counties, Arizona.

2. Allen Severson Memorial Wildlife Area: The Allen Severson Memorial Wildlife Area shall be that area including Pintail Lake and South Marsh lying within the fenced and posted portions of:

T11N, R22E; Section 32, SE1/4; Section 33, S1/2SW1/4; T10N, R22E; Section 4, N1/2NW1/4; T10N, R22E; Section 4: the posted portion of the NW1/4SW1/4; all in G&SRB&M, Navajo County, Arizona, consisting of approximately 300 acres.

3. Aravaipa Canyon Wildlife Area: The Aravaipa Canyon Wildlife Area shall be that area within the flood plain of Aravaipa Creek and the first 50 vertical feet above the streambed within the boundaries of the Aravaipa Canyon Wilderness Area administered by the Bureau of Land Management (BLM), Graham and Pinal Counties, Arizona.

4. Arivaca Lake Wildlife Area: The Arivaca Lake Wildlife Area shall be those areas described as:

A parcel or land located in Sections 6, 7 and 8 all of which being situated in T22S, R11E of the G&SRB&M, Pima County, Arizona described as follows: Commencing at the N1/4 corner of said Section 7 run thence S 43°42'30" E (assumed bearing) a distance of 742.14 feet to point 1, the point of Beginning: thence N 81°26'32" E a distance of 705.76 feet to point 2; thence N 09°54'25" E a distance of 305.96 feet to point 3; thence N 21°43'49" E a distance of 872.20 feet to point 4; thence S 84°14'14" E a distance of 471.36 feet to point 5; thence N 28°12'16" E a distance of 357.98 feet to point 6: thence N 85°30'7" E a

distance of 110.05 feet to point 7; thence S 02°03'27" W a distance of 417.50 feet to point 8; thence N 88°20'00" E a distance of 141.99 feet to point 9; thence S 27°29'57" W a distance of 341.84 feet to point 10; thence N 60°20'59" W a distance of 297.87 feet to point 11; thence S 38°10'38" W a distance of 363.79 feet to point 12; thence S 03°36'24" E a distance of 222.07 feet to Point 13; thence S 59°52'05" E a distance of 133.71 feet to point 14 from which the northeast corner of said Section 7 bears N 76°07'51" E a distance of 689.94 feet, said northeast corner also being the common Section corner of Sections 5, 6, 7 and 8 of said Township and Range; thence S 59°18'56" W a distance of 225.86 feet to point 15; thence S 14°38'09" W a distance of 184.94 feet to point 16; thence N 73°08'58" E a distance of 282.60 feet to point 17; thence S 33°21'50" W a distance of 275.24 feet to point 18; thence S 16°37'03" E a distance of 294.45 feet to point 19; thence S 60°13'45" E a distance of 187.22 feet to point 20; thence N 09°21'57" E a distance of 502.65 feet to point 21; thence S 57°19'17" E a distance of 175.82 feet to point 22; thence S 06°20'39" W a distance of 405.88 feet to point 23; thence S 73°13'57" E a distance of 307.36 feet to point 24; thence N 72°27'59" E a distance of 108.77 feet to point 25; thence N 13°07'02" E a distance of 316.07 foot to point 26; thence N 15°41'38" E a distance of 292.54 feet to point 27; thence S 16°25'12" E a distance of 338.44 feet to point 28; thence N 60°53'52" E a distance of 349.03 feet to point 29; thence N 68°30'49" E a distance of 286.09 feet to point 30; thence S 09°14'22" W a distance of 396.67 feet to point 31; thence S 42°27'47" W a distance of 265.50 feet to point 32; thence N 86°09'01" W a distance of 253.50 feet to point 33; thence S 34°29'33" W a distance of 500.53 feet to point 34; thence S 59°56'05" W a distance of 120.42 feet to point 35; thence N 71°17'44" W a distance of 228.54 feet to point 36; thence S 69°42'17" W a distance of 120.88 feet to point 37; thence S 12°12'05" E a distance of 146.20 feet to point 38; thence S 83°22'20" E a distance of 339.63 feet to point 39; thence N 34°26'45" E a distance of 345.01 feet to point 40; thence N 88°14'41" E a distance of 272.60 feet to point 41; thence S 54°11'52" E a distance of 246.09 feet to point 42; thence S 76°42'33" W a distance of 304.58 feet to point 43; thence S 25°02'30" W a distance of 515.24 feet to point 44; thence N 54°58'47" W a distance of 330.22 feet to point 45; thence S 59°01'38" W a distance of 443.06 feet to point 46; thence S 28° 40' 19" E a distance of 381.98 feet to point 47; thence S 42°18'41" E a distance of 436.71 feet to point 48 from which the E1/4 corner of said Section 7 and common to the W1/4 corner of said Section 8 bears N 04°23'16" E a distance of 126.73 feet; thence N 87°40'07" E a distance of 385.96 feet to point 49; thence S 46°57'39" E a distance of 243.05 feet to point 50; thence S 13°06'06" W a distance of 183.34 feet to point 51; thence N 55°28'27" W a distance of 228.94 feet to point 52; thence S 55°08'41" W a distance of 330.40 feet to point 53; thence S 48°10'36" E a distance of 218.70 feet to point 54; thence S 06°38'09" E a distance of 140.86 feet to point 55; thence S 28° 04'14" E a distance of 892.21 feet to point 56; thence S 12°20'35" W a distance of 181.98 feet to point 58; thence S 63°52'33" E a distance of 230.70 feet to point 59; thence S 72°30'09" E a distance of 335.12 feet to point 60; thence S 41°39'07" W a distance of 498.00 feet to point 61; thence N 86°49'30" W a distance of 330.81 feet to point 62; thence N 34°09'15" W a distance of 1380.92



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foot to point 63; thence S 86°14'38" W a distance of 310.49 feet to point 64; thence N 04°22'03" W a distance of 206.30 feet to point 65; thence N 70°41'46" E a distance of 226.45 feet to point 66; thence N 10°01'58" E a distance of 468.22 feet to point 67; thence N 67°59'02" W a distance of 220.56 feet to point 68; thence N 36°50'14" W a distance of 360.36 feet to point 69; thence N 04°31'00" E a distance of 187.56 feet to point 69A; thence N 53°13'11" W a distance of 85.56 feet to point 69B; thence S 31°01'48" W a distance of 322.05 feet to point 70; thence S 16°55'20" W a distance of 1033.42 feet to point 71; thence S 32°45'38" E a distance of 209.12 feet to point 72; thence S 64°28'24" W a distance of 319.54 feet to point 73; thence S 24°35'49" W a distance of 264.49 feet to point 74; thence S 42°38'39" W a distance of 428.36 feet to point 75; thence N 88°49'40" W a distance of 549.92 feet to point 76 from which the S1/4 corner of said Section 7 bears S 28°36'15" W a distance of 730.77 feet; thence N 27°38'55" W a distance of 456.55 feet to point 76A; thence N 21°18'02" E a distance of 2170.03 feet to point 78; thence N 00°01'17" E a distance of 958.28 feet to point 79; thence S 89°36'36" W a distance of 624.49 feet to point 80; thence N 00°05'06" E a distance of 553.06 feet to point 81 from which the N1/4 corner of said Section 7 bears N 14°02'18" W a distance of 734.38 feet; thence N 62°15'48" E a distance of 378.12 feet to the point of beginning; consisting of approximately 195.04 acres.

5. Arlington Wildlife Area: The Arlington Wildlife Area shall be those areas described as follows: T1S, R5W, Section 33, E1/2SE1/4; T2S, R5W, Section 3, W1/2W1/2, Section 4, E1/2, and Parcel 401-58-001A as described by the Maricopa County Assessor's Office; a parcel of land lying within Section 4, T2S, R5W, more particularly described as follows: commencing at the southwest corner of said Section 4, 2-inch aluminum cap (A.C.) in pothole stamped "RLS 36562", from which the northwest corner of said Section, a 1 1/2-inch B.C. stamped "T1S R5W S32 S33 S5 S4 1968", bears N 00°09'36" E (basis of bearing) a distance of 4130.10 feet, said southwest corner being the point of beginning; thence along the west line of said Section, N 00°09'36" E a distance of 16.65 feet; thence leaving said west line, S 89°48'28" E a distance of 986.79 feet; thence N 00°47'35" E a distance of 2002.16 feet; thence N 01°07'35" E a distance of 2102.65 feet to the north line of said Section; thence along said north line S 89°18'45" E a distance of 1603.61 feet to the N1/4 corner of said Section, a 1/2-inch metal rod; thence leaving said north line, along the north-south midsection line of said Section, S 00°08'44" E a distance of 4608.75 feet to the S1/4 corner of said Section, a 3-inch B.C.F. stamped "T2S R5W 1/4S4 S9 RLS 46118 2008"; thence leaving said north-south midsection line, along the south line of said Section, N 79°10'54" W a distance of 2719.41 feet to the point of beginning. Subject to existing rights-of-way and easements. This parcel description is based on the Record of Survey for Alma Richardson Property, recorded in Book 996, page 25, Maricopa County Records and other client provided information. This parcel description is located within an area surveyed by Wood, Patel & Associates, Inc. during the month of April, 2008 and October, 2009 and any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said positions based on said survey; all in G&SRB&M, Mar-

icopa County, Arizona. Section 9; NW1/4 and SW1/4; Section 3; LOT 4 SW1/4NW1/4, W1/2SW1/4 NE1/4SE1/4; Section 3; M&B in LOT 1 SE1/4NE1/4E1/2SE1/4; Section 9; M&B in NE1/4NE1/4; Section 10; SW1/4NW1/4; Section 15; those portions of S1/2W1/4 and N1/2SW1/4 lying west of the primary through road; Section 16; W1/2 M&B in E1/2E1/2 W1/2E1/2; Section 21; NE1/4NW1/4 and Parcel 401-61-008D as described by the Maricopa County Assessor's Office, more particularly described as follows: commencing at the BLM B.C. marking the northeast corner of said Section 21, from which the BLM B.C. marking the northwest corner of said Section 21 bears N 82°26'05" W a distance of 5423.64 feet; thence N 82°26'05" W along the north line of Section 21 a distance of 2711.82 feet to the NW1/4 corner of said Section 21; thence S 00°33'45" W along the north-southerly midsection line of said Section 21 a distance of 33.25 feet to the True Point of Beginning; thence continuing S 00°33'45" W along said north-south midsection line a distance of 958.00 feet to a point on a line which is parallel with and 983.85 feet southerly, as measured at right angles from the north line of said Section 21; thence N 82°26'05" W along said parallel line a distance of 925.54 feet; thence N 26°12'18" W a distance of 153.32 feet; thence N 13°26'18" W a distance of 303.93 feet; thence N 34°15'49" W a distance of 189.27 feet; thence N 21°32'45" W a distance of 215.60 feet; thence N 89°25'47" W a distance of 95.37 feet to a point on the west line of the NE1/4N1/4 of said Section 21; thence N 00°34'13" E, along said west line a distance of 223.54 feet to a point on a line which is parallel with and 33.00 feet southerly, as measured at right angles from the north line of said Section 21; thence S 82°26'05" E along said parallel line, a distance of 1355.91 feet to the True Point of Beginning; all in G&SRB&M, Maricopa County, Arizona.

6. Base and Meridian Wildlife Area: The Base and Meridian Wildlife Area shall be those areas described as follows: T1N, R1E, Section 31; Maricopa County APN 101-44-023, also known as Lots 3, 5, 6, 7, 8 and NE1/4SW1/4, and Maricopa County APN 101-44-003J, also known as the S1/2S1/2SW1/4NW1/4 except the west 55 feet thereof; and 101-44-003K, also known as the S1/2S1/2SW1/4NW1/4 except the west 887.26 feet thereof; and Maricopa County APN 104-44-002S, also known as that portion of the N1/2SE1/4, described as follows: commencing at the aluminum cap set at the E1/4 corner of said Section 31, from which the 3" iron pipe set at the southeast corner of said Section 31, S 00°20'56" W a distance of 2768.49 feet; thence S 00°20'56" W along the east line of said SE1/4 of Section 31 a distance of 1384.25 feet to the southeast corner of said N1/2SE1/4; thence S 89°25'13" W along the south line of said N1/2SE1/4 a distance of 2644.35 feet to the southwest corner of said N1/2SE1/4 and the point of beginning; thence N 00°03'37" W along the west line of said SE1/4 a distance of 746.86 feet to the south line of the north 607.00 feet of said N1/2SE1/4; thence N 88°46'12" E along said south line of the north 607.00 feet of the N1/2SE1/4 a distance of 656.09 feet; thence S 00°03'37" E parallel with said west line of the SE1/4 a distance of 754.31 feet to said south line of the N1/2SE1/4; Thence S 89°25' 13" W along said south line of the N1/2SE1/4 a distance of 655.98 feet to the point of beginning. T1N, R1W, Section 34, N1/2SE1/4; Section 35, S1/2; Section 36. The Maricopa County APN 500-69-099; the W1/2SE1/4NE1/4.

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APN 500-69-099, 500-69-100, also known as that portion of the SE1/4SE1/4NE1/4. 500-69-010C, also known as that portion of the W1/2SE1/4NE1/4, except any portion of said W1/2SE1/4NE1/4 of Section 36 lying within the following described four parcels: Exception 1: commencing at the northeast corner of said W1/2SE1/4NE1/4 of Section 36; thence along the east line thereof S 00°10' E a distance of 846.16 feet to the point of beginning; thence continuing S 00°18' E a distance of 141.17 feet; thence S 87°51'15" W a distance of 570.53 feet; thence S 00°29' E a distance of 310.00 feet to the south line of said W1/2SE1/4NE1/4 of Section 36; thence N 89°29' W along the west line of said W1/2SE1/4NE1/4 of Section 36 a distance of 425.93 feet; said point bears S 00°29' E a distance of 895.93 feet from the northwest corner of said W1/2SE1/4NE1/4 of Section 36; thence N 85°54'33" E a distance of 647.01 feet to the point of beginning. Exception 2: commencing at the northeast corner of said W1/2SE1/4NE1/4 of Section 36; thence along the east line thereof S 00°18' E a distance of 846.16 feet to the point of beginning; said point being on the northerly line of the Flood Control District of Maricopa County parcel as shown in Document 84-26119, Maricopa County Records; thence S 85°54'33" W a distance of 647.01 feet to the west line of said W1/2SE1/4NE1/4 of Section 36; thence N 00°29' W along said west line a distance of 30 feet; thence N 84°23'15" E a distance of 228.19 feet; thence N 87°17'06" E a distance of 418.85 feet to the east line of the W1/2SE1/4NE1/4 of Section 36; thence S 00°18' E along said east line a distance of 26.00 feet to the point of beginning. Exception 3: the South 37.6 feet of said W1/2SE1/4NE1/4 of Section 36. Except all oil, gas and other hydrocarbon substances, helium or other substance of gaseous nature, coal, metals, minerals, fossils, fertilizer of every name and description and except all materials which may be essential to the production of fissionable material as reserved in Arizona Revised Statutes. Exception 4: that part of the W1/2SE1/4NE1/4 of Section 36, T1N, R1W lying north of the following described line: commencing at the northeast corner of said W1/2SE1/4NE1/4 of Section 36; thence along the east line thereof S 00°18'00" E a distance of 820.16 feet, to the point of beginning; said point being on the northerly line of the Flood District of Maricopa County parcel as shown in Document 85-357813, Maricopa County Records; thence S 87°17'06" W a distance of 418.85 feet; thence S 84°23'15" W a distance of 228.19 feet to the west line of said W1/2SE1/4NE1/4 of Section 36 and the point of terminus. The above described parcel contains 162,550 sq. ft. or 3.7316 acres 500-69-001L and 500-69-001M, also known as the N1/2SE1/4, except the south 892.62 feet thereof. 500-69-001N, 500-69-001P, 500-69-001Q, 500-69-001R, 500-69-001T, 500-69-001X, 500-69-001Y, also known as that portion of the south 892.62 feet of the N1/2SE1/4. The SE1/4SE1/4NE1/4 of Section 36, T1N, R1W, except the south 37.6 feet of said SE1/4SE1/4NE1/4, and except the east 55 feet of said SE1/4SE1/4NE1/4, and except that part of said SE1/4SE1/4NE1/4 lying north of the most southerly line of the parcel described in Record 84-026119, Maricopa County Records, said southerly line being described as follows: beginning at the NE1/4S1/2NE1/4SE1/4NE1/4 of said Section 36; thence S 00°07' E along the east line of Section 36, a distance of 50.70 feet; thence S 89°53' W a distance of 55.00 feet to a point on the west line of the east 55.00 feet of said Section 36; thence S 00°07' E along

said line, a distance of 510.00 feet; thence S 81°4'43" W a distance of 597.37 feet to a terminus point on the west line of said SE1/4SE1/4NE1/4 of Section 36, and except that part of said SE1/4SE1/4NE1/4 described as follows: commencing at the E1/4 corner of said Section 36; thence N 89°37'23" W along the south line of said SE1/4SE1/4NE1/4 of Section 36, a distance of 241.25 feet; thence N 18°53'04" E a distance of 39.65 feet to the point of beginning; thence continuing N 18°53'04" E a distance of 408.90 feet; thence S 81°04'43" W a distance of 222.55 feet; thence S 18°53'04" W a distance of 370.98 feet; thence S 89°37'23" E a distance of 207.58 feet to the point of beginning. That portion of land lying within the SE1/4SE1/4NE1/4 of Section 36, T1N, R1W, and the S1/2SW1/4NW1/4 of Section 31, T1N, R1E, as described in Document Number 99-1109246. Except the west 22 feet of the property described in Recorder Number 97-0425420, also known as APN 101-44-003G; and except the west 22 feet of the property described in Recorder Number 97-566498, also known as APN 101-44-013; all in G&SRB&M, Maricopa County, Arizona.

7. Becker Lake Wildlife Area: The Becker Lake Wildlife Area shall be that area including Becker Lake lying within the fenced and posted portions of: T9N, R29E, Section 19, SE1/4SE1/4 also known as APN. 105-07-001; Section 20, SW1/4SW1/4; beginning at a point 1012 feet north of the southwest corner of the SE1/4SW1/4 of Section 20, T9N, R29E; thence north 1285 feet; thence east a distance of 462 feet; thence south a distance of 2122 feet, more or less to the center of U.S. Highway 60; thence in a northwesterly direction along the center of U.S. Highway 60 a distance of 944 feet, more or less; thence west a distance of 30 feet, more or less to the point of beginning, also known as APN 105-08-002; Section 29, W1/2NW1/4, NW1/4SW1/4, also known as APN 105-15-003; beginning at the S1/4 corner of said Section 29, said point being the True Point of Beginning; thence N 00°43'20" E along the western boundary of the SE1/4 of said Section 29, a distance of 1329.15 feet to the center-south 1/16 corner of said Section 29; thence S 89°53'01" W along the southern boundary of the NE1/4SW1/4 of said Section 29, a distance of 99.69 feet; thence N 00°43'20" E a distance of 417.54 feet; thence S 89°31'37" E a distance of 99.69 feet; thence N 00°43'20" E along the western boundary of the SE1/4 of said Section 29 a distance of 374.40 feet; thence N 88°49'48" E a distance of 474.94 feet; thence N 27°35'15" E a distance of 99.21 feet; thence N 04°13'26" W a distance of 160.59 feet; thence N 37°38'44" E a distance of 12.27 feet; thence S 26°22'25" E a distance of 371.13 feet; thence N 31°21'35" E a distance of 58.00 feet; thence S 26°22'27" E a distance of 1203.23 feet; thence S 63°58'58" W a distance of 200.00 feet; thence S 36°24'36" E a distance of 375.11 feet; thence S 00°24'06" W a distance of 490.79 feet; thence S 01°22'24" E a distance of 110.21 feet; thence S 22°27'23" E a distance of 44.27 feet; thence N 89°48'03" W a distance of 1331.98 feet to the True Point of Beginning, also known as APN 105-15-014E; beginning at the corner of Sections 28, 29, 32 and 33, T9N, R29E of G&SRB&M, Apache County, Arizona; thence N 54°21'09" W a distance of 1623.90 feet; thence N 26°00'59" W a distance of 100.00 feet; thence N 26°22'14" W a distance of 1203.23 feet to the True Point of Beginning; thence N 26°22'27" W a distance of 351.19 feet; thence S 55°14'10" W a distance of 38.42 feet; thence S 37°38'44" W a distance of 12.38 feet;

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thence S 26°22'14" E a distance of 371.13 feet; thence N 31°21'35" E a distance of 58.00 feet to the True Point of Beginning, also known as APN 105-15-014C. S1/2SW1/4, except the following described parcel: commencing at a 2-inch aluminum cap monument stamped LS 8906 located at the Section corner common to Sections 29, 30, 31 and 32 of said Township and Range; thence bear S 89°46'16" E along the Section line common to Sections 29 and 32, a distance of 1038.05 feet to the True Point of Beginning; thence N 35°17'33" E along the northwest boundary of the Springerville Municipal Airport a distance of 328.32 feet; thence S 39°31'26" E a distance of 349.55 feet to a point on the Section line common to Sections 29 and 32; thence N 89°46'44" W a distance of 131.96 feet to the W1/16 corner of Sections 29 and 32; thence N 89°46'16" W a distance of 280.18 feet to the True Point of Beginning. Section 30, NE1/4SE1/4, E1/2NE1/4 also known as APN 105-16-001; W1/2NE1/4, W1/2NE1/4 also known as APN 105-16-002; Section 32, beginning at the N1/4 corner of said Section 32, said point being the True Point of Beginning; thence S 89°48'03" E along the north line of said Section 32 a distance of 1331.98 feet; thence S 21°49'15" E a distance of 198.07 feet; thence S 20°56'35" W a distance of 191.75 feet; thence S 19°53'23" W a distance of 24.65 feet; thence S 39°17'55" W a distance of 86.61 feet; thence S 01°41'36" E a distance of 13.60 feet; thence S 50°13'33" W a distance of 1.29 feet; thence S 02°24'23" E a distance of 906.39 feet; thence S 00°44'11" W a distance of 466.82 feet; thence S 35°26'56" W a distance of 218.51 feet; thence S 89°57'05" W a distance of 1141.87 feet; thence N 07°57'52" E a distance of 328.83 feet; thence N 77°39'30" W a distance of 68.79 feet; thence N 00°30'56" W a distance of 334.16 feet to a 1/16th section corner; thence N 00°30'56" W a distance of 1349.10 feet to the True Point of Beginning. Except therefrom any portion lying in the S1/2SW1/4NE1/4 of said Section 32 also known as APN 105-18-008A; all that portion of the NE1/4NW1/4 of Section 32, T9N, R29E of G&SRB&M, Apache County, Arizona, lying east of the Becker Lake Roadway; except for the following described parcel: from the NW1/16 corner of said Section 32; thence S 89°45'28" E along the 1/16 line a distance of 736.55 feet to the True Point of Beginning, said point being in the west rights-of-way limits of Becker Lake Rd.; thence N 06°09'00" W along the west line of said right-of-way a distance of 266.70 feet to a 1/2-inch rebar with a tag marked LS 13014; thence N 06°21'43" W a distance of 263.42 feet to a 1/2-inch rebar with a tag marked LS 13014; thence N 06°21'43" W a distance of 198.60 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence N 78°43'10" E a distance of 158.40 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 47°05'42" E a distance of 65.65 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 29°24'20" E a distance of 202.48 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 48°03'17" W a distance of 146.19 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence South 19°36'10" W a distance of 115.75 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence South 00°38'05" East a distance of 74.66 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 14°52' 53" E a distance of 125.09 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 15°08'20" E a distance of 136.60 feet to a 5/8-inch rebar with a plastic cap marked LS 13014;

thence S 89°58'07" W a distance of 144.13 feet to the True Point of Beginning, also known as APN 105-18-012G.

8. Bog Hole Wildlife Area: The Bog Hole Wildlife Area lying in Sections 29, 32 and 33, T22S, R17E shall be the fenced and posted area described as follows: beginning at the southeast corner of Section 32, T22S, R17E, G&SRB&M, Santa Cruz County, Arizona; thence N 21°42'20" W a distance of 1394.86 feet to the True Point of Beginning; thence N 9°15'26" W a distance of 1014.82 feet; thence N 14°30'58" W a distance of 1088.82 feet; thence N 36°12'57" W a distance of 20.93 feet; thence N 50°16'38" W a distance of 1341.30 feet; thence N 57°51'08" W a distance of 1320.68 feet; thence N 39°03'53" E a distance of 1044.90 feet; thence N 39°07'43" E a distance of 1232.32 feet; thence S 36°38'48" E a distance of 1322.93 feet; thence S 43°03'17" E a distance of 1312.11 feet; thence S 38°19'38" E a distance of 1315.69 feet; thence S 13°11'59" W a distance of 2083.31 feet; thence S 69°42'45" W a distance of 920.49 feet to the True Point of Beginning.
9. Chevelon Canyon Ranches Wildlife Area: The Chevelon Canyon Ranches Wildlife Area shall be those areas described as follows:  
 Duran Ranch: T12N, R14E; Sections 6 and 7, more particularly bounded and described as follows: beginning at Corner 1, from which the Standard Corner to Section 31 in T13N, R14E and Section 36 T13N, R13E, bears N 11°41' W 21.53 chains distant; thence S 26°5' E 6.80 chains to Corner 2; thence S 66° W 12.74 chains to Corner 3; thence S 19°16' W 13.72 chains to Corner 4; thence S 29°1' W 50.02 chains to Corner 5; thence N 64°15' W five chains to Corner 6; thence N 28°54' E 67.97 chains to Corner 7; thence N 55°36' E 11.02 to Corner 1; the place of beginning; all in G&SRB&M, Coconino County, Arizona. Dye Ranch: T12N, R14E Sections 9 and 16, more particularly described as follows: beginning at Corner 1 from which the Standard corner to Sections 32 and 33 in T13N, R14E, bears N 2° 24' E 127.19 chains distant; thence S 50°20' E 4.96 chains to corner 2; thence S 29°48' W 21.97 chains to Corner 3; thence S 14°45' W 21.00 chains to Corner 4; thence N 76°23' W 3.49 chains to Corner 5; thence N 10°13' W 14.02 chains to Corner 6; thence N 19°41' E 8.92 chains to Corner 7; thence N 38°2' E 24.79 chains to Corner 1, the place of beginning; all in G&SRB&M, Coconino County, Arizona. Tillman Ranch: T12N, R14E land included in H.E. Survey 200 embracing a portion of approximately Sections 9 and 10 in T12N, R14E of G&SRB&M; all in G&SRB&M, Coconino County, Arizona. Vincent Ranch: T12N, R13E; Sections 3 and 4, more particularly described as follows: beginning at Corner 1, from which the south corner to Section 33, T13N, R13E, bears N 40°53' W 16.94 chains distance; thence S 53° 08' E 2.98 chains to Corner 2; thence S 11°26' W 6.19 chains to Corner 3; thence S 49°43' W 22.41 chains to Corner 4; thence S 22°45' W 30.03 chains to Corner 5; thence N 67°35' W 6.00 chains to Corner 6; thence N 23° E 30.03 chains to Corner 7; thence N 42°18' E 21.19 chains to Corner 8; thence N 57°52' E 8.40 chains to Corner 1, the place of beginning; all in G&SRB&M, Coconino County, Arizona. Wolf Ranch: T12N, R14E, Sections 18 and 19, more particularly bounded and described as follows: beginning at Corner 1, from which the U.S. Location Monument 184 H. E. S. bears S 88°53' E 4.41 chains distant; thence S 34°4' E

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- 11.19 chains to Corner 2; thence S 40°31' W 31.7 chains to Corner 3; thence S 63°3' W 7.97 chains to Corner 4; thence S 23°15' W 10.69 chains to Corner 5; thence N 59° W 2.60 chains to Corner 6; thence N 18°45' E 10.80 chains to Corner 7; thence N 51°26' E 8.95 chains to Corner 8; thence N 30°19' E 34.37 chains to Corner 1; the place of beginning; all in G&SRB&M, Coconino County, Arizona.
10. Chevelon Creek Wildlife Area: The Chevelon Creek Wildlife Area shall be those areas described as follows:  
Parcel 1: The S1/2S1/2NW1/4SW1/4 of Section 23, T18N, R17E of G&SRB&M; Parcel 2: Lots 1, 2, 3 and 4 of Section 26, T18N, R17E of G&SRB&M; Parcel 1: That portion of the NE1/4 of Section 26 lying northerly of Chevelon Creek Estates East Side 1 Amended, according to the plat of record in Book 5 of Plats, page 35, records of Navajo County, Arizona, all in T18N, R17E of G&SRB&M, Navajo County, Arizona. Parcel 2: That part of Tract A, Chevelon Creek Estates East Side 1 Amended, according to the plat of record in Book 5 of Plats, page 35, records of Navajo County, Arizona lying northerly of the following described line: beginning at the southwest corner of Lot 3 of said subdivision; thence southwesterly in a straight line to the southwest corner of Lot 6 of said subdivision.
11. Cibola Valley Conservation and Wildlife Area: The Cibola Valley Conservation and Wildlife Area shall be those areas described as follows:  
Parcel 1: this parcel is located in the NW1/4 of Section 36, T1N, R24W of G&SRB&M, La Paz County, Arizona, lying east of the right of way line of the "Cibola Channelization Project of the United States Bureau of Reclamation Colorado River Front Work and Levee System," as indicated on Bureau of Reclamation Drawing 423-300-438, dated March 31, 1964, and more particularly described as follows: beginning at the northeast corner of the NW1/4 of said Section 36; thence south and along the east line of the NW1/4 of said Section 36, a distance of 2646.00 feet to a point being the southeast corner of the NW1/4 of said Section 36; thence westerly and along the south line of the NW1/4 a distance of 1711.87 feet to a point of intersection with the east line of the aforementioned right of way; thence northerly and along said east line of the aforementioned right of way, a distance of 2657.20 feet along a curve concave easterly, having a radius of 9260.00 feet to a point of intersection with the north line of the NW1/4 of said Section 36; thence easterly and along the north line of the NW1/4 of said Section 36, a distance of 1919.74 feet to the point of beginning. Parcel 2: this parcel is located in the U.S. Government Survey of Lot 1 and the E1/2SW1/4 of Section 36, T1N, R24W of G&SRB&M, La Paz County, Arizona, lying east of the right of way line of the "Cibola Channelization Project of the United States Bureau of Reclamation Colorado River Front Work and Levee System," as indicated on Bureau of Reclamation Drawing 423-300-438, dated March 31, 1964, and more particularly described as follows: beginning at the S1/4 corner of said Section 36; thence westerly and along the south line of said Section 36, a distance of 610.44 feet to a point of intersection with the east line of the aforementioned right of way; thence northerly along said east line of the of the aforementioned right of way and along a curve concave southwesterly, having a radius of 17350.00 feet, a distance of 125.12 feet; thence continuing along said right of way line and along a reverse curve having a radius of 9260.00 feet, a distance of 2697.10 feet to a point of intersection with the east-west midsection line of said Section 36; thence easterly along said east-west midsection line, a distance of 1711.87 feet to a point being the center of said Section 36; thence south and along the north-south midsection line, a distance of 2640.00 feet to the point of beginning. Parcel 3: this parcel is located in the E1/2NE1/4 of Section 36, T1N, R24W of G&SRB&M, La Paz County, Arizona. Parcel 4: this parcel is located in the E1/2NW1/4SW1/4 of Section 21, T1N, R23W of G&SRB&M, La Paz County, Arizona, lying south of the south right of way line of U.S.A. Levee; except therefrom that portion lying within Cibola Sportsman's Park, according to the plat thereof recorded in Book 4 of Plats, Page 58, records of Yuma (now La Paz) County, Arizona; and further excepting the N1/2E1/2NW1/4SW1/4. Parcel 5: this parcel is located in the S1/2SW1/4 of Section 21, T1N, R23W of G&SRB&M, La Paz County, Arizona. Except the west 33.00 feet thereof; and further excepting that portion more particularly described as follows: the N1/2NW1/4SW1/4SW1/4 of said Section, excepting the north 33.00 feet and the east 33.00 feet thereof. Parcel 6: this parcel is located in the SW1/4SE1/4 of Section 21, T1N, R23W of G&SRB&M, La Paz County, Arizona. Parcel 7: this parcel is located in Sections 24 and 25, T1N, R24W of G&SRB&M, La Paz County, Arizona, lying south of the Colorado River and east of Meander line per BLM Plat 2647C. Parcel 8: this parcel is located in the W1/2 of Section 19, T1N, R23W of G&SRB&M, La Paz County, Arizona, lying south of the Colorado River. Except that portion in condemnation suit Civil 5188PHX filed in District Court of Arizona entitled USA -vs- 527.93 acres of land; and excepting therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also excepting any artificial accretions to said line of ordinary high water. Parcel 9: this parcel is located in the N1/2NE1/4SE1/4; and the W1/2SW1/4NE1/4SE1/4; and that portion of the SE1/4NE1/4 of Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona, lying south of the south right of way line of the U.S.B.R. Levee; except the east 33.00 feet thereof; and further excepting that portion more particularly described as follows: commencing at the northeast corner of the SE1/4 of said Section 20; thence S 0°24'00" E along the east line, a distance of 380.27 feet; thence S 89°36'00" W a distance of 50.00 feet to the True Point of Beginning; thence continuing S 89°36'00" W a distance of 193.00 feet; thence N 0°24'00" W a distance of 261.25 feet; thence S 70°11'00" E a distance of 205.67 feet to the west line of the east 50.00 feet of said SE1/4 of Section 20; thence S 0°24'00" E a distance of 190.18 feet to the True Point of Beginning; excepting therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also excepting any artificial accretions to said line of ordinary high water. Parcel 10: this parcel is located in the S1/2SE1/4 Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona; except the east 33.00 feet thereof. Parcel 11: This parcel is located in the SW1/4NE1/4; and the NW1/4SE1/4 of Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona, lying south of the Colorado River and west of the Meander line per BLM Plat 2546B; except any portion thereof lying within U.S.A. Lots 5 and 6 of said Section 20, as set forth on BLM Plat 2546B; and excepting therefrom any por-

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tion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also excepting any artificial accretions to said line of ordinary high water. Parcel 12: this parcel is located in the SE1/4NE1/4SE1/4; and the E1/2SW1/4NE1/4SE1/4 of Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona. Parcel 13: this parcel is located in the E1/2 of Section 19, T1N, R23W of G&SRB&M, La Paz County, Arizona, lying south of the Colorado River; except the W1/2W1/2SE1/4SW1/4SE1/4; except the E1/2E1/2SW1/4SW1/4SE1/4; except the SW1/4SW1/4NE1/4; except the W1/2SE1/4SW1/4NE1/4; and excepting therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also excepting any artificial accretions to said line of ordinary high water. Parcel 14: this parcel is located in the SW1/4SW1/4NE1/4; and the W1/2SE1/4SW1/4NE1/4 of Section 19, T1N, R23W of G&SRB&M, La Paz County, Arizona, lying south of the Colorado River and protection levees and front work, excepting therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also excepting any artificial accretions to said line of ordinary high water. Parcel 15: this parcel is located in the W1/2 of Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona; except the west 133.00 feet thereof; except any portion lying within the U.S. Levee or Channel right of way or any portion claimed by the U.S. for Levee purposes or related works; and except the SE1/4SE1/4SW1/4 of said Section 20. Parcel 16: this parcel is located in the SE1/4SE1/4SW1/4 of Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona.

12. Clarence May and C.M.H. May Memorial Wildlife Area: The Clarence May and C.M.H. May Memorial Wildlife Area shall be the SE1/4 of Section 8 and N1/2NE1/4 of Section 17, T17S, R31E, and the W1/2SE1/4, S1/2NW1/4, and SW1/4 of Section 9, T17S, R31E, G&SRB&M, Cochise County, Arizona, consisting of approximately 560 acres.
13. Cluff Ranch Wildlife Area: The Cluff Ranch Wildlife Area is that area within the fenced and posted portions of Sections 13, 14, 23, 24, and 26, T7S, R24E, G&SRB&M, Graham County, Arizona; consisting of approximately 788 acres.
14. Coal Mine Spring Wildlife Area: The Coal Mine Spring Wildlife Area shall be those areas described as:  
Phase I: That portion of the N1/2 of the Baca Location No. 3, also known as the Baca Float No. 3 in Santa Cruz County, Arizona according to the survey by Philip Contzen under Contract No. 133, dated June 17, 1905 and now filed and approved in the Office of the Commissioner of the General Land Office, Washington, D. C., described as follows: Beginning at the southeast corner of Lot 128, as shown on the record of survey of Salero Ranch Unit 7, recorded in Book 2 of Records of Survey, page 455, records of Santa Cruz County, Arizona. Thence the following 13 courses and distances upon the boundary line of said Salero Ranch Unit 7; N 29°42'21" E a distance of 2605.96 feet; S 58°19'30" E a distance of 1154.77 feet; thence N 19°14'52" E a distance of 1039.92 feet; thence N 56°11'38" E a distance of 1160.51 feet; thence N 26°24'15" W a distance of 1201.99 feet; thence N 12°43'46" W a distance of 1774.13 feet; thence N 60°37'49" W a distance of 1403.00 feet; thence S

87°25'09" W a distance of 2733.59 feet; thence S 69°40'43" W a distance of 1437.62 feet; thence S 90°00'00" W a distance of 640.89 feet; thence N 5°17'55" E a distance of 1274.34 feet; thence N 11°18'44" E a distance of 2193.00 feet; thence N 2°31'52" W a distance of 1109.93 feet to the northeast corner of Lot 110 of said Salero Ranch Unit 7, on the southerly boundary line of Salero Ranch Unit 4, as shown on the record of survey recorded in Book 2 of Records of Survey, page 454, records of Santa Cruz County, Arizona; thence S 77°20'10" E a distance of 1403.77 feet upon said southerly boundary line; thence N 85°19'15" E a distance of 415.73 feet upon said southerly boundary line; thence N 83°19'40" E a distance of 1332.97 feet upon said southerly boundary line; thence S 53°17'58" E a distance of 2353.56 feet; thence S 79°45'10" E a distance of 2127.16 feet; thence N 78°08'19" E a distance of 1754.99 feet; thence S 76°40'30" E a distance of 645.76 feet; thence N 8°06'04" E a distance of 2439.25 feet; thence N 83°38'56" E a distance of 2626.58 feet; thence S 4°32'48" E a distance of 1300.66 feet; thence S 22°28'06" E a distance of 1289.33 feet; thence S 41°28'30" E a distance of 693.93 feet; thence N 64°37'22" E a distance of 1137.61 feet; thence S 22°10'49" E a distance of 2355.11 feet; thence S 27°36'21" W a distance of 931.18 feet; thence S 42°06'28" E a distance of 800.14 feet; thence S 23°50'04" W a distance of 5166.49 feet; thence S 0°00'00" W a distance of 853.11 feet to the easterly projection of the south line of said Salero Ranch Unit 7; thence S 90°00'00" W 6 a distance of 239.35 feet upon said easterly projection; thence S 0°00'00" E a distance of 376.92 feet to a 1/2-inch rebar at the northeast corner of the abandonment and reversion to acreage plat, recorded in Book 4 of Maps and Plats at page 35, records of Santa Cruz County, Arizona, also being the northeast corner of the Sonoita Creek State Natural Area, recorded in Book 2 of Records of Survey at page 68, records of Santa Cruz County, Arizona; thence N 89°36'12" W a distance of 4547.83 feet upon the north line of said abandonment and reversion to acreage plat and said Sonoita Creek Natural State Area; thence N 29°42'21" E a distance of 397.69 feet to the point of beginning.

Phase II: Portions of the N1/2 of the Baca Location No. 3, also known as the Baca Float Location No. 3 in Santa Cruz County, Arizona, according to the survey by Philip Contzen under Contract No. 133, dated June 17, 1905 and now filed and approved in the Office of the Commissioner of the General Land Office, Washington, D. C., described as follows:

Parcel 1: Beginning at "PT 17", as shown in the record of survey Coal Mine Canyon, recorded in Book 2 of Records of Survey, page 651, records of Santa Cruz County, Arizona, also being the southwest corner of Lot 102 of Salero Ranch Unit 4, as shown on the record of survey recorded in Book 2 of Records of Survey, page 454, records of Santa Cruz County, Arizona; thence N 58°47'17" E a distance of 1817.43 feet upon the boundary line of said Salero Ranch Unit 4; thence N 34°12'25" E a distance of 2213.94 feet upon said boundary line; thence N 62°07'32" E a distance of 792.65 feet upon said boundary line; thence departing said boundary line, N 80°16'25" E a distance of 2588.25 feet; thence S 66°29'16" E a distance of 913.97 feet; thence S 48°56'10" E a distance of 3171.87 feet to "PT 23" of said record of survey of Coal Mine Canyon; thence the following 6 courses upon said boundary line of said record of survey;

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thence S 83°38'56" W a distance of 2626.58 feet; thence S 8°06'04" W a distance of 2439.25 feet; thence N 76°40'30" W a distance of 645.76 feet; thence S 78°08'19" W a distance of 1754.99 feet; thence N 79°45'10" W a distance of 2127.16 feet; thence N 53°17'58" W a distance of 2353.56 feet to the point of beginning. Containing approximately 634.858 acres.

Parcel 2: Beginning at "PT 23", as shown in the record of survey Coal Mine Canyon; thence S 42°44'49" E a distance of 6724.97 feet; thence S 23°50'04" W a distance of 4984.18 feet; thence S 58°24'44" W a distance of 1555.88 feet to the easterly boundary line of said record of survey; thence N 23°50'04" E a distance of 4583.50 feet upon said easterly line to "PT 30"; thence following 7 courses upon the boundary line of said record of survey; thence N 42°06'28" W a distance of 800.14 feet; thence N H 27°36'21" E a distance of 931.18 feet; thence N 22°10'49" W a distance of 2355.11 feet; thence S 64°37'22" W a distance of 1137.61 feet; thence N 41°28'30" W a distance of 693.93 feet; thence N 22°28'06" W a distance of 1289.33 feet; thence N 4°32'48" W a distance of 1300.66 feet to the point of beginning. Containing approximately 238.928 acres, with both parcels containing approximately 873.8 acres.

Phase III: A portion of the N1/2 of the Baca Location No. 3, also known as the Baca Float Location No. 3 in Santa Cruz County, Arizona, according to the survey by Philip Contzen under Contract No. 133, dated June 17, 1905 and now filed and approved in the Office of the Commissioner of the General Land Office, Washington, D. C., described as follows:

Parcel I: Beginning at "PT 32", as shown in the record of survey Coal Mine Canyon, recorded in Book 2 of Records of Survey, page 651, records of Santa Cruz County, Arizona, thence N 00°00'0" E a distance of 853.11 feet upon the east line of said Coal Mine Canyon; thence N 23°50'04" E a distance of 582.99 feet upon said east line; thence departing said east line, N 58°24'44" E a distance of 1555.88 feet; thence N H 23°50'04" E a distance of 4984.07 feet; thence N 42°44'46" W a distance of 6725.01 feet to "PT 23" of said record of survey; thence N 48°56'1 0" W a distance of 248.35 feet to the most southerly corner of Lot 167 of Salero Ranch Amended Unit 5, a record of survey recorded in Book 2 of Surveys at page 890, records of Santa Cruz County, Arizona; thence N 64°11'14" E a distance of 1596.01 feet upon the southerly line of said lot 167; thence departing said southerly line, N 05°09'36" E a distance of 1369.85 feet; thence N 53°17'18" E a distance of 65.27 feet; thence N 35°52'16" E a distance of 125.74 feet; thence N 74°11'01" E a distance of 169.04 feet; thence N 55°03'38" E a distance of 178.31 feet; thence N 85°27'03" E a distance of 214.56 feet; thence N 69°11'45" E a distance of 152.18 feet; thence N 38°28'18" E a distance of 21.66 feet; thence N 85°02'24" E a distance of 41.31 feet; thence N 38°28'18" E a distance of 586.88 feet; thence N 50°53'07" E a distance of 190.20 feet; thence S 18°53'17" E a distance of 63.40 feet; thence S 08°07'48" E a distance of 102.38 feet to a tangent curve concave northeasterly; thence southeasterly upon said arc of said curve to the left, having a radius of 380.00 feet and a central angle of 77°14'41", for an arc distance of 512.31 feet to a tangent line; thence S 85°22'29" E a distance of 279.02 feet; thence S 70°54'30" E a distance of 129.90 feet; thence N 83°37'47" E a distance of 142.49 feet; thence S 62°23'38" E a distance of 198.13 feet; thence S 36°56'10" E a dis-

tance of 113.72 feet; thence S 58°09'14" E a distance of 170.59 feet; thence N 87°32'08" E a distance of 64.89 feet T to a tangent curve concave southerly; thence easterly upon the arc of said curve to the right, having a radius of 700.00 feet and a central angle of 23°48'20", for an arc distance of 290.84 feet to a compound curve concave southwesterly; thence southeasterly upon the arc of said curve to the right, having a radius of 100.00 feet and a central angle of 55°43'08", for an arc distance of 97.25 feet to a reverse curve concave northerly; thence easterly upon said arc of said curve to the left, having a radius of 100.00 feet and a central angle of 176°30'32", for an arc distance of 308.07 feet to a non-tangent line; thence N 80°33'04" E a distance of 772.85 feet; thence S 00°31'59" W a distance of 1378.17 feet; thence S 57°01'50" E a distance of 565.37 feet; thence S 11 °27'08" E a distance of 1517.29 feet; thence S 61°34'44" W a distance of 493.92 feet to the south line of Lot 162 of said Salero Ranch Amended Unit 5; thence continue S 61°34'44" W a distance of 125.58 feet; thence S 90°00'00" W a distance of 333.31 feet; thence S 00°00'00" W a distance of 807.64 feet; thence S 48°51'24" W a distance of 807.64 feet; thence S 12°09'23" E a distance of 879.27 feet; thence S 04°52'34" W a distance of 1219.26 feet; thence S 08°58'33" E a distance of 630.90 feet; thence S 02°41'39" W a distance of 683.84 feet; thence S 38°57'06" W a distance of 883.05 feet; thence S 00°36'34" W a distance of 695.56 feet; thence S 33°38'55" W a distance of 695.56 feet; thence S 39°38'10" E a distance of 521.88 feet; thence S 00°28'11" E a distance of 521.88 feet; thence S 89°31'49" W a distance of 980.46 feet; thence S 20°25'57" W a distance of 836.32 feet; thence S 36°28'11" E a distance of 2307.36 feet; thence S 00°00'00" W a distance of 611.63 feet to the south line of the N1/2 of said Baca Float No. 3; thence N 89°52'37" W a distance of 3334.98 feet upon said south line; thence N 00°00'00" W a distance of 200.46 feet to the point of beginning.

Phase IV: Portions of APN: 112-43-002B. A portion of the N1/2 of the Baca Location No. 3, also known as the Baca Float Location No. 3 in Santa Cruz County, Arizona, according to the survey by Philip Contzen under Contract No. 133, dated June 17, 1905 and now filed and approved in the Office of the Commissioner of the General Land Office, Washington, D. C., described as follows:

Parcel A: Beginning at the southwest corner of lot 161 of Salero Ranch 2nd Amended Unit 5 recorded as document No. 2008-01905, said records of the Santa Cruz County Recorder, said corner also being labeled as "PT 57" on the record of survey for trust for public land Phase II, recorded as document No. 2008-04365, said records of the Santa Cruz County Recorder; thence S 04°52'34" W a distance of 1219.26 feet upon the east line of Parcel 1, as shown on said survey for trust for public land Phase II, to the corner labeled "PT 56" on said record of survey; thence S 08°58'33" E a distance of 630.90 feet upon said east line to the corner labeled "PT 55"; thence S 02°41'39" W a distance of 683.84 feet upon said east line to the corner labeled "PT 54"; thence S 38°57'06" W a distance of 450.07 feet upon said east line; thence departing said east line, N 72°31'14" E a distance of 380.13 feet; thence N 42°04'28" E a distance of 168.63 feet; thence N 06°07'23" E a distance of 458.79 feet; thence N 09°13'50" W a distance of 428.46 feet; thence N 16°07'21" W a distance of 689.05 feet; thence N 10°00'14" E a distance of

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- 341.00 feet; thence N 00°15'23" W a distance of 754.93 feet to the point of beginning.
- Parcel B: Commencing at said above noted corner labeled "PT 54" on said east line as shown on said record of survey of the trust for public land Phase III, thence S 38°57'06" W a distance of 883.05 feet upon said east line to the corner labeled "PT 53", the point of beginning; thence S 00°36'34" W a distance of 695.56 feet upon said east line to the corner labeled "PT 52"; thence N 30°38'23" E a distance of 217.38 feet; thence N 03°24'47" W a distance of 299.47 feet; thence N 22° 12'34" W a distance of 226.35 feet to the point of beginning.
15. Colorado River Nature Center Wildlife Area: The Colorado River Nature Center Wildlife Area is Section 10 of T19N, R22W, bordered by the Fort Mojave Indian Reservation to the west, the Colorado River to the north, and residential areas of Bullhead City to the south and east, G&SRB&M, Mohave County, Arizona.
  16. Fool Hollow Lake Wildlife Area: The Fool Hollow Lake Wildlife Area shall be that area lying in those portions of the S1/2 of Section 7 and of the N1/2N1/2 of Section 18, T10N, R22E, G&SRB&M, described as follows: beginning at a point on the west line of the said Section 7, a distance of 990 feet south of the W1/4 corner thereof; thence S 86°12' E a distance of 2533.9 feet; thence S 41°02' E a distance of 634.7 feet; thence east a distance of 800 feet; thence south a distance of 837.5 feet, more or less to the south line of the said Section 7; thence S 89°53' W along the south line of Section 7 a distance of 660 feet; thence S 0°07' E a distance of 164.3 feet; thence N 89°32' W a distance of 804.2 feet; thence N 20°46' W a distance of 670 feet; thence S 88°12' W a distance of 400 feet; thence N 68°04' W a distance of 692 feet; thence S 2°50' W a distance of 581 feet; thence N 89°32' W a distance of 400 feet; thence N 12°40' W a distance of 370.1 feet, more or less, the north line of the SW1/4SW1/4 of said Section 7; thence west a distance of 483.2 feet, more or less, along said line to the west line of Section 7; thence north to the point of beginning.
  17. House Rock Wildlife Area: The House Rock Wildlife Area is that area described as follows: beginning at the common 1/4 corner of Sections 17 and 20, T36N, R4E; thence east along the south Section lines of Sections 17, 16, 15, 14, 13 T36N, R4E, and Section 18, T36N, R5E, to the intersection with the top of the southerly escarpment of Bedrock Canyon; thence southeasterly along the top of said escarpment to the top of the northerly escarpment of Fence Canyon; thence along the top of said north escarpment to its intersection with the top of the southerly escarpment of Fence Canyon; thence northeasterly along the top of said southerly escarpment to its intersection with the top of the escarpment of the Colorado River; thence southerly along top of said Colorado River escarpment to its intersection with Boundary Ridge in Section 29, T34N, R5E; thence westerly along Boundary Ridge to its intersection with the top of the escarpment at the head of Saddle Canyon; thence northerly along the top of the westerly escarpment to its intersection with a line beginning approximately at the intersection of the Cockscomb and the east fork of South Canyon extending southeast to a point approximately midway between Buck Farm Canyon and Saddle Canyon; thence northwest to the bottom of the east fork of South Canyon in the SW1/4SW1/4 of Section 16, T34N, R4E; thence northerly along the west side of the Cockscomb to the bottom of North Canyon in the SE1/4 of Section 12, T35N, R3E; thence northeasterly along the bottom of North Canyon to a point where the slope of the land becomes nearly flat; thence northerly along the westerly edge of House Rock Valley to the point of beginning; all in G&SRB&M, Coconino County, Arizona.
  18. Jacques Marsh Wildlife Area: The Jacques Marsh Wildlife Area is that area within the fenced and posted portions of the SE1/4, SW1/4SW1/4NE1/4, SE1/4NW1/4, SW1/4NW1/4, Section 11; and NE1/4NW1/4, NW1/4NE1/4, NE1/4NE1/4, Section 14; T9N, R22E, G&SRB&M, Navajo County, Arizona.
  19. Lamar Haines Wildlife Area: The Lamar Haines Wildlife Area is that area described as: T22N, R6E, Section 12 NW1/4, G&SRB&M, Coconino County, Arizona.
  20. Lower San Pedro River Wildlife Area: The Lower San Pedro River Wildlife Area shall be those areas described as follows:  
For the Triangle Bar Ranch Property: Parcel 1: that portion of the SE1/4 of Section 22, T7S, R16E, G&SRB&M, Pinal County, Arizona, more particularly described as follows: beginning at the southeast corner of Section 22, to a point being a 2.5" Aluminum Cap stamped PLS 35235; thence N 00°38'57" W along the east line of the SE1/4 of Section 22 a distance of 2626.86 feet to a point being the E1/4 corner of Section 22 a 2.5" Aluminum Cap stamped PLS 35235; thence S 89°00'32" W along the north line of the SE1/4 of Section 22 a distance of 1060.80 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 12°30'55" E a distance of 673.56 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 36°31'44" E a distance of 491.55 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 89°00'32" W a distance of 689 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 00°31'09" W a distance of 400.00 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 89°00'32" W a distance of 1320.00 feet to a point on the west line of the SE1/4 of Section 22 to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 00°31'09" E a distance of 1454.09 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 88°51'39" E a distance of 1387.86 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 53°14'11" E a distance of 322.56 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 01°05'49" W a distance of 321.71 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 88°51'39" E along said South line of Section 22 a distance of 1011.31 feet to the point of beginning; containing 110.65 acres, more or less. Parcel 2: that portion of Sections 23 T7S, R16E of G&SRB&M, Pinal County, Arizona, more particularly described as follows: beginning at the point on the south line of Section 23, which point is 720 feet east of the southwest corner of Section 23, said point being a 1/2" Iron Pin tagged PLS 35235; thence N 23°45'32" W a distance of 1833.68 feet (N 22°28'00" W a distance of 1834 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235 on the west line of Section 23; thence S 00°38'57" E a distance of 1691.03 feet (south, record) to the southwest corner of Section 23 to a point being a 2.5" Aluminum Cap stamped PLS 35235; thence along the south line of Section 23 N 89°02'45" E a distance of 720.00 feet (east, a distance of 720.00 feet, recorded) to the point of beginning; containing 13.98 acres, more or less. Parcel 3: lots 2 and 3, and the NE1/4NW1/4, SE1/4NW1/4, and NE1/4SW1/4 of Sections 18 T7S, R16E of G&SRB&M, Pinal County, Arizona, more particularly described as follows: commencing at the northwest cor-

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ner of Section 18, said point being a GLO B.C. stamped Sec 18 CC; thence S 89°47'17" E along the north line of Section 18, a distance of 1271.33 feet to a point being a 1/2" Iron Pin tagged PLS 35235, and being the point of beginning, said point is the northwest corner of the NE1/4NW1/4; thence S 89°47'17" E a distance of 1320.00 feet to a point being the N1/4 corner of Section 18, to a point being a found stone marked 1/4; thence S 01°35'23" E a distance of 4020.67 feet to a point being a found 1/2" Iron Pin with added tag of PLS 35235 to a point being the southeast corner or the NE1/4SW1/4 of Section 18; thence N 89°37'16" W a distance of 2610.28 feet to a point on the west line of Section 18 to a point being a 1/2" Iron Pin tagged PLS 35235, to a point being the southwest corner of Lot 3; thence N 01°17'05" W along the west line of Section 18, a distance of 1360.825 feet to a point being the W1/4 corner of Section 18, to a point being a found stone marked 1/4; thence N 01°20'34" W along the west line of Section 18 a distance of 1325.845 feet to a point being a 1/2" Iron Pin tagged PLS 35235, to a point being the northwest corner of Lot 2; thence S 89°32'47" E a distance of 1279.09 feet to a point being a found 1/2" Iron Pin with added tag of PLS 35235 approximately 0.8 feet down from natural grade, to a point being the northeast corner of Lot 2; thence N 01°40'11" W along the west line of the NE1/4NW1/4 of Section 18, a distance of 1331.47 feet to a point on the north line of Section 18 and the point of beginning; containing 200.78 acres, more or less. Parcel 4: lots 3, 4, 5, 6, and 7 of Section 9, T7S, R16E, of G&SRB&M, Pinal County, Arizona more particularly described as follows: beginning at the S1/4 corner of said Section 9, to a point being a 1.5" Open Iron Pipe with added tag PLS 35235; thence N 00°00'03" E along the north-south midsection line a distance of 2641.16 feet (N 00°38'48" E a distance of 2641.20 feet, record) to the center section of Section 9 to a point being a 1/2" Iron Pin tagged PLS 35235; thence continuing N 00°00'03" E along the north-south midsection line, a distance of 1349.83 feet (N 00°38'48" E a distance of 1349.83 feet, record) to the northeast corner of Lot 5 to a point being a found 1/2" Iron Pin with added tag PLS 35235; thence S 89°09'38" W along the north line of Lot 5 a distance of 1346.80 feet (S 89°44'19" W a distance of 1347.21 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, and the northwest corner of Lot 5 and the southeast corner of Lot 3; thence N 00°58'35" E along the east line of Lot 3 a distance of 1357.74 feet (N 00°37'27" E a distance of 1357.74 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235 and the northeast corner of Lot 3; thence N 89°24'33" W along the north line of Lot 3 a distance of 1323.90 feet (N 89°56'37" W a distance of 1323.945 feet, record) to the northwest corner of Section 9 to a point being a found Drill Steel with added tag PLS 35235; thence S 01°56'29" W along the west line of Section 9 a distance of 712.90 feet to a point on the west boundary line of Old Camp Grant and to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 23°03'26" E along said west boundary line of Old Camp Grant, a distance of 5011.05 feet to a point on the south line of Section 9 to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 89°13'21" E along the south line of Section 9 a distance of 709.50 feet (N 89°51'39" E a distance of 709.50 feet, record) to the point of beginning; containing 181.71 acres, more or less. Together with those parts of Sections 15 and 22, T7S, R16E, of G&SRB&M, Pinal County, Arizona, more par-

ticularly described as follows: beginning at a point being a 1/2" Iron Pin tagged PLS 35235, N 89°00'32" E along the south line of the NE1/4 of Section 22, a distance of 2251.00 feet (east a distance of 2251 feet, record) of the center section corner of Section 22; thence N 47°16'51" W a distance of 1275.05 feet (N 46°47'00" W a distance of 1275.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 79°57'00" W a distance of 1344.00 feet (N 7°27'00" W a distance of 1344.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 65°05'02" W a distance of 399.00 feet (N 59°46'00" W a distance of 399.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 17°49'24" W a distance of 1382.47 feet (N 17°34'00" W a distance of 1385.00 feet, record) to a point on the Section line between Sections 15 and 22 to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 21°43'45" W a distance of 1408.97 feet (N 20°49'00" W a distance of 1412.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235 and the Center corner of the SW1/4 of Section 15; thence S 01°06'32" W along the west line of the SE1/4SW1/4 of Section 15, a distance of 1317.07 feet (south, record) to a point on the south line of Section 15 and the southwest corner of the SE1/4SW1/4 of Section 15 to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 00°27'15" E along the west line of the E1/2NW1/4 of Section 22, a distance of 2637.50 feet (south, record) to a point on the south line of the NW1/4 of Section 22 and the southwest corner of the E1/2NW1/4 of Section 22 to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 89°00'56" E along said south line of the NW1/4 of Section 22 a distance of 1320.895 feet (east, record) to the center section corner of Section 22 to a point being a found 2.5" Aluminum Cap stamped C1/4 PLS 35235; thence N 89°00'32" E along the south line of the NE1/4 of Section 22 a distance of 2251.00 feet (east, record) to the point of beginning; containing 110.28 acres, more or less. Parcel 5: those parts of Sections 26 and 35 T7S, R16E of G&SRB&M, Pinal County, Arizona, more particularly described as follows: beginning at a point N 89°31'56" E a distance of 571.74 feet (record 572 a distance of feet east) of the center section of Section 35 said point being a 1/2" Iron Pin tagged PE 9626; thence N 16°07'19" W a distance of 1369.92 feet (N 15°44'00" W a distance of 1371 feet, record) to a point being a Power Pole tagged PLS 35235; thence N 46°55'33" W a distance of 279.77 feet (N 45°00'00" W a distance of 283.00 feet, record) to the center of a 6" hollow iron fence post filled with concrete approximately 6 feet tall, tagged PLS 35235; thence N 79°45'23" W a distance of 500.00 feet (N 80°00'00" W a distance of 500.00 feet, record) to the center of a 6" hollow iron fence post filled with concrete approximately 6 feet tall, tagged PLS 35235; thence N 21°10'05" W a distance of 1104.18 feet (N 20°38'00" W a distance of 1104.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, said point being a distance of 3.55 feet south of the north line of Section 35; thence N 07°46'25" E a distance of 1334.00 feet (N 08°08'00" E a distance of 1334.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 89°37'04" W a distance of 630.00 feet to a point being a found 1/2" Iron Pin with added tag PLS 35235; thence N 01°11'34" W a distance of 1314.34 feet (north a distance of 1320.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, said point being on the north line of the SW1/4; thence along the north line of the SW1/4 N



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89°18'34" E a distance of 282.00 feet (east a distance of 282.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, said point being S 89°18'34" W a distance of 992.74 from the center section corner of Section 26; thence N 13°48'15" W a distance of 1351.04 feet (N 13°40'00" W a distance of 1358.00 feet, record) to a point on the north line of the SE1/4NW1/4 of Section 26 to a point being a 1/2" Iron Pin tagged PLS 35235, said point being N 89°10'39" E a distance of 26.52 feet from the northwest corner of the SE1/4NW1/4 of Section 26; thence N 26°31'53" W a distance of 1458.00 feet (N 23°43'00" W a distance of 1442.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, that is on the north line of Section 26 said point being N 89°02'45" E along the north line of Section 26, a distance of 720.00 feet from the northwest corner of Section 26; thence N 23°45'32" W a distance of 1833.68 feet (N 22°28'00" W a distance of 1834.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, said point being on the west line of Section 23; thence S 00°38'57" E along the west line of Section 23, a distance of 1690.37 feet (south, record) to the southwest corner of Section 23 and northwest corner of Section 26 to a point being a 2.5" Aluminum Cap stamped PLS 35235; thence continuing S 01°16'16" E along the west line of Section 26 a distance of 2625.56 feet (south a distance of 2640.00 feet, record) to the W1/4 corner of Section 26 to a point being a 2.5" Aluminum Cap stamped PLS 35235; thence S 01°16'16" E along the west line of Section 26, a distance of 2625.56 feet (south a distance of 2640.00 feet, record) to the southwest corner of Section 26 and northwest corner of Section 35 to a point being a 2.25" Capped Iron Pipe stamped with added tag PLS 35235; thence S 00°45'30" E along the west line of Section 35, a distance of 1317.94 feet (south a distance of 1320.00 feet, record) to a point being a 2.5" Capped Iron Pipe stamped with added tag PLS 35235, said point being the southwest corner of the N1/2NW1/4 of Section 35; thence N 89°41'45" E along the south line of the N1/2NW1/4 of Section 35, a distance of 2630.87 feet (east a distance of 2644.00 feet, record) to a point being an Oblong Iron Pin with added tag PLS 35235 said point being the southeast corner of the N1/2NW1/4 of Section 35; thence S 01°11'23" E a distance of 1319.08 (south a distance of 1320.00 feet, record) to a point being an Oblong Iron Pin, with added tag PLS 35235, said point being the center section corner of Section 35; thence N 89°31'56" E along the south line of the NE1/4 of Section 35 a distance of 571.74 feet (east a distance of 572.00 feet, record) to the point of beginning; excepting therefrom any portion of said lands lying and within Section 23, T7S, R16E, G&SRB&M; CONTAINING containing 249.46 acres, more or less. Parcel 6: that portion of Section 1, T8S, R16E of G&SRB&M, Pinal County, Arizona, more particularly described as follows: beginning at a point N 88°25'39" E a distance of 507.07 feet (east a distance of 510 feet record) of the southwest corner of the SE1/4SW1/4 of Section 1 said point being a 1/2" Iron Pin tagged RLS 10046; thence N 18°38'44" E a distance of 1399.18 feet (record N 19°41' E a distance of 1402 feet) to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 03°51'10" W a distance of 1314.74 feet (record N 02°44' W a distance of 1321 feet) to a point being a 1/2" Iron Pin tagged RLS 10046; thence S 88°45'59" W a distance of 918.71 feet (record west, a distance of 919 feet) to a point being a 1/2" Iron Pin tagged RLS 10046; thence N 01°02'04" W a distance of 977.00

feet (record north a distance of 977 feet) to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 72°26'42" W a distance of 1384.43 feet (record N 71°22' W a distance of 1393 feet) to a point on the west line of Section 1 to a point being a 1/2" Iron Pin PLS 35235; thence S 01°07'43" E along the west line of Section 1, a distance of 1422.00 feet (record south a distance of 1412 feet) to the W1/4 corner of Section 1, said point being a 2.5" Aluminum Cap stamped PLS 35235; thence continuing S 01°07'43" E along the west line of Section 1, a distance of 1320.00 feet (record south a distance of 1320 feet) to the southwest corner of the NW1/4SW1/4 of Section 1 to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 88°37'29" E a distance of 1311.56 feet (record east to the southwest corner of the NE1/4SW1/4) to the southwest corner of the NE1/4SW1/4 of Section 1 to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 01°05'24" E a distance of 1316.31 feet (record, south a distance of 1320 feet) to the southwest corner of the SE1/4SW1/4 of Section 1 to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 88°25'39" E a distance of 507.07 feet (record, east a distance of 510 feet) to the point of beginning; containing 126.84 acres, more or less. For the ASARCO Property: Parcel 1: Section 15: the W1/2SE1/4 and E1/2SW1/4 of Section 15, T7S, R16E of G&SRB&M, Pinal county, Arizona; except that portion of land situated in Government Lot 9 lying west of the center line of the San Pedro River, said portion being APN 300-35-002. Section 22: That portion of the NE1/4NW1/4 and the NE1/4 of Section 22 T7S, R16E of G&SRB&M, Pinal County, Arizona, lying east of the San Pedro River. Section 23: that portion of the SW1/4 of Section 23, T7S, R16E of G&SRB&M, Pinal County, Arizona, lying east of the San Pedro River. Section 26: that portion of the N1/2NW1/4 of Section 26, T7S, R16E of G&SRB&M, Pinal County, Arizona, lying east of the San Pedro River. Parcel 2: Section 15: Government Lots 1, 2, 3, 4, 5, 6, and 7 of Section 15, T7S, R16E of G&SRB&M, Pinal County, Arizona. Parcel 3: Section 4: Government Lots 5, 8, 9, 11, 12, and 13 of Section 4 except that portion of land situated in Government Lot 13 lying east of State Highway 77 right-of-way, said portion of land being APN 300-31-005B. Section 5: Government Lots 2, 3, 4 and 5, except that portion of land situated in Government Lot 2, more particularly described as follows: beginning at the northeast corner of said Lot 2; thence along the east boundary of said Lot 2 due south 599.94 feet; thence leaving said east boundary due west 283.27 feet to the County Rd. right-of-way (El Camino Rd.); thence along said County Rd. right-of-way N 04°18'56" E a distance of 95.16 feet; thence continuing along said County Rd. right-of-way N 16°30'21" E a distance of 384.05 feet; thence continuing along said County Rd. right-of-way N 14°33'05" E a distance of 141.35 feet to the north boundary of said County Rd. right-of-way due east a distance of 131.48 feet along the north boundary of Government Lot 1 to the point of beginning.

21. Luna Lake Wildlife Area: The Luna Lake Wildlife Area shall be the fenced, buoyed, and posted area lying north of U.S. Highway 180 T5N, R31E, Section 17 N1/2, G&SRB&M, Apache County, Arizona.
22. Manhattan Claims Wildlife Area: Manhattan Claims Wildlife Area: The Manhattan Claims Wildlife Area shall be those areas described as the following mines or mining claims, situated in the California Mining District, in Cochise County, State of Arizona, to-wit: being Sections

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- 3, 4, 5, 9, 10, in T17S., R30E., G&SRB&M, being known as the "Manhattan Group," Cochise County, State of Arizona. Erion Cap: Fraction: Monarch: and Mogul Patented Mines, the United States patent to which is of record in the Recorder's Office in Book 23 of Deeds of Mines, at page 396; Copper trust' Smith No. 1' Iron Cap; wedge; Smith No. 2; Rodea; Standard Extension; Smith No. 4; Smith No. 3; JHU; Cottonwood; Tucson; Prince; Hidden Treasure; Joe Wheeler fraction; Bride of the West; Mackey; Sun Beam; Queen; Last Turn; Winner; and Winner Fraction; patented mines, in the U.S. Patent to which is of record in the Recorder's Office in Book 23 Deeds of Mines, at page 368. Badger; Badger Fraction; patented mines, the U.S. Patent to which is of record in said Recorder's Office, in Book 23 Deeds of Mines, at page 388; Standard patented mine, the U.S. Patent to which is of record in said Recorder's Office in Book 23 Deeds of Mines at page 393; The following patented mining claims situated in said California Mining District, patent records of which are set out with name of claim as follows: Bull Dog, Docket No. 27, at page No. 558; Copper King, Docket No. 27, at page No. 555; Copper Bluff, Docket No. 27, at page No. 552; Copper Top, Docket No. 27, at page No. 558; Copper Glimpse, Docket No. 27, at page No. 558; and AETNA, Docket No. 27, at page No. 558.
23. Mittry Lake Wildlife Area: The Mittry Lake Wildlife Area shall be those areas described as follows: T6S, R21W, Section 31: All of Lots 1, 2, 3, 4, E1/2W1/2, and that portion of E1/2 lying westerly of Gila Gravity Main Canal Right-of-Way; T7S, R21W; Section 5: that portion of SW1/4SW1/4 lying westerly of Gila Gravity Main Canal Right-of-Way; Section 6: all of Lots 2, 3, 4, 5, 6, 7 and that portion of Lot 1, S1/2NE1/4, SE1/4 lying westerly of Gila Gravity Main Canal R/W; Section 7: all of Lots 1, 2, 3, 4, E1/2W1/2, W1/2E1/2, and that portion of E1/2E1/2 lying westerly of Gila Gravity Main Canal R/W; Section 8: that portion of W1/2W1/2 lying westerly of Gila Gravity Main Canal R/W; Section 18: all of Lots 1, 2, 3, 4, E1/2NW1/4, and that portion of NE1/4, E1/2SW1/4, NW1/4SE1/4 lying westerly of Gila Gravity Main Canal R/W; T6S, R22W; Section 36: all of Lot 1. T7S, R22W; Section 1: all of Lot 1; Section 12: all of Lots 1, 2, SE1/4SE1/4; Section 13: all of Lots 1, 2, 3, 4, 5, 6, 7, 8, NE1/4, N1/2SE1/4, and that portion of S1/2SE1/4 lying northerly of Gila Gravity Main Canal R/W; all in G&SRB&M, Yuma County, Arizona.
24. Planet Ranch Conservation and Wildlife Area: The Planet Ranch Wildlife Area shall be those areas described as follows: Mohave County (Parcels 1 through 5) Parcel No. 1: the S1/2S1/2 of Section 28, T11N, R16W of the G&SRB&M, Mohave County, Arizona; except 1/16 of all oil, gases, and other hydrocarbon substances, coal, stone, metals, minerals, fossils and fertilizer of every name and description and except all materials which may be essential to production of fissionable material as reserved in Arizona Revised Statutes. Parcel No. 2: all of sections 32 and 34 T11N, R16W of the G&SRB&M, lying in Mohave County, Arizona; except 1/16 of all oil, gases, and other hydrocarbon substances, coal, stone, metals, minerals, fossils and fertilizer of every name and description and except all materials which may be essential to production of fissionable material as reserved in Arizona Revised Statutes. Parcel No. 3: the S1/2S1/2 of Section 27, T11N, R16W of the G&SRB&M, Mohave County, Arizona; except oil, gas, coal, and minerals as reserved in deed recorded in Book 64 of Deeds, Page 599, records of Mohave County, Arizona. Parcel No. 4: all of Section 33 and 35, T11N, R16W of the G&SRB&M, lying in Mohave County, Arizona; except oil, gas, coal, and minerals as reserved in deed recorded in Book 64 of Deeds, Page 599, records of Mohave County, Arizona. Parcel No. 5: the S1/2S1/2N1/2 and the S1/2 of Section 36, T11N, R16W of the G&SRB&M, lying in Mohave County, Arizona; except 1/16 of all oil, gases, and other hydrocarbon substances, coal, stone, metals, minerals, fossils and fertilizer of every name and description and except all materials which may be essential to production of fissionable material as reserved in Arizona Revised Statutes. La Paz County (Parcels 6 through 9) Parcel No. 6: that portion of the S1/2 of Lot 2, all of Lots 3, and 4, the S1/2SE1/4NW1/4 and the S1/2S1/2NE1/4 of Section 31, T11N, R16W of the G&SRB&M, lying in La Paz County, Arizona; except all oil, gas, coal, and minerals as set forth in instrument recorded in Book 57, of Dockets, Page 310. Parcel No. 7: all of Section 32, T11N, R16W of the G&SRB&M, lying in La Paz County, Arizona; except any part of Section 32 lying within the Copper Hill Mining Claim as shown on the Plat of Mineral Survey Number 2675; except that portion of the SW1/4 of Section 32, T11N, R16W of the G&SRB&M, lying in La Paz County, Arizona, described as follows: commencing at the S1/4 corner of Section 32; thence west along the south line of Section 32, a distance of 1270.58 feet to the point of beginning; thence north 634.31 feet; thence S 76°41'15" W a distance of 94.09 feet to the southeasterly line of the Planet Ranch Road; thence along said line S 28°55'W a distance of 101.23 feet; thence southwesterly 250.25 feet through an angle of 54°22', along a tangent curve concave to the northwest, having a radius of 263.73 feet to a point of tangency, from which a radial line bears N 07°05' W; thence along said line S 82°55' W a distance of 96.52 feet; thence westerly 184.42 feet through an angle of 17°40'14" along a tangent curve concave to the north, having a radius of 597.96 feet to a point of tangency from which a radial line bears N 10°35'14" E; thence N 79°24'46" W a distance of 260.38 feet; thence leaving the southwesterly line of said Planet Ranch Road, south a distance of 429.61 feet to the south line of said Section 32; thence south along said south line east a distance of 874.42 feet more or less back to the point of beginning; and except that portion of the SW1/4 of Section 32, T11N, R16W of the G&SRB&M, La Paz County, Arizona, described as follows: beginning at the S1/4 corner of Section 32; thence west along the south line of Section 32, a distance of 1270.58 feet; thence north a distance of 634.31 feet; thence S 76°41'15" W a distance of 214.08 feet; thence N 13°18'45" W a distance of 25 feet; thence N 76°41'15" E a distance of 220 feet; thence east a distance of 1270.58 feet; thence south a distance of 660 feet back to the point of beginning. Parcel No. 8: those portions of Sections 33, 34, and 35, T11N, R16W of the G&SRB&M, lying in La Paz County, Arizona; except an undivided 1/16 of all oil, gases, and other hydrocarbon substances, coal or stone, metals, minerals, fossils and fertilizer of every name and description, together with all uranium, thorium, or any other material which is or may be determined by the laws of the production of fissionable materials, whether or not of commercial value, as reserved by the State of Arizona in Section 37-231, Arizona Revised Statutes, and in patent of record (Section 34); also except all oil, gas, coal, and minerals as set forth in instrument recorded in Book 57 of Dockets, Page 310 (Section 33 and 35). Parcel No.

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- 9: the S1/2S1/2N1/2 and the S1/2 of Section 36, T11N, R16W of the G&SRB&M, lying in La Paz County, Arizona; except an undivided 1/16 of all oil, gases, and other hydrocarbon substances, coal or stone, metals, minerals, fossils and fertilizer of every name and description, together with all uranium, thorium, or any other material which is or may be determined by the laws of the production of fissionable materials, whether or not of commercial value, as reserved by the State of Arizona in Section 37-231, Arizona Revised Statutes, and in patent of record.
25. Powers Butte (Mumme Farm) Wildlife Area: The Powers Butte Wildlife Area shall be that area described as follows:  
T1S, R5W, Section 25, N1/2SW1/4, SW1/4SW1/4; Section 26, S1/2; Section 27, E1/2SE1/4; Section 34, T2S, R5W Section 3, E1/2W1/2, W1/2SE1/4, NE1/4SE1/4, NE1/4; Section 10, NW1/4, NW1/4NE1/4; Section 15, SE1/4SW1/4; Section 22, E1/2NW1/4, NW1/4NW1/4; all in G&SRB&M, Maricopa County, Arizona.
26. Quigley-Achee Wildlife Area: The Quigley-Achee Wildlife Area shall be those areas described as follows:  
T8S, R17W; Section 13, W1/2SE1/4, SW1/4NE1/4, and a portion of land in the W1/2 of Section 13, more particularly described as follows: beginning at the S1/4 corner; thence S 89°17'09" W along the south line of said Section 13 a distance of 2627.50 feet to the southwest corner of said Section 13; thence N 41°49'46" E a distance of 3026.74 feet; thence N 0°13'30" W a distance of 1730.00 feet to a point on the north 1/16th line of said Section 13; thence N 89°17'36" E along said north 1/16th line a distance of 600.00 feet to the center of said Section 13; thence S 0°13'30" E. along the north-south midsection line a distance of 3959.99 feet to the point of beginning. Section 23, SE1/4NE1/4, and a portion of land in the NE1/4NE1/4 of Section 23, more particularly described as follows: beginning at the northeast corner; thence S 0°10'19" E along the east line of said Section 23, a distance of 1326.74 feet to a point on the south line of the NE1/4NE1/4 of said Section 23; thence S 89°29'58" W along said south line, a distance of 1309.64 feet; thence N 44°17'39" E a distance of 1869.58 feet to the point of beginning. Section 24, NW1/4, N1/2SW1/4, W1/2NE1/4, N1/2SE1/4NE1/4; all in G&SRB&M, Yuma County, Arizona.
27. Raymond Wildlife Area: The Raymond Wildlife Area is that area described as follows: All of Sections 24, 25, 26, 34, 35, 36, and the portions of Sections 27, 28, and 33 lying east of the following described line: beginning at the W1/4 corner of Section 33; thence northeasterly through the 1/4 corner common to Sections 28 and 33, 1/4 corner common to Sections 27 and 28 to the N1/4 corner of Section 27 all in T19N, R11E. All of Sections 15, 16, 17, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34 all in T19N, R12E.; all in G&SRB&M, Coconino County, Arizona.
28. Robbins Butte Wildlife Area: The Robbins Butte Wildlife Area shall be those areas described as follows:  
T1S, R3W, Section 17, S1/2NE1/4, SE1/4, NW1/4SW1/4; Section 18, Lots 3, 4, and E1/2SW1/4, S1/2NE1/4, W1/2SE1/4, NE1/4SE1/4. T1S, R4W, Section 13, all except that portion of W1/2SW1/4SW1/4 lying west of State Route 85; Section 14, all except the W1/2NW1/4 and that portion of the SW1/4 lying north of the Arlington Canal; Section 19, S1/2SE1/4; Section 20, S1/2S1/2, NE1/4SE1/4; Section 21, S1/2, S1/2NE1/4, SE1/4NW1/4; Section 22, all except for NW1/4NW1/4; Section 23; Section 24, that portion of SW1/4, W1/2SW1/4NW1/4 lying west of State Route 85; Section 25, that portion of the NW1/4NW1/4 lying west of State Route 85; Section 26, NW1/4, W1/2NE1/4, NE1/4NE1/4; Section 27, N1/2, SW1/4; Section 28; Section 29, N1/2N1/2, SE1/4NE1/4; Section 30, Lots 5, 6, 7, 8, NE1/4, SE1/4SE1/4; all in G&SRB&M, Maricopa County, Arizona.
29. Roosevelt Lake Wildlife Area: The Roosevelt Lake Wildlife Area is that area described as follows: beginning at the junction of A-Cross Rd. and Arizona Highway 188; south on Arizona Highway 188 to the main entrance of Roosevelt Lake Marina; northeast on this road towards the main marina launch; northeast across Roosevelt Lake to the south tip of Bass Point; northerly to Long Gulch Rd.; northeast on this road to the A-Cross Rd.; northwest on the A-Cross Rd. to the point of beginning; all in G&SRB&M, Gila County, Arizona.
30. Santa Rita Wildlife Area: The Santa Rita Experimental Range is that area described as follows: Concurrent with the Santa Rita Experimental Range boundary and includes the posted portion of the following sections: Sections 33 through 36, T17S, R14E, Section 25, Section 35 and Section 36, T18S, R13E, Sections 1 through 4, Sections 9 through 16, and Sections 21 through 36, T18S, R14E, Sections 3 through 9, Sections 16 through 21, Sections 26 through 34, T18S, R15E, Sections 1 through 6, Sections 9 through 16, Section 23, T19S, R14E, Sections 3 through 10, Sections 16 through 18, T19S, R15E; all in G&SRB&M, Pima County, Arizona, and all being coincidental with the Santa Rita Experimental Range Area.
31. Sipe White Mountain Wildlife Area: The Sipe White Mountain Wildlife Area shall be those areas described as follows:  
T7N, R29E, Section 1, SE1/4, SE1/4NE1/4, S1/2NE1/4NE1/4, SE1/4SW1/4NE1/4, NE1/4SE1/4SW1/4, and the SE1/4NE1/4SW1/4. T7N, R30E, Section 5, W1/2W1/2SE1/4SW1/4, and the SW1/4SW1/4; Section 6, Lots 1, 2, 3, 7, and 8, SW1/4NW1/4NW1/4, S1/2NW1/4NE1/4SE1/4, N1/2SE1/4SE1/4, E1/2SE1/4SE1/4SE1/4, SW1/4SE1/4 and the SE1/4SW1/4; Section 7, Parcel 10: Lots 1 and 2, E1/2NW1/4, E1/2E1/2NE1/4NE1/4, W1/2SW1/4NE1/4, NW1/4SE1/4, W1/2NE1/4SE1/4, NE1/4SW1/4, E1/2NW1/4SW1/4, and the NW1/4NE1/4; Section 8, NW1/4NW1/4, and the W1/2W1/2NE1/4NW1/4. T8N, R30E; Section 31, SE1/4NE1/4, SE1/4, and the SE1/4SW1/4; all in G&SRB&M, Apache County, Arizona.
32. Springerville Marsh Wildlife Area: The Springerville Marsh Wildlife Area shall be those areas described as follows: S1/2 SE1/4 Section 27 and N1/2 NE1/4 Section 34, T9N, R29E, G&SRB&M, Apache County, Arizona.
33. Sunflower Flat Wildlife Area: The Sunflower Flat Wildlife Area shall be those areas described as follows:  
T20N, R3E; Section 11, NE1/4SE1/4, N1/2NW1/4SE1/4, SE1/4NW1/4SE1/4, NE1/4SE1/4SE1/4, W1/2SE1/4NE1/4, S1/2SE1/4SE1/4NE1/4, E1/2SW1/4NE1/4; Section 12, NW1/4SW1/4SW1/4, NW1/4NE1/4SW1/4SW1/4, SW1/4NW1/4SW1/4, S1/2NW1/4NW1/4SW1/4, W1/2SE1/4NW1/4SW1/4, SW1/4NE1/4NW1/4 SW1/4; all in the G&SRB&M, Coconino County, Arizona.
34. Three Bar Wildlife Area: The Three Bar Wildlife Area shall be that area described as follows: beginning at Roosevelt Dam, northwesterly on 188 to milepost 252 (Bumble Bee Wash); westerly along the boundary fence for approximately 7 1/2 miles to the boundary of Gila and Maricopa counties; southerly along this boundary through Four Peaks to a fence line south of Buckhorn

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- Mountain; southerly along the barbed wire drift fence at Ash Creek to Apache Lake; northeasterly along Apache Lake to Roosevelt Dam.
35. Tucson Mountain Wildlife Area: The Tucson Mountain Wildlife Area shall be that area described as follows: beginning at the northwest corner of Section 33; T13S, R11E on the Saguaro National Park boundary; due south approximately one mile to the El Paso Natural Gas Pipeline; southeast along this pipeline to Sandario Rd.; south on Sandario Rd. approximately two miles to the southwest corner of Section 15; T14S, R11E, east along the section line to the El Paso Natural Gas Pipeline; southeast along this pipeline to its junction with State Route 86, also known as the Ajo Highway; easterly along this highway to the Tucson city limits; north along the city limits to Silverbell Rd.; northwest along this road to Twin Peaks Rd.; west along this road to Sandario Rd.; south along this road to the Saguaro National Park boundary; west and south along the park boundary to the point of beginning, all in G&SRB&M, Pima County, Arizona.
  36. Upper Verde River Wildlife Area: The Upper Verde River Wildlife Area consists of eight parcels totaling 1102.54 acres located eight miles north of Chino Valley in Yavapai County, Arizona, along the upper Verde River and lower Granite Creek described as follows:  
Sullivan Lake: located immediately downstream of Sullivan Lake, the headwaters of the Verde River: the NE1/4NE1/4 lying east of the California, Arizona, and Santa Fe Railway Company right-of-way in Section 15, T17N, R2W; and also the NW1/4NE1/4 of Section 15 consisting of approximately 80 acres. Granite Creek Parcel: includes one mile of Granite Creek to its confluence with the Verde River: The SE1/4SE1/4 of Section 11; the NW1/4SW1/4 and SW1/4NW1/4 of Section 13; the E1/2NE1/4 of Section 14; all in T17N, R1W consisting of approximately 239 acres. E1/2SW1/4SW1/4, SE1/4SW1/4, NE1/4SW1/4 and NW1/4SE1/4 of Section 12, NW1/4NW1/4 of Section 13, T17N, R2W consisting of approximately 182.26 acres. Campbell Place Parcel: NE1/4NW1/4, NW1/4NE1/4, NE1/4NE1/4, SE1/4NW1/4, SW1/4NE1/4, SE1/4NE1/4, NE1/4SW1/4, NW1/4SE1/4, NE1/4SE1/4, NW1/4SW1/4, NE1/4SW1/4, and NW1/4SE1/4 in Section 7, T17N, R1W and SE1/4SE1/4 Section 12, T17N, R2W consisting of 315 acres. Tract 39 Parcel: the E1/2 of Tract 39 within the Prescott National Forest boundary, SE1/2SW1/4 and SW1/4SE1/4 of Section 5, T18N, R1W; and the W1/2 of Tract 39 outside the Forest boundary, SW1/4SW1/4, and SW1/4SW1/4 of Section 5 and NW1/4NW1/4 of Section 8, T18N, R1W consisting of approximately 163 acres. Wells Parcels: Parcel 1 and Parcel 2: all that portion of Government Lots 9 and 10, Section 7, along with Lot 3 and the SW1/4NW1/4, Section 8, located in T17N, R1W, of G&SRB&M, Yavapai County, Arizona, also known as APN 306-39-004L and 306-39-004M. Parcel 3 and Parcel 4: all that portion of the NE1/4SW1/4, NW1/4SE1/4, SW1/4SW1/4, and E1/2SW1/4SW1/4 of Section 12 and the NW1/4NW1/4 of Section 13, T17N, R2W, of G&SRB&M, Yavapai County, Arizona.
  37. Wenima Wildlife Area: The Wenima Wildlife Area shall be those areas described as follows:  
T9N, R29E; Section 5, SE1/4 SW1/4, and SW1/4 SE1/4 except E1/2 E1/2 SW1/4 SE1/4, Section 8, NE1/4 NW1/4, and NW1/4 NE1/4; Sections 8, 17 and 18, within the following boundary: From the 1/4 corner of Sections 17 and 18, the True Point of Beginning; thence N 00°12'56" E a distance of 1302.64 feet along the Section line between Sections 17 and 18 to the N1/16 corner; thence N 89°24'24" W a distance of 1331.22 feet to the NE1/16 corner of Section 18; thence N 00°18'02" E a distance of 1310.57 feet to the E1/16 corner of Sections 7 and 18; thence S 89°03'51" E a distance of 1329.25 feet to the northeast Section corner of said Section 18; thence N 01°49'10" E a distance of 1520.28 feet to a point on the Section line between Sections 7 and 8; thence N 38°21'18" E a distance of 370.87 feet; thence N 22°04'51" E a distance of 590.96 feet; thence N 57°24'55" E a distance of 468.86 feet to a point on the east-west midsection line of said Section 8; thence N 89°38'03" E a distance of 525.43 feet along said midsection line to the center W1/16 corner; thence S 02°01'25" W a distance of 55.04 feet; thence S 87°27'17" E a distance of 231.65 feet; thence S 70°21'28" E a distance of 81.59 feet; thence N 89°28'36" E a distance of 111.27 feet; thence N 37°32'54" E a distance of 310.00 feet; thence N 43°58'37" W a distance of 550.00 feet; thence N 27°25'53" W a distance of 416.98 feet to the NS1/16 line of said Section 8; thence N 02°01'25" E a distance of 380.04 feet along said 1/16 line to the NW1/16 corner of said Section 8; thence N 89°45'28" E a distance of 1315.07 feet along the east-west middle 1/16 line; thence S 45°14'41" E a distance of 67.69 feet; thence S 49°28'18" E a distance of 1099.72 feet; thence S 08°04'43" W a distance of 810.00 feet; thence S 58°54'47" W a distance of 341.78 feet; thence 50°14'53" W a distance of 680.93 feet to a point in the center of that cul-de-sac at the end of Jeremy's Point Rd.; thence N 80°02'20" W a distance of 724.76 feet, said point lying N 42°15'10" W a distance of 220.12 feet from the northwest corner of Lot 72; thence N 34°19'23" E a distance of 80.64 feet; thence N 15°54'25" E a distance of 51.54 feet; thence N 29°09'53" E a distance of 45.37 feet; thence N 40°09'33" E a distance of 69.21 feet; thence N 25°48'58" E a distance of 43.28 feet; thence N 13°24'51" E a distance of 63.12 feet; thence N 16°03'10" W a distance of 30.98 feet; thence N 57°55'25" W a distance of 35.50 feet; thence N 80°47'38" W a distance of 48.08 feet; thence S 87°28'53" W a distance of 82.84 feet; thence S 72°07'06" W a distance of 131.85 feet; thence S 43°32'45" W a distance of 118.71 feet; thence S 02°37'48" E a distance of 59.34 feet; thence S 23°03'29" E a distance of 57.28 feet; thence S 28°30'39" E a distance of 54.75 feet; thence S 36°39'47" E a distance of 105.08 feet; thence S 24°55'07" W a distance of 394.78 feet; thence S 61°32'16" W a distance of 642.77 feet to the northwest corner of Lot 23; thence N 04°35'23" W a distance of 90.62 feet; thence S 85°24'37" W a distance of 26.00 feet; thence N 64°21'36" W a distance of 120.76 feet; thence S 61°07'57" W a distance of 44.52 feet; thence S 39°55'58" W a distance of 80.59 feet; thence S 11°33'07" W a distance of 47.21 feet; thence S 19°53'19" E a distance of 27.06 feet; thence S 54°26'36" E a distance of 62.82 feet; thence S 24°56'25" W a distance of 23.92 feet; thence S 48°10'38" W a distance of 542.79 feet; thence S 17°13'48" W a distance of 427.83 feet to the northwest corner of Lot 130; thence S 29°10'58" W a distance of 104.45 feet to the southwest corner of Lot 130; thence southwesterly along a curve having a radius of 931.52 feet, and arc length of 417.52 feet to the southwest corner of Lot 134; thence S 15°04'25" W a distance of 91.10 feet; thence S 04°29'15" W a distance of 109.17 feet; thence S 01°41'24" W a distance of 60.45 feet; thence S 29°16'05" W a distance of 187.12 feet; thence S

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14°44'00" W a distance of 252.94 feet; thence S 15°42'24" E a distance of 290.09 feet; thence S 89°13'25" E a distance of 162.59 feet; thence S 37°19'54" E a distance of 123.03 feet to the southeast corner of Lot 169; thence S 20°36'30" E a distance of 706.78 feet to the northwest corner of Lot 189; thence S 04°07'31" W a distance of 147.32 feet; thence S 29°11'19" E a distance of 445.64 feet; thence S 00°31'40" E a distance of 169.24 feet to the east-west midsection line of Section 17 and the southwest corner of Lot 194; thence S 89°28'20" W a distance of 891.84 feet along said east-west midsection line to the True Point of Beginning; all in G&SRB&M, Apache County, Arizona.

38. White Mountain Grasslands Wildlife Area: The White Mountain Grasslands Wildlife Area shall be those areas described as follows:

Parcel 1 (CL1): the S1/2 of Section 24; the N1/2NW1/4 of Section 25; the NE1/4 and N1/2SE1/4 of Section 26; all in T9N, R27E of G&SRB&M, Apache County, Arizona; except all coal and other minerals as reserved to the U.S. in the Patent of said land. Parcel 2 (CL2): the SE1/4 and the SE1/4SW1/4 of Section 31, T9N, R28E of G&SRB&M, Apache County, Arizona. Parcel 3 (CL3): the NW1/4SW1/4 of Section 28; and the SW1/4S1/2SE1/4 and NE1/4SE1/4 of T9N, R28E of G&SRB&M, Apache County, Arizona. Parcel 4 (CL4): the SW1/4SW1/4 of Section 5; the SE1/4SE1/4 of Section 6; the NE1/4NE1/4 of Section 7; the NW1/4NW1/4, E1/2SW1/4NW1/4, W1/2NE1/4, SE1/4NW1/4, and that portion of the S1/2 which lies North of Highway 260, except the W1/2SW1/4 of Section 8; all in T8N, R28E of G&SRB&M, Apache County, Arizona. Parcel 1 (O1): the S1/2N1/2 of Section 10, T8N, R28E, of G&SRB&M, Apache County, Arizona; except that Parcel of land lying within the S1/2NE1/4 of Section 10, T8N, R28E, of G&SRB&M, Apache County, Arizona, more particularly described as follows: From the N1/16 corner of Sections 10 and 11, monumented with a 5/8-inch rebar with a cap marked LS 13014, said point being the True Point of Beginning; thence N 89°44'54" W a distance of 1874.70 feet along the east-west 1/16 line to a point monumented with a 1/2-inch rebar with a tag marked LS 13014; thence S 02°26'17" W a distance of 932.00 feet to a point monumented with a 1/2-inch rebar with a tag marked LS 13014; thence S 89°44'54" E a distance of 1873.69 feet to a point monumented with a 1/2-inch rebar with a tag marked LS 13014, said point being on the east line of Section 10; thence N 02°30'00" E a distance of 932.00 feet along said Section line to the True Point of Beginning. Parcel 2 (O2): the N1/2S1/2 of Section 10, T8N, R28E, of G&SRB&M, Apache County, Arizona. Except for that portion lying South of State Highway 260. Parcel 3 (O3): the SE1/4 of Section 25, T9N, R27E, of G&SRB&M, Apache County, Arizona. Parcel 4 (O4): lots 3 and 4; the E1/2SW1/4; W1/2SE1/4; and NE1/4SE1/4 of Section 30, T9N, R28E, of G&SRB&M, Apache County, Arizona. Parcel 5 (O5): lots 1, 2 and 3; the S1/2NE1/4; NW1/4NE1/4; E1/2NW1/4; and NE1/4SW1/4 of Section 31, T9N, R28E, of G&SRB&M, Apache County, Arizona. Parcel 6 (O6): beginning at the northwest corner of the SE1/4 of Section 27, T9N, R28E, of G&SRB&M, Apache County, Arizona; thence east a distance of 1320.00 feet; thence south a distance of 925.00 feet; thence west a distance of 320.00 feet to the center of a stock watering tub; thence N 83° W a distance of 1000.00 feet; thence north a distance of 740.00 feet to

the point of beginning. State Land Special Use Permit: SE1/4SW1/4 of Section 5; E1/2NE1/4 of Section 08; NE1/4NW1/4 of Section 8; M&B in N1/2NW1/4 north of Hwy 260 of Section 17, all in T8N, R28E of the G&SRB&M, Apache County, Arizona. S1/2NW1/4 and SW1/4 of Section 26; all of Section 36, all in T9N, R27E of the G&SRB&M, Apache County, Arizona. SE1/4 lying easterly of Carnero Creek in Section 18; Lots 3 and 4, E1/2SW1/4, SE1/4, NE1/4, and SE1/4NW1/4, lying southeasterly of Carnero Creek in Section 19; NW1/4SE1/4 of Section 29, Lots 1 and 2 and NE1/4 and E1/2NW1/4 and SE1/4SE1/4 of Section 30; and Lot 4, and the NE1/4NE1/4 of Section 31; all in T9N, R28E of the G&SRB&M, Apache County, Arizona. State Grazing Lease: Legal Description of the White Mountain Grassland State Land Grazing Lease. Lots 1 thru 4, and S1/2N1/2, SW1/4, N1/2N1/2SE1/4, S SW1/4NW1/4SE1/4, and W1/2SW1/4SE1/4 of Section 3; Lots 1 thru 4, and the S1/2N1/2 and S1/2 of Section 4; SE1/4SW1/4 of Section 5; E1/2NE1/4, NE1/4NW1/4 of Section 8; SE1/4NE1/4 and N1/2N1/2 of Section 9; S1/2NE1/4NE1/4, SE1/4NW1/4NE1/4, W1/2NW1/4NE1/4, N1/2NW1/4, all in Section 10; NE1/4NW1/4 lying north of the centerline of State Highway 260, in Section 17, T8N, R28E of the G&SRB&M, Apache County; NE1/4, S1/2NW1/4, and the SW1/4 of Section 25, and all of Section 36; in T9N, R27E of the G&SRB&M, Apache County; a portion of the SE1/4 of Section 18 lying southeasterly of Carnero Creek, Lots 3 and 4, E1/2SW1/4, SE1/4, NE1/4, and SE1/4NW1/4 lying southeast of Carnero Creek in Section 19; all of Section 20 and Section 21; SW1/4NE1/4, S1/2NW1/4, and M&B in N1/2SW1/4, of Section 27; N1/2E1/2SW1/4, SW1/4SW1/4 and SE1/4 of Section 28; Lots 1 and 2, and NE1/4, E1/2NW1/4, and SE1/4SE1/4 of Section 30; Lot 4 and NE1/4NE1/4 of Section 31; all of Section 32 and Section 33, in T9N, R28E, in the G&SRB&M, Apache County. SE1/4NE1/4SE1/4 of Section 31; T09N, R28E, G&SRB&M, Apache County, Arizona.

39. Whitewater Draw Wildlife Area: The Whitewater Draw Wildlife Area shall be those areas described as follows: T21S, R26E; Section 19, S1/2 SE1/4; Section 29, W1/2 NE1/4, and E1/2 NE1/4; Section 30, N1/2 NE1/4; Section 32; T22S, R26E; Section 4, Lots 3 and 4; T22S, R26E; Section 5, Lots 1 to 4, except an undivided 1/2 interest in all minerals, oil, and/or gas as reserved in Deed recorded in Docket 209, page 117, records of Cochise County, Arizona.
40. Willcox Playa Wildlife Area: The Willcox Playa Wildlife Area shall be that area within the posted Arizona Game and Fish Department fences enclosing the following described area: beginning at the Section corner common to Sections 2, 3, 10 and 11, T15S, R25E, G&SRB&M, Cochise County, Arizona; thence S 0°15'57" W a distance of 2645.53 feet to the east 1/4 corner of Section 10; thence S 89°47'15" W a distance of 2578.59 feet to the center 1/4 corner of Section 10; thence N 1°45'24" E a distance of 2647.85 feet to the center 1/4 corner of Section 3; thence N 1°02'42" W a distance of 2647.58 feet to the center 1/4 corner of said Section 3; thence N 89°41'37" E to the common 1/4 corner of Section 2 and Section 3; thence S 0°00'03" W a distance of 1323.68 feet to the south 1/16 corner of said Sections 2 and 3; thence S 44°46'30" E a distance of 1867.80 feet to a point on the common Section line of Section 2 and Section 11; thence S 44°41'13" E a distance of 1862.94 feet; thence S

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44°42'35" E a distance of 1863.13 feet; thence N 0°13'23" E a distance of 1322.06 feet; thence S 89°54'40" E a distance of 1276.24 feet to a point on the west right-of-way fence line of Kansas Settlement Rd.; thence S 0°12'32" W a distance of 2643.71 feet along said fence line; thence N 89°55'43" W a distance of 2591.30 feet; thence N 0°14'14" E a distance of 661.13 feet; thence N 89°55'27" W a distance of 658.20 feet; thence N 0°14'39" E a distance of 1322.36 feet; thence N 44°41'19" W a distance of 931.44 feet; thence N 44°40'31" W a distance of 1862.85 feet to the point of beginning. Said wildlife area contains 543.10 acres approximately.

- C. Department Controlled Properties are described as follows: Hirsch Conservation Education Area and Biscuit Tank: The Hirsch Conservation Education Area and Biscuit Tank shall be that area lying in Section 3 T5N R2E, beginning at the northeast corner of Section 3, T5N, R2E, G&SRB&M, Maricopa County, Arizona; thence S 35°33'23.43" W a distance of 2938.12 feet; to the point of true beginning; thence S 81°31'35.45" W a distance of 147.25 feet; thence S 45°46'21.90" W a distance of 552.25 feet; thence S 21°28'21.59" W a distance of 56.77 feet; thence S 16°19'49.19" E a distance of 384.44 feet; thence S 5°27'54.02" W a distance of 73.43 feet; thence S 89°50'44.45" E a distance of 431.99 feet; thence N 4°53'57.68" W a distance of 81.99 feet; thence N 46°49'53.27" W a distance of 47.22 feet; thence N 43°3'3.68" E a distance of 83.74 feet; thence S 47°30'40.79" E a distance of 47.71 feet; thence N 76°2'59.67" E a distance of 105.91 feet; thence N 15°45'0.24" W a distance of 95.87 feet; thence N 68°48'27.79" E a distance of 69.79 feet; thence N 8°31'53.39" W a distance of 69.79 feet; thence N 30°5'32.34" E a distance of 39.8 feet; thence N 46°17'32.32" E a distance of 63.77 feet; thence N 22°17'26.17" W a distance of 517.05 feet to the point of true beginning.

**Historical Note**

New Section adopted by exempt rulemaking at 6 A.A.R. 1731, effective May 1, 2000 (Supp. 00-2). Amended by exempt rulemaking at 9 A.A.R. 3141, effective August 23, 2003 (Supp. 03-2). Amended by exempt rulemaking at 11 A.A.R. 1927, effective May 20, 2005 (Supp. 05-2). Amended by exempt rulemaking at 16 A.A.R. 397, effective March 5, 2010 (Supp. 10-1). Amended by exempt rulemaking at 17 A.A.R. 800, effective June 20, 2011 (Supp. 11-2). Amended by exempt rulemaking at 18 A.A.R. 1070, effective June 15, 2012 (Supp. 12-2). Amended by exempt rulemaking at 19 A.A.R. 931, effective June 17, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 841, effective June 17, 2014 (Supp. 14-1). Amended by exempt rulemaking at 22 A.A.R. 951, effective June 7, 2016 (Supp. 16-2). Amended by exempt rulemaking at 22 A.A.R. 2209, effective October 4, 2016 (Supp. 16-4). Amended by final exempt rulemaking at 27 A.A.R. 242, effective April 5, 2021 (Supp. 21-1).

**R12-4-804. Renumbered****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 1424, effective June 14, 2003 (Supp. 03-2). Amended by exempt rulemaking at 17 A.A.R. 800, effective June 20, 2011 (Supp. 11-2). Section R12-4-804 renumbered to R12-4-125, by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**ARTICLE 9. AQUATIC INVASIVE SPECIES****R12-4-901. Definitions**

In addition to the definitions provided under A.R.S. §§ 5-301 and 17-255, the following definitions apply to this Article, unless otherwise specified:

"Aquatic invasive species" means those species listed in Director's Order 1.

"Certified agent" means a person who meets Department standards to conduct inspections authorized under A.R.S. § 17-255.01(C)(1).

"Conveyance" means a device designed to carry or transport water. Conveyance includes, but is not limited to, dip buckets, water hauling tanks, and water bladders.

"Equipment" means an item used either in or on water; or to carry water. Equipment includes, but is not limited to, trailers used to launch or retrieve watercraft, rafts, inner tubes, kick boards, anchors and anchor lines, docks, dock cables and floats, buoys, beacons, wading boots, fishing tackle, bait buckets, skin diving and scuba diving equipment, submersibles, pumps, sea planes, and heavy construction equipment used in aquatic environments.

"Operator" means a person who operates or is in actual physical control of a watercraft, vehicle, conveyance or equipment.

"Owner" means a person who claims lawful possession of a watercraft, vehicle, conveyance, or equipment.

"Person" has the same meaning as defined under A.R.S. § 1-215.

"Release" means to place, plant, or cause to be placed or planted in waters.

"Transporter" means a person responsible for the overland movement of a watercraft, vehicle, conveyance, or equipment.

"Waters" means surface water of all sources, whether perennial or intermittent, in streams, canyons, ravines, drainage systems, canals, springs, lakes, marshes, reservoirs, ponds, and other bodies or accumulations of natural, artificial, public or private waters situated wholly or partly in or bordering this state.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Section R12-4-901 expired under A.R.S. § 41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2). New Section R12-4-901 renumbered from R12-4-1101 by final expedited rulemaking at 24 A.A.R. 407, effective February 6, 2018 (Supp. 18-1).

**R12-4-902. Aquatic Invasive Species; Prohibitions; Inspection, Decontamination Protocols****A. A person shall not, unless authorized under Article 4:**

1. Possess, import, ship, or transport into or within this state an aquatic invasive species, unless authorized by the Director.
2. Sell, purchase, barter, or exchange in this state an aquatic invasive species.
3. Release an aquatic invasive species into waters or into any water treatment facility, water supply or water transportation facility, device or mechanism in this state.

**B. Upon removing a watercraft, vehicle, conveyance, or equipment from any waters listed in Director's Order 2 and prior to transport, a person shall:**

1. Remove all clinging materials such as plants, animals, and mud.

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2. Remove all plugs and other valves or devices that prevent water drainage from all compartments that may retain water, such as ballast tanks, ballast bags, bilges, and ensure plugs or devices remain removed or open during transport.
  3. If no plugs or barriers exist, take reasonable measures to drain or dry all compartments or spaces that may retain water. Reasonable measures include, but are not limited to, emptying bilges, application of absorbents, or ventilation.
- C. Before transporting a watercraft, vehicle, conveyance, or equipment to any waters located within or bordering this state from waters or locations listed in Director's Order 2, a person shall comply with the mandatory conditions and protocols identified in Director's Order 3 for decontamination of watercraft, vehicles, conveyances, and equipment.
- D. Department employees, certified agents, and Arizona peace officers authorized under A.R.S. § 17-104 may inspect a watercraft, vehicle, conveyance, or equipment for the purposes of determining compliance with A.R.S. Title 17, Chapter 2, Article 3.1 and this Section.
- E. If the presence of an aquatic invasive species is documented or suspected on or in a watercraft, vehicle, conveyance, or equipment, a Department employee or any Arizona peace officer may order a person to decontaminate or cause to be decontaminated such watercraft, vehicle, conveyance, or equipment using the mandatory protocols described in Director's Order 3.
- F. The following Director's Orders are available at any Department office and online at azgfd.gov:
1. Director's Order 1 – Listing of Aquatic Invasive Species for Arizona,
  2. Director's Order 2 – Designation of Waters or Locations Where Listed Aquatic Invasive Species are Present, and
  3. Director's Order 3 – Mandatory Conditions on the Movement of Watercraft, Vehicles, Conveyances, or Other Equipment from Listed Waters Where Aquatic Invasive Species are Present.
- G. This Section does not apply to owners and operators exempt under A.R.S. § 17-255.04.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Section R12-4-902 expired under A.R.S. § 41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2). New Section R12-4-902 renumbered from R12-4-1102 and amended by final expedited rulemaking at 24 A.A.R. 407, effective February 6, 2018 (Supp. 18-1).

**R12-4-903. Expired****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). R12-4-903 renumbered to R12-4-904; new Section R12-4-903 renumbered from R12-4-904 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Section R12-4-903 expired under A.R.S. § 41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2).

**R12-4-904. Expired****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). R12-4-904 renumbered to R12-4-903; new Section R12-4-904

renumbered from R12-4-903 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Section R12-4-904 expired under A.R.S. § 41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2).

**R12-4-905. Expired****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Section R12-4-905 expired under A.R.S. § 41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2).

**R12-4-906. Expired****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Section R12-4-906 expired under A.R.S. § 41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2).

**ARTICLE 10. OFF-HIGHWAY VEHICLES****R12-4-1001. Minimum Standards for an Approved Off-highway Vehicle Educational Course**

The Department may approve an educational course of instruction in basic off-highway vehicle (OHV) safety and environmental ethics, provided the course meets the following minimum standards:

1. Course content. The course shall provide information regarding:
  - a. OHV safety;
  - b. Responsibilities of users of OHVs;
  - c. Use of an OHV in a manner that does not harm the natural terrain, plants, or animals;
  - d. Use of an OHV in a manner that minimizes air pollution; and
  - e. State statutes and rules regarding use of OHVs.
2. Course procedures. The course provider shall:
  - a. Use a written examination to measure the extent to which a participant learned the course content; and
  - b. Provide a certificate of completion to a participant who receives a score of 80% or above on the written examination or that demonstrates an equivalent proficiency.

**Historical Note**

New Section made by final rulemaking at 25 A.A.R. 1860, August 31, 2019 (Supp. 19-3).

**R12-4-1002. Course-approval Procedure**

A. To obtain approval of an educational course of instruction in basic off-highway vehicle (OHV) safety and environmental ethics, the course provider shall submit an application to the Department's OHV Law Enforcement Program Manager using a form furnished by the Department. The provider shall include the following information on the application form:

1. Name of provider;
2. If the provider is not an individual, the name of the person who will maintain contact with the Department;
3. Business address;
4. Business email address; and
5. Business and contact telephone numbers.

B. In addition to the application form required under subsection (A), a provider shall include a copy of all of the following:

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1. The curriculum that will be used to provide the educational course;
  2. Any materials that will be provided to course participants;
  3. The written examination required under R12-4-1001(2)(a); and
  4. The certificate of completion required under R12-4-1001(2)(b).
- C. The Department shall either approve or deny a request to approve an educational course within 60 days of receiving the application. The Department shall not approve an educational course that fails to meet the requirements established under R12-4-1001 or this Section. The Department shall provide a written notice to the course provider stating the reason for the denial.
- D. The provider of an educational course of instruction that is not approved by the Department may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

New Section made by final rulemaking at 25 A.A.R.  
1860, August 31, 2019 (Supp. 19-3).

**R12-4-1003. Fee for an Approved Course**

Under A.R.S. § 28-1175(B), the provider of an approved educational course of instruction in basic off-highway vehicle safety and environmental ethics may collect a fee from each participant that:

1. Is reasonable and commensurate for the course, and
2. Does not exceed \$300.

**Historical Note**

New Section made by final rulemaking at 25 A.A.R.  
1860, August 31, 2019 (Supp. 19-3).

**R12-4-1004. Off-highway Vehicle Sound-level Requirements**

- A. A peace officer who has reason to believe that an off-highway vehicle (OHV) is being operated in violation of A.R.S. § 28-1179(A)(3) may direct the operator to submit the OHV to an onsite test to measure the OHV's sound level. In accordance with A.R.S. § 28-1179(A)(3), the sound level of an OHV shall be measured using the following procedures, which are incorporated by reference and are available for inspection at the Arizona Game and Fish Department, 5000 W. Carefree Highway, Phoenix, Arizona 85086:
1. All terrain vehicle or motorcycle. Society of Automotive Engineers, J1287, Measurement of Exhaust Sound Pressure Levels of Stationary Motorcycles, April 2017, available from SAE International, 400 Commonwealth Dr., Warrendale, PA 15096 or online at [www.sae.org](http://www.sae.org); and
  2. Other OHV. International Organization for Standardization, ISO 5130:2007, Acoustics-Measurements of Sound Pressure Level Emitted by Stationary Road Vehicles, 2007, May 31, 2007 Edition 2, available from American National Standards Institute, Attention Customer Service Department, 25 W. 43rd St., 4th Floor, New York, NY 10056 or online at [www.iso.org](http://www.iso.org).
- B. If a peace officer directs the operator of an OHV to submit the OHV to an onsite test to measure the OHV's sound level, the operator shall allow the OHV and associated equipment to be tested. If the peace officer believes that more than one test of the OHV's sound level is necessary to ensure that an accurate measure is obtained, the operator shall allow multiple tests.
- C. If it is determined that an OHV is being operated in violation of A.R.S. § 28-1179(A)(3), the operator of the OHV shall:
1. Immediately stop operating the OHV; and
  2. Ensure the vehicle is not operated again until it can be operated in compliance with A.R.S. § 28-1179(A)(3), except:
    - a. During a period of emergency; or
    - b. When the operation is directed by a peace officer or other public authority.
- D. This Section does not include any later amendments or editions of the incorporated materials.

**Historical Note**

New Section made by final rulemaking at 25 A.A.R.  
1860, August 31, 2019 (Supp. 19-3).

**R12-4-1005. Nonresident Off-highway Vehicle User Indicia**

- A. The owner or operator of an all-terrain vehicle (ATV) or off-highway vehicle (OHV) as defined under A.R.S. § 28-1171 shall not operate the ATV or OHV off-highway in this state without an Arizona off-highway vehicle user indicia. This requirement only applies to an ATV or OHV that:
1. Is designed by the manufacturer primarily for travel over unimproved terrain.
  2. Has an unladen weight of two thousand five hundred pounds or less.
- B. For lawful Arizona off-highway operation, the owner or operator of a qualifying nonresident ATV or OHV shall apply to the Department for an off-highway vehicle user indicia as prescribed under A.R.S. § 28-1177. The owner or operator shall submit to the Department:
1. The nonresident off-highway vehicle user indicia application furnished by the Department and available on the Department's website,
  2. The fee established under subsection (C)(1), and
  3. The convenience fee established under subsection (C)(2).
- C. As authorized under A.R.S. § 28-1177:
1. The fee for the nonresident off-highway vehicle user indicia is \$25.
  2. The Department may also collect and retain a reasonable and commensurate fee for its services.
- D. The owner or operator of the ATV or OHV titled or registered out-of-state shall display the nonresident off-highway user indicia in a manner that is clearly visible to outside inspection:
1. For vehicles with three or more wheels, on the left side rear quadrant of the vehicle.
  2. For two-wheeled vehicles, the indicia shall be displayed on the left fork leg.
- E. A printed receipt or an electronic copy of the receipt of payment for an annual decal that is purchased online shall serve as a temporary permit for a period of 30 days from the date of purchase.
- F. Under A.R.S. § 28-1178, a person may operate an ATV or OHV in this state without the nonresident off-highway user indicia required under A.R.S. § 28-1177 when any one of the following applies:
1. The person is loading or unloading an ATV or OHV from a vehicle.
  2. The person is participating in an off-highway special event.
  3. The person is operating an ATV or OHV:
    - a. During an emergency or as directed by a peace officer or other public authority.
    - b. Exclusively for agriculture, ranching, construction, mining or building trade purposes.
    - c. Exclusively on private land.

**Historical Note**

New Section made by final rulemaking at 25 A.A.R.  
1860, August 31, 2019 (Supp. 19-3).



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**ARTICLE 11. RENUMBERED****R12-4-1101. Renumbered****Historical Note**

New Section made by final rulemaking at 18 A.A.R. 196, effective January 10, 2012 (Supp. 12-1). Section R12-4-1101 renumbered to R12-4-901 by final expedited rulemaking at 24 A.A.R. 407, effective February 6, 2018 (Supp. 18-1).

**R12-4-1102. Renumbered****Historical Note**

New Section made by final rulemaking at 18 A.A.R. 196, effective January 10, 2012 (Supp. 12-1). Section R12-4-1102 renumbered to R12-4-902 by final expedited rulemaking at 24 A.A.R. 407, effective February 6, 2018 (Supp. 18-1).

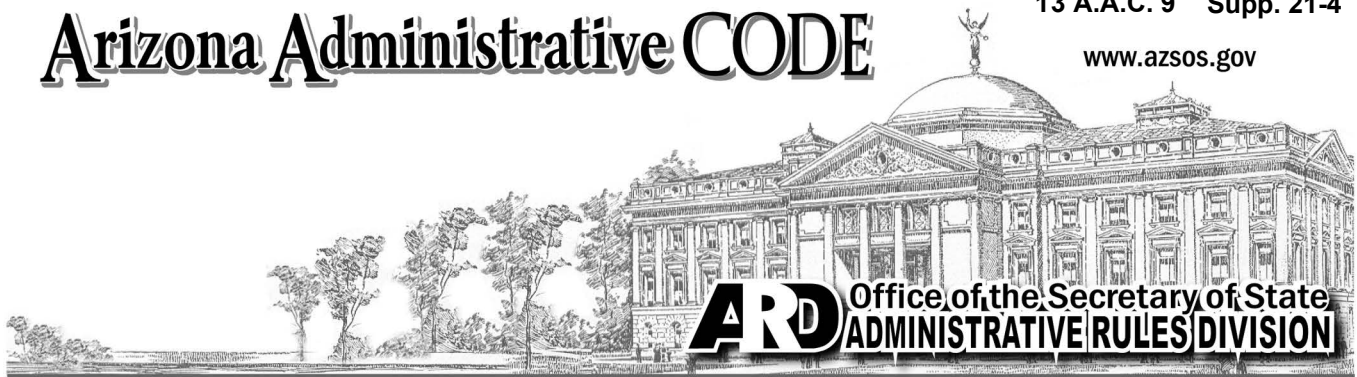
**R12-4-1103. Emergency Expired****Historical Note**

New Section made by emergency rulemaking at 17 A.A.R. 1218, effective June 2, 2011 for 180 days (Supp. 11-2). Section renewed by emergency rulemaking at 17 A.A.R. 2376, effective November 3, 2011 (Supp. 11-4). Emergency expired (Supp. 14-1).

**R12-4-1104. Emergency Expired****Historical Note**

New Section made by emergency rulemaking at 17 A.A.R. 1218, effective June 2, 2011 for 180 days (Supp. 11-2). Section renewed by emergency rulemaking at 17 A.A.R. 2376, effective November 3, 2011 (Supp. 11-4). Emergency expired (Supp. 14-1).

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## TITLE 13. PUBLIC SAFETY

### CHAPTER 9. DEPARTMENT OF PUBLIC SAFETY - CONCEALED WEAPONS PERMITS

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
October 1, 2021 through December 31, 2021

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#### Questions about these rules? Contact:

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Address: POB 6638, Mail Drop 1205  
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**The release of this Chapter in Supp. 21-4 replaces Supp. 17-4, 1-9 pages**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

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### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

First Quarter: January 1 - March 31  
Second Quarter: April 1 - June 30  
Third Quarter: July 1 - September 30  
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2021 is cited as Supp. 21-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

### RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

### AUTHENTICATION OF PDF CODE CHAPTERS

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

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, [www.azsos.gov](http://www.azsos.gov) under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

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

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

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

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

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

### PERSONAL USE/COMMERCIAL USE

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



## Administrative Rules Division

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

**TITLE 13. PUBLIC SAFETY****CHAPTER 9. DEPARTMENT OF PUBLIC SAFETY - CONCEALED WEAPONS PERMITS**

Authority: A.R.S. § 41-1713(A)(4)

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## CHAPTER 9. DEPARTMENT OF PUBLIC SAFETY - CONCEALED WEAPONS PERMITS

**ARTICLE 1. GENERAL PROVISIONS****R13-9-101. Definitions**

In this Chapter, unless otherwise specified:

1. "Adequate documentation" has the same meaning as prescribed in A.R.S. § 13-3112(E)(6).
2. "Administrative completeness review time-frame" has the same meaning as prescribed in A.R.S. § 41-1072.
3. "Applicant" means an individual or organization that submits an application form and the required fee to the Department for:
  - a. A Concealed Weapons Permit,
  - b. Renewal of a Concealed Weapons Permit,
  - c. A certificate of firearms proficiency, or
  - d. Recognition as a firearms-proficiency instructor.
4. "Certificate of firearms proficiency" means a document issued by the Department to an individual who meets the requirements of LEOSA.
5. "Classifiable fingerprints" means fingerprint impressions that meet the criteria of the Federal Bureau of Investigation, as contained in Form FD-258 (Rev. 5-15-17), published by the U.S. Government Printing Office. This form is incorporated by reference and available from the Department and the FBI (Attn: Logistical Support Unit, CJIS Division, 1000 Custer Hollow Road, Clarksburg, WV 26306) or online at [www.bookstore.gpo.gov](http://www.bookstore.gpo.gov). The material incorporated by reference contains no future editions or amendments.
6. "Completion certificate" means adequate documentation that an individual completed an eight-hour, Department-authorized, firearms-safety training program.
7. "Department" means the Department of Public Safety.
8. "Director" means the Director of the Arizona Department of Public Safety.
9. "Firearm" has the same meaning as prescribed in A.R.S. § 13-3101.
10. "Honorably retired peace officer" means an individual who separates from a law enforcement agency after at least 10 years of service, receives a medical, disability, or regular retirement pension or annuity as a result of qualifying years of service as a peace officer, and has a letter from the law enforcement agency confirming these facts.
11. "LEOSA" means the federal Law Enforcement Officers Safety Act of 2004.
12. "LEOSA instructor" means an individual who is certified by POST as a firearms instructor and authorized by the Department to provide training to individuals seeking a certificate of firearms proficiency.
13. "Original application" means a form referenced in this Chapter that is not a copy and contains the original signature of an applicant.
14. "Party" has the same meaning as prescribed in A.R.S. § 41-1001.
15. "Peace officer" has the same meaning as prescribed in A.R.S. § 13-105.
16. "Permit" means an identification card issued by the Department that authorizes the named holder to carry concealed weapons subject to the requirements of A.R.S. § 13-3112 and this Chapter.
17. "Permit holder" means an individual who has a Department-issued permit to carry concealed weapons.
18. "POST" means the Arizona Peace Officer Standards and Training Board.
19. "Prohibited possessor" has the same meaning as prescribed in A.R.S. § 13-3101(7) and means any individual to whom it is unlawful to sell or otherwise dispose of a firearm under 18 U.S.C. 922(d) or (g).

20. "Qualified retired officer" means a qualified retired law enforcement officer as defined by 18 U.S.C. 926C(c).
21. "Resident" has the same meaning as prescribed in A.R.S. § 28-2001.
22. "Substantive review time-frame" has the same meaning as prescribed in A.R.S. § 41-1072.
23. "Weapon" has the same meaning as deadly weapon as defined in A.R.S. § 13-3101.

**Historical Note**

Adopted effective January 12, 1996 (Supp. 96-1). Amended by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4). Amended by final expedited rulemaking at 27 A.A.R. 2524 (October 29, 2021), with an immediate effective date of October 8, 2021 (Supp. 21-4).

**R13-9-102. Application and Processing Fees**

- A. Under the authority provided by A.R.S. § 13-3112, the Department establishes and shall collect the following fees:
  1. New Concealed Weapons Permit – \$43;
  2. Renewal of a Concealed Weapons Permit – \$43;
  3. Certificate of firearms proficiency – \$20;
  4. Replacing a lost, stolen, or damaged permit or certificate – \$10;
  5. Name change on a permit or certificate – \$10.
- B. The Department shall collect a fee in an amount necessary to cover the cost of federal and state fingerprint processing for criminal history record checks from all applicants required under this Chapter to submit fingerprints for a criminal history record check.
- C. An applicant shall submit the required fees by a cashier's or certified check or money order made payable to the Arizona Department of Public Safety. The Department does not accept credit cards or personal checks. All fees are non-refundable unless A.R.S. § 41-1077 applies.

**Historical Note**

Adopted effective January 12, 1996 (Supp. 96-1). Section repealed; new Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4).

**R13-9-103. Application Forms**

- A. The Department shall provide and an applicant shall use an application form for:
  1. An initial Concealed Weapons Permit or renewal of the permit,
  2. A certificate of firearms proficiency, or
  3. Authorization as a LEOSA instructor.
- B. Application forms may be obtained from the Concealed Weapons Permit Unit of the Department or online at [www.azdps.gov/services/public/cwp](http://www.azdps.gov/services/public/cwp). Upon request, the Concealed Weapons Permit Unit shall advise an individual or organization of other locations where application forms may be obtained.

**Historical Note**

Adopted effective January 12, 1996 (Supp. 96-1). Section repealed; new Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4).

## CHAPTER 9. DEPARTMENT OF PUBLIC SAFETY - CONCEALED WEAPONS PERMITS

- 4). Amended by final expedited rulemaking at 27 A.A.R. 2524 (October 29, 2021), with an immediate effective date of October 8, 2021 (Supp. 21-4).

**R13-9-104. Time-frames for Department Action on Applications**

- A.** For the purpose of compliance with A.R.S. § 41-1072 et seq., the Department establishes the time-frames listed in Table 1. Under A.R.S. § 41-1073(E)(2), the Department is not establishing a time-frame for issuance of the following licenses because the Department shall grant or deny each license within seven days after receipt of an application:
1. A certificate of firearms proficiency under R13-9-402, and
  2. Recognition as a LEOSA instructor under R13-9-501.
- B.** An administratively complete application consists of all the information and documents listed in:
1. R13-9-202 for a Concealed Weapons Permit, or
  2. R13-9-204 for renewal of a Concealed Weapons Permit.
- C.** The administrative completeness review time-frame listed in Table 1 begins on the date the Department receives an application.
1. If the application is not administratively complete when received, the Department shall send a notice of deficiency to the applicant. The Department shall include in the deficiency notice a list of the documents and information needed to complete the application.
  2. From the date of the deficiency notice, the applicant shall submit to the Department, within the time for response to a deficiency notice provided in Table 1, the missing documents and information. The time-frame for the Department to finish the administrative completeness review is suspended from the date of the deficiency notice until the date the Department receives the missing documents and information.
  3. The Department and applicant may agree in writing to extend the time in subsection (C)(2) upon written request by the applicant before the end of the time.
  4. If the applicant fails to provide the missing documents and information within the time allowed, the Department shall close the applicant's file. If an individual whose file is closed wants to be considered further for a permit or approval, the individual shall submit a new application under R13-9-202 or R13-9-204.
- D.** The substantive review time-frame listed in Table 1 begins on the date that the Department determines an application is administratively complete.
1. During the substantive review time-frame, the Department may make one comprehensive written request for additional information. The Department and applicant may agree in writing to allow the Department to make a supplemental request for additional information.
2. From the date of the comprehensive request for additional information, the applicant shall submit to the Department, within the time for response to a comprehensive request provided in Table 1, the additional information. The time-frame for the Department to finish the substantive review of the application is suspended from the date of the comprehensive request for additional information until the Department receives the additional information.
  3. The Department and applicant may agree in writing to extend the time in subsection (D)(2) upon written request by the applicant before the end of the time.
  4. If the applicant fails to provide the additional information within the time allowed, the Department shall close the applicant's file. If an individual whose file is closed wants to be considered further for a permit or approval, the individual shall submit a new application under R13-9-202 or R13-9-204.
- E.** When the substantive review is complete, the Department shall inform the applicant in writing of its decision whether to grant or deny a permit or authorization to the applicant.
- F.** The Department shall deny a permit, certificate, authorization, or recognition if it determines that the applicant does not meet all criteria required by statute and rule.
1. The Department shall include in its notice of denial the information required under A.R.S. § 41-1092.03(A).
  2. Under A.R.S. § 13-3112(H), an individual who is denied a Concealed Weapons Permit may submit additional documentation to the Department within 20 days of receipt of the notice of denial and the Department shall reconsider its denial.
  3. An applicant who is denied a permit, certificate, authorization, or recognition may appeal the Department's decision under A.R.S. Title 41, Chapter 6, Article 10.
- G.** The Department shall grant a permit, certificate, authorization, or recognition if it determines that the applicant meets all criteria required by statute and rule.

**Historical Note**

Adopted effective January 12, 1996 (Supp. 96-1). Section repealed; new Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4). Amended by final expedited rulemaking at 27 A.A.R. 2524 (October 29, 2021), with an immediate effective date of October 8, 2021 (Supp. 21-4).

**Table 1. Time-frames for Department Action on Applications (in days)**

Application Type	Administrative Review Time-frame	Time for Response to Deficiency Notice	Substantive Review Time-frame	Time for Response to Comprehensive Request	Over-all Time-frame
Concealed Weapons Permit R13-9-202	14	40	46	20	60
Renewal of Concealed Weapons Permit R13-9-204	14	40	46	20	60

**Historical Note**

## CHAPTER 9. DEPARTMENT OF PUBLIC SAFETY - CONCEALED WEAPONS PERMITS

Table 1 made by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4). Amended by final expedited rulemaking at 27 A.A.R. 2524 (October 29, 2021), with an immediate effective date of October 8, 2021 (Supp. 21-4).

**R13-9-105. Repealed****Historical Note**

Adopted effective January 12, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4).

**R13-9-106. Repealed****Historical Note**

Adopted effective January 12, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4).

**R13-9-107. Repealed****Historical Note**

Adopted effective January 12, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4).

**R13-9-108. Repealed****Historical Note**

Adopted effective January 12, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4).

**R13-9-109. Repealed****Historical Note**

Adopted effective January 12, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4).

**R13-9-110. Repealed****Historical Note**

Adopted effective January 12, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4).

**R13-9-111. Repealed****Historical Note**

Adopted effective January 12, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4).

**R13-9-112. Repealed****Historical Note**

Adopted effective January 12, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4).

**R13-9-113. Repealed****Historical Note**

Adopted effective January 12, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4).

## **ARTICLE 2. CONCEALED WEAPONS PERMIT: APPLICATION; RENEWAL; RESPONSIBILITIES**

**R13-9-201. Concealed Weapons Permit Eligibility**

An applicant for a Concealed Weapons Permit shall meet all requirements under A.R.S. § 13-3112(E) and (N), and not currently be a prohibited possessor under state or federal law.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4). Amended by final expedited rulemaking at 27 A.A.R. 2524 (October 29, 2021), with an immediate effective date of October 8, 2021 (Supp. 21-4).

**R13-9-202. Application for a Concealed Weapons Permit**

To obtain a Concealed Weapons Permit, an applicant who is eligible under R13-9-201 shall:

1. Submit to the Department an original application, using a form available from the Department, that includes the following information:
  - a. Full legal name;
  - b. County of residence and residential address, including zip code, or descriptive location of residence if an address is not assigned;
  - c. Mailing address if different from residential address;
  - d. Social Security number (optional);
  - e. Contact telephone numbers;
  - f. Descriptive information about the applicant including race, gender, height, weight, eye and hair colors, and date and place of birth;
  - g. A statement of whether the applicant:
    - i. Is a citizen of the United States;
    - ii. Was born outside of the United States or one of its territories;
    - iii. Has satisfactorily completed the firearms-safety training program;
    - iv. Is currently under indictment for a felony offense;
    - v. Has ever been convicted of a felony offense, and if so, whether the conviction was expunged, set aside, or vacated, or whether the applicant's civil rights were restored;
    - vi. Is currently under indictment for a misdemeanor domestic violence offense;
    - vii. Has ever been convicted for a misdemeanor domestic violence offense and if so, whether the conviction was expunged, set aside, or vacated;
    - viii. Has been discharged from the United States Armed Forces under dishonorable conditions;
    - ix. Suffers from a mental illness and has ever been adjudicated mentally incompetent or committed to a mental institution by court order; and
  - h. The applicant's dated signature attesting that the information provided in the application is true to the best of the applicant's knowledge.
2. In addition to the application form required under subsection (1), an applicant shall:
  - a. Submit adequate documentation under A.R.S. § 31-3112(E)(6)(a) through (d) or (N)(1) through (8); or
  - b. Submit a copy of one of the following if born outside the United States or one of its territories or if not a citizen of the United States:
    - i. Certificate of naturalization,
    - ii. Both the front and back of a permanent resident alien card, USCIS Form I-94, or other federally



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- issued document authorizing the applicant to be in the United States,
- iii. Record of birth abroad to an American citizen,
- iv. Record of birth to Armed Service personnel, or
- v. Passport issued by the United States;
- c. Submit two full sets of classifiable fingerprints; and
- d. Submit the fees required under R13-9-102(A) and (B).

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4). Amended by final expedited rulemaking at 27 A.A.R. 2524 (October 29, 2021), with an immediate effective date of October 8, 2021 (Supp. 21-4).

**R13-9-203. Issuance of a Concealed Weapons Permit**

- A. If an applicant meets the requirements of A.R.S. § 13-3112 and this Chapter and is not currently a prohibited possessor under state or federal law, the Department shall issue to the applicant a Concealed Weapons Permit containing:
  1. The permit holder's legal name, as shown on the application;
  2. The permit holder's date of birth;
  3. The permit holder's physical description, including race, gender, height, weight, and hair and eye colors;
  4. A permit number;
  5. The dates of issuance and expiration; and
  6. The title of the permit, "State of Arizona Concealed Weapons Permit."
- B. The Department shall mail the permit to the residential or mailing address shown on the application.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4).

**R13-9-204. Renewal of Concealed Weapons Permit**

- A. A Concealed Weapons Permit expires five years after it is issued. If a Concealed Weapons Permit expires, the former permit holder shall not unlawfully carry a concealed weapon until the former permit holder applies for and is issued a new Concealed Weapons Permit.
- B. To renew a Concealed Weapons Permit, the permit holder shall, no more than 90 days before or 60 days after the date of expiration:
  1. Submit to the Department the application required under R13-9-202(1);
  2. Submit the fee required under R13-9-102(A);
  3. If not a citizen of the United States, submit a copy of the front and back of the federally issued document that authorizes the permit holder to be in the United States; and
- C. The permit holder shall be in compliance with A.R.S. § 31-3112(E).
- D. If a former permit holder fails to comply with subsection (B), the former permit holder may obtain a new Concealed Weapons Permit only by complying with all provisions of R13-9-202.
- E. If a permit holder is a member of the United States armed forces, Arizona national guard, or reserves of any military establishment of the United States and is on federal active duty and deployed overseas at the time the permit holder's Con-

cealed Weapons Permit expires, the permit holder may renew the permit by complying with subsection (B) within 90 days after the end of the overseas deployment. To renew a permit under this subsection, the permit holder shall include evidence of the deployment with the renewal application.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4). Amended by final expedited rulemaking at 27 A.A.R. 2524 (October 29, 2021), with an immediate effective date of October 8, 2021 (Supp. 21-4).

**R13-9-205. Permit Holder Responsibilities**

- A. Upon request of any peace officer, a permit holder who is in actual possession of a concealed weapon shall present the permit to the peace officer for inspection. If the permit does not include a photograph of the permit holder, the permit holder shall also present one of the following types of official photographic identification:
  1. Driver license issued by any state,
  2. Military identification card,
  3. Identification license issued under A.R.S. § 28-3165, or
  4. Passport.
- B. A permit holder shall not deface, alter, mutilate, reproduce, lend, transfer, or sell a permit.
- C. To ensure timely communication from the Department, a permit holder shall provide notice to the Department within 10 days after a change of address.
- D. A permit holder shall inform the Department by telephone within 72 hours if the permit holder is arrested or indicted for an offense that would make the permit holder unqualified under A.R.S. § 13-3112 or if the permit holder becomes a prohibited possessor.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1).

**R13-9-206. Lost, Stolen, or Damaged Concealed Weapons Permit**

- A. A permit holder whose Concealed Weapons Permit is lost, stolen, or damaged shall notify the Department in writing within 10 days of determining that the permit is lost, stolen, or damaged. When advised of a lost, stolen, or damaged permit, the Department shall invalidate the permit. The permit holder shall not carry a concealed weapon until the Department issues a replacement permit.
- B. The Department shall issue a replacement permit to a permit holder who:
  1. Submits a written request;
  2. Submits the fee specified in R13-9-102; and
  3. Returns the permit if it is damaged.
- C. The Department shall ensure that the replacement permit has the same expiration date as the lost, stolen, or damaged permit.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4).

**R13-9-207. Repealed**

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**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Section repealed by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1).

**R13-9-208. Change in Name of Permit Holder**

- A. A permit holder whose name is legally changed shall provide written notice to the Department and request a revised Concealed Weapons Permit within 10 days of the name change. The permit holder shall ensure that the written request for a revised Concealed Weapons Permit:
1. Contains both the previous and new names,
  2. Is accompanied by a copy of the court document or marriage certificate authorizing the name change, and
  3. Includes the fee specified in R13-9-102.
- B. Within 15 working days after receipt of a request for a revised permit, the Department shall mail the revised permit to the permit holder.
- C. The Department shall ensure that a revised permit has the same expiration date as the previous permit.
- D. Upon receipt of a revised permit, the permit holder shall return the previous permit to the Department.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4).

**ARTICLE 3. FIREARMS-SAFETY TRAINING: ORGANIZATIONS AND INSTRUCTORS****R13-9-301. Repealed****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Section repealed by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1).

**R13-9-302. Expired****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 795, effective March 27, 2015; expired Section removed in Supp. 17-4.

**R13-9-303. Repealed****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Section repealed by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1).

**R13-9-304. Repealed****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Section repealed by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1).

**R13-9-305. Expired****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 795, effective March 27, 2015 (Supp. 15-2).

**R13-9-306. Repealed****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Section repealed by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1).

**R13-9-307. Expired****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 795, effective March 27, 2015 (Supp. 15-2).

**R13-9-308. Expired****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 795, effective March 27, 2015 (Supp. 15-2).

**R13-9-309. Expired****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 795, effective March 27, 2015 (Supp. 15-2).

**R13-9-310. Expired****Historical Note**

New Section made by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 795, effective March 27, 2015 (Supp. 15-2).

**ARTICLE 4. CERTIFICATE OF FIREARMS PROFICIENCY****R13-9-401. Certificate of Firearms Proficiency Eligibility**

To be eligible to receive a LEOSA-authorized certificate of firearms proficiency from the Department, an individual shall:

1. Be a resident of Arizona; and
2. Be a qualified retired law enforcement officer. An individual is a qualified retired law enforcement officer if the individual:
  - a. Is retired in good standing from service with a public agency as a law enforcement officer for a reason other than mental instability;

## CHAPTER 9. DEPARTMENT OF PUBLIC SAFETY - CONCEALED WEAPONS PERMITS

- b. While in service as a law enforcement officer, was authorized by law to engage in or supervise the prevention, detection, investigation, prosecution, or incarceration of a person for any violation of law, and had statutory powers of arrest;
- c. Was regularly employed as a law enforcement officer for a total of 15 years or more or, if employed as a law enforcement officer for fewer than 15 years, retired after any applicable probationary period of service due to a service-connected disability, as determined by the agency;
- d. Has a non-forfeitable right to benefits under the retirement plan of the agency;
- e. Meets the training and qualification standards of an active-duty law enforcement officer in Arizona;
- f. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- g. Is not prohibited by federal law from possessing a firearm.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Former R13-9-401 renumbered to R13-9-601; new R13-9-401 made by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1).

**R13-9-402. Application for a Certificate of Firearms Proficiency**

To obtain a certificate of firearms proficiency, an applicant who is eligible under R13-9-401 shall submit:

1. An original application, using a form available from the Department, which provides the following information about the applicant:
  - a. Full legal name;
  - b. Residential address or descriptive location of residence if an address is not assigned;
  - c. Mailing address if different from the residential address;
  - d. Social Security number (optional);
  - e. Telephone number;
  - f. E-mail address;
  - g. Descriptive information including race, gender, height and weight, eye and hair colors, and date and place of birth;
  - h. Name and address of the law enforcement agency from which the applicant is retired; and
  - i. The applicant's dated signature affirming that the information provided is true and accurate;
2. Documentation that the applicant met the requirement under R13-9-401(2)(c) within the last 12 months;
3. A copy of photographic identification from a law enforcement agency indicating that the applicant is retired from the agency;
4. A letter from the law enforcement agency from which the applicant is retired that:
  - a. Is on agency letterhead,
  - b. Includes the applicant's name, rank, employee or badge number, dates of employment, and retired status; and
  - c. Provides the name and telephone number of an individual within the agency who can verify the information provided; and
5. The fee required under R13-9-102.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Former

R13-9-402 renumbered to R13-9-603; new R13-9-402 made by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4).

**R13-9-403. Issuance of a Certificate of Firearms Proficiency**

The Department shall issue a certificate of firearms proficiency to an individual who is eligible under R13-9-401 and submits the information and documents required under R13-9-402. The Department shall ensure that the certificate of firearms proficiency contains:

1. The following information about the certificate holder:
  - a. Legal name as shown on the application submitted under R13-9-402;
  - b. Birth date;
  - c. Physical description including race, gender, height and weight, and eye and hair colors; and
  - d. Name of the law enforcement agency from which retired;
2. The statement, "Retired Law Enforcement Officer," following the certificate holder's name;
3. A certificate number;
4. The date of qualification;
5. The title "Retired Law Enforcement Officer's Certificate of Firearms Proficiency"; and
6. A brief statement on the reverse side identifying the certificate and its purpose.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4).

**R13-9-404. Renewal of a Certificate of Firearms Proficiency**

- A. A certificate of firearms proficiency expires one year after the date of qualification.
- B. To renew a certificate of firearms proficiency before it expires, the certificate holder shall comply with the requirements in R13-9-402(1), (2), and (5).
- C. If a certificate of firearms proficiency expires, the former certificate holder may obtain a new certificate only by complying with all of the requirements in R13-9-402.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4).

**R13-9-405. Certificate Holder Responsibilities**

- A. A certificate holder who is in actual possession of a concealed weapon shall also be in possession of:
  1. Photographic identification issued by a law enforcement agency indicating that the certificate holder is a retired law enforcement officer; and
  2. The certificate of firearms proficiency issued under R13-9-403.
- B. On request by any peace officer, a certificate holder who is in actual possession of a concealed weapon shall present the documents listed in subsection (A).

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1).

**ARTICLE 5. LEOSA-RECOGNIZED INSTRUCTORS****R13-9-501. Application for Recognition as a LEOSA Instructor**

- A. To be recognized as a LEOSA instructor, an individual shall:

## CHAPTER 9. DEPARTMENT OF PUBLIC SAFETY - CONCEALED WEAPONS PERMITS

1. Be certified as a firearms instructor by POST; and
2. Submit an application, available from the Department, which provides the following information about the applicant:
  - a. Name,
  - b. Mailing address,
  - c. Telephone number,
  - d. E-mail address,
  - e. Social Security number (optional), and
  - f. Name of the law enforcement agency with which the applicant is or was employed.
- B. After receiving the application required under subsection (A)(2) and confirming that the applicant is certified by POST as a firearms instructor, the Department shall recognize the applicant as a LEOSA instructor and assign a LEOSA-instructor number.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4).

**R13-9-502. LEOSA Instructor Responsibilities**

An individual recognized by the Department as a LEOSA instructor shall:

1. Comply with all POST firearms-certification rules and requirements when performing firearms-qualification services for a retired law enforcement officer;
2. Complete the documentation required under R13-9-402(2) for a retired law enforcement officer who successfully completes the firearms-qualification requirement;
3. Maintain for five years the following information about a retired law enforcement officer to whom firearms-qualification services are provided:
  - a. Name and age of the retired law enforcement officer at the time firearms-qualification services are provided;
  - b. Date and number of hours that the retired law enforcement officer received firearms-qualification services;
  - c. Physical location at which firearms-qualification services were provided;
  - d. Name of LEOSA instructor and LEOSA-instructor number; and
  - e. Whether the retired law enforcement officer passed, failed, or withdrew from the firearms qualification; and
4. Provide notice to the Department within 10 days:
  - a. Of a change in mailing address or telephone number;
  - b. Of a change in the information regarding the LEOSA instructor posted on the Department's web site;
  - c. If the individual no longer wants to be recognized as a LEOSA instructor; and
  - d. If the individual's POST certification as a firearms instructor is suspended or revoked.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1).

**ARTICLE 6. HEARINGS AND DISCIPLINARY PROCEEDINGS****R13-9-601. Suspension and Revocation**

- A. If a permit holder is arrested or indicted for an offense that would disqualify the permit holder under A.R.S. § 13-3112 or if the permit holder is a prohibited possessor, the Department shall immediately suspend and seize the permit. The Depart-

ment shall restore the permit under the conditions specified in A.R.S. § 13-3112(C).

- B. If a permit holder is convicted of an offense that disqualifies the permit holder under A.R.S. § 13-3112, the Department shall revoke the permit. The Department shall restore the permit under the conditions specified in A.R.S. § 13-3112(C).
- C. After providing notice and an opportunity for hearing, the Department shall suspend or revoke a permit or Department authorization if the Department determines that the permit holder:
  1. Failed to maintain all conditions specified in A.R.S. § 13-3112 and this Chapter; or
  2. Provided false, incomplete, or misleading information to the Department.
- D. If the Department revokes a permit or authorization, the affected individual shall not apply for another permit or authorization for at least two years from the date of revocation.
- E. If the Department determines that emergency action is required to suspend a permit or Department authorization, the Department shall send a notice of summary suspension by certified mail to the last known address of the individual. The Department shall ensure that the notice includes all requirements under A.R.S. § 41-1092 et seq.
- F. Upon receipt of a notice of a summary suspension or final administrative decision suspending or revoking a permit or authorization, the permit holder shall not unlawfully carry a concealed weapon and shall return the permit to the Department within five business days.
- G. The Department shall require that a permit be surrendered or seize a permit when required to do so under law.

**Historical Note**

Section R13-9-601 renumbered from R13-9-401 and amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4). Amended by final expedited rulemaking at 27 A.A.R. 2524 (October 29, 2021), with an immediate effective date of October 8, 2021 (Supp. 21-4).

**R13-9-602. Hearing Procedures**

The Department shall conduct all hearings according to the procedures in A.R.S. Title 41, Chapter 6, Article 10 and the rules issued by the Office of Administrative Hearings.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1).

**R13-9-603. Rehearing or Review of Decision**

- A. The Department shall provide for a rehearing and review of its decisions under A.R.S. Title 41, Chapter 6, Article 10 and the rules issued by the Office of Administrative Hearings.
- B. Within 30 days after the Department enters a final administrative decision, the affected individual may, but is not required to, file a motion for rehearing or review of the decision.
- C. A party may amend a motion for rehearing or review at any time before the Department rules on the motion.
- D. The Department may grant a rehearing or review for any of the following reasons materially affecting a party's rights:
  1. Irregularity in the proceedings of the Department or any order or abuse of discretion that deprived the moving party of a fair hearing;
  2. Misconduct by the Department, its staff, or an administrative law judge;
  3. Accident or surprise that could not have been prevented by ordinary prudence;

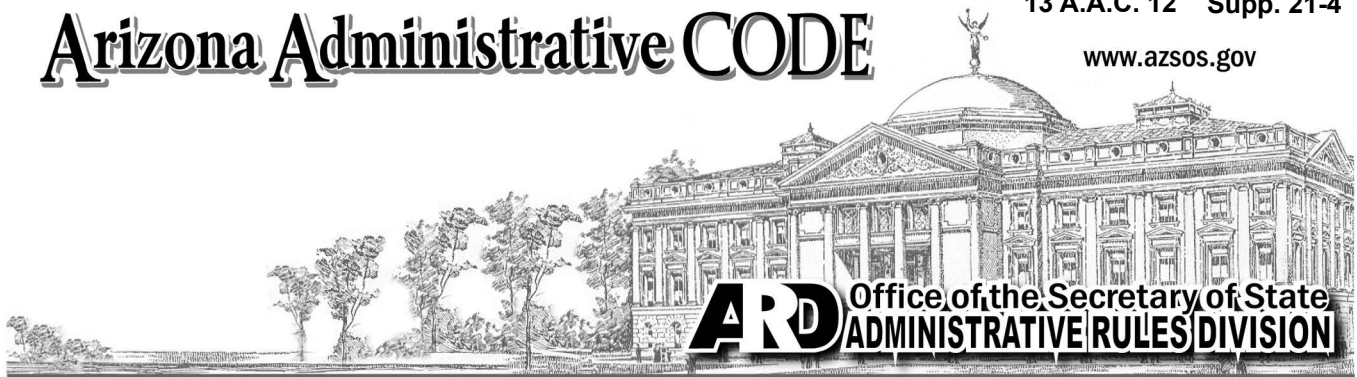
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4. Newly discovered evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
  5. Excessive penalty;
  6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings; or
  7. The findings of fact or decision is not justified by the evidence or is contrary to law.
- E.** The Department may affirm or modify a decision or grant a rehearing or review to all or some of the parties on all or some of the issues for any of the reasons in subsection (D). An order modifying a decision or granting a rehearing or review shall specify with particularity the grounds for the order. If a rehearing or review is granted, the rehearing or review shall cover only the matters specified in the order.
- F.** Not later than 15 days after the date of a decision, and after giving the parties notice and an opportunity to be heard, the Department may, on its own initiative, order a rehearing or review of its decision for any reason it might have granted a rehearing or review on motion of a party. The Department may grant a motion for rehearing or review, timely served, for a reason not stated in the motion. An order granting a rehearing or review shall specify the grounds on which the rehearing or review is granted.
- G.** When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may serve opposing affidavits within 15 days after service of the motion. This period may be extended by the Department for a maximum of 20 days for good cause as described in subsection (H) or upon written stipulation of the parties. Reply affidavits may be permitted.
- H.** The Department may extend all time limits listed in this Section upon a showing of good cause. A party demonstrates good cause by showing that the grounds for the party's motion or other action could not have been known in time, using reasonable diligence, and a ruling on the motion will:
1. Further administrative convenience, expedition, or economy; or
  2. Avoid undue prejudice to any party.
- I.** If, in a particular decision, the Department makes a specific finding that the immediate effectiveness of the decision is necessary for preservation of the public health, safety, or welfare, the decision may be issued as a final decision without an opportunity for rehearing or review. If an application for judicial review of the decision is made, it shall be made under A.R.S. § 12-901 et seq.

**Historical Note**

Section R13-9-603 renumbered from R13-9-402. Section repealed; new Section made by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final expedited rulemaking at 27 A.A.R. 2524 (October 29, 2021), with an immediate effective date of October 8, 2021 (Supp. 21-4).

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## TITLE 13. PUBLIC SAFETY

### CHAPTER 12. PRIVATE INVESTIGATOR AND SECURITY GUARD HEARING BOARD

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

This Chapter contains rules that were filed to expire in the *Arizona Administrative Code* between the dates of  
October 1, 2021 through December 31, 2021

[R13-12-102.](#) [Expired .....](#) [2](#)

#### Questions about these rules? Contact:

Department: AZDPS Private Investigator/Security Guard  
Hearing Board  
Address: Arizona Department of Public Safety  
2222 W. Encanto Blvd.  
Phoenix, AZ 85009  
Website: <https://www.azdps.gov/services/public/licensing>  
Telephone: (602) 223-2361  
Fax: (602) 223-2938

#### The release of this Chapter in Supp. 21-4 replaces Supp. 06-3, 1-2 pages

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

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### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

First Quarter: January 1 - March 31  
Second Quarter: April 1 - June 30  
Third Quarter: July 1 - September 30  
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2021 is cited as Supp. 21-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

### RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

### AUTHENTICATION OF PDF CODE CHAPTERS

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

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

### HOW TO USE THE CODE

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

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





Administrative Rules Division

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**TITLE 13. PUBLIC SAFETY**

**CHAPTER 12. PRIVATE INVESTIGATOR AND SECURITY GUARD HEARING BOARD**

Authority: A.R.S. § 32-2405(A)(4) et seq.

**Supp. 21-4**

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**ARTICLE 1. PRIVATE INVESTIGATOR AND SECURITY  
GUARD HEARING BOARD**

*Article 1, consisting of Sections R13-12-101 through R13-12-108, made by final rulemaking at 12 A.A.R. 2844, effective July 11, 2006 (Supp. 06-3).*

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## CHAPTER 12. PRIVATE INVESTIGATOR AND SECURITY GUARD HEARING BOARD

**ARTICLE 1. PRIVATE INVESTIGATOR AND SECURITY GUARD HEARING BOARD****R13-12-101. Definitions**

The following definitions apply to this Article:

“Applicant” means an individual who meets the prerequisites in R13-12-102.

“Board” means the Private Investigator and Security Guard Hearing Board.

“Department” means the Arizona Department of Public Safety.

“Department’s notice” means a notice of denial issued by the Department under A.R.S. § 32-2640, 32-2641, or 32-2459.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 2844, effective July 11, 2006 (Supp. 06-3).

**R13-12-102. Expired****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 2844, effective July 11, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(J) at 27 A.A.R. 2534 (October 29, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

**R13-12-103. Application for a Good-cause Exception**

A. To apply for a good-cause exception, an applicant shall submit eight copies of the following materials to the Board within 60 days from the date on the Department’s notice:

1. A good-cause exception application form, which is available from the Department, that includes the following information about the applicant:
  - a. Full legal name;
  - b. Any other names ever used;
  - c. Date of birth;
  - d. Mailing address;
  - e. Home and daytime telephone numbers;
  - f. List of all of applicant’s felony arrests not listed on the Department’s notice;
  - g. Detailed description of all of applicant’s felony arrests including:
    - i. Circumstances leading to the arrest;
    - ii. Who else was involved in the event leading to the arrest;
    - iii. Where and when the event occurred;
    - iv. Mitigating circumstances, if any;
    - v. Disposition of the charge;
    - vi. Terms of sentencing, if any; and
    - vii. Whether the sentencing terms have been completed satisfactorily; and
  - h. Applicant’s notarized signature certifying that the information provided is true and correct;
2. Two letters of reference, on a form prescribed by the Board, that attest to the applicant’s rehabilitation and meet the following requirements:
  - a. Both letters of reference are from individuals who have known the applicant at least one year; and
  - b. At least one letter of reference is from the applicant’s current or former employer or an individual who has known the applicant at least three years;
3. If the Department’s notice indicates that the Department was unable to determine the disposition of a felony charge, a copy of documents from the appropriate court showing the disposition of the felony charge or showing that records regarding the felony charge against the applicant either do not exist or have been purged; and

4. For every felony conviction, regardless of whether the conviction is listed on the Department’s notice, a copy of documents from the appropriate court showing that the applicant met all judicially imposed sentencing terms or that records regarding the applicant either do not exist or have been purged.

- B. An applicant may submit other documents that the applicant wants the Board to consider in determining whether to grant a good-cause exception.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 2844, effective July 11, 2006 (Supp. 06-3).

**R13-12-104. Hearing on Good-cause Exception**

- A. The Board shall schedule a hearing regarding a good-cause exception for an applicant to occur within 60 days after receiving the materials described in R13-12-103.
- B. The Board shall provide the applicant with at least 30 days notice of the date, time, and location of the hearing on the applicant’s application for a good-cause exception.
- C. The applicant may be represented at the hearing.
- D. If the applicant plans to present written evidence at the hearing that was not included with the application, the applicant shall submit the written evidence to the Board through the Department at least five days before the hearing.
- E. The Board shall conduct the hearing in an informal manner without adherence to the rules of evidence required in a judicial proceeding.
- F. At the hearing, the applicant shall show to the Board’s satisfaction that the applicant:
  1. Has never been convicted of an offense listed in A.R.S. § 41-1758.03(B), and
  2. Is not awaiting trial on an offense listed in A.R.S. § 41-1758.03(B).
- G. At the hearing, the applicant has the burden of persuading the Board that the applicant should be granted a good-cause exception.
- H. In deciding whether to grant a good-cause exception, the Board shall consider:
  1. The extent of the applicant’s criminal record;
  2. The length of time that has elapsed since the most recent offense was committed;
  3. The nature of the offense;
  4. Evidence supporting any applicable mitigating circumstances;
  5. Evidence supporting the degree to which the applicant participated in the offense; and
  6. Evidence supporting the extent of the applicant’s rehabilitation, including:
    - a. Completion of probation, parole, or community supervision;
    - b. Whether the applicant paid restitution or other compensation for the offense;
    - c. Evidence of positive action to change criminal behavior such as completing a drug-treatment program or counseling; and
    - d. Personal references attesting to the applicant’s rehabilitation.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 2844, effective July 11, 2006 (Supp. 06-3).

**R13-12-105. Vacating, Rescheduling, or Continuing a Hearing**

- A. Vacating a hearing. If an applicant withdraws the applicant’s application for a good-cause exception, the Board shall vacate the hearing regarding the application.

## CHAPTER 12. PRIVATE INVESTIGATOR AND SECURITY GUARD HEARING BOARD

- B.** Rescheduling a hearing. The Board shall reschedule a hearing if the applicant submits a written request to the Board at least 48 hours before the scheduled hearing that demonstrates:
1. Attending the scheduled hearing is impossible using reasonable diligence or will cause undue hardship; and
  2. Rescheduling the hearing will avoid prejudice.
- C.** Continuing a hearing. The Board shall continue a hearing if the continuance will serve administrative convenience, expedience, or economy and avoid prejudice.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 2844, effective July 11, 2006 (Supp. 06-3).

**R13-12-106. Telephonic Testimony**

The Board shall allow an applicant or a witness for the applicant to provide telephonic testimony at the hearing on the applicant's application for a good-cause exception if:

1. The applicant submits a written request to the Board at least 48 hours before the scheduled hearing that demonstrates:
  - a. Personal appearance at the hearing by the applicant or applicant's witness will cause undue hardship, and
  - b. Telephonic presence will not cause prejudice, and
2. The applicant pays all costs resulting from the telephonic appearance.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 2844, effective July 11, 2006 (Supp. 06-3).

**R13-12-107. Failure to Appear**

If an applicant or the applicant's representative fails to appear at the scheduled hearing, the Board shall:

1. Conduct the hearing and decide whether to grant or deny the good-cause exception based on the evidence previously submitted, or
2. Reschedule the hearing.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 2844, effective July 11, 2006 (Supp. 06-3).

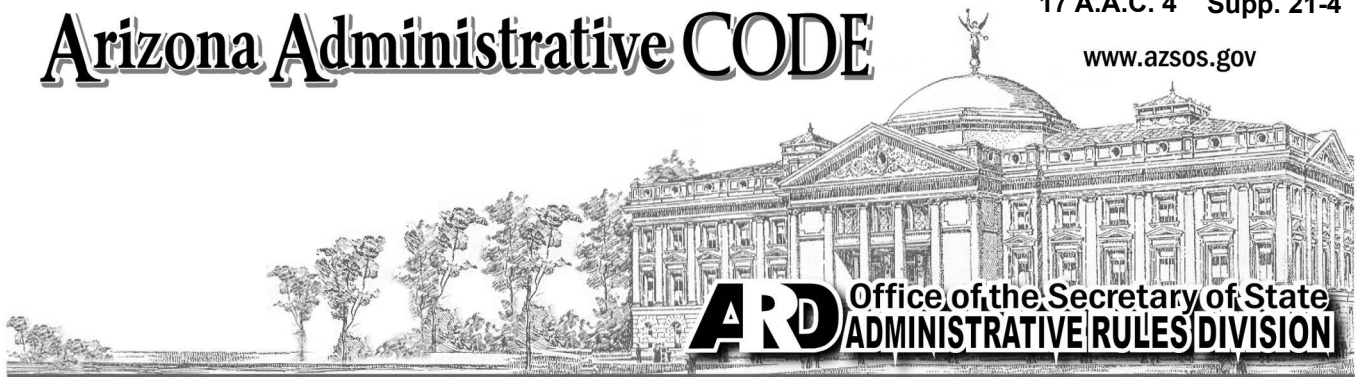
**R13-12-108. Notice of Decision**

- A.** Within seven business days after concluding the hearing regarding a good-cause exception for an applicant, the Board shall provide written notice to the applicant that the good-cause exception has been granted or denied.
- B.** The Board shall provide to the Department a copy of the written notice granting or denying a good-cause exception so the Department can take any needed action regarding the applicant's application for licensure.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 2844, effective July 11, 2006 (Supp. 06-3).

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## TITLE 17. TRANSPORTATION

### CHAPTER 4. DEPARTMENT OF TRANSPORTATION - TITLE, REGISTRATION, AND DRIVER LICENSES

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
October 1, 2021 through December 31, 2021

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#### Questions about these rules? Contact:

Department: Department of Transportation  
Rules and Policy Development  
Address: 206 S. 17th Ave., Mail Drop 180A  
Phoenix, AZ 85007  
Website: <https://azdot.gov/about/government-relations>  
Name: Candace Olson, Rules Analyst  
Telephone: (480) 267-6610  
E-mail: [COlson2@azdot.gov](mailto:COlson2@azdot.gov)

**The release of this Chapter in Supp. 21-4 replaces Supp. 20-4, 1-39 pages**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

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### RULES

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

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

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

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

First Quarter: January 1 - March 31  
Second Quarter: April 1 - June 30  
Third Quarter: July 1 - September 30  
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2021 is cited as Supp. 21-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

### RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

### AUTHENTICATION OF PDF CODE CHAPTERS

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

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## TITLE 17. TRANSPORTATION

## CHAPTER 4. DEPARTMENT OF TRANSPORTATION - TITLE, REGISTRATION, AND DRIVER LICENSES

Authority: A.R.S. §§ 28-366 and 28-5204

## Supp. 21-4

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*Article 1, consisting of Section R17-4-101, made by final rulemaking at 25 A.A.R. 1885, effective July 2, 2019 (Supp. 19-3).*

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## CHAPTER 4. DEPARTMENT OF TRANSPORTATION - TITLE, REGISTRATION, AND DRIVER LICENSES

**ARTICLE 1. GENERAL PROVISIONS****R17-4-101. Definitions**

In addition to the definitions prescribed under A.R.S. § 28-101, A.R.S. § 28-3001, and 6 CFR 37.3, the following terms apply to this Chapter, unless otherwise specified:

“Non-operating identification license” means a credential issued by the Department for identification purposes only, as prescribed under A.R.S. § 28-3165, which does not grant authority to operate a motor vehicle and is not intended to be accepted by federal agencies for an official purpose defined under 6 CFR 37.3.

“Travel-compliant driver license” has the same meaning as the term REAL ID Driver’s License defined under 6 CFR 37.3, which is a driver license issued by the Department as prescribed under A.R.S. § 28-3175 in compliance with A.R.S. Title 28, Chapter 8, and the federal standards provided under 6 CFR 37 for state issuance of secure credentials intended to be accepted by federal agencies for official purposes.

“Travel-compliant identification license” has the same meaning as the term REAL ID Identification Card as defined under 6 CFR 37.3, which is a non-operating identification license issued by the Department as prescribed under A.R.S. § 28-3175 in compliance with A.R.S. Title 28, Chapter 8, and the federal standards provided under 6 CFR 37 for state issuance of secure credentials acceptable by federal agencies for official purposes.

**Historical Note**

New Section made by final rulemaking at 25 A.A.R. 1885, with an immediate effective date of July 2, 2019 (Supp. 19-3).

**ARTICLE 2. VEHICLE TITLE****R17-4-201. Definitions**

In addition to the definitions prescribed under A.R.S. §§ 28-101, 28-2001, and 28-3001, the following definitions apply to this Article, unless otherwise specified:

“Authorized ELT Participant” means a lending institution or finance company authorized by the Division to electronically release a lien or encumbrance.

“Date of lien” means the date identified by the lienholder as the date the loan was issued to the borrower.

“Division” means the Arizona Department of Transportation’s Motor Vehicle Division.

“Encumbrance” means a lien recorded, by the Division, on a vehicle or mobile home record and the Arizona Certificate of Title.

“ELT” means Electronic Lien and Title.

“EPA standards” means the emission standards of the Environmental Protection Agency, as prescribed under 40 CFR 86.

“FMVSS” means the Federal Motor Vehicle Safety Standards as prescribed under 49 CFR 571.

“Joint tenancy with right of survivorship” means vehicle ownership by two or more persons and the deceased joint owner’s interest in the vehicle is transferred to the surviving owners.

“Lienholder” means a person or entity retaining legal possession of a vehicle or mobile home until the debtor has satisfactorily repaid the loan for which the vehicle or mobile home is designated as collateral.

“Lienholder Number” means the computer-generated record number assigned by the Division to a lienholder.

“Low-speed vehicle” has the same meaning as prescribed under 49 CFR 571.3.

“MPV” means multipurpose passenger vehicle, which has the same meaning as prescribed under 49 CFR 571.3.

“MVD” means the Arizona Department of Transportation’s Motor Vehicle Division.

“NHTSA” means National Highway Traffic Safety Administration of the United States Department of Transportation.

“Operation of law lien” means a lien resulting from the application of a state or federal statute.

“Primary lien” means the first of any multiple liens recorded on a vehicle or mobile home record.

“Registered importer” means a person registered by the NHTSA Administrator to import vehicles, as prescribed under 49 CFR 30141.

“Tenancy in common” means vehicle ownership by two or more people without the right of survivorship.

“Valid titling document” means one of the following documents showing a vehicle’s compliance with FMVSS and EPA standards:

A NHTSA Declaration,

A manufacturer’s letter, or

A U.S. federal compliance label printed in English.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1353, effective June 6, 2003 (Supp. 03-2). Amended by final rulemaking at 13 A.A.R. 3281, effective November 10, 2007 (Supp. 07-3).

**R17-4-202. Certificate of Title Form**

- A.** The Motor Vehicle Division (MVD) shall produce the Certificate of Title form on tamper-resistant and counterfeit-resistant paper.
- B.** MVD shall provide space on the Certificate of Title form for the following information:
  1. Title information:
    - a. Title number;
    - b. Issue date;
    - c. Previous title number; and
    - d. State and date of previous title.
  2. Vehicle information:
    - a. Vehicle identification number (VIN);
    - b. Vehicle make, model, year, and body style;
    - c. Fuel type;
    - d. Odometer information; and
    - e. Vehicle mechanical or structural condition.
  3. Lienholder information:
    - a. Lienholder name and address;
    - b. Lienholder customer or federal identification number; and
    - c. Lien amount and lien date.
  4. Vehicle owner’s or owner’s legal designee information:
    - a. Name; and
    - b. Mailing address.
  5. Ownership change information:
    - a. Sale date;
    - b. Purchaser’s name and address;
    - c. Odometer mileage disclosure statement;

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- d. Seller's signature; and
- e. Seller's signature certification.
- 6. Dealer reassignment information.
- 7. Other information as required by the Division for internal processing and recordkeeping.

**Historical Note**

New Section recodified from R17-4-204 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-203. Certificate of Title and Registration Application**

A. In addition to the requirements of A.R.S. §§ 28-2051 and 28-2157, a person applying for an Arizona motor vehicle title certificate and registration shall complete a form supplied by the Motor Vehicle Division that contains the following information:

1. Vehicle information:
  - a. Tab number;
  - b. Initial registration month and year;
  - c. Vehicle make, model, year, and body style;
  - d. Mechanical or structural status indicating whether the vehicle is:
    - i. Dismantled,
    - ii. Reconstructed,
    - iii. Salvaged, or
    - iv. Specially constructed;
  - e. Gross vehicle weight;
  - f. Fuel type;
  - g. Odometer information;
  - h. Current title number and titling state.
2. An owner's or lessee's legal ownership status.
3. Lienholder information:
  - a. Lienholder names and addresses, and
  - b. Lien amount and date incurred.
4. If a mobile home, the physical site.
5. Co-ownership information:
  - a. A statement of whether any survivorship rights in the vehicle exist; and
  - b. A statement providing co-ownership legal status prescribed in R17-4-205(B).
6. Owner certification information verifying:
  - a. Ownership,
  - b. Inclusion of all liens and encumbrances, and
  - c. Seller-verified odometer reading.
7. Applicant signatures.
8. An acknowledgement that:
  - a. The applicant agrees or disagrees to the Division's release of the applicant's name on a commercial mailing list; and
  - b. The applicant has read a printed explanation of odometer reading codes.
9. Other information required by the Division for internal processing and recordkeeping.

B. An applicant may voluntarily provide the following information on the form:

1. Applicant's birth date;
2. Applicant's driver license number; and
3. Applicant's federal employer identification number, if the applicant is taking title as a sole proprietor, partnership, corporation, or other legal business entity.

**Historical Note**

New Section recodified from R17-4-205 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-204. Seller's Signature Acknowledgement**

A seller shall ensure that a Notary Public or a Motor Vehicle Division (MVD) agent witnesses the seller sign the title transfer. The

Notary Public or MVD agent shall sign the title transfer acknowledging witnessing the seller's signature. "Motor Vehicle Division agent" has the meaning prescribed in A.R.S. § 28-370.

**Historical Note**

Adopted effective November 10, 1986 (Supp. 86-6). Former Section R17-4-75 renumbered without change as Section R17-4-204 (Supp. 87-2). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 2468, effective June 8, 2000 (Supp. 00-2). Section recodified to R17-4-202 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section recodified from R17-4-206 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-205. Co-ownership and Vehicle Title**

- A. A title certificate application shall specify the form of co-ownership and names of a vehicle's co-owners as follows.
1. If co-ownership is a joint tenancy with right of survivorship in which all owners must sign to transfer or encumber the vehicle, the applicant shall provide the name of each owner separated by "and/or."
  2. If co-ownership is a joint tenancy that allows one owner to transfer or encumber the vehicle title, the applicant shall provide:
    - a. The name of each co-owner separated by "or"; and
    - b. A form, signed by each co-owner authorizing title transfer or encumbrance on the signature of any co-owner.
  3. If co-ownership is a tenancy in common, the applicant shall provide the name of each owner separated by "and."
- B. Before a surviving joint tenant under subsection (A)(1) obtains a title certificate as owner or transfers or encumbers the vehicle title, the surviving joint tenant shall present to the Division a death certificate for each deceased joint tenant.
- C. After the death of a tenant in common, the Division shall issue a new title certificate only as directed by:
1. A certified probate court order, or
  2. A successor's affidavit under A.R.S. § 14-3971(B).

**Historical Note**

Adopted effective November 13, 1986 (Supp. 86-6). Former Section R17-4-75 renumbered without change as Section R17-4-205 (Supp. 87-2). Amended by final rulemaking at 7 A.A.R. 2752, effective June 8, 2001 (Supp. 01-2). Section recodified to R17-4-203 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section recodified from R17-4-207 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 9 A.A.R. 1353, effective June 6, 2003 (Supp. 03-2).

**R17-4-206. Additional Titling Standards for Vehicles Not Manufactured in Compliance with United States Safety and Emission Standards; "Gray-market Vehicles"**

- A. Titling standards.
1. The Division shall issue a title to a foreign-manufactured vehicle imported to the United States if an applicant presents the following:
    - a. A valid titling document,
    - b. A completed MVD title and registration application as prescribed under R17-4-203,
    - c. A completed Vehicle Verification Form certifying that the vehicle passed the Division's physical inspection,
    - d. A document stating that the vehicle passed an Arizona emissions inspection under A.R.S. § 49-542, and
    - e. A certificate that the vehicle was converted to meet:

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- i. EPA standards, and
  - ii. FMVSS.
2. A foreign-manufactured vehicle imported to the United States is exempt from this subsection if it is older than 25 years from its manufacture date.
3. A foreign-manufactured vehicle imported to the United States that is between 21 and 25 years from the manufacture date is exempt from subsection (A)(1)(e)(i).
4. Titling standards for vehicles manufactured according to Canadian specifications.
  - a. The Division shall issue a title to a vehicle manufactured according to Canadian specifications if it:
    - i. Is not for resale;
    - ii. Has a GVWR of less than 10,000 pounds; and
    - iii. Is a passenger vehicle, motorcycle, or MPV.
  - b. Before titling a vehicle manufactured according to Canadian specifications, the owner shall submit to the Division manufacturer documentation verifying that the vehicle complies with FMVSS and EPA standards.
    - i. The Division shall waive the FMVSS and EPA labeling location requirements as prescribed in 49 CFR 571 and 40 CFR 86.
    - ii. If manufacturer documentation indicates that a vehicle's speedometer or headlights do not comply with FMVSS and EPA standards, the owner shall file additional documentation with the Division to verify completion of a modification that brings the vehicle into compliance.
  - c. A registered importer shall certify a vehicle manufactured according to Canadian specifications if:
    - i. The vehicle meets FMVSS standards except for occupant crash protection provisions prescribed under 49 CFR 571.208, or
    - ii. The owner did not submit manufacturer documentation as prescribed under subsection (A)(4)(b).
- B. The Division shall require a registered importer's certification of a foreign-manufactured vehicle imported to the United States that:
  1. Is not exempt under subsections (A)(2) or (A)(3), or
  2. Does not qualify under subsection (A)(4).

**Historical Note**

Former Rule, General Order 55. Former Section R17-4-19 renumbered without change as Section R17-4-206 (Supp. 87-2). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 2468, effective June 8, 2000 (Supp. 00-2). Section recodified to R17-4-204 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section recodified from R17-4-209 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 9 A.A.R. 1353, effective June 6, 2003 (Supp. 03-2).

**R17-4-207. Lien Filing**

- A. Lien filing. When filing a lien with the Division, a person shall submit a Title and Registration Application (available online at [www.azdot.gov/mvd/FormsandPub/mvd.asp](http://www.azdot.gov/mvd/FormsandPub/mvd.asp)), the most recently issued certificate of title, the fee or fees to be paid as provided by law, and any other documentation required pursuant to A.R.S. Title 28.
  1. The Division shall record a statement of all liens and encumbrances on the vehicle or mobile home record upon receiving a lien filing that meets all requirements prescribed in this subsection.

2. The Division shall immediately return a lien filing, with a letter stating why the lien filing was returned, when the lien filing does not meet the requirements prescribed in this subsection.
- B. Multiple liens. The Division will record up to three liens on any one vehicle or mobile home record. Additional liens are recorded through the County Recorder's office. Liens are valued in the order that they are filed and recorded on the vehicle or mobile home record. However, the Division considers the primary lien recorded on the vehicle or mobile home record to be above all other subsequent liens or encumbrances. In the absence of an operation of law lien, only the lienholder in the primary position may repossess a vehicle or mobile home.
- C. Lien filing notice. The Division shall notify the lienholder of the recording of a lien.
  1. The Division shall issue an Arizona Certificate of Title or, when the lienholder is an Authorized ELT Participant, transmit an electronic lien notification to the primary lienholder.
  2. The Division shall issue a computer-generated Lienholder Record to each subsequent lienholder recorded on the vehicle or mobile home record. The Division shall not issue a duplicate Lienholder Record.

**Historical Note**

Former Rule, General Order 62. Former Section R17-4-24 renumbered without change as Section R17-4-207 (Supp. 87-2). Section repealed; new Section made by final rulemaking at 7 A.A.R. 2752, effective June 8, 2001 (Supp. 01-2). Section recodified to R17-4-205 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section recodified from R17-4-230 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 13 A.A.R. 3281, effective November 10, 2007 (Supp. 07-3).

**R17-4-208. Lien Clearance**

- A. Lien clearance. The Division shall remove the lien from the vehicle or mobile home record indicated on the lien clearance and issue a new Arizona Certificate of Title upon receiving proof that the lien is satisfied and an application furnished by the Division, the most recently issued certificate of title, the fee or fees to be paid as provided by law, and any other documentation required pursuant to A.R.S. Title 28. The Division considers the following instruments satisfactory proof that the lien or encumbrance recorded on a vehicle or mobile home record is satisfied:
  1. The transmission of an electronic lien release from an ELT Participant,
  2. A certificate of title acknowledged by the lienholder as prescribed under subsection (B)(1),
  3. An original lien filing receipt acknowledged by the lienholder as prescribed under subsection (B)(1),
  4. An original computer-generated Lienholder Record acknowledged by the lienholder as prescribed under subsection (B)(1),
  5. A lender copy of the original lien instrument indicating the lien is paid in full acknowledged by the lienholder as prescribed under subsection (B)(1); or
  6. Any document giving a complete description of the vehicle, as recorded on the Arizona Certificate of Title, indicating that the lien is either "paid in full" or "satisfied" acknowledged by the lienholder as prescribed under subsection (B)(1).
- B. Lienholder satisfaction of lien requirements.
  1. The Division shall not accept a satisfaction of lien when the authorized signature of the lienholder or authorized

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agent of the lienholder, appearing on the lien clearance instrument, is not acknowledged before a Notary Public or witnessed by an authorized Division employee.

2. The lienholder shall deliver the Arizona Certificate of Title to the next lienholder or, if there is not another lienholder, to the owner of the vehicle or mobile home within 15 business days after receiving payment in full satisfaction of the lien.
  3. A lienholder that fails to deliver the certificate of title within 15 business days may be assessed a civil penalty, as prescribed under A.R.S. § 28-2134.
- C. Lien release received in error. The Division will not reimburse any parties for any monetary damages that may occur when a lienholder issues a lien clearance to the Division in error.
- D. Administrative hearing. A lienholder who is assessed a civil penalty, as prescribed under A.R.S. § 28-2134, may request a hearing in accordance with the procedures prescribed under 17 A.A.C. 1, Article 5.

**Historical Note**

Former Rule, General Order 83. Former Section R17-4-35 renumbered without change as Section R17-4-208 (Supp. 87-2). Section repealed by final rulemaking at 6 A.A.R. 2468, effective June 8, 2000 (Supp. 00-2). Section recodified from R17-4-231 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 13 A.A.R. 3281, effective November 10, 2007 (Supp. 07-3).

**R17-4-209. Recodified****Historical Note**

Adopted as Section R17-4-81 and renumbered as Section R17-4-209 effective May 29, 1987 (Supp. 87-2). Amended by final rulemaking at 7 A.A.R. 2755, effective June 8, 2001 (Supp. 01-2). Section recodified to R17-4-206 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-210. Repealed****Historical Note**

Adopted effective July 30, 1992 (Supp. 92-3). Section R17-4-210 repealed by summary action with an interim effective date of August 28, 1998; filed in the Office of the Secretary of State August 4, 1998 (Supp. 98-3). The Department failed to submit to the Governor's Regulatory Review Council an adopted summary rule pursuant to A.R.S. § 41-1027, and therefore the rule went back into effect November 26, 1998; Section repealed by summary rulemaking with an interim effective date of August 20, 1999, filed in the Office of the Secretary of State July 30, 1999 (Supp. 99-3). Interim effective date of August 20, 1999 now the permanent effective date (Supp. 99-4).

**Appendix A. Repealed****Historical Note**

Adopted effective July 30, 1992 (Supp. 92-3). Appendix A repealed by summary action with an interim effective date of August 28, 1998; filed in the Office of the Secretary of State August 4, 1998 (Supp. 98-3). The Department failed to submit to the Governor's Regulatory Review Council an adopted summary rule pursuant to A.R.S. § 41-1027, and therefore Appendix A went back into effect November 26, 1998; Appendix A repealed by summary rulemaking with an interim effective date of August 20, 1999; filed in the Office of the Secretary of State July 30, 1999 (Supp. 99-3). Interim effective date of

August 20, 1999 now the permanent effective date (Supp. 99-4).

**R17-4-211. Reserved****R17-4-212. Reserved****R17-4-213. Reserved****R17-4-214. Reserved****R17-4-215. Reserved****R17-4-216. Recodified****Historical Note**

Adopted effective October 21, 1997 (Supp. 97-4). Section recodified to R17-4-302 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-217. Recodified****Historical Note**

Adopted effective September 12, 1997 (Supp. 97-3). Section recodified to R17-4-303 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-218. Recodified****Historical Note**

Amended effective April 21, 1980 (Supp. 80-2). Former Section R17-4-54 renumbered without change as Section R17-4-218 (Supp. 87-2). R17-4-218 and Appendix A repealed; new Section adopted effective December 8, 1998 (Supp. 98-4). Section recodified to R17-4-304 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-219. Recodified****Historical Note**

Former Rule, General Order 101. Former Section R17-4-42 renumbered without change as Section R17-4-219 (Supp. 87-2). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 4602, effective November 14, 2000 (Supp. 00-4). Section recodified to R17-4-305 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-220. Repealed****Historical Note**

Former Rule, General Order 103; Former Section R17-4-44 repealed, new Section R17-4-44 adopted effective April 21, 1980 (Supp. 80-2). Former Section R17-4-44 renumbered without change as Section R17-4-220 (Supp. 87-2). Repealed effective July 29, 1992 (Supp. 92-3).

**R17-4-221. Repealed****Historical Note**

Former Rule, General Order 75. Former Section R17-4-30 renumbered without change as Section R17-4-221 (Supp. 87-2). Repealed effective July 29, 1992 (Supp. 92-3).

**R17-4-222. Recodified****Historical Note**

Adopted effective December 3, 1986 (Supp. 86-6). Former Section R17-4-80 renumbered without change as Section R17-4-222 (Supp. 87-2). Section recodified to R17-4-306 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-223. Repealed**

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**Historical Note**

Emergency rule adopted effective August 8, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency expired. Former emergency rule permanently adopted with changes effective December 31, 1991 (Supp. 91-4). Repealed effective July 18, 1994 (Supp. 94-3).

**R17-4-224. Recodified****Historical Note**

Adopted effective September 25, 1991 (Supp. 91-3). Section recodified to R17-4-307 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-225. Reserved****R17-4-226. Recodified****Historical Note**

Emergency rule adopted effective January 21, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Adopted with changes effective February 1, 1993 (Supp. 93-1). Amended effective January 31, 1995 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 702, effective February 10, 1999 (Supp. 99-1). Section repealed effective August 1, 1999 pursuant to subsection (C); new Section adopted by final rulemaking at 6 A.A.R. 1906, effective May 3, 2000 (Supp. 00-2). Section recodified to R17-5-502 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**Appendix A. Repealed****Historical Note**

Emergency rule adopted effective January 21, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Adopted effective February 1, 1993 (Supp. 93-3). Amended by final rulemaking at 5 A.A.R. 702, effective February 10, 1999 (Supp. 99-1). Appendix repealed effective August 1, 1999 pursuant to R17-4-226(C) (Supp. 00-2).

**R17-4-226.01. Recodified****Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 1906, effective May 3, 2000 (Supp. 00-2). Section recodified to R17-5-503 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-227. Recodified****Historical Note**

Adopted effective June 16, 1992 (Supp. 92-2). Section recodified to R17-4-402 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-228. Reserved****R17-4-229. Reserved****R17-4-230. Recodified****Historical Note**

Former Rule, General Order 47. Former Section R17-4-15 renumbered without change as Section R17-4-230 (Supp. 87-2). Section recodified to R17-4-207 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-231. Recodified****Historical Note**

Former Rule, General Order 70. Former Section R17-4-28 renumbered without change as Section R17-4-231 (Supp. 87-2). Section recodified to R17-4-208 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-232. Reserved****R17-4-233. Reserved****R17-4-234. Reserved****R17-4-235. Reserved****R17-4-236. Reserved****R17-4-237. Repealed****Historical Note**

Former Rule, General Order 50. Former Section R17-4-16 renumbered without change as Section R17-4-237 (Supp. 87-2). Section repealed by final rulemaking at 6 A.A.R. 4830, effective December 7, 2000 (Supp. 00-4).

**R17-4-238. Repealed****Historical Note**

Former Rule, General Order 51. Former Section R17-4-17 renumbered without change as Section R17-4-238 (Supp. 87-2). Section repealed by final rulemaking at 6 A.A.R. 4830, effective December 7, 2000 (Supp. 00-4).

**R17-4-239. Repealed****Historical Note**

Former Rule, General Order 60. Former Section R17-4-22 renumbered without change as Section R17-4-239 (Supp. 87-2). Section repealed by final rulemaking at 6 A.A.R. 4830, effective December 7, 2000 (Supp. 00-4).

**R17-4-240. Recodified****Historical Note**

Former Rule, General Order 65; Amended effective January 11, 1982 (Supp. 82-1). Former Section R17-4-25 renumbered without change as Section R17-4-240 (Supp. 87-2). Section recodified to R17-5-402 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-241. Recodified****Historical Note**

Former Rule, General Order 76. Former Section R17-4-31 renumbered without change as Section R17-4-241 (Supp. 87-2). Section amended by final rulemaking at 6 A.A.R. 4830, effective December 7, 2000 (Supp. 00-4). Section recodified to R17-5-404 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-242. Repealed****Historical Note**

Former Rule, General Order 77. Former Section R17-4-32 renumbered without change as Section R17-4-242 (Supp. 87-2). Section repealed by final rulemaking at 7 A.A.R. 869, effective January 22, 2001 (Supp. 01-1).

**R17-4-243. Repealed****Historical Note**

Former Rule, General Order 85. Former Section R17-4-36 renumbered without change as Section R17-4-243 (Supp. 87-2). Section repealed by final rulemaking at 6 A.A.R. 4830, effective December 7, 2000 (Supp. 00-4).

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**R17-4-244. Reserved****R17-4-245. Recodified****Historical Note**

Adopted effective September 13, 1993 (Supp. 93-3). Section recodified to R17-5-405 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-246. Recodified****Historical Note**

Adopted effective September 13, 1993 (Supp. 93-3). Section recodified to R17-5-406 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-247. Reserved****R17-4-248. Reserved****R17-4-249. Reserved****R17-4-250. Repealed****Historical Note**

Former Rule, General Order 111. Former Section R17-4-47 renumbered without change as Section R17-4-250 (Supp. 87-2). Section repealed by final rulemaking at 6 A.A.R. 3839, effective September 13, 2000 (Supp. 00-3).

**R17-4-251. Repealed****Historical Note**

Former Rule, General Order 112. Former Section R17-4-48 renumbered without change as Section R17-4-251 (Supp. 87-2). Section repealed by final rulemaking at 6 A.A.R. 3839, effective September 13, 2000 (Supp. 00-3).

**R17-4-252. Recodified****Historical Note**

Former Rule, General Order 82. Former Section R17-4-34 renumbered without change as Section R17-4-252 (Supp. 87-2). Section recodified to R17-4-308 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-253. Reserved****R17-4-254. Reserved****R17-4-255. Reserved****R17-4-256. Reserved****R17-4-257. Reserved****R17-4-258. Reserved****R17-4-259. Reserved****R17-4-260. Recodified****Historical Note**

Former Rule, General Order 72. Former Section R17-4-29 renumbered without change as Section R17-4-260 (Supp. 87-2). Section recodified to R17-5-407 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-261. Reserved****R17-4-262. Reserved****R17-4-263. Reserved****R17-4-264. Reserved****R17-4-265. Repealed****Historical Note**

Adopted as an emergency effective June 29, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Emergency expired. Permanent rule adopted effective October 1, 1984 (Supp. 84-5). Former Section R17-4-72 renumbered without change as Section R17-4-265 (Supp. 87-2). Section repealed by final rulemaking at 7 A.A.R. 2154, effective May 1, 2001 (Supp. 01-2).

**ARTICLE 3. VEHICLE REGISTRATION****R17-4-301. Definitions**

Definitions. In addition to the definitions prescribed under A.R.S. §§ 28-101, 28-2231, and 28-5100, the following definitions apply to this Article, unless otherwise specified:

“Apportioned commercial vehicle” means a commercial vehicle that is subject to the proportional registration provisions prescribed under A.R.S. § 28-2233.

“Biennial” means once every two years.

“Business day” means a day other than a Sunday or holiday.

“Calendar quarter” means the following time periods established by the Division: January 1 to March 31, April 1 to June 30, July 1 to September 30, and October 1 to December 31.

“Day” means the 24-hour period from one midnight to the following midnight.

“Disabled person” means a recipient of public monies as a disabled individual under Title 16 of the Social Security Act.

“Division” means the Arizona Department of Transportation’s Motor Vehicle Division.

“Division Director” means the Assistant Director for the Arizona Department of Transportation’s Motor Vehicle Division or the Assistant Director’s designee.

“Drop box” means a receptacle designated by the Division into which a person places vehicle registration forms and fees, and from which the Division retrieves these items daily.

“Effective date of registration” means the date the vehicle first becomes subject to registration fees in Arizona.

“Electronic delivery” means the transmission of registration and credit card information to the Division, by computer, through an authorized third party electronic service provider.

“Emergency Vehicle Permit” means a document issued by the Division’s Enforcement Services Program to a private fire department for a single fire engine that authorizes the driver of a permitted vehicle to exercise the privileges prescribed under A.R.S. § 28-624.

“Expiration date” means the day, month, and year in which a vehicle registration expires.

“Fire Engine” means a motor vehicle containing fire-fighting equipment capable of extinguishing fires.

“IM147 Test” means the emissions test prescribed under A.R.S. § 49-542(F)(2)(a).

“Included vehicle” means a vehicle subject to annual or biennial Arizona registration unless otherwise excluded from the staggered registration prescribed under A.R.S. § 28-2159 and R17-4-304.

“Initial registration” means the first registration of an included vehicle in Arizona.

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“OBD” means the On-Board Diagnostics emissions test prescribed under A.R.S. § 49-542(F)(2)(a).

“Off-highway vehicle” has the same meaning as prescribed under A.R.S. § 28-1171.

“Operator Requirements” means the requirements given in Chapter 2, Basic Driver/Operator Requirements, of the National Fire Protection Association Standard for Fire Apparatus Driver/Operator Professional Qualification (NFPA 1002), 1998 edition, which is incorporated by reference and on file with the Arizona Department of Transportation and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments.

“Private fire department” means a fire fighting business equipped to provide emergency fire-fighting devices for a private purpose that is neither a public service corporation nor a municipal entity.

“Private Fire Emergency Vehicle” means a fire engine operated by a private fire department for which an Emergency Vehicle Permit is issued.

“Registration” means the authorization, issued by the Division that allows a vehicle to use state highways.

“Registration fees” means the fees due to the Division at the time of registration and consisting of the general registration fees imposed under A.R.S. § 28-2003, the vehicle license tax imposed under A.R.S. § 28-5801, and the commercial registration and gross weight fees imposed under A.R.S. § 28-5433.

“Registration period” means the time-frame during which a vehicle registration is valid.

“Renewal registration” means the second and subsequent registration of an included vehicle.

**Historical Note**

Transferred to R17-1-301 (Supp. 92-4). New Section made by final rulemaking at 13 A.A.R. 3589, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 16 A.A.R. 1132, effective August 7, 2010 (Supp. 10-2).

**R17-4-302. Staggered Registration for Apportioned Commercial Vehicles**

Apportioned commercial vehicle fleet registration periods. The Division shall assign a registration period to a newly registered apportioned commercial vehicle fleet. The fleet owner and the Director shall mutually agree to the registration period and expiration date.

1. The Division shall:
  - a. Establish a registration period that expires on the last day of the calendar quarter selected by the fleet owner, not to exceed 12 months from the initial registration date.
  - b. Apply the original fleet registration fees towards the registration fees required for a replaced vehicle when an owner replaces a vehicle within a fleet.
  - c. Apply the original fleet registration fees towards the registration fees required for a transferred vehicle when an owner transfers a vehicle between fleets.
  - d. Refund any excess credit of registration fees in accordance with the provisions prescribed under A.R.S. § 28-2356.
2. The owner of an apportioned commercial fleet vehicle shall:
  - a. Ensure that all vehicles within a fleet have the same registration period.

- b. Ensure that the fleet vehicle is not operated with an expired vehicle registration.
  - c. Maintain the assigned or selected registration period for at least three consecutive registration periods.
3. The Division shall not provide a grace period for late registration or late payment of fees.

**Historical Note**

Adopted effective August 1, 1988 (Supp. 88-3). Transferred to R17-1-302 (Supp. 92-4). New Section recodified from R17-4-216 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 3589, effective December 1, 2007 (Supp. 07-4).

**R17-4-303. Biennial Registration**

- A. Biennial registration.
  1. The Division may register any vehicle biennially, unless excluded.
  2. The Division shall register a newly licensed or newly leased vehicle biennially, unless the owner chooses to register the vehicle on an annual basis.
- B. Excluded vehicles. The owner of a vehicle that meets any one of the following criteria is excluded from the biennial registration program:
  1. A vehicle required to have an IM147 or OBD test within 12 months after the date of registration.
  2. A vehicle that requires an annual emissions test.
  3. A vehicle subject to any one of the following types of registration:
    - a. Allocated registration under A.R.S. § 28-2261,
    - b. Apportioned registration under A.R.S. § 28-2261,
    - c. Fleet registration under A.R.S. § 28-2202, or
    - d. Interstate registration under A.R.S. § 28-2052.
  4. A vehicle with an undersized mobile home plate registration.
  5. A vehicle that requires the owner to certify eligibility for a registration fee exemption on an annual basis; such as the registration exemption available to an active duty military member, a widow, widower, or disabled person other than a 100% disabled veteran.

**Historical Note**

Transferred to R17-1-303 (Supp. 92-4). New Section recodified from R17-4-217 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 3589, effective December 1, 2007 (Supp. 07-4).

**R17-4-304. Staggered Registration for Included Vehicles**

- A. Included vehicles. The Division shall assign one of the following staggered expiration dates when issuing an initial registration to an included vehicle:
  1. If a vehicle has an effective date of registration from the first day through the 15th day of the month:
    - a. Annual registration expires on the 15th day of the month 12 months from the month the vehicle is subject to Arizona registration; or
    - b. Biennial registration expires on the 15th day of the month 24 months from the month the vehicle is subject to Arizona registration.
  2. If a vehicle has an effective date of registration from the 16th day through the last day of the month:
    - a. Annual registration expires on the last day of the month 12 months from the month the vehicle is subject to Arizona registration; or
    - b. Biennial registration expires on the last day of the month 24 months from the month the vehicle is subject to Arizona registration.



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- B.** Excluded vehicles. The staggered registration prescribed by this Section excludes the following vehicles:
1. A vehicle exempt from registration;
  2. A vehicle subject to any one of the following types of registration:
    - a. Allocated registration under A.R.S. § 28-2261,
    - b. Apportioned registration under A.R.S. § 28-2261,
    - c. Fleet registration under A.R.S. § 28-2202,
    - d. Interstate registration under A.R.S. § 28-2052, or
    - e. Seasonal agricultural registration under A.R.S. § 28-5436;
  3. A vehicle subject to a one-time registration fee;
  4. A government vehicle, a vehicle owned by an official representative of a foreign government, or an emergency vehicle owned by a nonprofit organization as provided under A.R.S. § 28-2511(A);
  5. A noncommercial trailer that is not a travel trailer as defined by A.R.S. § 28-2003(B) and is less than 6000 pounds gross vehicle weight under A.R.S. §§ 28-2003(A)(7) and 28-5801(C);
  6. A moped;
  7. A motorized electric or gas powered bicycle or tricycle capable of reaching speeds of 20 to 25 miles per hour.
- C.** Proration of fees. The Division shall prorate registration fees under A.R.S. §§ 28-2159, 28-5807, and 28-5434.
- D.** Expiration dates. The Division shall utilize the following expiration dates, regardless of the effective date of the initial registration:
1. Annual registration: Expires 12 months from the expiration of the previous registration period; or
  2. Biennial registration: Expires 24 months from the expiration of the previous registration period.
- E.** Application for registration. A person applying for an initial registration or renewal registration for an included vehicle shall submit the requirements prescribed under subsection (1) or (2):
1. If a person submits the registration to the Division or an Authorized Third-party Provider of registration functions in person or by mail:
    - a. The application for registration or registration card, and
    - b. Payment of registration fees.
  2. If a person submits the registration to an Authorized Third-party Electronic Delivery Provider:
    - a. Required registration information, and
    - b. Credit card information.
- F.** Timely submission of registration. A person shall submit the renewal registration of an included vehicle not later than the day the prior registration period expires. If the prior registration period expires on a day other than an established business day, a person shall submit the renewal registration of an included vehicle not later than the first business day after the prior registration period expires.
- G.** Penalties. The penalties imposed under A.R.S. § 28-2162 for delinquent renewal registration of an included vehicle shall apply when either of the following occurs:
1. A person does not submit to the Division or an Authorized Third-party Provider of registration functions the items set forth in subsection (E)(1) so that the items are received by the due date; or
  2. A person does not electronically submit to an Authorized Third-party Electronic Delivery Provider the items required under subsection (E)(2) so that the items are received by the due date.
- H.** Date of receipt. The date of receipt for the items required under subsection (E)(1) or (E)(2) shall be the following:
1. The date a person presents the items required under subsection (E)(1) to a Division facility or the facility of an Authorized Third-party Provider of registration functions in person;
  2. The date an Authorized Third-party Electronic Delivery Provider receives by computer or telephone the items set forth in subsection (E)(2);
  3. The date a private express mail carrier receives the package containing the items set forth in subsection (E)(1), as indicated on the shipping package;
  4. The date of the last business day prior to the day the Division retrieves the items set forth at subsection (E)(1) from a designated Division drop box; or
  5. The date of the United States Postal Service postmark stamped on the envelope containing the items set forth in subsection (E)(1), unless the vehicle is not in compliance with the motor vehicle emissions testing requirements.
- I.** Evidence of registration. The Division or Authorized Third-party Provider of registration functions shall assign and issue a number plate or plates to an included vehicle as evidence of registration.
1. The assigned number plate shall be attached and displayed on the rear of the assigned vehicle. When two plates are issued, the second plate may be attached to the front of the assigned vehicle.
  2. Improper number plate display shall subject the owner and operator of the vehicle to the sanctions imposed under A.R.S. §§ 28-2531(B) and 28-2532.
  3. Any registration tabs or stickers issued by the Division or Authorized Third-party Provider of registration functions shall be displayed on the appropriate number plate of the assigned vehicle.

**Historical Note**

Transferred to R17-1-304 (Supp. 92-4). New Section recodified from R17-4-218 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 3589, effective December 1, 2007 (Supp. 07-4).

**R17-4-305. Temporary Registration Plate “TRP” Procedure****A. Definitions.**

1. “Charitable Event TRP” means a TRP issued to a motor vehicle dealership or manufacturer for a charitable event as prescribed by A.R.S. § 28-4548.
2. “Deal Unwound” means the vehicle was returned to the dealership and the sale was not completed.
3. “Voided TRP” means a TRP that the issuer records as voided after issuing the TRP.

**B. Issuing.**

1. New and used motor vehicle dealers and title service companies that issue TRPs shall send an electronic record of the TRP to the Division before placing the TRP on the vehicle.
2. The TRP expiration date shall be 45 days from the issue date.
3. TRPs issued for charitable events are valid for the duration of the event not to exceed 45 days.
4. An issuer shall not issue more than one TRP per vehicle sale.
5. An issuer shall attach the TRP to the vehicle rear in the same manner and position as a permanent license plate prescribed under A.R.S. § 28-2354.

**C. Voiding.** An issuer shall void a TRP when:

1. The TRP is lost,
2. The TRP is damaged,
3. The dealer reports a deal unwound,

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4. The issuer enters the wrong vehicle identification number, or
5. The issuer enters the wrong customer identification number.

**Historical Note**

Transferred to R17-1-305 (Supp. 92-4). New Section R17-4-305 recodified from R17-4-219 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 5320, effective February 6, 2006 (Supp. 05-4).

**R17-4-306. Nonresident Daily Commuter Fee**

A nonresident daily commuter shall pay a fee of \$8 for each motor vehicle exempt from registration under A.R.S. § 28-2294.

**Historical Note**

Former Rule, General Order 14. Former Section R17-4-05 renumbered without change as Section R17-4-306 (Supp. 87-2). Transferred to R17-1-306 (Supp. 92-4). New Section R17-4-306 recodified from R17-4-222 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 571, effective January 14, 2002 (Supp. 02-1).

**R17-4-307. Motor Vehicle Registration and License Plate Reinstatement Fee**

- A. Under A.R.S. § 28-4151(A), the Division shall assess a \$50 fee for reinstatement of a motor vehicle registration and license plate suspended under A.R.S. §§ 28-4148 and 28-4149.
- B. Subsection (A) does not apply to a motor carrier subject to the financial responsibility requirements prescribed under A.R.S. Title 28, Chapter 9, Article 2.

**Historical Note**

Former Rule, General Order 5. Former Section R17-4-03 renumbered without change as Section R17-4-307 (Supp. 87-2). Transferred to R17-1-307 (Supp. 92-4). New Section R17-4-307 recodified from R17-4-224 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 7 A.A.R. 5439, effective November 14, 2001 (Supp. 01-4).

**R17-4-308. Official Vehicle License Plates**

- A. The Motor Vehicle Division shall issue license plates without charge for official vehicles owned by any entity listed in A.R.S. § 28-2511(A).
- B. A license plate issued under A.R.S. § 28-2511 has no expiration date.
- C. An entity listed in A.R.S. § 28-2511(A) may transfer a license plate to another vehicle the entity owns.
- D. A person who has custody of vehicles governed by A.R.S. § 28-2511 shall:
  1. Complete title and registration procedures as prescribed under A.R.S. Title 28, Chapter 7;
  2. Display each license plate as prescribed by A.R.S. § 28-2354; and
  3. Maintain a record of each license plate transfer that includes:
    - a. The date of the transfer;
    - b. The year, make, and model of the vehicle, and
    - c. The vehicle identification number (VIN) for each car involved in the transfer.

**Historical Note**

Former Rule, General Order 20. Former Section R17-4-06 renumbered without change as Section R17-4-308 (Supp. 87-2). Transferred to R17-1-308 (Supp. 92-4). New Section R17-4-308 recodified from R17-4-252 at 7

A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 8 A.A.R. 573, effective January 14, 2002 (Supp. 02-1).

**R17-4-309. Private Fire Emergency Vehicle Permit**

- A. Private Fire Emergency Vehicle Permit. A Private Fire Emergency Vehicle Permit may be issued to a private fire department if all requirements provided under subsections (B) and (C) are met.
  1. The Private Fire Emergency Vehicle Permit is valid until revoked or surrendered.
  2. The Private Fire Emergency Vehicle Permit shall be carried at all times in the fire engine for which the permit is issued.
  3. The Private Fire Emergency Vehicle Permit is not transferable.
  4. The Private Fire Emergency Vehicle Permit shall remain the property of the Division and shall be surrendered to the Division when the fire engine is no longer being used to respond to an emergency.
- B. Private Fire Emergency Vehicle Permit application. A person applying for a Private Fire Emergency Vehicle Permit shall submit the required documentation to the Division's Enforcement Services Program, P.O. Box 2100, Mail Drop 513M, Phoenix, Arizona 85007. The following documentation is required at the time of initial application:
  1. Private Fire Emergency Vehicle Permit Application. Multiple fire engines may be listed on one application. The Private Fire Emergency Vehicle Permit Application is furnished by the Division and is available upon request from the Division's Enforcement Services Program; and
  2. Proof of acceptable financial responsibility to cover any liability that may arise from the use of the Private Fire Emergency Vehicle Permit. Acceptable proof of financial responsibility is an insurance policy that:
    - a. Is issued by an insurance company licensed to conduct business in Arizona by the Arizona Department of Insurance;
    - b. Is written for a combined single-limit coverage of at least \$5 million;
    - c. Contains a provision stating that the state of Arizona shall be notified at least 30 days prior to any policy cancellation, nonrenewal, or change in provisions; and
    - d. Contains a provision stating that the state of Arizona shall be notified immediately if the insurance company becomes insolvent.
- C. Operational requirements.
  1. A fire engine may be operated with the privileges prescribed under A.R.S. § 28-624, but shall be subject to all other applicable provisions prescribed under A.R.S. Title 28, A.A.C. Title 17, and any other applicable statutes or ordinances.
  2. A fire engine shall only be driven by an operator who meets the Operator Requirements as defined under R17-4-301.
  3. A fire engine with a Private Fire Emergency Vehicle Permit, shall meet the National Fire Protection Association's (NFPA) fire engine and fire apparatus standards in effect for the manufacture date of the emergency vehicle.
  4. The private fire department is responsible for ensuring that the fire engine is not operated using the privileges prescribed under A.R.S. § 28-624 with an invalid Private Fire Emergency Vehicle Permit.
- D. Denial. If an application for a Private Fire Emergency Vehicle Permit is denied, a notice of denial shall be sent to the applicant at the address of record. An applicant is allowed to reap-

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ply for a permit following denial, provided all requirements listed under this Section are met.

- E. Revocation. If a Private Fire Emergency Vehicle Permit is revoked, a notice of the revocation shall be sent to the address of the applicant. An applicant is allowed to reapply for a permit following revocation, provided all requirements listed under this Section are met.
- The emergency vehicle permit is immediately revoked upon a determination that:
    - The permitted vehicle or the private fire department no longer meets the requirements for the permit; or
    - The vehicle was operated in violation of the provisions of this rule, any other applicable rule, or statute.
  - The revocation shall be preceded by a notice of intent to revoke.
    - The notice of intent to revoke shall be sent by first-class mail to the address of the applicant as shown on the permit application.
    - The notice of intent to revoke shall inform the applicant of the right to an administrative hearing and the procedure for requesting a hearing.
  - The revocation shall become effective 25 days after the mailing date of the notice of intent to revoke unless a timely request for hearing is submitted.
- F. Administrative hearing. The administrative hearing is held in accordance with the procedures prescribed under 17 A.A.C. 1, Article 5.

**Historical Note**

Former Rule, General Order 31. Former Section R17-4-11 renumbered without change as Section R17-4-309 (Supp. 87-2). Transferred to R17-1-309 (Supp. 92-4). New Section recodified from R17-4-701 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 14 A.A.R. 2106, effective July 5, 2008 (Supp. 08-2).

**Appendix A. Repealed****Historical Note**

Appendix A recodified from 17 A.A.C. 4, Article 7 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Appendix A repealed by final rulemaking at 14 A.A.R. 2106, effective July 5, 2008 (Supp. 08-2).

**R17-4-310. Personalized License Plates**

- A. Definitions.
- "Division" means the Motor Vehicle Division of the Arizona Department of Transportation.
  - "Division Director" means the Assistant Division Director for the Motor Vehicle Division of the Arizona Department of Transportation.
  - "Personalized plate" means a license plate with a registration number chosen by a person rather than assigned by the Division.
  - "Plate number" means the combination of letters, numbers, and spaces on a vehicle license plate.
- B. A person who wants to receive a personalized plate shall file an application with the Division on a form provided by the Division.
- An applicant shall provide the following information on the form:
    - Name of the vehicle's owner or lessee;
    - Vehicle owner's or lessee's mailing address;
    - Vehicle's make and year;
    - Vehicle identification number;
    - Vehicle's current plate number;
    - Date the vehicle's current registration expires;
    - Plate number to appear on the personalized plate;
    - Meaning or message of the personalized plate; and
    - Other information required by the Division.
  - If an applicant is purchasing the personalized plate as a gift for the vehicle's owner or lessee, the applicant shall also provide the applicant's name and mailing address.
- C. The Division shall reject the application if the requested plate number:
- Refers to or connotes breasts, genitalia, pubic area, buttocks, or relates to sexual or eliminatory functions;
  - Refers to or connotes the substance, paraphernalia, sale, use, purveyor of, or physiological state produced by any illicit drug, narcotic, or intoxicant;
  - Expresses contempt for or ridicule or superiority of a class of persons;
  - Duplicates another registration number;
  - Has connotations that are profane or obscene; or
  - Uses linguistics, numbers, phonetics, translations from foreign languages or upside-down or reverse reading to achieve a reference or connotation prohibited in subsection (C)(1) through (C)(3) or (C)(5).
- D. Rejection of application.
- If the Division does not issue personalized plates to an applicant, the Division shall inform the applicant by mail.
  - An applicant may make a written appeal by letter for a review of the rejection, within 10 days after the date of the Division's notice, to the following address:  
Motor Vehicle Division  
Special Plates Unit, Mail Drop 801Z  
PO Box 2100  
Phoenix, Arizona 85001-2100.
- E. Revocation of personalized plates; appeal.
- If the Division determines that a personalized plate should not have been issued because it contains a plate number prohibited under subsection (C), the Division shall require the plate holder to surrender the plates to the division within 30 days after the date of the Division's mailed notice, unless the plate holder requests an appeal under subsection (D)(2).
  - A person who has been directed to surrender a personalized plate may submit a written appeal by letter as prescribed under subsection (D)(2).
  - Refund of personalized plate fees on revocation.
    - The Division shall refund the amount of the personalized plate fee and the pro rated amount of the special annual renewal fee to the person holding the revoked personalized plate along with any credit or refund calculated by the Division.
    - A person whose plate is revoked may request that instead of a refund, the Division issue the person a different personalized plate. The person shall apply for the personalized plate as prescribed under subsection (B).
  - The Division shall cancel the vehicle plate of a vehicle if the person who holds a revoked personalized plate does not surrender the plate within 30 days after the date of the Division's notice or, if the person timely requests an appeal, within 30 days after the Division issues a final decision.

**Historical Note**

Former Rule, General Order 25. Former Section R17-4-09 renumbered without change as Section R17-4-310 (Supp. 87-2). Transferred to R17-1-310 (Supp. 92-4). New Section recodified from R17-4-708 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by

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final rulemaking at 8 A.A.R. 4227, effective November 15, 2002 (Supp. 02-3).

**R17-4-311. Special Organization Plate List**

As required under A.R.S. § 28-2404(D), the Division provides the following list of special organization license plates authorized by the state license plate commission and available for issue to qualified applicants:

1. Arizona Historical Society,
2. Firefighter,
3. Fraternal Order of Police,
4. Legion of Valor,
5. University of Phoenix, and
6. Wildlife Conservation.

**Historical Note**

Former Rule, General Order 24. Former Section R17-4-08 renumbered without change as Section R17-4-311 (Supp. 87-2). Transferred to R17-1-311 (Supp. 92-4). New Section made by exempt rulemaking at 7 A.A.R. 5251, effective November 2, 2001 (Supp. 01-4). Amended by exempt rulemaking at 8 A.A.R. 4007, effective November 1, 2002 (Supp. 02-3). Amended by exempt rulemaking at 13 A.A.R. 1894, effective June 1, 2007 (Supp. 07-2).

**R17-4-312. Off-highway Vehicle User Indicia**

- A. For lawful Arizona off-highway operation, the owner or operator of a qualifying all-terrain vehicle, off-highway vehicle, or off-road recreational motor vehicle shall apply to the Department for an off-highway vehicle user indicia as prescribed under A.R.S. § 28-1177. The owner or operator shall submit to the Division:
1. The off-highway vehicle user indicia application provided by the Division, and
  2. The fee prescribed under subsection (C).
- B. The owner or operator shall indicate, on the application submitted to the Division under subsection (A), one of the following categories of intended vehicle usage:
1. Exclusively off-highway;
  2. Primarily off-highway, occasionally on-highway; or
  3. Primarily on-highway, occasionally off-highway.
- C. The fee for each off-highway vehicle user indicia issued or renewed by the Department under A.R.S. § 28-1177 is \$25.
- D. The off-highway vehicle user indicia, issued by the Division under subsection (A), shall have the same basic design as the license plate tab issued by the Division for other types of vehicles and shall contain the letters OHV.
- E. The applicant shall display the off-highway vehicle user indicia in the upper left corner of the license plate issued by the Division under A.R.S. Title 28, Chapter 7, Articles 11 through 15.

**Historical Note**

Former Rule, General Order 39. Former Section R17-4-13 renumbered without change as Section R17-4-312 (Supp. 87-2). Transferred to R17-1-312 (Supp. 92-4). New Section made by final rulemaking at 16 A.A.R. 1132, effective August 7, 2010 (Supp. 10-2).

**R17-4-313. Public Safety Fee**

- A. Pursuant to A.R.S. § 28-2007 and until July 1, 2021, at the time of the initial or renewal registration of a vehicle, the owner or lessee shall pay a public safety fee as determined in subsection (B).
1. An owner or lessee who registers a vehicle for more than one year shall be assessed a fee for each registration year

except for any registration year that begins on or after July 1, 2021.

2. The fee will be assessed for the initial registration and upon each transfer of ownership of a permanent trailer.
3. The fee will be assessed for each vehicle in a fleet.
4. The fee will be assessed on a vehicle that is a part of the International Registration Plan.
5. The fee will be assessed upon each transfer of any vehicle subject to registration by the new owner.

- B. The Department determines the annual amount for the public safety fee based upon the following:

1. The following vehicle owner or lessee shall pay a fee of \$0:
    - a. An Arizona resident who is a member of the U.S. armed forces, including a National Guard or reserve unit, who is deployed in support of a worldwide contingency operation of the U.S. armed forces;
    - b. An educational, charitable, and religious association or institution not used or held for profit;
    - c. A government entity, which includes foreign government, a consul or any other official representative of a foreign government, the United States, a state or political subdivision of a state, or an Indian tribal government;
    - d. A nonresident military member;
    - e. A public health services officer;
    - f. A Supplemental Security Income recipient;
    - g. A survivor of a fallen first responder or a fallen military member;
    - h. A U.S. Department of Veterans Affairs grant recipient who qualifies for an exemption from the vehicle license tax pursuant to A.R.S. § 28-5802;
    - i. A veteran who is certified by the U.S. Department of Veterans Affairs to be 100% with a disability and drawing applicable compensation; or
    - j. A widow or widower who qualifies for an exemption of taxation of property pursuant to A.R.S. § 42-1111.
  2. The owner or lessee of the following shall pay a reduced fee of \$5:
    - a. A registered street legal golf cart, or
    - b. A registered street legal off-highway vehicle that is eligible for the reduced vehicle license tax pursuant to A.R.S. § 28-5801.
  3. The owner or lessee of a vehicle that is part of the International Registration Plan shall pay an apportioned fee based on the International Registration Plan.
  4. All other vehicle owners or lessees shall pay a fee of \$32.
- C. If a vehicle is owned by more than one owner or lessee prescribed under subsections (B)(1)(d), (e), (f), (g), or (j), the fee of \$0 applies only to the qualified person and the fee as determined in subsection (B)(4) is applied proportionally to any additional owner or lessee.
- D. If an owner or lessee prescribed under subsections (B)(1)(f), (g), (h), (i), or (j) owns or leases more than one vehicle, the owner or lessee shall pay the fee as determined in subsection (B)(4) for each additional vehicle.
- E. If an owner or lessee prescribed under subsection (B)(1)(a) owns or leases more than two vehicles, the owner or lessee shall pay the fee as determined in subsection (B)(4) for each additional vehicle.
- F. The public safety fee shall be specified and available on the Department's website at [www.azdot.gov](http://www.azdot.gov) and detailed on the registration renewal notice for the vehicle.
- G. The fee is non-transferable.

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- H. The fee is nonrefundable, except the Department will issue a credit or refund for any public safety fee paid for any registration year that begins on or after July 1, 2021.

**Historical Note**

Former Rule, General Order 27. Former Section R17-4-10 renumbered without change as Section R17-4-313 (Supp. 87-2). Transferred to R17-1-313 (Supp. 92-4). Amended by exempt rulemaking at 24 A.A.R. 3512, effective December 1, 2018 (Supp. 18-4). Amended by exempt rulemaking at 25 A.A.R. 104, effective December 21, 2018 (Supp. 19-2). Section repealed; new Section made by exempt rulemaking at 25 A.A.R. 2261, with an effective date of August 19, 2019 (Supp. 19-3).

**R17-4-314. Transferred****Historical Note**

Former Rule, General Order 69. Former Section R17-4-27 renumbered without change as Section R17-4-314 (Supp. 87-2). Transferred to R17-1-314 (Supp. 92-4).

**R17-4-315. Transferred****Historical Note**

Former Rule, General Order 61. Former Section R17-4-23 renumbered without change as Section R17-4-315 (Supp. 87-2). Transferred to R17-1-315 (Supp. 92-4).

**R17-4-316. Transferred****Historical Note**

Former Rule, General Order 57. Former Section R17-4-20 renumbered without change as Section R17-4-316 (Supp. 87-2). Transferred to R17-1-316 (Supp. 92-4).

**R17-4-317. Transferred****Historical Note**

Former Rule, General Order 36. Former Section R17-4-12 renumbered without change as Section R17-4-317 (Supp. 87-2). Transferred to R17-1-317 (Supp. 92-4).

**R17-4-318. Transferred****Historical Note**

Former Rule, General Order 7. Former Section R17-4-04 renumbered without change as Section R17-4-318 (Supp. 87-2). Transferred to R17-1-318 (Supp. 92-4).

**R17-4-319. Transferred****Historical Note**

Former Rule, General Order 44. Former Section R17-4-14 renumbered without change as Section R17-4-319 (Supp. 87-2). Transferred to R17-1-319 (Supp. 92-4).

**R17-4-320. Transferred****Historical Note**

Former Rule, General Order 54 (Amended). Former Section R17-4-18 renumbered without change as Section R17-4-320 (Supp. 87-2). Transferred to R17-1-320 (Supp. 92-4).

**R17-4-321. Transferred****Historical Note**

Former Rule, General Order 21. Former Section R17-4-07 renumbered without change as Section R17-4-321 (Supp. 87-2). Transferred to R17-1-321 (Supp. 92-4).

**R17-4-322. Transferred****Historical Note**

Former Rule, General Order 3. Former Section R17-4-02 renumbered without change as Section R17-4-322 (Supp. 87-2). Transferred to R17-1-322 (Supp. 92-4).

**R17-4-323. Transferred****Historical Note**

Former Rule, General Order 2A. Former Section R17-4-01 renumbered without change as Section R17-4-323 (Supp. 87-2). Transferred to R17-1-323 (Supp. 92-4).

**R17-4-324. Transferred****Historical Note**

Transferred to R17-1-301 (Supp. 92-4).

**R17-4-325. Transferred****Historical Note**

Transferred to R17-1-301 (Supp. 92-4).

**R17-4-326. Transferred****Historical Note**

Transferred to R17-1-301 (Supp. 92-4).

**R17-4-327. Transferred****Historical Note**

Transferred to R17-1-301 (Supp. 92-4).

**R17-4-328. Transferred****Historical Note**

Transferred to R17-1-301 (Supp. 92-4).

**R17-4-329. Transferred****Historical Note**

Transferred to R17-1-301 (Supp. 92-4).

**R17-4-330. Transferred****Historical Note**

Adopted effective March 1, 1984 (Supp. 84-1). Former Section R17-4-67 renumbered without change as Section R17-4-330 (Supp. 87-2). Transferred to R17-1-330 (Supp. 92-4).

**R17-4-331. Transferred****Historical Note**

Adopted effective March 1, 1984 (Supp. 84-1). Former Section R17-4-68 renumbered without change as Section R17-4-331 (Supp. 87-2). Transferred to R17-1-331 (Supp. 92-4).

**R17-4-332. Transferred****Historical Note**

Adopted effective March 1, 1984 (Supp. 84-1). Former Section R17-4-69 renumbered without change as Section R17-4-332 (Supp. 87-2). Transferred to R17-1-332 (Supp. 92-4).

**R17-4-333. Transferred****Historical Note**

Adopted effective March 1, 1984 (Supp. 84-1). Former Section R17-4-71 renumbered without change as Section R17-4-333 (Supp. 87-2). Amended effective December 30, 1987 (Supp. 87-4). Transferred to R17-1-333 (Supp. 92-4).

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**R17-4-334. Transferred****Historical Note**

Adopted effective March 1, 1984 (Supp. 84-1). Former Section R17-4-70 renumbered without change as Section R17-4-334 (Supp. 87-2). Transferred to R17-1-334 (Supp. 92-4).

**R17-4-335. Transferred****Historical Note**

Adopted as an emergency effective July 1, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R17-4-401 adopted as an emergency now adopted and amended as a permanent rule effective October 6, 1982 (Supp. 82-5). Amended effective November 13, 1986 (Supp. 86-6). Former Section R17-4-401 renumbered without change as Section R17-4-335 (Supp. 87-2). Transferred to R17-1-335 (Supp. 92-4).

**R17-4-336. Transferred****Historical Note**

Adopted as an emergency effective July 1, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R17-4-402 adopted as an emergency now adopted and amended as a permanent rule effective October 6, 1982 (Supp. 82-5). Amended effective November 13, 1986 (Supp. 86-6). Former Section R17-4-402 renumbered without change as Section R17-4-336 (Supp. 87-2). Transferred to R17-1-336 (Supp. 92-4).

**R17-4-337. Transferred****Historical Note**

Adopted as an emergency effective July 1, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R17-4-403 adopted as an emergency now adopted and amended as a permanent rule effective October 6, 1982 (Supp. 82-5). Amended effective November 13, 1986 (Supp. 86-6). Former Section R17-4-403 renumbered without change as Section R17-4-337 (Supp. 87-2). Transferred to R17-1-337 (Supp. 92-4).

**R17-4-338. Transferred****Historical Note**

Transferred to R17-1-338 (Supp. 92-4).

**R17-4-339. Transferred****Historical Note**

Transferred to R17-1-339 (Supp. 92-4).

**R17-4-340. Transferred****Historical Note**

Transferred to R17-1-340 (Supp. 92-4).

**R17-4-341. Transferred****Historical Note**

Transferred to R17-1-341 (Supp. 92-4).

**R17-4-342. Transferred****Historical Note**

Transferred to R17-1-342 (Supp. 92-4).

**R17-4-343. Transferred****Historical Note**

Transferred to R17-1-343 (Supp. 92-4).

**R17-4-344. Transferred****Historical Note**

Transferred to R17-1-344 (Supp. 92-4).

**R17-4-345. Transferred****Historical Note**

Transferred to R17-1-345 (Supp. 92-4).

**R17-4-346. Transferred****Historical Note**

Adopted effective October 8, 1987 (Supp. 87-4). Transferred to R17-1-346 (Supp. 92-4).

**R17-4-347. Transferred****Historical Note**

Adopted effective October 8, 1987 (Supp. 87-4). Transferred to R17-1-347 (Supp. 92-4).

**R17-4-348. Transferred****Historical Note**

Adopted effective October 8, 1987 (Supp. 87-4). Transferred to R17-1-348 (Supp. 92-4).

**R17-4-349. Transferred****Historical Note**

Adopted effective October 8, 1987 (Supp. 87-4). Transferred to R17-1-349 (Supp. 92-4).

**R17-4-350. Rental Vehicle Surcharge Reimbursement**

**A.** Definitions. In addition to the definitions prescribed under A.R.S. § 28-5810, the following terms apply to this Section, unless otherwise specified:

“Person” means an individual, a sole proprietorship, firm, partnership, joint venture, association, corporation, limited liability company, limited liability partnership, estate, trust, business trust, receiver or syndicate, this state, any county, city, town, district or other subdivision of this state, an Indian tribe, or any other group or combination acting as a unit.

“Previous year” means the prior calendar year, January 1 through December 31.

“Rental revenue” means the total contract amount stated in the retail contract less any taxes and fees imposed by A.R.S. Title 42, Chapter 5, Article 1, A.R.S. Title 48, Chapter 26, Article 2, and selected non-vehicle related charges, including boxes, packing blankets, straps, and tow bars.

“Surcharge” means the amount equal to five percent of the total contract amount stated in the rental contract less any taxes and fees imposed by A.R.S. Title 42, Chapter 5, Article 1, A.R.S. Title 48, Chapter 26, Article 2, and selected non-vehicle related items, including boxes, packing blankets, straps, and tow bars.

“Vehicle License Tax” means the tax imposed by A.R.S. § 28-5801, less any tax credited under A.R.S. § 28-2356.

**B.** Reports. Each person subject to A.R.S. § 28-5810, who has conducted a vehicle rental business for any time period during the previous year, shall file an annual report, for the previous year, with the Department. The annual report is due no later than February 15 of each year, unless the rental business is closed before December 31, in which case the annual report is due immediately. The report shall be made on a form furnished by the Department and shall contain all of the following:

1. Address where business records are secured;

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2. Name, title, phone number, and signature of the person authorized to sign the form;
  3. Business name;
  4. Business type, including sole proprietorship, partnership, corporation, limited liability company, and limited liability partnership;
  5. Name, title, phone number, mailing address, and e-mail address of the contact person;
  6. Federal Employer Identification Number (FEIN);
  7. Mailing address (if different from principal business address);
  8. Principal business address;
  9. Rental vehicle revenue collected, by county;
  10. Total Arizona Vehicle License Tax paid on rental vehicles;
  11. Total rental vehicle revenue collected;
  12. Total surcharge collected;
  13. Total surcharge due to the Department; and
  14. Type of rental business, including passenger vehicle, semitrailer, trailer, truck, motorcycle, moped, and recreational vehicle.
- C. Records. A person in the business of renting vehicles, as defined under A.R.S. § 28-5810, is required to maintain records in support of the required annual reports for a period of four years after the date of the filing of the required annual report or the due date of the report, whichever is longer. The records shall contain all information in support of:
1. The total amount of Vehicle License Tax paid during the previous year. Supporting Vehicle License Tax records for each rental vehicle shall include:
    - a. The Vehicle Identification Number,
    - b. The Arizona vehicle license plate number,
    - c. A copy of the Arizona registration,
    - d. The amount paid for Vehicle License Tax minus any Vehicle License Tax credited under A.R.S. § 28-2356,
    - e. The date on which the Vehicle License Tax was paid, and
    - f. The dates the rental vehicle was in and out of service.
  2. The total gross amount of Arizona vehicle rental revenues collected for the previous year. Supporting Arizona vehicle rental revenue records shall include:
    - a. The rental contract for each rental vehicle,
    - b. The amount of surcharge collected,
    - c. Chart of accounts,
    - d. General ledger,
    - e. Financial statements,
    - f. Federal tax returns, and
    - g. Monthly trial balance.
  3. The amount of the surcharge collected during the previous year. Supporting surcharge collection records shall include:
    - a. All applicable rental contracts; and
    - b. The total amount stated in each rental contract, supported by relevant documentation.
  4. Failure to keep and maintain proper records or failure to provide records for audit purposes may result in the Department making an assessment against the rental business for the total surcharge amount estimated to have been collected, as determined from the best information available to the Director.
- D. Audits. The Department shall conduct each audit of a person who collects the surcharge in accordance with generally accepted government auditing standards as set forth in *Government Auditing Standards: 2011 Revision* (commonly

referred to as the Yellow Book,) issued by the U.S. Government Accountability Office. The Department incorporates by reference *Government Auditing Standards: 2011 Revision* and no later amendments or editions. The incorporated material is on file with the Department. The printed version is available from the U.S. Government Printing Office, P. O. Box 979050, St. Louis, MO 63197-9000. The incorporated material is available free of charge at <http://www.gao.gov/yellowbook> or can be ordered online by visiting the U.S. Government Online Bookstore at <http://bookstore.gpo.gov>.

1. The rental business shall have records made available for audit during normal business hours at the rental business location in Arizona. The Department may conduct audits at an out-of-state location, which are paid for by the rental business. The rental business shall pay the audit expenses, per diem, and travel in accordance with the Arizona Department of Transportation expense guidelines in effect at the time of the audit.
2. The Director has appropriate subpoena powers to require records to be produced for examination and to take testimony. In accordance with A.R.S. § 28-5922, if a person fails to respond to the Director's or agent of the Director's request for records, the Director shall issue subpoenas for the production of records or allow seizure of records.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 2058, effective August 4, 2007 (Supp. 07-2). Amended by final rulemaking at 19 A.A.R. 888, effective, June 1, 2013 (Supp. 13-2).

**R17-4-351. Special License Plate; Definition**

For the purposes of R17-4-352, "special license plate" or "special plate" has the meaning prescribed in A.R.S. § 28-2401.

**Historical Note**

New Section made by final rulemaking at 25 A.A.R. 1890, effective October 1, 2019 (Supp. 19-3).

**R17-4-352. Duplicate Special License Plate; Fee**

- A. The Department shall charge and collect from a motor vehicle owner a one-time fee of \$10 for each duplicate special license plate requested.
- B. The Department shall charge and collect the current applicable U.S. Postal Service postage rate as provided in A.R.S. § 28-2151 and A.A.C. R17-1-204 to mail a duplicate special license plate to a motor vehicle owner.

**Historical Note**

New Section made by final rulemaking at 25 A.A.R. 1890, effective October 1, 2019 (Supp. 19-3).

**ARTICLE 4. DRIVER LICENSES****R17-4-401. Definitions**

In addition to the definitions provided under A.R.S. §§ 28-101, 28-1301, and 28-3001, the following definitions apply to this Article unless otherwise specified:

"Division" means the Arizona Department of Transportation, Motor Vehicle Division.

"Financial responsibility (accident) suspension" means a suspension, by the Department, of:

The Arizona driver license or driving privilege of an owner of a vehicle that:

Lacks the coverage required under A.R.S. § 28-4135, and

Is involved in an accident in Arizona; and

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The Arizona registration of a vehicle, unless the Department receives proof the vehicle was sold.

“Gore area” is defined under A.R.S. § 28-644.

“Proof the vehicle was sold” means a written statement to the Department from an owner that includes the following:

- The seller’s name;
- The VIN;
- The sale date; and
- The purchaser’s name and address.

“Restricted permit” means written permission from the Department for:

A person subject to a financial responsibility (accident) suspension to operate a motor vehicle only:

- Between the person’s home and workplace,
- During the person’s work-related activities, or
- Between the person’s home and school; and

A vehicle with an Arizona registration subject to a financial responsibility (accident) suspension to be operated by a person specified under R17-4-402 only:

- Between the person’s home and workplace;
- During the person’s work-related activities; or
- Between the person’s home and school.

“State” means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

“SR22” means a certificate of insurance that complies with requirements under A.R.S. § 28-4077(A).

“Thirty-six-month period” means the time measured from the date of the most recent violation with assigned points for which a driver has a conviction or judgment to that day and month three years before the date of the violation.

“Twelve-month period” means the time measured from the date of the most recent violation with assigned points for which a driver has a conviction or judgment to that day and month one year before the date of the violation.

“Twenty-four-month period” means the time measured from the date of the most recent violation with assigned points for which a driver has a conviction or judgment to that day and month two years before the date of the violation.

“VIN” or “vehicle identification number” is defined under A.R.S. § 13-4701(4).

“Withdrawal action” means a Department action that invalidates a person’s Arizona driving privilege or a vehicle’s Arizona registration, which includes:

- A cancellation;
- A suspension;
- A revocation;
- Any outstanding warrant; or
- Any unresolved citation.

#### Historical Note

New Section made by final rulemaking at 8 A.A.R. 5220, effective February 3, 2003 (Supp. 02-4). Amended by final rulemaking at 12 A.A.R. 871, effective March 7, 2006 (Supp. 06-1). Amended by final rulemaking at 14 A.A.R. 839, effective March 4, 2008 (Supp. 08-1).

Amended by exempt rulemaking at 21 A.A.R. 1092, effective September 1, 2015 (Supp. 15-2).

#### R17-4-402. Restricted Permit During a Financial Responsibility (Accident) Suspension

- A.** An applicant for a restricted permit shall:
1. Have no withdrawal action other than the financial responsibility (accident) suspension;
  2. Provide an SR22 Certificate of Insurance as proof of future financial responsibility that must be kept in force for three consecutive years after the effective date of the financial responsibility (accident) suspension;
  3. Pay the \$10 driving privilege reinstatement fee under A.R.S. § 28-4144(C)(2)(b); and
  4. Pay the \$25 motor vehicle registration and license plate reinstatement fee under A.R.S. § 28-4144(C)(2)(b), or if the vehicle was sold before the date of the accident, provide proof the vehicle was sold as defined under R17-4-401;
  5. Pay the driving privilege reinstatement application fee under A.R.S. § 28-3002(A)(2); and
  6. Satisfy any applicable requirements of A.R.S. § 28-4033(A)(2)(c) or 28-4144(C).
- B.** In addition to subsection (A) during a financial responsibility (accident) suspension, a restricted permit applicant may:
1. Apply for an original or renew an Arizona driver license by:
    - a. Complying with A.R.S. §§ 28-3153, 28-3158, or 28-3171; and
    - b. Paying the application fee under A.R.S. § 28-3002(A)(2) determined by the applicant’s age on the application date; or
  2. Obtain a duplicate Arizona driver license by paying the \$12 duplicate driver license application fee under A.R.S. § 28-3002(A)(7).
- C.** At the end of the financial responsibility (accident) suspension, the Division shall immediately remove the driving privilege restriction from the Arizona driving record when the person surrenders an expired restricted permit to the Division.

#### Historical Note

New Section recodified from R17-4-227 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 5220, effective February 3, 2003 (Supp. 02-4). Amended by final rulemaking at 16 A.A.R. 2448, effective February 5, 2011 (Supp. 10-4).

#### R17-4-403. Application for Duplicate Driver License or Duplicate Nonoperating Identification License; Fees

- A.** An applicant shall apply to the Division, on a form provided by the Division, for a duplicate driver license or a duplicate nonoperating identification license.
- B.** The fee for the duplicate driver license or duplicate nonoperating identification license issued by the Division is \$12 under A.R.S. §§ 28-3002(A) and 28-3165.

#### Historical Note

New Section made by final rulemaking at 16 A.A.R. 2448, effective February 5, 2011 (Supp. 10-4).

#### R17-4-404. Driver Point Assessment; Traffic Survival Schools

- A.** Point assessment. The Department shall assign points to a driver, as prescribed under Table 1, Driver Point Valuation, for each violation resulting in a conviction or judgment.
- B.** Actions after point assessment. Under A.R.S. § 28-3306(A)(3), if a driver accumulates eight or more points in a twelve-month period, the Department shall:



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1. Order the driver to successfully complete the curriculum of a licensed traffic survival school; or
  2. Suspend the driver's Arizona driver license or driving privilege.
- C. Traffic survival school order of assignment. The Department or the private entity under contract with the Department shall send a dated order of assignment to traffic survival school, as prescribed under A.R.S. § 28-3318, to a driver who accumulates 8 to 12 points in a twelve-month period, and who did not complete a traffic survival school course in the previous twenty-four-month period.
1. The order of assignment shall:
    - a. Instruct the driver to submit any hearing request to the Department within 15 days after the date of the order of assignment; and
    - b. Instruct the driver that failure to successfully complete traffic survival school within 60 days after the date of the order of assignment will result in the Department issuing a six-month order of suspension.
  2. The Department shall record that a driver completed traffic survival school if:
    - a. A licensed traffic survival school reports that the driver successfully completed the curriculum; or
    - b. The driver presents to the Department an original certificate of completion issued by a licensed traffic survival school, within 30 days of issuance of the certificate.
- D. Suspension for failure to complete traffic survival school. The Department or the private entity under contract with the Department shall mail a driver a six-month order of suspension, as prescribed under A.R.S. § 28-3318, if the driver failed to establish completion of traffic survival school in accordance with subsection (C). The order of suspension shall:
1. Specify the period within which the driver may submit a hearing request to the Department, and
  2. Specify the effective date of the suspension.
- E. Suspension for accumulation of excessive points. The Department shall mail an order of suspension as prescribed under A.R.S. § 28-3318 to a driver who accumulates an excessive amount of points. The order of suspension shall:
1. Specify the length of the suspension as follows:
    - a. A three-month suspension for accumulation of 8 to 12 points in a twelve-month period if a traffic survival school course was successfully completed in the previous twenty-four-month period;
    - b. A three-month suspension for accumulation of 13 to 17 points in a twelve-month period;
    - c. A six-month suspension for accumulation of 18 to 23 points in a twelve-month period; and
    - d. A twelve-month suspension for accumulation of 24 or more points in a thirty-six-month period;
  2. Specify the period within which the driver may submit a hearing request to the Department; and
  3. Specify the effective date of the suspension.

**Historical Note**

New Section recodified from R17-4-506 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 12 A.A.R. 4446, effective November 7, 2006 (Supp. 06-4). Amended by final rulemaking at 14 A.A.R. 839, effective March 4, 2008 (Supp. 08-1). Amended by final rulemaking at 19 A.A.R. 3897, effective January 4, 2014 (Supp. 13-4). Amended by exempt

rulemaking at 21 A.A.R. 1092, effective September 1, 2015 (Supp. 15-2).

**Table 1. Driver Point Valuation**

Violation	Points
A.R.S. § 28-1381, driving or actual physical control of a vehicle while under the influence.	8
A.R.S. § 28-1382, driving or actual physical control of a vehicle while under the extreme influence of intoxicating liquor.	8
A.R.S. § 28-1383, aggravated driving or actual physical control while under the influence.	8
A.R.S. § 28-693, reckless driving.	8
A.R.S. § 28-708, racing on highways.	8
A.R.S. § 28-695, aggressive driving.	8
A.R.S. §§ 28-662, 28-663, 28-664, or 28-665, relating to a driver's duties after an accident.	6
A.R.S. § 28-672(A), failure to comply with a red traffic-control signal, failure to yield the right of way when turning left at an intersection, failure to yield the right of way to a pedestrian, failure to exercise due care, failure to stop for a school bus stop signal, or failure to comply with a stop sign, and the failure results in an accident causing death to another person.	6
A.R.S. § 28-672(A), failure to comply with a red traffic-control signal, failure to yield the right of way when turning left at an intersection, failure to yield the right of way to a pedestrian, failure to exercise due care, failure to stop for a school bus stop signal, or failure to comply with a stop sign, and the failure results in an accident causing serious physical injury to another person.	4
A.R.S. § 28-701, reasonable and prudent speed.	3
A.R.S. § 28-644(A)(2), driving over, across, or parking in any part of a gore area.	3
Any other traffic regulation that governs a vehicle moving under its own power.	2

**Historical Note**

New Table 1 made by final rulemaking at 14 A.A.R. 839, effective March 4, 2008 (Supp. 08-1).

**R17-4-405. Emergency Expired****Historical Note**

Emergency rule adopted effective August 6, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency expired.

**R17-4-406. Minor's Application for Permit or License**

- A. For the purposes of administering the provisions of A.R.S. § 28-3160, the following definitions apply to this Section:
1. "Application," means a form provided by the Division that includes the Legal Guardian Affidavit required by the Division to be submitted with each minor's driver license application.
  2. "Guardian" means one who has been appointed by a court of law to care for a minor child, but only if both parents of the child are deceased, or an agency as defined in A.R.S. § 8-513.
  3. "Parent" means the natural or adoptive father or mother of a child.
- B. Procedure when both parents sign: If both parents sign a child's application, no proof of custody need be furnished.
- C. Procedure when only one parent signs:

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1. If the signing parent is married to the child's other parent, that fact shall be stated and it shall be presumed the signing parent has custody of the child.
  2. If the signing parent is not married to the child's parent because the other parent is deceased, that fact shall be stated and it shall be presumed the signing parent has custody of the child.
  3. If the signing parent is not married to the child's other parent, the signing parent shall affirm, by sworn statement to the Division or a notary public, that the other parent does not have custody of the child, in which event the Division shall presume the signing parent has custody of the child.
- D.** Procedure when both parents are deceased:
1. If both parents are deceased, the minor or minor's guardian shall attach certified copies of certificates of death or other satisfactory proof of death, that includes a court judgment, affidavits of close relatives of the child, or school records.
  2. A person who is guardian of a child shall sign an application as defined by this rule or furnish a certified court order appointing guardianship.
  3. An employer signing the application shall certify the person employs the minor on the date of application.
  4. A person who has custody of a child shall sign a Legal Guardian Affidavit affirming custody or furnish a certified court order awaiting custody.
- E.** Proof of custody. Proof of custody may be established by a certified copy of the court order awarding custody or a written affirmation by the person signing the application.

**Historical Note**

Adopted as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R17-4-201 adopted as an emergency effective August 18, 1983, now adopted without change as a permanent rule effective November 30, 1983 (Supp. 83-6). Correction, (C)(4) should read "... governed by R17-4-58" as certified effective November 30, 1983 (Supp. 84-3). Former Section R17-4-201 renumbered without change as Section R17-4-406 Supp. (87-2). Former Section R17-4-406 repealed, new Section R17-4-406 adopted effective July 14, 1989 (Supp. 89-3). Section recodified to R17-4-450 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section recodified from R17-4-510 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 12 A.A.R. 4446, effective November 7, 2006 (Supp. 06-4).

**R17-4-407. Travel-compliant Driver License or Travel-compliant Non-operating Identification License Application; Fee**

- A.** A person seeking a travel-compliant driver license or travel-compliant identification license shall meet and comply with all:
1. State laws and rules applicable to every applicant who seeks issuance of any other driver license class, type, endorsement or non-operating identification license issued by the Department; and
  2. Federal laws and regulations regarding the application and minimum documentation, verification, and card issuance requirements prescribed in the most recent edition of 6 CFR 37.11 for establishing satisfactory proof of a person's identity, date of birth, social security number, principal residence address of domicile in this state, and lawful status in the United States.
- B.** A person seeking a travel-compliant driver license or travel-compliant identification license shall:

1. Apply to the Department using an application form provided by the Department; and
  2. Submit to the Department for authentication, satisfactory proof of the applicant's full legal name, date of birth, sex, social security number, principal residence address of domicile in this state, and that the applicant's presence in the United States is authorized under federal law. A list of all source documents the Department may accept as satisfactory proof under state and federal law is maintained by the Department on its website at [www.azdot.gov](http://www.azdot.gov).
- C.** An applicant for a travel-compliant driver license or travel-compliant identification license shall submit to the Department a fee of \$25:
1. On original application, reinstatement, or renewal of any travel-compliant driver license class; or
  2. On original application or renewal of a travel-compliant identification license.
- D.** A travel-compliant driver license or travel-compliant identification license issued by the Department, as prescribed under A.R.S. § 28-3175 and this Section, is:
1. Valid for a period of up to eight years;
  2. Renewable for successive periods of up to eight years; and
  3. Subject to all state and federal laws or restrictions requiring the issuance of a shorter expiration period (e.g., up to age 65, as provided under A.R.S. § 28-3171, or for a time period equal to the applicant's authorized stay in the United States, as provided under 6 CFR 37.21, etc.).

**Historical Note**

Adopted as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R17-4-202 adopted as an emergency effective August 18, 1983, now adopted without change as a permanent rule effective November 30, 1983 (Supp. 83-6). Correction, subsection (D) as certified effective November 30, 1983 (Supp. 84-3). Former Section R17-4-202 renumbered without change as Section R17-4-407 (Supp. 87-2). Section recodified to R17-4-451 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section recodified from R17-4-706 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 1158, effective May 12, 2003 (Supp. 03-1). New Section made by final exempt rulemaking under Laws 2015, Ch. 294, § 5 at 22 A.A.R. 819, effective March 28, 2016 (Supp. 16-1). Section repealed; new Section made by final rulemaking at 25 A.A.R. 1885, with an immediate effective date of July 2, 2019 (Supp. 19-3).

**R17-4-408. Mandatory Extension of a Certified Ignition Interlock Device Order**

- A.** For purposes of this Section, "conviction" has the meaning prescribed in A.R.S. § 28-101(12).
- B.** For the duration of a certified ignition interlock device order, each conviction for violating A.R.S. §§ 28-1464(A), 28-1464(C), 28-1464(D), 28-1464(F), or 28-1464(H) of the person subject to the order will result in the Division's extension of the order.
- C.** Each extension by the Division of a person's certified ignition interlock device order shall be for one year.

**Historical Note**

Adopted as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R17-4-203 and Appendix D adopted as an emergency effective August 18, 1983, now adopted without change as a permanent rule effective

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November 30, 1983 (Supp. 83-6). Correction, added (C)(5) as certified effective November 30, 1983 (Supp. 84-3). Former Section R17-4-203 renumbered without change as Section R17-4-408 (Supp. 87-2). Section recodified to R17-4-452 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section recodified from R17-4-709.10 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-409. Non-operating Identification License Application; Applicability; Fee**

- A. A person seeking a non-operating identification license, issued by the Department as prescribed under A.R.S. § 28-3165 and this Section, shall apply to the Department using a form provided by the Department.
- B. An applicant shall submit a \$12 fee to the Department, on application for a non-operating identification license, unless the applicant is provided a specific statutory exemption from payment of the fee.
- C. An applicant shall provide to the Department, on application for a non-operating identification license, satisfactory proof of the applicant's full legal name, date of birth, sex, principal residence address of domicile in this state, and evidence that the applicant's presence in the United States is authorized under federal law as listed by the Department on its website at [www.azdot.gov](http://www.azdot.gov).
- D. A person seeking a travel-compliant identification license issued by the Department under A.R.S. § 28-3175, which is recognized by federal agencies as proof of identity for use when accessing federal facilities, boarding federally-regulated commercial aircraft, or entering nuclear power plants, shall apply to the Department as provided under R17-4-407.

**Historical Note**

Adopted as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R17-4-204 and Appendix B adopted as an emergency effective August 18, 1983, now adopted without change as a permanent rule effective November 30, 1983 (Supp. 83-6). Former Section R17-4-204 renumbered without change as Section R17-4-409 (Supp. 87-2). Section recodified to R17-4-453 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section recodified from R17-4-508 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 12 A.A.R. 4446, effective November 7, 2006 (Supp. 06-4). Amended by final rulemaking at 16 A.A.R. 2448, effective February 5, 2011 (Supp. 10-4). Amended by final exempt rulemaking under Laws 2015, Ch. 294, § 5 at 22 A.A.R. 819, effective March 28, 2016 (Supp. 16-1). Amended by final rulemaking at 25 A.A.R. 1885, with an immediate effective date of July 2, 2019 (Supp. 19-3).

**R17-4-410. Voter Registration Through the Motor Vehicle Division**

- A. For purposes of this Section:
  1. "License" has the same meaning as "driver's license" under A.R.S. § 16-111(2).
  2. "MVD" means the Arizona Department of Transportation, Motor Vehicle Division.
- B. To register to vote in Arizona through the MVD as provided for in A.R.S. § 16-112, a person who completes a transaction listed in subsection (C) shall complete and return to MVD:
  1. A Secretary of State-approved hardcopy voter registration form for the county of the person's residence, or
  2. An electronic voter registration form through MVD's ServiceArizona web site or through MVD's driver license

system along with an electronic verification that the person meets voter eligibility criteria under A.R.S. § 16-101.

- C. Subsection (B) applies to the following license transactions:
  1. Initial licensee application;
  2. License renewal;
  3. Duplicate driver license; or
  4. Licensee personal information update.
- D. MVD shall transfer the voter registration forms and the data collected under this Section by:
  1. Mailing the completed hardcopy forms to the appropriate county recorder; and
  2. Transmitting the data from completed electronic voter registration forms and licensee personal information updates to the Secretary of State as prescribed under A.A.C. R2-12-605 for further distribution to the appropriate county recorder.
- E. MVD shall maintain the confidentiality of applicant information as required under A.R.S. Title 16, Chapter 1.

**Historical Note**

Adopted as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R17-4-205 adopted as an emergency effective August 18, 1983, now adopted without change as a permanent rule effective November 30, 1983 (Supp. 83-6). Former Section R17-4-205 renumbered without change as Section R17-4-410 (Supp. 87-2). Section recodified to R17-4-454 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 8 A.A.R. 2394, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 12 A.A.R. 1329, effective June 4, 2006 (Supp. 06-2).

**R17-4-411. Special Ignition Interlock Restricted Driver License: Application, Restrictions, Reporting, Fee**

- A. In addition to the requirements prescribed in A.R.S. § 28-3158, an person applying for a special ignition interlock restricted driver license shall:
  1. If the person is suspended for a first offense of A.R.S. § 28-1321:
    - a. Complete at least 90 consecutive days of the period of the suspension, and
    - b. Maintain a functioning certified ignition interlock device during the remaining period of the suspension.
  2. If the person is revoked for a first offense of A.R.S. § 28-1383(A)(3):
    - a. Complete at least 90 consecutive days of the suspension under A.R.S. § 28-1385,
    - b. Submit proof to the Division that the person has completed an approved alcohol or drug screening or treatment program, and
    - c. Maintain a functioning certified ignition interlock device during the remaining period of the revocation.
  3. If the person has a court-ordered restriction under A.R.S. §§ 28-3320 or 28-3322:
    - a. Comply with the restrictions in subsection (C), and
    - b. Maintain a functioning certified ignition interlock device during the remaining period of the court-ordered restriction.
- B. The Division shall not issue a special ignition interlock restricted driver license if the person's driver license or driving privilege is suspended or revoked for a reason not under subsections (A)(1), (2), or (3).
- C. A person applying for a special ignition interlock restricted driver license shall pay the following fees:

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1. Age 50 or older \$10.00
  2. Age 45 – 49 \$15.00
  3. Age 40 – 44 \$20.00
  4. Age 39 or younger \$25.00
- D.** A special ignition interlock restricted driver license issued under subsection (A), permits a person to operate a motor vehicle equipped with a functioning certified ignition interlock device as prescribed in A.R.S. § 28-1402(A).
- E.** Reporting. On the eleventh month after the initial date of installation and each eleventh month thereafter for as long as the person is required to maintain a functioning certified ignition interlock device, each installer shall electronically provide the Division all of the following information as recorded by the certified ignition interlock device:
1. Date installed;
  2. Person's full name;
  3. Person's date of birth;
  4. Person's customer or driver license number;
  5. Installer and manufacturer name;
  6. Installer fax number;
  7. Date report interpreted;
  8. Report period;
  9. Any tampering of the device within the meaning of A.R.S. § 28-1301(9);
  10. Any failure of the person to provide proof of compliance or inspection as prescribed in A.R.S. § 28-1461;
  11. Any attempts to operate the vehicle with an alcohol concentration exceeding the presumptive limit prescribed in A.R.S. § 28-1381(G)(3), or if the person is younger than 21 years of age, attempts to operate the vehicle with any spirituous liquor in the person's body; and
  12. Any other information required by the Director.
- F.** A person applying for a special ignition interlock restricted driver license shall provide proof of financial responsibility prescribed in Title 28, Arizona Revised Statutes, Chapter 9, Article 3.

**Historical Note**

Adopted as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R17-4-206 and Appendices C and E adopted as an emergency effective August 18, 1983, now adopted without change as a permanent rule effective November 30, 1983 (Supp. 83-6). Former Section R17-4-206 renumbered without change as Section R17-4-411 (Supp. 87-2). Section recodified to R17-4-455 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 12 A.A.R. 871, effective March 7, 2006 (Supp. 06-1).

**R17-4-412. Extension of a Special Ignition Interlock Restricted Driver License: Hearing, Burden of Proof and Presumptions**

- A.** Extension. The Division shall extend a person's special ignition interlock restricted driver license for a period of one year if the Division has reasonable grounds to believe:
1. The person tampered with the certified ignition interlock device within the meaning of A.R.S. § 28-1301(9),
  2. The person fails to provide proof of compliance prescribed in A.R.S. § 28-1461, or
  3. The person attempted to operate the vehicle with an alcohol concentration exceeding the presumptive limit prescribed in A.R.S. § 28-1381(G)(3) three or more times during the period of license restriction or limitation, or if the person is younger than 21 years of age, attempted to operate the vehicle with any spirituous liquor in the per-

son's body three or more times during the period of license restriction or limitation.

- B.** Hearing. If a person's special ignition interlock restricted driver license is extended under subsection (A), the person may submit, within 15 days of the date of the order of extension of the restriction, a written request to the Division requesting a hearing. A request for hearing stays the extension of the restriction.
- C.** Burden of proof and presumptions.
1. The hearing office shall presume that the person's whose special ignition interlock restricted driver license is extended under subsection (A)(3), was the person in control of the vehicle and the person attempted to operate the vehicle with an alcohol concentration exceeding the presumptive limit in A.R.S. § 28-1381, or tampered with the device within the meaning of A.R.S. § 28-1301(9).
  2. The person may be rebut the presumption by a showing of clear and convincing evidence that the person whose special ignition interlock restricted driver license being extended, was not the person in control of the vehicle or attempted to operate the vehicle with an alcohol concentration exceeding the presumptive limit in A.R.S. § 28-1381, or tampered with the device within the meaning of A.R.S. § 28-1301(9).
- D.** Except for subsection (A)(2), if the Division suspends, revokes, cancels, or otherwise rescinds a person's special ignition interlock restricted driver license for any reason, the Division shall not issue a new license or reinstate the special ignition interlock restricted driver license during the original period of suspension or revocation or while the person is otherwise ineligible to receive a license.

**Historical Note**

Adopted as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R17-4-207 adopted as an emergency effective August 18, 1983, now adopted as a permanent rule effective November 30, 1983 (Supp. 83-6). Correction, (A)(3) as certified effective November 30, 1983 (Supp. 84-3). Former Section R17-4-207 renumbered without change as Section R17-4-412. Correction: subsection (F), paragraph (6), "overweight" corrected to read: "overheight" (Supp. 87-2). Section recodified to R17-4-456 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 12 A.A.R. 871, effective March 7, 2006 (Supp. 06-1).

**R17-4-413. Lifetime Disqualification Reinstatement**

- A.** Definitions. In addition to the definitions prescribed under A.R.S. §§ 28-101 and 28-3001, the following definitions apply to this Section, unless otherwise specified:
- "CDL" means Commercial Driver License.
- "Lifetime disqualification" means the individual is disqualified for life from operating a commercial motor vehicle as prescribed under 49 CFR 391.15.
- "Permanently disqualified" means the individual will never be able to obtain a commercial driver license.
- B.** Eligibility. An individual with a lifetime disqualification may request reinstatement of the individual's commercial driving privilege if:
1. Ten years have passed since the date of the lifetime disqualification.
  2. The individual:
    - a. Is otherwise eligible for licensure.
    - b. Has continuously been eligible for a driver license during the most recent 10-year period.

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- c. Has not previously reinstated CDL privileges for another lifetime disqualification.
  - d. Has no record of a conviction for any of the following violations, in any state, within the previous 10-year period:
    - i. Driving while under the influence of alcohol or a controlled substance.
    - ii. Having a blood alcohol concentration of .04 or greater while driving a commercial motor vehicle.
    - iii. Refusal to submit to a blood alcohol concentration test.
    - iv. Leaving the scene of an accident.
    - v. Using a vehicle in the commission of a felony.
    - vi. Operating a commercial motor vehicle as defined under A.R.S. § 28-3001 while his or her commercial driving privileges are canceled, disqualified, suspended, or revoked.
    - vii. Causing a fatality through the negligent operation of a commercial motor vehicle.
- C. Application after lifetime disqualification.** If the Division determines that the individual is eligible to reinstate his or her commercial driving privilege, the individual may obtain a new CDL by paying all required fees, submitting the medical examination form prescribed under Section R17-4-508(A)(1), and successfully completing all CDL written, vision, and demonstration-skill testing applicable to the type of CDL, including any endorsements, for which the individual is applying.
- D. Permanent disqualification.**
- 1. An individual who reinstated his or her commercial driving privilege in accordance with this Section and who is subsequently given a lifetime disqualification under A.R.S. § 28-3312 is permanently disqualified.
  - 2. An individual convicted of using any vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance is permanently disqualified.
  - 3. An individual who more than once refuses a test in violation of A.R.S. § 28-1321 if the refusals involve more than one incident is permanently disqualified.
  - 4. An individual who more than once is convicted of violating A.R.S. § 28, Chapter 4, Article 3 is permanently disqualified.
- Historical Note**
- Adopted as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R17-4-208 adopted as an emergency effective August 18, 1983, now adopted without change as a permanent rule effective November 30, 1983 (Supp. 83-6). Former Section R17-4-208 renumbered without change as Section R17-4-413 (Supp. 87-2). Section recodified to R17-4-457 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 13 A.A.R. 2155, effective August 4, 2007 (Supp. 07-2).
- R17-4-414. Commercial Driver License Applicant Driver History Check; Required Action; Hearing**
- A. Applicability.** The provisions of this Section shall apply to all applicants requesting an original, renewal, reinstatement, transfer, or upgrade of a commercial driver license or commercial driver license instruction permit.
- B. Driver History Check.** In compliance with 49 CFR 384.206, 384.210, 384.225, and 384.232:
- 1. The Department shall require each applicant for a commercial driver license to supply the names of all states where the applicant has previously been licensed to operate a motor vehicle.
  - 2. The Department shall request the complete driver history record from all states where the applicant was licensed to operate a motor vehicle within the previous 10 years. The Department shall make a driver history request no earlier than:
    - a. Twenty-four hours prior to the issuance of a commercial driver license or commercial driver license instruction permit for an applicant who does not currently possess a valid Arizona commercial driver license; or
    - b. Ten days prior to the issuance of a commercial driver license or commercial driver license instruction permit for an applicant who currently possesses a valid Arizona commercial driver license.
  - 3. The Department shall record and maintain as part of the driver history all convictions, disqualifications, and other licensing actions for violations of any state or local law relating to motor vehicle traffic control, other than a parking violation, committed in any type of vehicle by a commercial driver licensee or any driver operating a commercial motor vehicle.
- C. Required Action.** In compliance with 49 CFR 384.210 and 384.231:
- 1. The Department shall, based on the findings of the driver history checks, issue a commercial driver license or commercial driver license instruction permit to a qualified applicant.
  - 2. In the case of a reported conviction, disqualification, or other licensing action, the Department shall promptly cancel, disqualify, suspend, or revoke the person's commercial driving privilege as prescribed under A.R.S. Title 28, Chapters 4, 6, 8, and 14 and A.A.C. Title 17.
  - 3. The Department shall send written notification of the action to the person describing the action taken by the Department.
- D. Hearing.** A hearing may be allowed when the driver history information received by the Department is a result of a case of mistaken identity or identity theft.
- 1. The person shall submit a hearing request in writing and comply with A.A.C. R17-1-502.
  - 2. The hearing request shall be submitted within 20 days from the date the notice of action was mailed.
  - 3. The hearing request shall indicate whether the request for the hearing is based on a case of identity theft or mistaken identity.
  - 4. The hearing shall be held in accordance with the procedures prescribed under A.R.S. § 28-3317 and 17 A.A.C. 1, Article 5.
  - 5. It shall be presumed that the information received from the driver history check belongs to the person. The person may overcome this presumption if the person is able to present evidence that either:
    - a. The person is not the driver convicted of the reported violation as in a case of mistaken identity; or
    - b. The person's identity was stolen and the applicant or licensee was not the driver convicted of the violation.
  - 6. The scope of the hearing is limited to determining whether the person is the driver convicted of the reported driver history information, not the validity of the underlying

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ing conviction or licensing action that occurred in another licensing jurisdiction.

**Historical Note**

Adopted effective December 18, 1995 (Supp. 95-4). Section recodified to R17-4-458 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 14 A.A.R. 4100, effective October 7, 2008 (Supp. 08-4).

**R17-4-415. Reserved****R17-4-416. Reserved****R17-4-417. Reserved****R17-4-418. Reserved****R17-4-419. Reserved****R17-4-420. Recodified****Historical Note**

Former Rule, General Order 58. Former Section R17-4-21 renumbered without change as Section R17-4-420 (Supp. 87-2). Section recodified to R17-4-459 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-421. Recodified****Historical Note**

Former Rule, General Order 79. Former Section R17-4-33 renumbered without change as Section R17-4-421 (Supp. 87-2). Section recodified to R17-4-460 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-422. Recodified****Historical Note**

Adopted as an emergency effective July 29, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-4). Emergency expired. Permanent rule adopted effective February 12, 1986 (Supp. 86-1). Former Section R17-4-73 renumbered without change as Section R17-4-422 (Supp. 87-2). Section recodified to R17-4-461 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-423. Recodified****Historical Note**

Former Rule, General Order 94. Former Section R17-4-38 renumbered without change as Section R17-4-423 (Supp. 87-2). Section R17-4-423 repealed, new Section adopted effective February 21, 1990 (Supp. 90-1). Section recodified to R17-4-462 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-424. Recodified****Historical Note**

Former Rule, General Order 99. Former Section R17-4-40 renumbered without change as Section R17-4-424 (Supp. 87-2). Section recodified to R17-4-463 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-425. Recodified****Historical Note**

Former Section R17-4-53 renumbered without change as Section R17-4-425 (Supp. 87-2). Section recodified to R17-4-464 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-426. Recodified****Historical Note**

Adopted effective January 12, 1977 (Supp. 77-1). Amended subsections (A), (C), (D), and (H) effective January 23, 1981 (Supp. 81-1). Former Section R17-4-55 renumbered without change as Section R17-4-426 (Supp. 87-2). Section recodified to R17-4-465 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-427. Recodified****Historical Note**

Adopted effective March 31, 1978 (Supp. 78-2). Former Section R17-4-58 renumbered without change as Section R17-4-427 (Supp. 87-2). Section recodified to R17-4-466 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-428. Recodified****Historical Note**

New Section recodified from A.A.C. R17-3-403 at 7 A.A.R. 1260, effective February 20, 2001 (Supp. 01-1). Section recodified to R17-4-467 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-429. Reserved****R17-4-430. Reserved****R17-4-431. Reserved****R17-4-432. Reserved****R17-4-433. Reserved****R17-4-434. Reserved****R17-4-435. Recodified****Historical Note**

Adopted as an emergency effective July 1, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R17-4-63 adopted as an emergency now adopted and amended as a permanent rule effective October 8, 1982 (Supp. 82-5). Amended effective August 19, 1983 (Supp. 83-4). Correction to amendments shown effective August 19, 1983. The subsection "IT IS ORDERED: --" was also amended effective August 19, 1983, but not shown (Supp. 83-5). Amended effective February 18, 1986 (Supp. 86-1). Amended effective May 12, 1986 (Supp. 86-3). Adding Historical Note for Supp. 87-1, "Amended effective February 28, 1987." Former Section R17-4-63 renumbered as Section R17-4-435 and amended by adding a new subsection (C) effective April 7, 1987 (Supp. 87-2). Amended by adding paragraph (20) in subsection (B) and renumbering accordingly effective March 23, 1989 (Supp. 89-1). Amended as an emergency effective January 4, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-1). Emergency expired. Emergency amendments re-adopted effective April 25, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days; permanent amendments adopted effective May 18, 1990 (Supp. 90-2). Section R17-4-435 repealed, new Section R17-4-435 adopted effective October 24, 1990 (Supp. 90-4). Emergency amendments effective November 27, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4). Emergency expired. Emergency amendments readopted effective May 6, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Amended and renumbered to R17-4-435 and R17-4-435.01 through R17-4-435.04 effective August 16, 1991 (Supp. 91-3). Amended effective February 23, 1993 (Supp. 93-1). Amended effective April 4,

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1994 (Supp. 94-2). Amended effective October 16, 1996 (Supp. 96-4). Amended by final rulemaking at 6 A.A.R. 770, effective February 1, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 662, effective January 11, 2001 (Supp. 01-1). Amended by final rulemaking at 7 A.A.R. 3215, effective July 12, 2001 (Supp. 01-3). Section recodified to R17-5-202 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-435.01. Recodified****Historical Note**

Section R17-4-435.01 renumbered from R17-4-435(C) and amended effective August 16, 1991 (Supp. 91-3). Amended effective February 23, 1993 (Supp. 93-1). Amended effective April 4, 1994 (Supp. 94-2). Amended effective October 16, 1996 (Supp. 96-4). Amended by final rulemaking at 6 A.A.R. 770, effective February 1, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 662, effective January 11, 2001 (Supp. 01-1). Amended by final rulemaking at 7 A.A.R. 3215, effective July 12, 2001 (Supp. 01-3). Section recodified to R17-5-203 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-435.02. Recodified****Historical Note**

Section R17-4-435.02 renumbered from R17-4-435(D) and amended effective August 16, 1991 (Supp. 91-3). Amended effective February 23, 1993 (Supp. 93-1). Amended effective April 4, 1994 (Supp. 94-2). Amended effective October 16, 1996 (Supp. 96-4). Amended by final rulemaking at 6 A.A.R. 770, effective February 1, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 662, effective January 11, 2001 (Supp. 01-1). Amended by final rulemaking at 7 A.A.R. 3215, effective July 12, 2001 (Supp. 01-3). Section recodified to R17-5-204 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-435.03. Recodified****Historical Note**

Section R17-4-435.03 adopted effective August 16, 1991 (Supp. 91-3). Amended effective February 23, 1993 (Supp. 93-1). Amended effective April 4, 1994 (Supp. 94-2). Amended by final rulemaking at 6 A.A.R. 770, effective February 1, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 662, effective January 11, 2001 (Supp. 01-1). Amended by final rulemaking at 7 A.A.R. 3215, effective July 12, 2001 (Supp. 01-3). Section recodified to R17-5-205 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-435.04. Recodified****Historical Note**

Section R17-4-435.04 renumbered from R17-4-435(E), (F) and (G) and amended effective August 16, 1991 (Supp. 91-3). Amended by final rulemaking at 6 A.A.R. 770, effective February 1, 2000 (Supp. 00-1). Section recodified to R17-5-206 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-435.05. Recodified****Historical Note**

Section R17-4-435.02 renumbered from R17-4-435(D) and amended effective August 16, 1991 (Supp. 91-3). Amended by final rulemaking at 6 A.A.R. 770, effective February 1, 2000 (Supp. 00-1). Section recodified to R17-5-207 at 7 A.A.R. 3483, effective July 20, 2001

(Supp. 01-3).

**R17-4-435.06. Recodified****Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 770, effective February 1, 2000 (Supp. 00-1). Section recodified to R17-5-208 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-436. Recodified****Historical Note**

Adopted effective October 24, 1990 (Supp. 90-4). Amended effective July 3, 1991 (Supp. 91-3). Amended effective February 28, 1992 (Supp. 92-1). Amended effective October 21, 1993 (Supp. 93-4). Amended effective August 12, 1994 (Supp. 94-3). Amended effective November 21, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 3841, effective September 13, 2000 (Supp. 00-3). Amended by final rulemaking at 7 A.A.R. 3215, effective July 12, 2001 (Supp. 01-3). Section recodified to R17-5-209 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-437. Emergency Expired****Historical Note**

Emergency rule adopted effective April 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired.

**R17-4-437.01. Emergency Expired****Historical Note**

Emergency rule adopted effective April 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired.

**R17-4-437.02. Emergency Expired****Historical Note**

Emergency rule adopted effective April 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired.

**R17-4-437.03. Emergency Expired****Historical Note**

Emergency rule adopted effective April 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired.

**Appendix A. Emergency Expired****Historical Note**

Emergency rule adopted effective April 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired.

**R17-4-437.04. Emergency Expired****Historical Note**

Emergency rule adopted effective April 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired.

**R17-4-438. Recodified****Historical Note**

Adopted effective March 21, 1994 (Supp. 94-1). Section recodified to R17-5-210 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-439. Recodified**

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**Historical Note**

Adopted effective March 21, 1994 (Supp. 94-1). Section recodified to R17-5-211 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-440. Recodified****Historical Note**

Adopted effective March 21, 1994 (Supp. 94-1). Section recodified to R17-5-212 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-441. Reserved****R17-4-442. Reserved****R17-4-443. Reserved****R17-4-444. Repealed****Historical Note**

Amended effective January 5, 1977 (Supp. 77-1). Repealed as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Repealed effective November 30, 1983 (Supp. 83-6). New Section R17-4-52 adopted as an emergency effective July 25, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-4). Emergency expired. Permanent rule adopted effective February 27, 1986 (Supp. 86-1). Amended subsections (A) and (B) effective February 18, 1987 (Supp. 87-1). Former Section R17-4-52 renumbered without change as Section R17-4-444 (Supp. 87-2). Repealed effective October 13, 1987 (Supp. 87-4).

**R17-4-445. Recodified****Historical Note**

Section R17-4-421 adopted and renumbered as Section R17-4-445 effective October 13, 1987 (Supp. 87-4). Amended subsection (A) effective May 20, 1988 (Supp. 88-2). Amended effective January 2, 1996 (Supp. 96-3). Section recodified to R17-5-504 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-446. Recodified****Historical Note**

Section R17-4-422 adopted and renumbered as Section R17-4-446 effective October 13, 1987 (Supp. 87-4). Section recodified to R17-5-505 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-447. Recodified****Historical Note**

Section R17-4-423 adopted and renumbered as Section R17-4-447 effective October 13, 1987 (Supp. 87-4). Section recodified to R17-5-506 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-448. Recodified****Historical Note**

Section R17-4-424 adopted and renumbered as Section R17-4-448 effective October 13, 1987 (Supp. 87-4). Amended effective January 2, 1996 (Supp. 96-3). Section recodified to R17-5-507 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-449. Reserved****R17-4-450. Repealed****Historical Note**

New Section recodified from R17-4-406 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

**R17-4-451. Repealed****Historical Note**

New Section recodified from R17-4-407 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

**R17-4-452. Repealed****Historical Note**

New Section recodified from R17-4-408 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

**R17-4-453. Repealed****Historical Note**

New Section recodified from R17-4-409 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

**R17-4-454. Repealed****Historical Note**

New Section recodified from R17-4-410 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

**R17-4-455. Repealed****Historical Note**

New Section recodified from R17-4-411 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 7 A.A.R. 4351, effective September 17, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 926, effective February 13, 2002 (Supp. 02-1). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

**R17-4-456. Repealed****Historical Note**

New Section recodified from R17-4-412 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

**R17-4-457. Repealed****Historical Note**

New Section recodified from R17-4-413 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

**R17-4-458. Repealed****Historical Note**

New Section recodified from R17-4-414 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

**R17-4-459. Repealed**



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**Historical Note**

Former Rule, General Order 58. Former Section R17-4-21 renumbered without change as Section R17-4-420 (Supp. 87-2). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

**R17-4-460. Repealed****Historical Note**

New Section recodified from R17-4-421 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

**R17-4-461. Repealed****Historical Note**

New Section recodified from R17-4-422 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

**R17-4-462. Repealed****Historical Note**

New Section recodified from R17-4-423 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

**R17-4-463. Repealed****Historical Note**

New Section recodified from R17-4-424 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

**R17-4-464. Repealed****Historical Note**

New Section recodified from R17-4-425 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

**R17-4-465. Repealed****Historical Note**

New Section recodified from R17-4-426 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

**R17-4-466. Repealed****Historical Note**

New Section recodified from R17-4-427 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

**R17-4-467. Repealed****Historical Note**

New Section recodified from R17-4-428 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

**ARTICLE 5. SAFETY****R17-4-501. Definitions**

In addition to the definitions provided under A.R.S. §§ 28-101, 28-3001, and 28-3005, in this Article, unless otherwise specified:

“Adaptation” means a modification of or addition to the standard operating controls or equipment of a motor vehicle.

“Applicant” means a person:

Applying for an Arizona driver license or driver license renewal, or

Required by the Department to complete an examination successfully or to obtain an evaluation.

“Application” means the Department form required to be completed by or for an applicant for a driver license or driver license renewal.

“Aura” means a sensation experienced before the onset of a neurological disorder.

“Commercial driver license physical qualifications” means driver medical qualification standards for a person licensed in class A, B, or C to operate a commercial vehicle as prescribed under 49 CFR 391, incorporated by reference under A.A.C. R17-5-202 and R17-5-204.

“Disqualifying medical condition” means a visual, physical, or psychological condition, including substance abuse, that impairs functional ability.

“Evaluation” means a medical assessment of an applicant or licensee by a specialist to determine whether a disqualifying medical condition exists.

“Examination” means testing or evaluating an applicant’s or licensee’s:

Ability to read and understand official traffic control devices,

Knowledge of safe driving practices and the traffic laws of this state, and

Functional ability.

“Functional ability” means the ability to operate safely a motor vehicle of the type permitted by an Arizona driver license class or endorsement.

“Licensee” means a person issued a driver license by this state.

“Licensing action” means an action by the Department to:

Issue, deny, suspend, revoke, cancel, or restrict a driver license or driving privileges; or

Require an examination or evaluation of an applicant or licensee.

“Medical alert code” means a system of numerals or letters indicating the licensee suffers from some type of adverse medical condition.

“Medical screening questions and certification” means the questions and certification on the application.

“Neurological disorder” means a malfunction or disease of the nervous system.

“Seizure” means a neurological disorder characterized by a sudden alteration in consciousness, sensation, motor control, or behavior, due to an abnormal electrical discharge in the brain.

“Specialist” means:

A physician who is a surgeon or a psychiatrist,

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A physician whose practice is limited to a particular anatomical or physiological area or function of the human body or to patients with a specific age range, or

A psychologist.

“Substance abuse” means:

Use of alcohol in a manner that makes the user an alcoholic as defined in A.R.S. § 36-2021, or

Use of a controlled substance in a manner that makes the user a drug dependent person as defined in A.R.S. § 36-2501.

“Substance abuse evaluation” means an assessment by a physician, specialist, or certified substance abuse counselor to determine whether the use of alcohol or a drug impairs functional ability.

“Successful completion of an examination” means an applicant or licensee:

Establishes the visual, physical, and psychological ability to operate a motor vehicle safely, or

Achieves a score of at least 80% on any required tests.

#### Historical Note

Adopted effective December 14, 1995 (Supp. 95-4). Section recodified to R17-5-706 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 8 A.A.R. 3241, effective July 12, 2002 (Supp. 02-3). Amended by final rulemaking at 8 A.A.R. 5223, effective December 5, 2002 (Supp. 02-4).

Amended by final rulemaking at 10 A.A.R. 2829, effective August 7, 2004 (Supp. 04-2). Amended by final rulemaking at 13 A.A.R. 1127, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 227, effective March 8, 2008 (Supp. 08-1). Amended by final rulemaking at 24 A.A.R. 1543, effective May 1, 2018 (Supp. 18-2). Amended by final expedited rulemaking at 26 A.A.R. 3147, with an immediate effective date of December 3, 2020 (Supp. 20-4).

#### R17-4-502. General Provisions for Visual, Physical, and Psychological Ability to Operate a Motor Vehicle Safely

##### A. Screening process for safe operation of a motor vehicle.

1. An applicant shall complete the application, including the medical screening questions and certification.
2. An applicant without a valid driver license shall successfully complete all required examinations or obtain an evaluation if:
  - a. The Department informs the applicant that the applicant's responses to the medical screening questions indicate the existence of a disqualifying medical condition; or
  - b. The applicant comes under subsection (B)(1)(a), (B)(1)(c), or (B)(1)(d).
3. An applicant for license renewal shall successfully complete an examination or obtain an evaluation if the applicant's responses to the medical screening questions indicate that since the applicant's last driver license issuance:
  - a. The applicant has developed a visual, physical, or psychological condition that may constitute a disqualifying medical condition; or
  - b. There has been a change in an existing visual, physical, or psychological condition that may constitute a disqualifying medical condition.
4. As soon as a licensee's medical condition allows, the licensee shall notify the Department, in writing, that a

medical condition exists not previously reported to the Department that may affect the licensee's functional ability. On receipt of the required notification, the Department shall require the licensee to complete an examination or evaluation.

##### B. Evaluation. An applicant or licensee shall submit to an evaluation as required by the Department.

1. The Department shall require an evaluation if the Department notifies the applicant or licensee in writing that:
  - a. The applicant or licensee comes under the provisions of R17-4-503 or R17-4-506;
  - b. The applicant or licensee reports a possible disqualifying medical condition or fails to successfully complete an examination;
  - c. The applicant or licensee shows unexplained confusion, loss of consciousness, or incoherence that is observed by Department personnel; or
  - d. A person with direct knowledge submits to the Department written information about specific events or conduct indicating the applicant or licensee may have a disqualifying medical condition.
2. The applicant or licensee shall have the physician, appropriate specialist, or certified substance abuse counselor who performs an evaluation submit timely an evaluation report on a form provided by the Department to the Department's Medical Review Program.
3. An applicant or licensee shall pay for any expense incurred by the applicant or licensee to show compliance with the visual, physical, and psychological standards for a driver license.

##### C. Licensing action. The Department shall take a licensing action after requiring an applicant or licensee to complete an examination successfully or obtain an evaluation and submit an evaluation report.

1. The Department shall deny a driver license if an applicant or licensee:
  - a. Fails to complete successfully an examination; or
  - b. Fails to:
    - i. Obtain an evaluation; or
    - ii. Have a physician, appropriate specialist, or certified substance abuse counselor submit an evaluation report to the Department within 30 days after the Department notifies the applicant that an evaluation is required; or
  - c. Has an evaluation report submitted that indicates a disqualifying medical condition.
2. The Department shall summarily suspend an applicant's or licensee's driving privileges under A.R.S. §§ 28-3306 and 41-1064 for a reason stated in subsection (C)(1).
3. The Department shall issue a revocation notice with a notice of summary suspension. The revocation notice shall inform the applicant or licensee that:
  - a. Unless the Department receives the applicant or licensee's timely hearing request under subsection (E), the revocation becomes effective:
    - i. Fifteen days after the date the applicant or licensee is personally served with the notice, or
    - ii. Twenty days after the date the notice is mailed to the applicant or licensee.
  - b. An applicant or licensee who wishes to obtain a license after suspension or revocation shall reapply for a license as specified in A.R.S. § 28-3315.
4. The Department shall issue a driver license or shall not suspend or revoke an applicant or licensee's driving privileges if:

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- a. The applicant or licensee successfully completes all required examinations and the Department does not require an evaluation, or
  - b. The applicant or licensee obtains all required evaluations and the most recent evaluation report submitted on behalf of the applicant or licensee conclusively indicates no disqualifying medical condition.
- D.** Driver license restrictions. If an applicant or licensee uses an adaptation, including those listed below, to demonstrate functional ability during an examination, the Department shall indicate the adaptation as a restriction on a driver license issued to the applicant or licensee and on the applicant's or licensee's driving record:
- 1. Automatic transmission,
  - 2. Hand dimmer switch,
  - 3. Left-foot gas pedal,
  - 4. Parking-brake extension,
  - 5. Power steering,
  - 6. Power brakes,
  - 7. Six-way power seat,
  - 8. Right-side directional signal,
  - 9. A device that enables an operator to spin the steering wheel,
  - 10. A device that enables full foot control,
  - 11. Dual outside mirrors,
  - 12. Chest restraints,
  - 13. Shoulder restraints,
  - 14. A device that extends pedals,
  - 15. A device that enables full hand control,
  - 16. Adapted seat, and
  - 17. Prosthetic aid.
- E.** Hearings. The Department's Executive Hearing Office shall conduct the hearing as provided under A.R.S. Title 41, Chapter 6, Article 6, and 17 A.A.C. 1, Article 5.
- F.** The Department shall not release information required to be submitted to the Department under this Section by an applicant or licensee except to a person or entity qualified under A.R.S. § 28-455.
- 3. "Corrected visual acuity" means distance vision corrected by eyeglasses, contact lenses, or a bioptic telescopic lens system.
  - 4. "Corrective lens" means eyeglasses, contact lenses, or a bioptic telescopic lens system used to correct distance vision.
  - 5. "Diplopia" means double vision.
  - 6. "Impaired night vision" means below normal ability to see in reduced light.
  - 7. "Monocular vision" means the ability to see in one eye only.
  - 8. "Optometrist" means a person licensed to practice optometry in any state, territory, or possession of the United States or the Commonwealth of Puerto Rico.
  - 9. "Retinitis pigmentosa" means a chronic progressive inflammation of the retina with atrophy and pigmentary infiltration of the inner layers of the retina.
  - 10. "Snellen Chart" means a chart imprinted with lines of black letters of decreasing size for testing visual acuity.
  - 11. "Visual acuity" means the clarity of a person's vision.
  - 12. "Visual field" means the area in which objects may be seen when the eye is fixed.
- B.** Standard. The following applies only to class D, G, or M applicants or licensees.
- 1. Visual acuity. A person shall have binocular or monocular vision and visual acuity of 20/40 in at least one eye.
    - a. The Department shall not license a person with monocular vision and visual acuity of 20/50 or greater.
    - b. The Department shall not license a person with binocular vision and visual acuity of 20/70 or greater.
  - 2. Visual field. Visual field shall be 70 degrees or greater temporally, and 35 degrees or greater nasally, in at least one eye.
- C.** Restrictions.
- 1. A person with corrected vision shall wear corrective lenses at all times when driving if the corrective lens is required to achieve the vision standards in subsection (B).
  - 2. The Department shall restrict a person with diagnosed impaired night vision to daytime driving only.
  - 3. The Department shall restrict a person with binocular vision and corrected or uncorrected visual acuity of 20/50 or 20/60, when using both eyes, to daytime driving only.
- D.** Screening process.
- 1. The Department, a physician, or an optometrist may administer visual acuity and visual field screening through the use of visual screening equipment or the Snellen Chart to determine if a person's visual acuity meets minimum standards and through the use of visual screening equipment to determine if a person's visual field meets minimum standards.
  - 2. A person may use a bioptic telescopic lens system during vision screening.
    - a. Beginning on the date of an initial application and every year thereafter, a person using a bioptic telescopic lens system shall submit to the Department an annual exam performed by a physician or optometrist to ascertain whether the person has a progressive eye disease.
    - b. The Department shall not license a person using a bioptic telescopic lens system unless the person submits to the Department a vision examination form provided by the Department and completed by a physician or an optometrist indicating that the individual meets the visual acuity standard as prescribed in subsection (B).

**Historical Note**

New Section recodified from R17-4-520 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 3241, effective July 12, 2002 (Supp. 02-3). Amended by final rulemaking at 9 A.A.R. 1861, effective June 3, 2003 (Supp. 03-2). Amended by final rulemaking at 13 A.A.R. 1127, effective May 5, 2007 (Supp. 07-1). Amended by final expedited rulemaking at 26 A.A.R. 3147, with an immediate effective date of December 3, 2020 (Supp. 20-4).

**Exhibit A. Repealed****Historical Note**

New Exhibit made by final rulemaking at 8 A.A.R. 3241, effective July 12, 2002 (Supp. 02-3). Section repealed by final rulemaking at 13 A.A.R. 1127, effective May 5, 2007 (Supp. 07-1).

**R17-4-503. Vision Standards****A. Definitions.**

- 1. "Binocular vision" means the ability to see in both eyes.
- 2. "Bioptic telescopic lens system" means a bioptic, spectacle-mounted corrective lens prescribed by a physician or optometrist for meeting vision acuity requirements for driving that uses magnification as the main method of obtaining minimal visual acuity.

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- c. The Department shall not license a person using a bioptic telescopic lens system with magnification of the lens that is more than 4X.
- E. Reporting requirements.
  - 1. A person choosing to have initial visual acuity and visual field screening done by a physician or an optometrist shall submit the results to the Department.
  - 2. If the Department does initial visual acuity and visual field screening and the person does not meet vision standards of subsection (B), the Department shall require the person to submit the results of the person's visual acuity and visual field screening by a physician or an optometrist.
  - 3. The Department shall require a person diagnosed with any of the following conditions to file the results of the person's visual acuity and visual field screening completed by the physician or optometrist:
    - a. Any progressive eye disease,
    - b. Diplopia, or
    - c. Impaired night vision.
- F. Results of visual acuity and visual field screening from a physician or optometrist shall contain the following.
  - 1. An examination date no more than three months before the submission date to the Department;
  - 2. Visual acuity and visual field;
  - 3. If applicable, specification that the person is monocular;
  - 4. If applicable, diagnosis of any condition described in subsection (E)(3);
  - 5. Any recommendations on frequency of reporting requirements for the person, in addition to those required by the Department;
  - 6. Suggested restrictions on driving, in addition to those required by the Department; and
  - 7. Any recommendations on the person's ability to safely operate a motor vehicle.
- G. The Department shall require a driving test if a person's eye disease is determined by a physician or optometrist to be progressive.

**Historical Note**

New Section recodified from R17-4-521 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 12 A.A.R. 221, effective January 10, 2006 (Supp. 06-1). Amended by final expedited rulemaking at 26 A.A.R. 3147, with an immediate effective date of December 3, 2020 (Supp. 20-4).

**R17-4-504. Medical Alert Conditions**

- A. Definition. In this Section, "license" means any class of driver license, commercial driver license, non-operating identification license, or instruction permit.
- B. Medical alert condition displayed on license. The Department will provide on each license a space to indicate a medical alert condition. A list of recognized medical alert conditions is available at all Motor Vehicle Division Customer Service offices and Authorized Third Party Driver License offices.
- C. Retention of medical alert condition authorization. The Department will not maintain the medical alert code on the Department computer record unless written authorization is submitted.
- D. A person shall submit a signed statement, from a physician or registered nurse practitioner, stating that the person is diagnosed with a medical condition. The signed statement is required every time the person requests a license unless the person authorizes the Department to maintain the medical alert code on the Department computer record.

**Historical Note**

Adopted effective September 25, 1991 (Supp. 91-3). Section repealed by final rulemaking at 7 A.A.R. 3831, effective August 10, 2001 (Supp. 01-3). New Section made by final rulemaking at 13 A.A.R. 1127, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 227, effective March 8, 2008 (Supp. 08-1). Amended by final expedited rulemaking at 26 A.A.R. 3147, with an immediate effective date of December 3, 2020 (Supp. 20-4).

**R17-4-505. Repealed****Historical Note**

Adopted effective May 2, 1990 (Supp. 90-2). Section repealed by final rulemaking at 7 A.A.R. 3831, effective August 10, 2001 (Supp. 01-3).

**R17-4-506. Neurological Standards**

- A. Driver license application.
  - 1. A person who has a seizure in the three months before applying for a driver license shall undergo an evaluation as provided in R17-4-502.
  - 2. After the evaluation under R17-4-502, the person or the person's physician shall submit the medical examination report to the Department.
  - 3. The Department shall not issue a driver license to a person if the medical examination report shows that the person has a neurological disorder that affects the person's ability to operate a motor vehicle safely.
- B. Driver license revocation.
  - 1. A person with a driver license or nonresident driving privileges who experiences a seizure shall cease driving and:
    - a. Undergo an evaluation as provided in R17-4-502;
    - b. Submit the medical examination report to the Department; and
    - c. Undergo a follow-up evaluation within one year after the seizure or within a shorter time, as recommended by a physician.
  - 2. After each evaluation, the person or the person's physician shall submit the applicable medical examination report to the Department.
  - 3. The Department shall revoke a person's driver license or nonresident driving privileges if any medical examination report shows the person has a neurological disorder that affects the person's ability to operate a motor vehicle safely.
- C. Medical examination report. A medical examination report under this Section shall include the following information:
  - 1. Age at onset of seizures, diagnosis, and history;
  - 2. Aftereffects of seizures;
  - 3. EEG findings, if any;
  - 4. Description, cause, frequency, duration, and date of most recent seizure;
  - 5. Current medications, including dosage, side effects, and serum level; and
  - 6. A physician's medical opinion as to whether the neurological disorder will affect the person's ability to operate a motor vehicle safely.
- D. Physician's medical opinion. A neurological disorder does not affect a person's ability to operate a motor vehicle safely if a physician concludes with reasonable medical certainty that:
  - 1. Any seizure that occurred within the last three months was due to a change in anticonvulsant medication ordered by a physician and that seizures are under control after the change in medication;

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2. Any seizure that occurred within the last three months was a single event that will not recur in the future;
3. Any seizure is likely to occur but has an established pattern of occurring only during sleep; or
4. There is an established pattern of an aura of sufficient duration to allow the person to cease operating a motor vehicle immediately at the onset of the aura.

**Historical Note**

Former Rule, General Order 107; Amended effective April 28, 1981 (Supp. 81-2). Amended effective July 1, 1985 (Supp. 85-4). Former Section R17-4-46 renumbered without change as Section R17-4-506 (Supp. 87-2). Emergency amendment adopted effective December 31, 1998, pursuant to A.R.S. § 28-366, for a maximum of 180 days (Supp. 98-4). Emergency amendment expired June 29, 1999 pursuant to A.R.S. § 41-1026(C) (Supp. 99-3). Emergency amendment adopted effective October 1, 1999, pursuant to A.R.S. § 28-366, for a maximum of 180 days (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 1172, effective March 9, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 3221, effective July 12, 2001 (Supp. 01-3). Section recodified to R17-4-404 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section recodified from R17-4-522 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 7 A.A.R. 5440, effective November 14, 2001 (Supp. 01-4). Amended by final rulemaking at 8 A.A.R. 5223, effective December 5, 2002 (Supp. 02-4). Amended by final expedited rulemaking at 26 A.A.R. 3147, with an immediate effective date of December 3, 2020 (Supp. 20-4).

**R17-4-507. Repealed****Historical Note**

Adopted effective July 24, 1985 (Supp. 85-4). Amended effective March 13, 1986 (Supp. 86-2). Former Section R17-4-50 renumbered without change as Section R17-4-507 (Supp. 87-2). Amended by final rulemaking at 7 A.A.R. 4355, effective September 14, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 5223, effective December 5, 2002 (Supp. 02-4). Section repealed by final rulemaking at 24 A.A.R. 1543, effective May 1, 2018 (Supp. 18-2).

**R17-4-508. Commercial Driver License Physical Qualifications****A. Requirements.**

1. A commercial driver license applicant shall submit a U.S. Department of Transportation medical examiner's certificate, available online from the Federal Motor Carrier Safety Administration at <https://www.fmcsa.dot.gov>, completed as prescribed under 49 CFR 391.43 to the Department.
  - a. Except as provided in subsection (A)(1)(c), the medical examiner's certificate must be completed by a medical examiner who is listed on the current National Registry of Certified Medical Examiners. A search of certified medical examiners is available on the Federal Motor Carrier Safety Administration's website.
  - b. The medical examiner's certificate must be completed upon the applicant's initial application and upon or prior to expiration of the applicant's current medical examiner's certificate.
  - c. An optometrist, licensed to practice by the federal government, any state, or U.S. territory, may per-

form the medical examination as it pertains to visual acuity, field of vision, and the ability to recognize colors as specified in 49 CFR 391.41(b)(10).

2. As prescribed under 49 CFR 391.41(a)(2), a licensee who possesses a commercial driver license shall keep an original or photographic copy of the licensee's current medical examiner's certificate required under subsection (A)(1) available for law enforcement inspection upon request for no more than 15 days after the date it was issued as valid proof of medical certification.
  3. A licensee who possesses a commercial driver license shall notify the Department of a physical condition that develops or worsens causing noncompliance with the commercial driver license physical qualifications as soon as the licensee's medical condition allows.
- B. Commercial driver license suspension and revocation notification procedure.** To notify a licensee of any commercial driver license suspension and revocation under subsection (C), the Department shall simultaneously mail two notices within 15 days after a medical examiner's certificate's due date or actual submission date to the licensee's address of record that:
1. Suspends the licensee's commercial driver license beginning on the notice's date; and
  2. Revokes the licensee's commercial driver license 15 days after the date of the suspension notice issued under subsection (B)(1).
- C. Noncompliance actions.**
1. Initial application denial. If an applicant's initial medical examiner's certificate required under subsection (A)(1) shows that the applicant does not comply with the commercial driver license physical qualifications, the Department shall immediately mail the commercial driver license denial notification to the applicant's address of record.
  2. Medical examiner's certificate renewal suspension and revocation. If a renewing commercial driver licensee submits:
    - a. No medical examiner's certificate required under subsection (A)(1) or a form indicating noncompliance with commercial driver license physical qualifications, the Department shall follow the suspension and revocation notification procedure prescribed under subsection (B).
    - b. An incomplete medical examiner's certificate required under subsection (A)(1), the Department shall immediately return the incomplete form with a letter requesting that the licensee provide missing information to the Department within 45 days after the date of the Department's letter. The Department shall follow the suspension and revocation notification procedure prescribed under subsection (B) if the licensee fails to return the requested information in the time-frame prescribed in this subsection.
- D. A commercial driver license that remains revoked for longer than 12 months expires.** The holder of an expired commercial driver license may obtain a new commercial driver license by successfully completing all commercial driver license original-application written, vision, and skills testing and by submitting the medical examiner's certificate prescribed under subsection (A)(1).
- E. Administrative hearing.** A person who is denied a commercial driver license or whose commercial driver license is suspended or revoked under this Section may request a hearing from the Department as prescribed under 17 A.A.C. 1, Article 5. The hearing is held in accordance with the procedures pre-

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scribed under A.R.S. Title 41, Chapter 6, Article 6 and 17 A.A.C. 1, Article 5.

**Historical Note**

Adopted effective October 31, 1975 (Supp. 75-1). Former Section R17-4-57 renumbered without change as Section

R17-4-508 (Supp. 87-2). Emergency amendments adopted effective July 30, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-3). Emergency amendments permanently adopted effective October 27, 1993 (Supp. 93-4). Section recodified to R17-4-409 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section recodified from R17-4-802 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-1). Amended by final rulemaking at 10 A.A.R. 2829, effective August 7, 2004 (Supp. 04-2). Amended by final rulemaking at 13 A.A.R. 1127, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 395, effective March 8, 2008 (Supp. 08-1). Amended by final rulemaking at 24 A.A.R. 1543, effective May 1, 2018 (Supp. 18-2).

Amended by final rulemaking at 27 A.A.R. 2730 (November 26, 2021), with an immediate effective date of November 2, 2021 (Supp. 21-4).

**R17-4-509. Repealed****Historical Note**

Adopted effective February 14, 1984 (Supp. 84-1). Former Section R17-4-56 renumbered without change as Section R17-4-509 (Supp. 87-2). Repealed effective December 17, 1993 (Supp. 93-4).

**R17-4-510. Expired****Historical Note**

Adopted effective October 17, 1986 (Supp. 86-5). Former Section R17-4-76 renumbered without change as Section R17-4-510 (Supp. 87-2). Section recodified to R17-4-406 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

New Section recodified from R17-4-705 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final expedited rulemaking at 26 A.A.R. 3147, with an immediate effective date of December 3, 2020 (Supp. 20-4). Section expired under A.R.S. § 41-1052(M) at 28 A.A.R. 121 (January 7, 2022), effective December 7, 2021 (Supp. 21-4).

**R17-4-511. Repealed****Historical Note**

Adopted effective April 21, 1980 (Supp. 80-2). Former Section R17-4-62 renumbered without change as Section R17-4-511 (Supp. 87-2). Section repealed by final rulemaking at 7 A.A.R. 3831, effective August 10, 2001 (Supp. 01-3).

**R17-4-512. Expired****Historical Note**

Former Rule, General Order 92. Former Section R17-4-37 renumbered without change as Section R17-4-512 (Supp. 87-2). Section recodified to R17-5-302 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). New Section R17-4-512 recodified from R17-4-704 at 7 A.A.R. 4157, effective September 7, 2001 (Supp. 01-3). Amended by final rulemaking at 14 A.A.R. 397, effective March 8, 2008 (Supp. 08-1). Amended by final expedited rulemaking at 26 A.A.R. 3147, with an immediate effective date of December 3, 2020 (Supp. 20-4). Section expired under A.R.S. § 41-1052(M) at 28 A.A.R. 121

(January 7, 2022), effective December 7, 2021 (Supp. 21-4).

**R17-4-513. Emergency Expired****Historical Note**

Emergency rule adopted effective January 4, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-1). Emergency expired. Emergency rule re-adopted effective May 2, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-2). Emergency expired.

**R17-4-514. Emergency Expired****Historical Note**

Emergency rule adopted effective January 4, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-1). Emergency expired. Emergency rule re-adopted effective April 25, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-2). Emergency expired.

**R17-4-515. Reserved****R17-4-516. Reserved****R17-4-517. Reserved****R17-4-518. Reserved****R17-4-519. Reserved****R17-4-520. Recodified****Historical Note**

Adopted as Section R17-4-301 and renumbered as Section R17-4-520 effective September 22, 1987 (Supp. 87-3). Section recodified to R17-4-503 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-521. Recodified****Historical Note**

Adopted as Section R17-4-310 and renumbered as Section R17-4-521 effective September 22, 1987 (Supp. 87-3). Section recodified to R17-4-503 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-522. Recodified****Historical Note**

Adopted as Section R17-4-320 and renumbered as Section R17-4-522 effective September 22, 1987 (Supp. 87-3). Amended effective April 12, 1994 (Supp. 94-2). Section recodified to R17-4-506 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**ARTICLE 6. EXPIRED****R17-4-601. Reserved****R17-4-602. Reserved****R17-4-603. Reserved****R17-4-604. Reserved****R17-4-605. Reserved****R17-4-606. Repealed****Historical Note**

Adopted effective February 6, 1984 (Supp. 84-1). Former Section R17-4-507 renumbered without change as Section R17-4-606 (Supp. 87-2). Repealed by summary rulemaking with an interim effective date of March 8, 1996; filed in the Office of the Secretary of State Febru-

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ary 16, 1996 (Supp. 96-1).

**R17-4-607. Repealed****Historical Note**

Adopted effective August 24, 1982 (Supp. 82-4). Former Section R17-4-501 renumbered without change as Section R17-4-607 (Supp. 87-2). Emergency amendments adopted and filed August 24, 1990, effective September 27, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-3). Emergency amendments repealed, new emergency amendments adopted effective October 1, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4). Emergency expired. Emergency amendments re-repealed, new emergency amendments readopted effective February 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-1). Emergency expired. Emergency amendments re-repealed, new emergency amendments re-adopted effective August 6, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency expired. Emergency amendments re-adopted with changes effective November 14, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency expired. Repealed by summary rulemaking with an interim effective date of March 8, 1996; filed in the Office of the Secretary of State February 16, 1996 (Supp. 96-1).

**R17-4-608. Expired****Historical Note**

Adopted effective August 18, 1983 (Supp. 83-4). Former Section R17-4-504 renumbered without change as Section R17-4-608 (Supp. 87-2). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2855, effective June 28, 2013 (Supp. 13-3).

**R17-4-609. Expired****Historical Note**

Adopted effective March 7, 1983, to apply to chassis and bodies placed in production after May 1, 1983 (Supp. 83-2). Former Section R17-4-502 renumbered without change as Section R17-4-609 (Supp. 87-2). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2855, effective June 28, 2013 (Supp. 13-3).

**R17-4-610. Expired****Historical Note**

Adopted effective February 11, 1983 (Supp. 83-1). Former Section R17-4-503 renumbered without change as Section R17-4-610 (Supp. 87-2). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2855, effective June 28, 2013 (Supp. 13-3).

**R17-4-611. Expired****Historical Note**

Adopted effective August 24, 1983 (Supp. 83-4). Former Section R17-4-506 renumbered without change as Section R17-4-611 (Supp. 87-2). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2855, effective June 28, 2013 (Supp. 13-3).

**R17-4-612. Expired****Historical Note**

Adopted effective August 18, 1983 (Supp. 83-4). Former Section R17-4-505 renumbered without change as Section R17-4-612 (Supp. 87-2). R17-4-612 amended by summary action; Appendices A and B repealed by sum-

mary action with an interim effective date March 8, 1996; filed in the Office of the Secretary of State February 16, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2855, effective June 28, 2013 (Supp. 13-3).

**ARTICLE 7. HAZARDOUS MATERIALS ENDORSEMENT****R17-4-701. Definitions**

In addition to the definitions contained in 49 CFR 1572, the following words and phrases apply to this Article:

“Applicant” means an individual who applies to obtain an original or renewal HME.

“CDL” means commercial driver license.

“Department” has the same meaning as defined in A.R.S. § 28-101.

“HME” means hazardous materials endorsement.

“Security Threat Assessment” means a check by TSA that includes a fingerprint-based criminal history records check, an intelligence-related background check, and a final disposition.

“Transfer applicant” means an individual with an existing HME issued by another state, applying to the state of Arizona for an HME.

“TSA” means the U.S. Transportation Security Administration.

**Historical Note**

Adopted effective February 1, 1994 (Supp. 94-1). Section recodified to R17-4-309 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 13 A.A.R. 684, effective April 9, 2007 (Supp. 07-1). Amended by final rulemaking at 13 A.A.R. 3368, effective November 10, 2007 (Supp. 07-3). Amended by final rulemaking at 24 A.A.R. 1543, effective May 1, 2018 (Supp. 18-2). Amended by final rulemaking at 27 A.A.R. 2730 (November 26, 2021), with an immediate effective date of November 2, 2021 (Supp. 21-4).

**Appendix A. Recodified****Historical Note**

Adopted effective February 1, 1994 (Supp. 94-1). Appendix recodified to 17 A.A.C. 4, Article 3 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-702. Scope**

This Article applies to commercial drivers who are applying for an original, renewal, or transfer of an HME, in accordance with 49 CFR 1572. The Department incorporates by reference 49 CFR 1572, revised as of October 1, 2020, and no later amendments or editions. The incorporated material is on file with the Department at 206 S. 17th Avenue, Phoenix, AZ 85007. The incorporated material is published by National Archives and Records Administration, Office of the Federal Register, 8601 Adelphi Road, College Park, MD 20740-6001, and is printed and distributed by the U.S. Government Publishing Office, P.O. Box 979050, St. Louis, MO 63197-9000. The incorporated material can be viewed online at <https://www.govinfo.gov> and ordered online by visiting the U.S. Government Bookstore at <http://bookstore.gpo.gov>. The International Standard Book Number is 9780160958861.

**Historical Note**

Adopted effective November 15, 1989 (Supp. 89-4). Amended effective October 11, 1995 (Supp. 95-4). Section recodified to R17-1-202 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3). New Section made by final

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rulemaking at 13 A.A.R. 684, effective April 9, 2007 (Supp. 07-1). Amended by final rulemaking at 13 A.A.R. 3368, effective November 10, 2007 (Supp. 07-3). Amended by final rulemaking at 24 A.A.R. 1543, effective May 1, 2018 (Supp. 18-2). Amended by final rulemaking at 27 A.A.R. 2730 (November 26, 2021), with an immediate effective date of November 2, 2021 (Supp. 21-4).

**R17-4-703. Expired****Historical Note**

New Section made by exempt rulemaking at 7 A.A.R. 2518, effective May 25, 2001 (Supp. 01-2). Section recodified to R17-1-204 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 13 A.A.R. 684, effective April 9, 2007 (Supp. 07-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 34, effective June 30, 2016 (Supp. 16-4).

**R17-4-704. Requirements for an HME**

To receive an HME an applicant shall:

1. Possess a valid Arizona CDL,
2. Be at least 21 years of age,
3. Successfully complete all required testing under R17-4-705,
4. Pay all applicable fees under R17-4-706,
5. Make application to TSA for a Security Threat Assessment, and
6. Receive a Determination of No Security Threat from TSA.

**Historical Note**

Adopted effective October 6, 1983 (Supp. 83-5). Former Section R17-4-49 renumbered without change as Section R17-4-704 (Supp. 87-2). Amended by final rulemaking at 7 A.A.R. 3834, effective August 10, 2001 (Supp. 01-3). Section recodified to R17-4-512 at 7 A.A.R. 4157, effective September 7, 2001 (Supp. 01-3). New Section made by final rulemaking at 13 A.A.R. 684, effective April 9, 2007 (Supp. 07-1).

**R17-4-705. Required Testing**

- A. Original and renewal applicants shall successfully complete the testing requirements under A.R.S. § 28-3223.
- B. A transfer applicant shall be required to comply with HME knowledge test requirements under A.R.S. § 28-3223, and pay any applicable fee under R17-4-706.

**Historical Note**

Adopted effective August 2, 1978 (Supp. 78-4). Former Section R17-4-61 renumbered without change as Section R17-4-705 (Supp. 87-2). Section recodified to R17-4-510 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 13 A.A.R. 684, effective April 9, 2007 (Supp. 07-1). Amended by final rulemaking at 13 A.A.R. 3368, effective November 10, 2007 (Supp. 07-3). Amended by final rulemaking at 24 A.A.R. 1543, effective May 1, 2018 (Supp. 18-2).

**R17-4-706. Fees**

All applicants and transfer applicants shall pay all applicable fees as prescribed by:

1. TSA for a Security Threat Assessment, and
2. A.R.S. § 28-3002.

**Historical Note**

Former Rule, General Order 96. Former Section R17-4-39 renumbered without change as Section R17-4-706 (Supp. 87-2). Section recodified to R17-4-407 at 7

A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 13 A.A.R. 684, effective April 9, 2007 (Supp. 07-1). Amended by final rulemaking at 24 A.A.R. 1543, effective May 1, 2018 (Supp. 18-2).

**R17-4-707. 60-Day Notice to Apply**

- A. The Department shall notify an existing HME holder that a new Security Threat Assessment shall be successfully passed in order to retain the HME 60 days prior to the expiration of the Security Threat Assessment and the corresponding HME.
- B. Upon expiration of the Department's 60 Day Notice to Apply, the Department shall cancel the Arizona driver license privileges of an applicant who fails to apply for a Security Threat Assessment and fails to remove the HME.

**Historical Note**

Adopted as an emergency effective April 24, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-2). Emergency expired. Former Section R17-4-66 renumbered and reserved as R17-4-707 (Supp. 87-2). New Section R17-4-66 adopted and renumbered as Section R17-4-707 effective August 11, 1987 (Supp. 87-3). Amended by final rulemaking at 6 A.A.R. 4668, November 14, 2000 (Supp. 00-4). Section recodified to R17-1-203 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 13 A.A.R. 684, effective April 9, 2007 (Supp. 07-1). Amended by final rulemaking at 24 A.A.R. 1543, effective May 1, 2018 (Supp. 18-2).

**R17-4-708. Security Threat Assessment**

- A. An applicant for an HME shall successfully pass a Security Threat Assessment every five years.
- B. An applicant subject to any of the following actions, as defined in A.R.S. § 28-3001, shall obtain a new Security Threat Assessment and HME:
  1. Cancellation,
  2. Suspension for a period of one year or more,
  3. Expiration for a period of one year or more, and
  4. Revocation for a period of one year or more.

**Historical Note**

Adopted effective January 13, 1993 (Supp. 93-1). Section recodified to R17-4-310 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 13 A.A.R. 684, effective April 9, 2007 (Supp. 07-1). Amended by final rulemaking at 27 A.A.R. 2730 (November 26, 2021), with an immediate effective date of November 2, 2021 (Supp. 21-4).

**R17-4-709. Determination of Security Threat**

Upon notification by TSA that an applicant has failed to successfully pass the Security Threat Assessment:

1. For an original applicant:
  - a. The Department will deny the request for an HME; and
  - b. If otherwise qualified, the applicant may apply for a CDL without an HME.
2. For a renewal applicant:
  - a. The Department shall immediately cancel the HME.
  - b. The Department will notify an HME applicant with a Notice of Action that the applicant has 15 days from the notice date to have the HME removed.
  - c. The applicant shall visit a Motor Vehicle Division Customer Service office for removal of the HME.
  - d. If the applicant fails to comply with the Department's Notice of Action, the Department shall cancel the applicant's Arizona driver license privilege.



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- e. Upon removal of an HME by the Department under this Section, an applicant, if otherwise qualified, may continue to hold a CDL.

**Historical Note**

Adopted by an emergency action effective December 1, 1998, pursuant to A.R.S. § 41-1026, effective for a maximum of 180 days (Supp. 98-4). Emergency expired May 29, 1999; Section renewed and amended by emergency rulemaking, pursuant to A.R.S. § 41-1026, at 5 A.A.R. 2433, effective July 7, 1999 for a maximum of 180 days (Supp. 99-3). Emergency Section expired January 3, 2000, pursuant to A.R.S. § 1026(C); new Section adopted by final rulemaking at 6 A.A.R. 549, effective January 11, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 59, effective December 7, 2000 (Supp. 00-4). Section recodified to R17-5-601 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 13 A.A.R. 684, effective April 9, 2007 (Supp. 07-1). Amended by final rulemaking at 24 A.A.R. 1543, effective May 1, 2018 (Supp. 18-2). Amended by final rulemaking at 27 A.A.R. 2730 (November 26, 2021), with an immediate effective date of November 2, 2021 (Supp. 21-4).

**R17-4-709.01. Recodified****Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 549, effective January 11, 2000 (Supp. 00-1). Section recodified to R17-5-602 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-709.02. Recodified****Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 549, effective January 11, 2000 (Supp. 00-1). Section recodified to R17-5-603 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-709.03. Recodified****Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 549, effective January 11, 2000 (Supp. 00-1). Section recodified to R17-5-604 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-709.04. Recodified****Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 549, effective January 11, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 59, effective December 7, 2000 (Supp. 00-4). Section recodified to R17-5-605 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-709.05. Recodified****Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 549, effective January 11, 2000 (Supp. 00-1). Section recodified to R17-5-606 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-709.06. Recodified****Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 549, effective January 11, 2000 (Supp. 00-1). Section recodified to R17-5-607 at 7 A.A.R. 3483, effective July

20, 2001 (Supp. 01-3).

**Appendix A. Recodified****Historical Note**

Appendix A adopted by an emergency action effective December 1, 1998, pursuant to A.R.S. § 41-1026, effective for a maximum of 180 days (Supp. 98-4). Emergency expired May 29, 1999; Appendix A renewed and amended by emergency rulemaking, pursuant to A.R.S. § 41-1026, at 5 A.A.R. 2433, effective July 7, 1999 for a maximum of 180 days (Supp. 99-3). Emergency Appendix A expired January 3, 2000, pursuant to A.R.S. § 1026(C); new Appendix A adopted by final rulemaking at 6 A.A.R. 549, effective January 11, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 59, effective December 7, 2000 (Supp. 00-4). Appendix recodified to 17 A.A.C. 5, Article 6 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**Appendix B. Recodified****Historical Note**

Appendix B adopted by an emergency action effective December 1, 1998, pursuant to A.R.S. § 41-1026, effective for a maximum of 180 days (Supp. 98-4). Emergency expired May 29, 1999; Appendix B renewed and amended by emergency rulemaking, pursuant to A.R.S. § 41-1026, at 5 A.A.R. 2433, effective July 7, 1999 for a maximum of 180 days (Supp. 99-3). Emergency Appendix B expired January 3, 2000, pursuant to A.R.S. § 1026(C); new Appendix B adopted by final rulemaking at 6 A.A.R. 549, effective January 11, 2000 (Supp. 00-1). Appendix recodified to 17 A.A.C. 5, Article 6 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**Appendix C. Recodified****Historical Note**

Appendix C adopted by an emergency action effective December 1, 1998, pursuant to A.R.S. § 41-1026, effective for a maximum of 180 days (Supp. 98-4). Emergency expired May 29, 1999; Appendix C renewed by emergency rulemaking, pursuant to A.R.S. § 41-1026, at 5 A.A.R. 2433, effective July 7, 1999 for a maximum of 180 days (Supp. 99-3). Emergency Appendix C expired January 3, 2000, pursuant to A.R.S. § 1026(C); new Appendix C adopted by final rulemaking at 6 A.A.R. 549, effective January 11, 2000 (Supp. 00-1). Appendix recodified to 17 A.A.C. 5, Article 6 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-709.07. Recodified****Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 549, effective January 11, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 59, effective December 7, 2000 (Supp. 00-4). Section recodified to R17-5-608 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-709.08. Recodified****Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 549, effective January 11, 2000 (Supp. 00-1). Section recodified to R17-5-609 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-709.09. Recodified**

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**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 654, effective January 11, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 59, effective December 7, 2000 (Supp. 00-4). Section recodified to R17-5-610 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**Exhibit A. Recodified****Historical Note**

New Form adopted by final rulemaking at 6 A.A.R. 654, effective January 11, 2000 (Supp. 00-1). Heading "Form A" changed to "Exhibit A" to conform with R1-1-412 (Supp. 00-3). Exhibit recodified to 17 A.A.C. 5, Article 6 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**Exhibit B. Recodified****Historical Note**

New Exhibit adopted by final rulemaking at 7 A.A.R. 59, effective December 7, 2000 (Supp. 00-4). Exhibit recodified to 17 A.A.C. 5, Article 6 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-709.10. Recodified****Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 59, effective December 7, 2000 (Supp. 00-4). Section recodified to R17-4-408 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

**R17-4-710. Requests for Administrative Hearing**

- A. In the event an applicant has failed to successfully complete the Security Threat Assessment or failed to receive a Determination of No Security Threat, the applicant may make an appeal directly through TSA, but cannot request an administrative hearing from the Department.
- B. An applicant whose Arizona driver license privileges have been canceled under R17-4-707 or R17-4-709 may request an administrative hearing from the Department as prescribed under 17 A.A.C. 1, Article 5. The hearing is held in accordance with the procedures prescribed under A.R.S. Title 41, Chapter 6, Article 6 and 17 A.A.C. 1, Article 5.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2928, effective August 5, 1999 (Supp. 99-3). Section recodified to R17-1-101 at 7 A.A.R. 919, effective January 24, 2001 (Supp. 01-1). New Section made by final rulemaking at 13 A.A.R. 684, effective April 9, 2007 (Supp. 07-1). Amended by final rulemaking at 24 A.A.R. 1543, effective May 1, 2018 (Supp. 18-2).

**R17-4-711. Expired****Historical Note**

New Section made by final rulemaking at 13 A.A.R. 684, effective April 9, 2007 (Supp. 07-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 34, effective June 30, 2016 (Supp. 16-4).

**R17-4-712. Transfer Applicant**

- A. Applicability. A transfer applicant shall comply with the provisions of this Article except as otherwise required by this Section.
- B. Existing TSA approval. Upon application by a transfer applicant who has successfully passed a Security Threat Assessment prior to application in Arizona, the Department shall:
  1. Verify the TSA approval of a Determination of No Security Threat;

2. Issue an Arizona CDL with an HME; and
3. Consider an applicant who has been subject to any action under R17-4-708(B) an original applicant and shall require the applicant to undergo a new Security Threat Assessment and testing requirements under R17-4-705.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 3368, effective November 10, 2007 (Supp. 07-3). Amended by final rulemaking at 24 A.A.R. 1543, effective May 1, 2018 (Supp. 18-2).

**Table A. Recodified****Historical Note**

Table A adopted by final rulemaking at 5 A.A.R. 2928, effective August 5, 1999 (Supp. 99-3). Table recodified to 17 A.A.C. 1, Article 1 at 7 A.A.R. 919, effective January 24, 2001 (Supp. 01-1).

**ARTICLE 8. MOTOR VEHICLE RECORDS****R17-4-801. Definitions**

"Batch" means a query-command method that initiates simultaneous production of an electronic file or series of requests that may have delayed results.

"Certified record" means a copy of a document designated as a true copy by the agency officer entrusted with custody of the original to be used for purposes prescribed under A.R.S. § 28-442.

"Commercial driver license record" has the same meaning as a CDLIS motor vehicle record as defined in 49 CFR 384.105.

"Customer number" means the system-generated, or other distinguishing number, assigned by the Department to each person with a record on the Department's database, which includes the driver license number assigned to a person for a driver license, identification card, or instruction permit.

"Driver record" means a motor vehicle record more specifically defined to include any data that pertains to a driver license, identification card, instruction permit, or driver related activities.

"Interactive" means an electronic query-command method individually initiated by a person that produces immediate results.

"Reasonable costs" has the same meaning as defined in A.R.S. § 12-351.

"Requester" means the person, as defined in A.R.S. § 41-1001, requesting a motor vehicle record.

"Special MVR" means a motor vehicle record that is comprised of the least possible subset of information necessary to respond to the type of request received.

"Support document" means any customer record maintained by the Department in an electronic, hardcopy, or microfilm file storage format.

"Title and registration record" means a motor vehicle record more specifically defined to include any data that pertains to a vehicle title or registration record.

**Historical Note**

Adopted effective June 29, 1990 (Supp. 90-2). Section recodified to R17-5-701 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 13 A.A.R. 4376, effective February 2, 2008 (Supp. 07-4). Amended by final expedited rulemaking at

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24 A.A.R. 3498, effective December 4, 2018 (Supp. 18-4).

**R17-4-802. Motor Vehicle Record Request**

- A.** Identification requirements. The requester of a motor vehicle record shall present valid identification as indicated on the motor vehicle record request form or at the request of the Department at the time a motor vehicle record request is made.
- B.** Charges and exemptions. The requester of a motor vehicle record shall pay the appropriate motor vehicle record copy charge under R17-4-803, unless exempt under A.R.S. § 28-446.
- C.** Motor vehicle record types. Under this Article, the Department may release any of the following motor vehicle record types:
1. Title and Registration record, uncertified;
  2. Title and Registration record, certified;
  3. Driver 39-month record, uncertified;
  4. Driver five-year record, certified;
  5. Driver extended history record, certified;
  6. Special MVR, uncertified;
  7. Commercial driver license record, uncertified;
  8. Support documents, uncertified; and
  9. Support documents, certified.
- D.** Search Criteria. A requester who has a permissible use under A.R.S. § 28-455, except as indicated under subsection (E) when using the permissible use under A.R.S. § 28-455(C)(11), shall provide at least one of the items of information listed in this subsection when requesting a motor vehicle record. The requester may need to provide additional information as needed in order to locate the record.
1. For a title and registration motor vehicle record:
    - a. Vehicle identification number,
    - b. License plate number, or
    - c. Vehicle owner's full name.
  2. For a driver motor vehicle record:
    - a. The full name of the person whose record is requested, or
    - b. Customer number.
- E.** Consent to release motor vehicle record. A requester who uses the permissible use under A.R.S. § 28-455(C)(13) shall present a properly signed Consent To Release Motor Vehicle Record - One-Time form from the person whose motor vehicle record is requested. A requester who uses the permissible use under A.R.S. § 28-455(C)(11) shall present a properly signed Consent To Release Motor Vehicle Record - General form from the person whose motor vehicle record is requested if that person has not previously submitted this form to the Department. In addition, a requester who uses the permissible use under A.R.S. § 28-455(C)(11) shall provide the items of

information listed in this subsection. The Consent To Release Motor Vehicle Record forms are available at all Customer Service and Authorized Third Party Provider offices and online at <https://www.azdot.gov>.

1. For a title and registration motor vehicle record:
    - a. Two items under subsection (D)(1), and
    - b. The vehicle owner's residence address.
  2. For a driver motor vehicle record:
    - a. The name and customer number of the person whose record is requested, and
    - b. The person's date of birth, or
    - c. The person's address, or
    - d. The person's Arizona driver license expiration date.
- F.** General consent to release information. The Department shall record a person's general consent to release information on the person's driver and title and registration records.
1. The general consent to release information is valid until revoked, in writing, by the person.
  2. A person may submit the written notice of revocation:
    - a. In person, at a Customer Service office or Authorized Third Party Provider; or
    - b. By mail, to Motor Vehicle Division, P.O. Box 2100, Mail Drop 500M, Phoenix, AZ 85001-2100.
- G.** Insurance companies requesting a driver record. The Department shall not release to an insurer, broker, managing general agent, authorized agent or insurance producer any information in a person's driving record pertaining to a traffic violation that occurred 40 months or more before the date of a request for the release of the information.

**Historical Note**

Adopted effective August 16, 1991 (Supp. 91-3). Section repealed, new Section adopted effective April 19, 1994 (Supp. 94-2). Section recodified to R17-4-508 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 13 A.A.R. 4376, effective February 2, 2008 (Supp. 07-4). Amended by final expedited rulemaking at 24 A.A.R. 3498, effective December 4, 2018 (Supp. 18-4).

**R17-4-803. Record Copy Charges**

In accordance with A.R.S. §§ 12-351 and 28-446, for each separate request, the Department shall assess a charge as provided in Table 1. Certified and Uncertified Motor Vehicle Record Fees. Therefore, a fee is collected if the request results in a motor vehicle record or "No Record Found."

**Historical Note**

New Section made by final expedited rulemaking at 24 A.A.R. 3498, effective December 4, 2018 (Supp. 18-4).

**Table 1. Certified and Uncertified Motor Vehicle Record Fees**

Description	Method of Delivery	Amount
A certified record:	Over-the-counter immediate or drop-off service; Mail-in request; or Electronic interactive.	\$5
	Electronic batch.	\$3
A certified support document:	Over-the-counter immediate or drop-off service; or Mail-in request.	\$5
An uncertified record:	Over-the-counter immediate service; Mail-in request; or Electronic interactive.	\$3
	Electronic batch; or Over-the-counter drop-off service.	\$2
An uncertified support document:	Over-the-counter immediate or drop-off service; or Mail-in request.	\$3

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An uncertified Special MVR:	Over-the-counter immediate or drop-off service; Mail-in request; or Electronic interactive.	\$1.50
Civil subpoena support documentation:	Served by a process server.	Reasonable costs
Any photocopied item: (Does not include... etc.)	Over-the-counter immediate or drop-off service; or Mail-in request.	25¢ per page

**Historical Note**

Table 1 made by final expedited rulemaking at 24 A.A.R. 3498, effective December 4, 2018 (Supp. 18-4).

**R17-4-804. Repealed**

20, 2001 (Supp. 01-3).

**Historical Note**

Adopted effective June 29, 1990 (Supp. 90-2). Repealed effective November 21, 1995 (Supp. 95-4).

**R17-4-805. Recodified****Historical Note**

Adopted effective June 29, 1990 (Supp. 90-2). Section recodified to R17-5-702 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-806. Recodified****Historical Note**

Adopted effective June 29, 1990 (Supp. 90-2). Section recodified to R17-5-703 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-807. Recodified****Historical Note**

Adopted effective June 29, 1990 (Supp. 90-2). Section recodified to R17-5-704 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**R17-4-808. Recodified****Historical Note**

Adopted effective June 29, 1990 (Supp. 90-2). Section recodified to R17-5-705 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

**ARTICLE 9. RESERVED****R17-4-901. Recodified****Historical Note**

Adopted effective March 31, 1978 (Supp. 78-2). Former Section R17-4-59 renumbered without change as Section R17-4-901 (Supp. 87-2). Former Section R17-4-901 repealed, new Section R17-4-901 adopted effective June 15, 1988 (Supp. 88-2). Section recodified to R17-1-501 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3).

**R17-4-902. Recodified****Historical Note**

Adopted effective March 31, 1978 (Supp. 78-2). Amended subsections (A), (E) and (F) effective April 4, 1984 (Supp. 84-2). Former Section R17-4-60 renumbered without change as Section R17-4-902 (Supp. 87-2). Former Section R17-4-902 repealed, new Section R17-4-902 adopted effective June 15, 1988 (Supp. 88-2). Section recodified to R17-1-502 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3).

**R17-4-903. Recodified****Historical Note**

Adopted effective June 15, 1988 (Supp. 88-2). Section recodified to R17-1-503 at 7 A.A.R. 3477, effective July

**R17-4-904. Recodified****Historical Note**

Adopted effective June 15, 1988 (Supp. 88-2). Section recodified to R17-1-504 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3).

**R17-4-905. Recodified****Historical Note**

Adopted effective June 15, 1988 (Supp. 88-2). Section recodified to R17-1-505 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3).

**R17-4-906. Recodified****Historical Note**

Adopted effective June 15, 1988 (Supp. 88-2). Section recodified to R17-1-506 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3).

**R17-4-907. Recodified****Historical Note**

Adopted effective June 15, 1988 (Supp. 88-2). Section recodified to R17-1-507 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3).

**R17-4-908. Recodified****Historical Note**

Adopted effective June 15, 1988 (Supp. 88-2). Section recodified to R17-1-508 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3).

**R17-4-909. Recodified****Historical Note**

Adopted effective June 15, 1988 (Supp. 88-2). Section recodified to R17-1-509 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3).

**R17-4-910. Recodified****Historical Note**

Adopted effective June 15, 1988 (Supp. 88-2). Section recodified to R17-1-513 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3).

**R17-4-911. Recodified****Historical Note**

Adopted effective June 15, 1988 (Supp. 88-2). Section recodified to R17-1-511 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3).

**R17-4-912. Recodified****Historical Note**

Adopted effective June 15, 1988 (Supp. 88-2). Section recodified to R17-1-512 at 7 A.A.R. 3477, effective July

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20, 2001 (Supp. 01-3).

effective July 13, 1989 (Supp. 89-3). Section recodified to R17-1-510 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3).

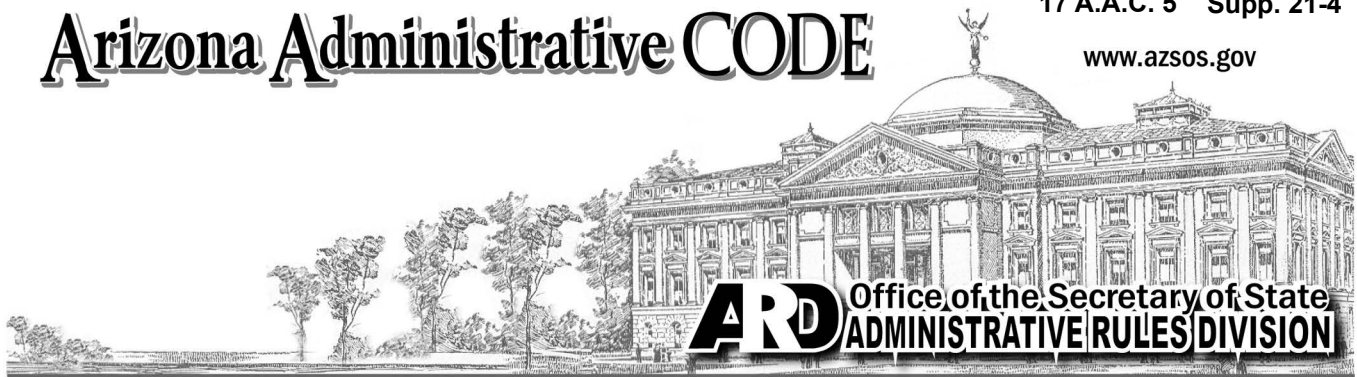
**R17-4-913. Recodified****Historical Note**

Adopted as an emergency effective December 30, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-4). Readopted as an emergency with a correction in subsection (A), paragraph (A) effective March 29, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Adopted without change as a permanent rule effective June 15, 1988 (Supp. 88-2). Amended

**R17-4-914. Repealed****Historical Note**

Former General Order 68. Former Section R17-4-26 renumbered without change as Section R17-4-914 (Supp. 87-2). Repealed effective July 29, 1992 (Supp. 92-3).

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## TITLE 17. TRANSPORTATION

### CHAPTER 5. DEPARTMENT OF TRANSPORTATION - COMMERCIAL PROGRAMS

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Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
October 1, 2021 through December 31, 2021

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<a href="#">R17-5-202.</a>	<a href="#">Motor Carrier Safety: Incorporation of Federal</a>		<a href="#">of Limbs, or Monocular Vision ..... 6</a>
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<a href="#">R17-5-208.</a>	<a href="#">Commercial Driver License Intrastate Medical</a>		<a href="#">Sanction ..... 10</a>
	<a href="#">Waiver; Intrastate Alternative Physical</a>	<a href="#">R17-5-212.</a>	<a href="#">Motor Carrier Safety: Hearing Procedure ..... 10</a>

#### Questions about these rules? Contact:

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**The release of this Chapter in Supp. 21-4 replaces Supp. 20-2, 1-47 pages**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

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### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

First Quarter: January 1 - March 31  
Second Quarter: April 1 - June 30  
Third Quarter: July 1 - September 30  
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2021 is cited as Supp. 21-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

### RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

### AUTHENTICATION OF PDF CODE CHAPTERS

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

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

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The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, [www.azsos.gov](http://www.azsos.gov) under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

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

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

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

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

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

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





## Administrative Rules Division

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

## TITLE 17. TRANSPORTATION

## CHAPTER 5. DEPARTMENT OF TRANSPORTATION - COMMERCIAL PROGRAMS

Authority: A.R.S. §§ 28-366, 28-962, 28-2169, and 28-5204

## Supp. 21-4

*Editor's Note: The Department was given an exemption to the provisions in the Arizona Administrative Procedure Act to make rules under Laws 2015, Ch. 235, § 14. Refer to the historical notes in Article 9 for more information (Supp. 15-3).*

*Editor's Note: The Department was given an exemption to the provisions in the Arizona Administrative Procedure Act to make or amend rules under Laws 2013, Ch. 129, § 27. Refer to the historical notes in Article 3 for more information (Supp. 15-2).*

*Editor's Note: 17 A.A.C. 5 was created from Sections recodified from 17 A.A.C. 4 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).*

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*Editor's Note: The heading to Article 6 was corrected in this Table of Contents in Supp. 19-4 as amended by final exempt rulemaking at 24 A.A.R. 1725 and released in Supp. 18-2.*

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*Article 7, consisting of Sections R17-5-701 through R17-5-706, repealed by final rulemaking at 12 A.A.R. 2297, effective August 5, 2006 (Supp. 06-2).*

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*Article 9, consisting of Sections R17-5-901 through R17-5-906, made by exempt rulemaking at 21 A.A.R. 1825, under Laws 2015, Ch. 235, § 14, effective August 21, 2015 (Supp. 15-3).*

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## CHAPTER 5. DEPARTMENT OF TRANSPORTATION - COMMERCIAL PROGRAMS

**ARTICLE 1. GENERAL PROVISIONS****ARTICLE 2. MOTOR CARRIERS****R17-5-201. Definitions**

In addition to the definitions provided under A.R.S. §§ 28-3001 and 28-5201, the following definitions apply to this Article unless otherwise specified:

“Audit” means any inspection of a transporter’s motor vehicle, equipment, books, or records to determine compliance with this Article and A.R.S. Title 28, Chapter 14.

“Co-applicant” means an employer or potential employer.

“Danger to public safety” means any condition of a transporter likely to result in serious peril to the public if not discontinued immediately.

“Director” means the Director of the Arizona Department of Transportation or the Director’s designated agent.

“Executive Hearing Office” means the Arizona Department of Transportation’s Executive Hearing Office.

“Medical waiver evaluation summary” means the form, provided by the Department, to be completed by either a board-qualified or board-certified orthopedic surgeon or physiatrist and mailed to the Department, at the address provided on the form, on behalf of an Arizona intrastate medical waiver applicant.

“Physiatrist” means a doctor of medicine specialized in physical medicine and rehabilitation.

“Transporter” means any person, driver, motor carrier, shipper, manufacturer, or motor vehicle, including any motor vehicle transporting a hazardous material, hazardous substance, or hazardous waste, subject to this Article and A.R.S. Title 28, Chapter 14.

“Violation” means any conduct, act, or failure to act required or prohibited under this Article and A.R.S. Title 28, Chapter 14.

“Vision examination report” means a form provided by the Department to be completed by an ophthalmologist or a licensed optometrist on behalf of a driver or driver applicant and mailed to the Department, at the address provided on the form, for use in determining whether or not a medical condition affects the driver’s or driver applicant’s ability to safely perform the functional skills involved with driving a motor vehicle.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3249, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 14 A.A.R. 3797, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 17 A.A.R. 1691, effective August 2, 2011 (Supp. 11-3).

Amended by final rulemaking at 27 A.A.R. 2734 (November 26, 2021), with an immediate effective date of November 2, 2021 (Supp. 21-4).

**R17-5-202. Motor Carrier Safety: Incorporation of Federal Regulations; Applicability**

- A. The Department incorporates by reference 49 CFR 40, 379, 382, 383, 385, 390, 391, 392, 393, 395, 396, 397, and 399, revised as of October 1, 2020, and no later amendments or editions, as amended under this Article. The incorporated material is on file with the Department at 206 S. 17th Avenue, Phoenix, AZ 85007. The incorporated material is published by National Archives and Records Administration, Office of the Federal Register, 8601 Adelphi Road, College Park, MD

20740-6001, and is printed and distributed by the U.S. Government Publishing Office, P.O. Box 979050, St. Louis, MO 63197-9000. The incorporated material can be viewed online at <https://www.govinfo.gov> and ordered online by visiting the U.S. Government Bookstore at <http://bookstore.gpo.gov>. The International Standard Book Numbers are 9780160958786 for 49 CFR 40 and 9780160958823 for 49 CFR 379, 382, 383, 385, 390, 391, 392, 393, 395, 396, 397, and 399.

- B. The sections of 49 CFR incorporated under subsection (A) apply as amended under this Article to all intrastate and interstate motor carriers operating in Arizona and persons operating a commercial motor vehicle.

**Historical Note**

New Section recodified from R17-4-435 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 3249, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 9 A.A.R. 1867, effective June 3, 2003 (Supp. 03-2). Amended by final rulemaking at 10 A.A.R. 2679, effective June 8, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 1559, effective May 2, 2006 (Supp. 06-2). Amended by final rulemaking at 14 A.A.R. 3797, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 17 A.A.R. 1691, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 20 A.A.R. 2382, effective August 5, 2014 (Supp. 14-3). Amended by final rulemaking at 24 A.A.R. 1549, effective May 1, 2018 (Supp. 18-2). Amended by final rulemaking at 27 A.A.R. 2734 (November 26, 2021), with an immediate effective date of November 2, 2021 (Supp. 21-4).

**R17-5-203. Motor Carrier Safety: 49 CFR 390 - Federal Motor Carrier Safety Regulations; General**

- A. 49 CFR 390.3T, General applicability. Paragraph (a)(1) is amended to read:

Regulations incorporated in this subchapter are applicable to all motor carriers operating in Arizona and any vehicle owned or operated by the state, a political subdivision, or a state public authority that is used to transport a hazardous material in an amount requiring the vehicle to be placarded as prescribed under R17-5-209.

- B. 49 CFR 390.5T, Definitions. The definitions listed under 49 CFR 390.5T are amended as follows:

“Commercial Motor Vehicle” or “CMV” has the same meaning as defined in A.R.S. § 28-5201.

“Shipper” has the same meaning as defined in A.R.S. § 28-5201.

“Special agent” means an officer or agent of the Department, the Department of Public Safety, or a political subdivision, who is trained and certified by the Department of Public Safety to enforce Arizona’s Motor Carrier Safety requirements.

“State” means a state of the United States or the District of Columbia.

“Tow truck,” as used in the definition of emergency under 49 CFR 390.5T, has the same meaning as defined in A.A.C. R13-3-701.

- C. 49 CFR 390.19T, Motor carrier, hazardous material safety permit applicant/holder, and intermodal equipment provider identification reports. Paragraph (a)(1) is amended to read:

A U.S.-, Canada-, Mexico-, or non-North America-domiciled motor carrier conducting operations in interstate commerce or in intrastate commerce in a CMV must file a Motor Carrier Identification Report, Form MCS-150.

- D. 49 CFR 390.23, Relief from regulations.

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1. Paragraph (a)(2), Local emergencies, is amended by adding:

When a local emergency exists that justifies an exemption from parts 390 through 399 of this chapter, a motor carrier may request the exemption by contacting Commercial Vehicle Enforcement at the Arizona Department of Public Safety, Highway Patrol Division, P.O. Box 6638, Phoenix, AZ 85005. The Arizona Department of Public Safety may grant the exemption with or without restrictions as necessary to provide vital service to the public.

2. Paragraph (a)(2)(i)(A) is amended to read:  
An emergency has been declared by a federal, state or local government official having authority to declare an emergency; or an emergency situation exists under A.R.S. § 28-5234(B); or

- E. 49 CFR 390.25, Extension of relief from regulations - emergencies, is amended by adding:

A motor carrier seeking to extend a period of relief from these regulations may request the extension by contacting Commercial Vehicle Enforcement at the Arizona Department of Public Safety, Highway Patrol Division, P.O. Box 6638, Phoenix, AZ 85005. The Arizona Department of Public Safety may grant the extension with any restrictions it considers necessary to provide vital service to the public.

**Historical Note**

New Section recodified from R17-4-435.01 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 3249, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 9 A.A.R. 1867, effective June 3, 2003 (Supp. 03-2). Amended by final rulemaking at 11 A.A.R. 862, effective February 1, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 1559, effective May 2, 2006 (Supp. 06-2). Amended by final rulemaking at 13 A.A.R. 2636, effective July 10, 2007 (Supp. 07-3). Amended by final rulemaking at 14 A.A.R. 3797, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 17 A.A.R. 1691, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 20 A.A.R. 2382, effective August 5, 2014 (Supp. 14-3). Amended by final rulemaking at 24 A.A.R. 1549, effective May 1, 2018 (Supp. 18-2). Amended by final rulemaking at 27 A.A.R. 2734 (November 26, 2021), with an immediate effective date of November 2, 2021 (Supp. 21-4).

**R17-5-204. Motor Carrier Safety: 49 CFR 391 - Qualifications of Drivers and Longer Combination Vehicle (LCV) Driver Instructors**

- A. 49 CFR 391.11, General qualifications of drivers. Paragraph (b)(1) is amended to read: Is at least 21 years of age for interstate operation or is at least 18 years of age for operations restricted to intrastate transportation not involving the transportation of a reportable quantity of hazardous substance, hazardous waste required to be manifested, or hazardous material in an amount requiring a vehicle to be placarded as prescribed under R17-5-209;
- B. 49 CFR 391.51, General requirements for driver qualification files. Paragraph (b)(8) is amended to read: A Skill Performance Evaluation Certificate obtained from a Field Administrator, Division Administrator, or state Director issued in accordance with § 391.49; or the Medical Exemption document, issued by a Federal medical program in accordance with part 381 of this chapter; or a copy of the Arizona intrastate

medical waiver, if a waiver is granted by the Director as prescribed under R17-5-208.

**Historical Note**

New Section recodified from R17-4-435.02 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 14 A.A.R. 3797, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 17 A.A.R. 1691, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 20 A.A.R. 2382, effective August 5, 2014 (Supp. 14-3).

**R17-5-205. Motor Carrier Safety: 49 CFR 383 - Commercial Driver's License Standards; Requirements and Penalties**

- A. 49 CFR 383.5, Definitions. The definitions listed under 49 CFR 383.5 are amended as follows:  
"Commercial motor vehicle" or "CMV" has the same meaning as defined in A.R.S. § 28-3001.  
"Conviction" has the same meaning as defined in A.R.S. § 28-3001.  
"Disqualification" has the same meaning as defined in A.R.S. § 28-3001.  
"Motor vehicle" has the same meaning as defined in A.R.S. § 28-101.  
"Out-of-service order" has the same meaning as defined in A.R.S. § 28-5241.  
"School bus" has the same meaning as defined in A.R.S. § 28-101.  
"Tank vehicle" has the same meaning as defined in A.R.S. § 28-3103.
- B. 49 CFR 383.71, Driver application and certification procedures. Paragraphs (b)(1)(ii), Excepted interstate, and (b)(1)(iv), Excepted intrastate, are deleted.
- C. 49 CFR 383.73, State procedures.  
  1. Paragraph (c)(4) is amended to read:  
If such applicant wishes to retain a hazardous materials endorsement, require compliance with standards for such endorsement specified in §§ 383.71(b)(8) and 383.141 and ensure that the driver has successfully completed a new test for such endorsement specified in § 383.121.
  2. Paragraphs (c)(4)(i) and (c)(4)(ii) are deleted.
  3. Paragraph (f)(2)(ii) is amended to read:  
The state must add the word "non-domiciled" to the face of the CLP or CDL, in accordance with § 383.153(c) or "limited-term" to the face of the CLP or CDL, in accordance with 6 CFR 37.21; and
- D. 49 CFR 383.75, Third party testing. Paragraph (a)(8)(v) is amended to read:  
Require the third party tester to initiate and maintain a bond in an amount pursuant to A.R.S. Title 28, Chapter 13 to be sufficient to pay for re-testing drivers in the event that the third party or one or more of its examiners is involved in fraudulent activities related to conducting skills testing of applicants for a CDL. Exception: A third party tester that is a government entity is not required to maintain a bond. A provider exempted under A.R.S. Title 28, Chapter 13, is responsible for all costs associated with all re-testing of applicants due to examination fraud as determined by the Department.
- E. 49 CFR 383.153, Information on the CLP and CDL documents and applications. The introductory sentence in paragraph (e) is amended to read:  
Before a CLP or CDL may be issued:

**Historical Note**

New Section recodified from R17-4-435.03 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by

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final rulemaking at 8 A.A.R. 3249, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 14 A.A.R. 3797, effective November 8, 2008 (Supp. 08-3). Section repealed by final rulemaking at 17 A.A.R. 1691, effective August 2, 2011 (Supp. 11-3). New Section made by final rulemaking at 20 A.A.R. 2382, effective August 5, 2016 (Supp. 14-3). Amended by final rulemaking at 24 A.A.R. 1549, effective May 1, 2018 (Supp. 18-2).

Amended by final rulemaking at 27 A.A.R. 2734 (November 26, 2021), with an immediate effective date of November 2, 2021 (Supp. 21-4).

**R17-5-206. Motor Carrier Safety: 49 CFR 392 - Driving of Commercial Motor Vehicles**

**A.** 49 CFR 392.5, Alcohol prohibition. Paragraph (e) is amended by adding:

Drivers who violate the terms of an out-of-service order as prescribed under this section are also subject to the provisions and sanctions of A.R.S. § 28-5241.

**B.** 49 CFR 392.9b, Prohibited transportation.

1. Paragraph (a) is amended to read:  
Safety registration required. A commercial motor vehicle providing transportation in interstate commerce or in intrastate commerce must not be operated without a safety registration and an active USDOT Number.
2. Paragraph (b), Penalties, is amended to read:  
Penalties. If it is determined that the motor carrier responsible for the operation of such a vehicle is operating in violation of paragraph (a) of this section, it may be subject to penalties in accordance with 49 U.S.C. 521 and A.R.S. § 28-5240.

**Historical Note**

New Section recodified from R17-4-435.04 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 9 A.A.R. 1867, effective June 3, 2003 (Supp. 03-2). Amended by final rulemaking at 14 A.A.R. 3797, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 17 A.A.R. 1691, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 24 A.A.R. 1549, effective May 1, 2018 (Supp. 18-2). Amended by final rulemaking at 27 A.A.R. 2734 (November 26, 2021), with an immediate effective date of November 2, 2021 (Supp. 21-4).

**R17-5-207. Civil Penalties**

To determine the amount of civil penalty for repeat findings of responsibility for the same class of violations involving vehicles required to be placarded, the higher level of civil penalty as prescribed under A.R.S. § 28-5238 applies.

**Historical Note**

New Section recodified from R17-4-435.05 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 14 A.A.R. 3797, effective November 8, 2008 (Supp. 08-3).

**R17-5-208. Commercial Driver License Intrastate Medical Waiver; Intrastate Alternative Physical Qualification Standards for the Loss or Impairment of Limbs, or Monocular Vision**

**A.** A person who is not physically qualified to drive a commercial motor vehicle in intrastate commerce due to loss of limb, limb impairment, or monocular vision, as provided under 49 CFR 391.41(b)(1), (b)(2), or (b)(10), but otherwise meets all other requirements under 49 CFR 391.41, may operate a commercial motor vehicle in intrastate commerce if granted an intrastate

medical waiver by the Director. Application for an intrastate medical waiver shall be submitted according to subsection (B).  
**B.** A driver applicant, or a driver applicant jointly with the motor carrier co-applicant that will employ the driver applicant, shall complete and submit the applicable intrastate medical waiver application to the Department's Medical Review Program, P.O. Box 2100, Mail Drop 818Z, Phoenix, AZ 85001-2100, with the following information as applicable:

1. Identify the applicant:
  - a. Name and complete address of the driver applicant;
  - b. Name and complete address of the motor carrier co-applicant;
  - c. U.S. Department of Transportation motor carrier identification number, if known; and
  - d. A description of the driver applicant's limb or visual impairment as applicable to the type of waiver being requested;
2. Describe the type of operation the driver applicant will be employed to perform, including the following information (if known):
  - a. Average period of time the driver will be driving or on duty, per day;
  - b. Type of commodities or cargo to be transported;
  - c. Type of driver operation (i.e., sleeper team, relay, owner operator, etc.); and
  - d. Number of years experience operating each type of commercial motor vehicle requested in the intrastate medical waiver application and total years of experience operating all types of commercial motor vehicles;
3. Describe the commercial motor vehicles the driver applicant intends to drive:
  - a. Truck, truck tractor, or bus make, model, and year (if known);
  - b. Drive train:
    - i. Transmission type (automatic or manual - if manual, designate number of forward speeds);
    - ii. Auxiliary transmission (if any) and number of forward speeds; and
    - iii. Rear axle (designate single speed, two-speed, or three-speed);
  - c. Type of brake system;
  - d. Steering, manual or power assisted;
  - e. Description of types of trailers (i.e., van, flatbed, cargo tank, drop frame, lowboy, or pole);
  - f. Number of semitrailers or full trailers to be towed at one time;
  - g. For commercial motor vehicles designed to transport passengers, indicate the seating capacity of the commercial motor vehicle; and
  - h. Description of any modifications made to the commercial motor vehicle for the driver applicant, attach photographs where applicable;
4. Include a certification statement:
  - a. The driver applicant shall certify that the driver applicant is otherwise qualified to drive a commercial motor vehicle under the regulations of 49 CFR 391 as adopted by the Department; and
  - b. In case of a co-applicant, the co-applicant motor carrier shall certify that the driver applicant is otherwise qualified to drive a commercial motor vehicle under the regulations of 49 CFR 391 as adopted by the Department; and
5. Contain signature of each applicant and date signed:
  - a. The driver applicant's signature; and

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- b. The motor carrier official's signature and title if the application has a co-applicant. Depending on the motor carrier's organizational structure (corporation, partnership, or proprietorship), the signer of the application shall be an officer, partner, or the proprietor.
  - C. The completed intrastate medical waiver application for a driver applicant not physically qualified to drive under 49 CFR 391.41(b)(1) or (b)(2) shall be accompanied by:
    - 1. A copy of the medical examination report and medical examiner's certificate completed pursuant to 49 CFR 391.43;
    - 2. The Department's medical waiver evaluation summary completed by either a board-qualified or board-certified physiatrist or orthopedic surgeon. The co-applicant motor carrier or the driver applicant shall provide the physiatrist or orthopedic surgeon with a description of the job-related tasks the driver applicant will be required to perform:
      - a. The medical waiver evaluation summary for a driver applicant not physically qualified to drive under 49 CFR 391.41(b)(1) shall include:
        - i. An assessment of the functional capabilities of the driver as they relate to the ability of the driver to perform normal tasks associated with operating a commercial motor vehicle; and
        - ii. A statement by a board-qualified or board-certified physiatrist or orthopedic surgeon that the applicant is capable of demonstrating precision prehension (e.g., manipulating knobs and switches) and power grasp prehension (e.g., holding and maneuvering the steering wheel) with each upper limb separately;
      - b. The medical waiver evaluation summary for a driver applicant not physically qualified to drive under 49 CFR 391.41(b)(2) shall include:
        - i. An explanation as to how and why the impairment interferes with the ability of the applicant to perform normal tasks associated with operating a commercial motor vehicle;
        - ii. An assessment and medical opinion of whether the condition will likely remain medically stable over the lifetime of the driver applicant; and
        - iii. A statement by a board-qualified or board-certified physiatrist or orthopedic surgeon that the applicant is capable of demonstrating precision prehension (e.g., manipulating knobs and switches) and power grasp prehension (e.g., holding and maneuvering the steering wheel) with each upper limb separately;
    - 3. A description of the driver applicant's prosthetic or orthotic device worn, if any; and
    - 4. A copy of the driver applicant's state motor vehicle driving record for the past three years from each state in which a motor vehicle driver license or permit has been obtained.
  - D. The completed intrastate medical waiver application for a driver applicant not physically qualified to drive under 49 CFR 391.41(b)(10) shall be accompanied by:
    - 1. A copy of the medical examination report and medical examiner's certificate completed pursuant to 49 CFR 391.43;
    - 2. A current vision examination report issued within the last 90 days from the date the report is received by the Department, completed by an ophthalmologist or optometrist. The report shall indicate that the applicant has distant visual acuity of at least 20/40 (Snellen), with or without a corrective lens, in one eye, and the applicant's dominant eye has a visual field of at least 70° peripheral measurement in one direction and 35° in the opposite direction of the horizontal meridian and the ability to distinguish the colors of a traffic signal or device showing standard red, green, and amber, as applicable to the type of medical waiver being requested;
    - 3. A copy of the driver applicant's state motor vehicle driving record for the past three years from each state in which a motor vehicle driver license or permit has been obtained; and
    - 4. A statement from the employer that the driver applicant has driven the type of vehicle for which the waiver is being requested for at least two of the previous five years.
  - E. Agreement. A motor carrier that employs a driver subject to an intrastate medical waiver granted by the Director under subsection (A), whether the waiver was granted unilaterally to the driver, or to the driver and co-applicant motor carrier, shall agree to:
    - 1. Report to the Department's Medical Review Program, P.O. Box 2100, Mail Drop 818Z, Phoenix, AZ 85001-2100, in writing, any suspension, revocation, disqualification, or withdrawal of the subject driver's driver license or permit, and any accident, arrest, or conviction involving the driver within 30 days after the occurrence;
    - 2. Provide to the Department's Medical Review Program, on request, any documents and information pertaining to the driving activities, accidents, arrests, convictions, and driver license or permit suspensions, revocations, disqualifications, or withdrawals involving the subject driver;
    - 3. Evaluate the subject driver with a road test using the trailer types the motor carrier intends the driver to transport, or alternatively accept a certificate of a trailer road test from another motor carrier if the trailer types are similar, or accept the trailer road test completed during the skill performance evaluation if trailer types are similar to that of the prospective motor carrier;
    - 4. Evaluate the subject driver for those non-driving safety related job tasks associated with each type of trailer that will be used and any other non-driving safety related or job related tasks unique to the operations of the employing motor carrier; and
    - 5. Use the subject driver to operate the type of commercial motor vehicle indicated on the intrastate medical waiver only when the driver is in compliance with the conditions and limitations of the waiver.
  - F. A driver subject to an intrastate medical waiver, issued by the Director under subsection (A), shall supply each employing motor carrier with a copy of the intrastate medical waiver.
  - G. The Department may require the driver applicant to demonstrate the driver applicant's ability to safely operate the commercial motor vehicle the driver intends to drive.
  - H. If required by the Department during the application process, a driver applicant shall have a skill performance evaluation performed by a federally-certified state commercial driver license examiner at a Department commercial driver license facility when directed.
  - I. If the Director grants an intrastate medical waiver under subsection (A) to the driver applicant, the Department shall mail to the driver applicant and co-applicant motor carrier (if applicable) written approval of the intrastate medical waiver describing the terms, conditions, and limitations of the waiver.
  - J. The intrastate medical waiver granted by the Director under subsection (A) shall identify:

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1. The power unit (bus, truck, truck tractor) for which the waiver is granted; and
  2. The trailer type used in the skill performance evaluation, if applicable, without limiting the waiver to that specific trailer type.
- K.** A subject driver may use the intrastate medical waiver with other trailer types if the driver successfully completes:
1. A trailer road test administered by the motor carrier under subsection (E)(3) for each type of trailer, and
  2. A non-driving safety related or job related task evaluation administered by the motor carrier under subsection (E)(4).
- L.** The intrastate medical waiver granted by the Director under subsection (A) is:
1. Valid for a period of not more than two years from the date of issuance;
  2. Renewable 30 days prior to the expiration date; and
  3. Transferable from an original motor carrier co-applicant employer to a new motor carrier employer or to the subject driver, as a unilateral applicant if becoming self-employed, upon written notification to the Department's Medical Review Program, P.O. Box 2100, Mail Drop 818Z, Phoenix, AZ 85001-2100, stating the new employer's name and the type of equipment to be driven.
- M.** An intrastate medical waiver granted by the Director under subsection (A) to a driver applicant for monocular vision under subsection (D), shall prohibit the subject driver from transporting:
1. Passengers for hire; and
  2. Reportable quantities of hazardous substances, manifested hazardous wastes, and hazardous material required to be placarded.
- N.** A driver subject to an intrastate medical waiver, issued by the Director under subsection (A), shall have the intrastate medical waiver (or a legible copy) in the subject driver's possession while on duty.
- O.** The motor carrier employing a subject driver shall maintain a copy of the intrastate medical waiver in its driver qualification file and retain the copy in the motor carrier's file for a period of three years after the driver's employment is terminated.
- P.** A driver subject to an intrastate medical waiver, issued by the Director under subsection (A) to an applicant for monocular vision under subsection (D), must be physically examined every year and shall submit the following to the Department's Medical Review Program, P.O. Box 2100, Mail Drop 818Z, Phoenix, AZ 85001-2100:
1. A vision examination report issued within the last 90 days from the date the report is received by the Department, as prescribed under subsection (D)(2); and
  2. A current medical examination report and medical examiner's certificate completed pursuant to 49 CFR 391.43 within the past year.
- Q.** A driver subject to an intrastate medical waiver, or a driver subject to an intrastate medical waiver jointly with a motor carrier co-applicant, may renew an intrastate medical waiver by submitting to the Department's Medical Review Program, P.O. Box 2100, Mail Drop 818Z, Phoenix, AZ 85001-2100, a new intrastate medical waiver application. The intrastate medical waiver application shall contain the following:
1. Name and complete address of the motor carrier currently employing the applicant;
  2. Name and complete address of the subject driver;
  3. Total miles driven under the current intrastate medical waiver;
  4. Number of accidents incurred while driving under the current intrastate medical waiver, including the date of each accident, number of fatalities, number of injuries, and the estimated dollar amount of any property damage;
5. A current medical examination report and medical examiner's certificate completed pursuant to 49 CFR 391.43;
  6. A current medical examination or evaluation as applicable to the medical condition:
    - a. A current medical waiver evaluation summary, as prescribed under subsection (C)(2), for a driver with a loss of limb or limb impairment; or
    - b. A current vision examination report, as prescribed under subsection (D)(2), for a driver with monocular vision;
  7. A copy of the subject driver's current state motor vehicle driving record for the period of time the current intrastate medical waiver has been in effect;
  8. Notification of any change in the type of tractor the driver will operate;
  9. Subject driver's signature and date signed; and
  10. Motor carrier co-applicant's signature and date signed (if applicable).
- R.** The Director may deny an application for the intrastate medical waiver or may grant the waiver in whole or in part and issue the waiver subject to such terms, conditions, and limitations as the Director deems consistent with the public interest.
- S.** The Director may revoke an intrastate medical waiver after providing the driver subject to an intrastate medical waiver written notice of the proposed revocation and a reasonable opportunity to request a hearing pursuant to the procedure prescribed under 17 A.A.C. 1, Article 5. The Director may revoke an intrastate medical waiver if the:
1. Driver subject to an intrastate medical waiver, or co-applicant (if applicable), or both provided false information in the application,
  2. Driver subject to an intrastate medical waiver, or co-applicant (if applicable), or both failed to comply with the terms and conditions of the intrastate medical waiver, or
  3. Issuance of the intrastate medical waiver resulted in a lower level of safety than before the waiver was granted.
- T.** If the enforcement of any provision of this Section would result in the loss or disqualification of federal funding for any state agency or program, that provision is invalid.

**Historical Note**

New Section recodified from R17-4-435.06 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 3249, effective July 10, 2002 (Supp. 02-3). Section repealed; new Section made by final rulemaking at 14 A.A.R. 3797, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 17 A.A.R. 1691, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 20 A.A.R. 2382, effective August 5, 2014 (Supp. 14-3). Amended by final rulemaking at 24 A.A.R. 1549, effective May 1, 2018 (Supp. 18-2). Amended by final rulemaking at 27 A.A.R. 2734 (November 26, 2021), with an immediate effective date of November 2, 2021 (Supp. 21-4).

**R17-5-209. Hazardous Materials Transportation: Incorporation of Federal Regulations; Applicability****A.** Incorporation of federal regulations.

1. As relevant to the transportation of hazardous materials by highway, the Department incorporates by reference, as amended under this Section, the following Parts of the Federal Hazardous Materials Regulations; revised as of October 1, 2020, and no later amendments or editions, as 49 CFR - Transportation, Subtitle B - Other Regulations Relating to Transportation, Chapter I - Pipeline and Haz-



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ardous Materials Safety Administration, Department of Transportation:

- a. Subchapter A - Hazardous Materials and Oil Transportation; Part 107 - Hazardous materials program procedures; and
- b. Subchapter C - Hazardous Materials Regulations; Parts:
  - i. 171 - General information, regulations, and definitions;
  - ii. 172 - Hazardous materials table, special provisions, hazardous materials communications, emergency response information, training requirements, and security plans;
  - iii. 173 - Shippers - general requirements for shipments and packagings;
  - iv. 177 - Carriage by public highway;
  - v. 178 - Specifications for packagings; and
  - vi. 180 - Continuing qualification and maintenance of packagings.

2. The material incorporated by reference under this subsection is on file with the Department at 206 S. 17th Avenue, Phoenix, AZ 85007. The incorporated material is published by National Archives and Records Administration, Office of the Federal Register, 8601 Adelphi Road, College Park, MD 20740-6001, and is printed and distributed by the U.S. Government Publishing Office, P.O. Box 979050, St. Louis, MO 63197-9000. The incorporated material can be viewed online at <https://www.govinfo.gov> and ordered online by visiting the U.S. Government Bookstore at <http://bookstore.gpo.gov>. The International Standard Book Numbers are 9780160958793 for 49 CFR 107, 171, 172, 173, and 177 and 9780160958809 for 49 CFR 178 and 180.

**B. Application and exceptions.**

1. Application.
  - a. Regulations incorporated under subsection (A) apply as amended by subsection (C) to motor carriers, shippers, and manufacturers as defined in A.R.S. § 28-5201.
  - b. Regulations incorporated under subsection (A) also apply to any vehicle owned or operated by the state, a political subdivision, or a state public authority, used to transport a hazardous material, including hazardous substances and hazardous waste.
2. Exceptions. An authorized emergency vehicle, as defined in A.R.S. § 28-101, is excepted from the provisions of this Section.

**C. Amendments.** The following sections of the Federal Hazardous Materials Regulations, incorporated under subsection (A), are amended as follows:

1. Part 171, General information, regulations, and definitions. Section 171.8, Definitions and abbreviations. Section 171.8 is amended by revising the definitions for “carrier,” “hazmat employer,” and “person,” and adding a definition for “highway” as follows:  
 “Carrier” means a person engaged in the transportation of passengers or property by highway as a common, contract, or private carrier and also includes the state, a political subdivision, and a state public authority engaged in the transportation of hazardous material.  
 “Hazmat employer” means a person who uses one or more employees in connection with: transporting hazardous material; causing hazardous material to be transported or shipped; or representing, marking, certifying, selling, offering, reconditioning, testing, repairing, or modifying containers, drums, or packagings as qualified

for use in the transportation of hazardous material. This term includes motor carriers, shippers, and manufacturers defined in A.R.S. § 28-5201 and includes the state, political subdivisions, and state public authorities.

“Highway” means a public highway as defined in A.R.S. § 28-5201.

“Person” has the same meaning as defined in A.R.S. § 28-5201.

2. Part 172, Hazardous materials table, special provisions, hazardous materials communications, emergency response information, training requirements, and security plans. Section 172.3, Applicability. Paragraph (a)(2) is amended to read: “Each motor carrier that transports hazardous materials, and each state agency, political subdivision, and state public authority that transports hazardous material by highway.”
3. Part 177, Carriage by public highway.
  - a. Section 177.800, Purpose and scope of this part and responsibility for compliance and training. In paragraph (a), the phrase “by private, common, or contract carriers by motor vehicle” is amended to read, “by a motor carrier operating in Arizona, a state agency, a political subdivision, or a state public authority that transports hazardous material by highway.”
  - b. Section 177.802, Inspection. Section 177.802 is amended to read: “Records, equipment, packagings, and containers under the control of a motor carrier or other persons subject to this part, affecting safety in transportation of hazardous material by motor vehicle, must be made available for examination and inspection by an authorized representative of the Department as prescribed under A.R.S. §§ 28-5204 and 28-5231.”

**Historical Note**

New Section recodified from R17-4-436 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 3249, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 9 A.A.R. 1867, effective June 3, 2003 (Supp. 03-2). Amended by final rulemaking at 13 A.A.R. 1262, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 17 A.A.R. 1691, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 20 A.A.R. 2382, effective August 5, 2014 (Supp. 14-3). Amended by final rulemaking at 24 A.A.R. 1549, effective May 1, 2018 (Supp. 18-2). Amended by final rulemaking at 27 A.A.R. 2734 (November 26, 2021), with an immediate effective date of November 2, 2021 (Supp. 21-4).

**R17-5-210. Motor Carrier Safety: Public Service Corporation, Political Subdivision of this State that is Engaged in Rendering Public Utility Service, or Railroad Contacting State Officials in an Emergency**

- A.** A public service corporation, a political subdivision of this state that is engaged in rendering public utility service, or a railroad shall notify Commercial Vehicle Enforcement in writing, through the Arizona Department of Public Safety Duty Office, that an emergency situation under A.R.S. § 28-5234(B) exists. Notification shall be sent by email to [doffice@azdps.gov](mailto:doffice@azdps.gov) immediately, but in no case longer than three hours from the time the public service corporation, political subdivision of this state that is engaged in rendering public utility service, or railroad determines that the emergency situation exists. The information to be provided in writing includes:
1. Date of the emergency situation,

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2. Time that the emergency situation started,
  3. Description of the emergency situation,
  4. Location of the emergency situation,
  5. Projected duration of the emergency situation,
  6. Name and contact number of responsible party in the field, and
  7. The utility's self-generated Emergency ID or tracking number.
- B.** A public service corporation, a political subdivision of this state that is engaged in rendering public utility service, or a railroad shall maintain supporting documentation for no less than three years from the date of an emergency situation and shall make the supporting documentation available to a special agent upon request. Supporting documentation includes:
1. A list of drivers involved in the emergency situation;
  2. The duration of the emergency situation;
  3. The off-duty time provided for the affected drivers after the emergency situation concluded; and
  4. Any United States Department of Transportation recordable accidents, as defined in 49 CFR 390.5T, which occurred during the emergency situation.
- C.** After an emergency situation terminates and a driver returns to the principal place of business, the driver shall not drive a commercial motor vehicle unless the driver remains off duty under 49 CFR 395.

**Historical Note**

New Section recodified from R17-4-438 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 7 A.A.R. 4259, effective September 13, 2001 (Supp. 01-3). Section repealed by final rulemaking at 8 A.A.R. 3249, effective July 10, 2002 (Supp. 02-3). New Section made by final rulemaking at 11 A.A.R. 862, effective February 1, 2005 (Supp. 05-1). Amended by final rulemaking at 17 A.A.R. 1691, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 27 A.A.R. 2734 (November 26, 2021), with an immediate effective date of November 2, 2021 (Supp. 21-4).

**R17-5-211. Motor Carrier Safety: Inspection, Enforcement, and Sanction**

- A.** Scope. This Section applies to any transporter subject to:
1. R17-5-201 through R17-5-209; and
  2. A.R.S. Title 28, Chapter 14.
- B.** Audits.
1. The Department may conduct an audit for cause or without cause.
  2. The Department may enter the premises of any transporter for the purpose of conducting an audit.
  3. The Department may inspect a motor vehicle:
    - a. Within Arizona at:
      - i. A transporter's place of business, or
      - ii. Any other in-state location, or
    - b. Outside Arizona at a transporter's place of business.
  4. A transporter shall make records available for audit:
    - a. During the transporter's normal business hours, and
    - b. In a specific location as follows:
      - i. The transporter's Arizona place of business, or
      - ii. Either an Arizona location designated by the Director or the transporter's out-of-state place of business.
  5. The Department shall charge a transporter in advance for all expenses to be incurred in performance of an out-of-state audit.
- C.** Violation notification. Within five days after audit completion, the Department shall notify an audited transporter in writing of

all violations. The notification shall specify a deadline date for remedy of all violations.

- D.** Obligation to remedy violations. After receipt of a violation notification, a transporter shall remedy all violations by the specified date to comply with:
1. R17-5-201 through R17-5-209; and
  2. A.R.S. Title 28, Chapter 14.
- E.** Noncompliance: Failure to remedy violations. If the Department determines a transporter does not remedy a violation by the date specified in a violation notice, the Department shall initiate further enforcement action as prescribed under A.R.S. §§ 28-5237 and 28-5238.
- F.** Danger to public safety. If the Director determines a written violation report establishes probable cause of danger to public safety, the Director shall issue an order by 5:00 p.m. the next business day suspending the Arizona registration of the motor vehicle owned or leased by the transporter, or a driver's Arizona driver license or nonresident driving privilege.

**Historical Note**

New Section recodified from R17-4-439 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 7 A.A.R. 4259, effective September 13, 2001 (Supp. 01-3). Amended by final rulemaking at 17 A.A.R. 1691, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 20 A.A.R. 2382, effective August 5, 2014 (Supp. 14-3). Amended by final rulemaking at 27 A.A.R. 2734 (November 26, 2021), with an immediate effective date of November 2, 2021 (Supp. 21-4).

**R17-5-212. Motor Carrier Safety: Hearing Procedure**

- A.** Scope.
1. This Section applies only to a motor carrier enforcement action under:
    - a. R17-5-201 through R17-5-209; and
    - b. A.R.S. Title 28, Chapter 14.
  2. In an enforcement hearing involving a manufacturer, motor carrier, shipper, or driver under this Section, the Department shall follow the procedures prescribed under 17 A.A.C. 1, Article 5, except as modified under subsections (B) and (C).
- B.** Initiation of proceedings; service.
1. The Director shall initiate a hearing under this Section by:
    - a. Signing and serving a complaint in the form prescribed under subsection (C) that cites a manufacturer, motor carrier, shipper, or driver for an alleged violation; and
    - b. Submitting to the Department's Executive Hearing Office a copy of the complaint and notification of the date the complaint was served.
  2. The date of service is the date of mailing.
- C.** Complaint; order to show cause.
1. The complaint shall contain the following:
    - a. The Department as the designated petitioner;
    - b. The respondent's name and the basis of fact for the complaint, including a listing of any alleged violation of statute or rule;
    - c. The relief sought by the Department; and
    - d. A copy of the written violation notice issued by a law enforcement agency to the respondent, if applicable.
  2. Upon receipt of a copy of a complaint in compliance with subsections (B) and (C)(1), the Executive Hearing Office shall issue an order to show cause for a respondent to appear at an administrative hearing to explain why the requested relief should not be granted.

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3. The Executive Hearing Office shall hold a hearing under this Section within the time-frame required by statute.
4. The parties may resolve a complaint before the hearing date.
  - a. The parties shall file notice of settlement with the Executive Hearing Office.
- b. Complaint settlement terminates the right of both petitioner and respondent to receive additional administrative review.

**Historical Note**

New Section recodified from R17-4-440 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 4230, effective November 15, 2002 (Supp. 02-3). Amended by final rulemaking at 17 A.A.R. 1691, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 24 A.A.R. 1549, effective May 1, 2018 (Supp. 18-2). Amended by final rulemaking at 27 A.A.R. 2734 (November 26, 2021), with an immediate effective date of November 2, 2021 (Supp. 21-4).

**ARTICLE 3. PROFESSIONAL DRIVER SERVICES****R17-5-301. Definitions**

In addition to the definitions under A.R.S. §§ 28-101 and 32-2351, the following definitions apply to this Article, unless otherwise specified:

“Activity” means a function or service that is provided by a licensed professional driver training school pursuant to A.R.S. Title 32, Chapter 23 or licensed traffic survival school pursuant to A.R.S. Title 28, Chapter 8, Article 7.1 and that is performed by a professional driver training school instructor or traffic survival school qualified instructor as defined in this Article.

“Applicant” means an individual or school, including principals, requesting in the manner set forth in this Article the issuance or renewal of a license or to become a qualified instructor under A.R.S. Title 28, Chapter 8, Article 7.1 or Title 32, Chapter 23 and this Article.

“Application date” means the date the Department or private entity receives a signed application from an applicant.

“Audit” means a review of the operations, facilities, equipment, and records of a licensee under this Article, which is performed by the Department or private entity under A.R.S. § 28-3411 or 32-2352 to assess and ensure compliance with all applicable federal and state laws and rules.

“Branch” means a licensed professional driver training school’s or licensed traffic survival school’s business location that is an additional established place of business, but not the school’s principal place of business.

“Business day” means a day other than a Saturday, Sunday, or legal state holiday.

“Business manager” means an owner or employee of a licensed school who has primary and sufficient oversight, supervision, and responsibility for all operations necessary to ensure full compliance with all applicable federal or state laws, rules, and school guidelines.

“Certificate of completion” means an electronic or paper document that is approved by the Department or private entity and that is issued by a traffic survival school or high school qualified instructor to a student who has demonstrated successful completion of a training or educational session or both conducted under this Article.

“Character and reputation” means a person:

Has not been convicted of a class 1 or 2 felony by a court of competent jurisdiction,  
 Has not within five years of application date been convicted of any other felony or misdemeanor offense having a reasonable relationship to the functions of the activity or the employment or category for which the qualification is sought, and  
 Has not within 12 months of application date had an application or an examination required for license or qualification under this Chapter denied or revoked due to fraud or misrepresentation.

“Commercial driver license motor vehicle record” has the same meaning as a CDLIS motor vehicle record as defined in 49 CFR 384.105.

“Department-approved inventory” means educational media and related items or other resources provided and approved by the Department or private entity that are deemed necessary or useful for traffic survival school instruction, which includes curriculum, computer disks or drives, classroom training materials, instructor workbooks, instructor training manuals, or other materials, whether stored in paper or electronic formats.

“Established place of business” means a licensed professional driver training school’s or licensed traffic survival school’s business location that is:

Approved by the Department,  
 Located in Arizona,  
 Not used as a residence, and  
 Where the licensed school performs licensed activities.

“Good standing” means an applicant:

Has not had a similar business license, qualification, or approval suspended, revoked, canceled, or denied within the previous three years of the application date;  
 Does not have any pending corrective action, as defined under R17-5-323, relating to a Department-issued business license, qualification, or approval;  
 Has not had a fingerprint clearance card required for licensure under this Article suspended, revoked, or canceled;  
 Does not owe delinquent fees, taxes, or unpaid balances to the Department or private entity;  
 Has not had any substantiated derogatory information relevant to the requested license reported to the Department about the applicant from any state agency contacted by the Department; or  
 Has not been dismissed, or resigned in lieu of dismissal, from a position for cause following allegations of misconduct having a reasonable relationship to the person’s proposed area of licensure or qualification, if the applicant is a former Department employee or a former principal or employee of a licensed professional driver training school or licensed traffic survival school.

“Immediate family member” has the same meaning as prescribed in A.R.S. § 28-2401.

“Inactivation” or “inactive” means a temporary or permanent status, assigned by the Department to a school previously licensed under this Article, which prohibits the school from further engaging in the previously licensed activity after the occurrence of any of the following actions:

Cancellation of license, as defined in R17-5-323;  
 Suspension of license, as defined in R17-5-323;

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Revocation of license, as defined in R17-5-323;  
 Non-renewal of license; or  
 Relinquishment of license.

“Licensee” means a school licensed by the Department or private entity under A.R.S. § 28-3413 or 32-2371 and this Article, to perform a licensed activity.

“Principal” means any of the following:

If a sole proprietorship, the sole proprietor;  
 If a partnership, limited partnership, limited liability partnership, limited liability company or corporation, the:  
 Partner;  
 Manager;  
 Member;  
 Officer;  
 Director;  
 Agent; or  
 If a limited liability company or corporation, each stockholder owning 20 percent or more of the limited liability company or corporation; or  
 If a political subdivision or government agency, the political subdivision or agency head.

“Principal place of business” means a licensed professional driver training school’s or licensed traffic survival school’s administrative headquarters, which shall not be used as a residence.

“Private entity” means an entity that contracts with the Department under A.R.S. § 28-3411 or 32-2352.

“Professional driver training school instructor” means an individual meeting the qualifications under R17-5-303 who can present specific training and educational curriculum to professional driver training school students as provided under this Article.

“Satisfactory driver record” means an applicant has not had within the past 39 months:

A conviction for driving under the influence, reckless or aggressive driving, racing on a highway, or leaving the scene of an accident;  
 A driver license previously canceled, suspended, revoked, or disqualified for any reason except for failing to meet or maintain the commercial driver license physical qualifications under 49 CFR 391.41 and A.A.C. R17-4-508; and  
 More than three previous assignments to attend traffic survival school and no pending assignment.

“Traffic survival school qualified instructor” means an individual deemed qualified by the Department or private entity under this Article to conduct instruction of an education session on behalf of a licensed traffic survival school.

#### Historical Note

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

#### R17-5-302. Professional Driver Training School and Traffic Survival School Licensing; Eligibility and Application Requirements

A. An applicant for a professional driver training school or traffic survival school license, issued by the Department or private entity under A.R.S. § 28-3411 or 32-2371 and this Section, shall meet all applicable licensing requirements under state

law and this Article when applying for an original or renewal license.

B. An applicant for a professional driver training school or traffic survival school license shall complete and submit to the Department or private entity an application packet that contains all of the following:

1. An application, completed on a form approved by the Department;
2. Certification that each classroom used for the instruction of students is maintained in compliance with all applicable fire codes and local zoning ordinances;
3. Certification that each classroom used for the instruction of students meets the accessibility requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), as amended;
4. A copy of the following documents relating to the applicant’s business if the applicant is a:
  - a. Corporation:
    - i. A copy of the articles of incorporation, including any amendments filed with the Arizona Corporation Commission; and
    - ii. Any other official documents, including copies of board meeting minutes and annual reports that reflect the most recent change to the corporate name, structure, or officers;
  - b. Limited liability company:
    - i. A copy of the articles of organization, including any amendments filed with the Arizona Corporation Commission; or
    - ii. A copy of the application for registration as a foreign limited liability company filed with the Arizona Corporation Commission and a copy of the certificate of registration issued by the Arizona Corporation Commission to a foreign limited liability company;
  - c. Limited partnership or a limited liability partnership:
    - i. A copy of a valid certificate of existence issued by the Arizona Office of the Secretary of State;
    - ii. A copy, stamped “filed” by the Arizona Office of the Secretary of State, of a certificate of limited partnership, certificate of foreign limited partnership, limited liability partnership form, foreign limited liability partnership form, or statement of qualification for conversion of limited partnership or limited liability partnership; or
    - iii. A copy of a valid trade name certificate issued by the Arizona Office of the Secretary of State; or
  - d. Sole proprietor:
    - i. A copy of a valid certificate of existence issued by the Arizona Office of the Secretary of State, or
    - ii. A copy of a valid trade name certificate issued by the Arizona Office of the Secretary of State;
5. The name and Arizona address of the school’s statutory agent, as designated in the articles of incorporation, if the applicant is a corporation;
6. Documentation prescribed under A.R.S. § 41-1080 indicating that each applicant’s presence in the United States is authorized under federal law if the applicant is an individual, a sole proprietor, or part of a general partnership;
7. Payment of the license fees prescribed under A.R.S. § 28-3415 or 32-2374 for each activity requested; and
8. A form, approved by the Department, completed for each branch license, if applicable, and accompanied by pay-

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ment of any applicable branch license fees prescribed under A.R.S. § 28-3415 or 32-2374.

- C. An applicant shall not use the following in any part of its school name, which is subject to approval by the Department or private entity:
1. The terms "Arizona Department of Transportation," "Department of Transportation," "Motor Vehicle Division," "Motor Vehicle Department," "Division of Motor Vehicles," or "Department of Motor Vehicles;" or
  2. The acronyms "ADOT," "DOT," "MVD," or "DMV."
- D. Professional driver training school applicants must provide the following additional documents with the school's application packet:
1. A copy of the school's complete curriculum, including a sample of all written examinations and answer keys, unless the curriculum is provided by the Department or private entity;
  2. Verification of liability insurance coverage reflecting at least the minimum amount prescribed under A.R.S. § 32-2393 for each motor vehicle used to provide instruction; and
  3. Diagrams detailing a minimum of three separate behind-the-wheel final evaluation routes with a written narrative indicating all required maneuvers, if the applicant will be providing behind-the-wheel driver training.

**Historical Note**

New Section recodified from R17-4-512 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section amended by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

**R17-5-303. Professional Driver Training School Instructor Qualifications and Requirements**

- A. A professional driver training school instructor shall:
1. Work for a professional driver training school licensed by the Department or private entity under A.R.S. § 32-2371 and R17-5-302,
  2. Possess a valid Arizona commercial driver license with applicable endorsements representative of the vehicle to be used in training,
  3. Meet the character and reputation requirements as defined in R17-5-301, and
  4. Meet all applicable instructor requirements under state law and this Article.
- B. Each professional driver training school licensed under A.R.S. § 32-2371 and this Article shall maintain a file for each professional driver training school instructor that contains the following:
1. A copy of a valid Arizona commercial driver license with applicable endorsements representative of the vehicle to be used in training, and
  2. An annual commercial driver license motor vehicle record which indicates the instructor has maintained a satisfactory driver record as defined in R17-5-301.
- C. A business manager of a professional driver training school licensed under A.R.S. § 32-2371 and this Article shall submit to the Department or private entity a list of all of its professional driver training school instructors, including full name and commercial driver license number, at the time of hiring the instructors, within 10 calendar days of making any changes to the instructors as required under R17-5-310, and when renewing the school license as required under R17-5-309.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

**R17-5-304. Fingerprint Background Check; Fingerprint Clearance Card**

- A. An applicant for a license issued under A.R.S. Title 28, Chapter 8, Article 7.1 or Title 32, Chapter 23, Article 2 and this Article, as applicable, shall:
1. Successfully complete a fingerprint background check conducted by the Arizona Department of Public Safety under A.R.S. § 41-1758.01, and
  2. Submit to the Department or private entity a copy of the fingerprint clearance card issued to the applicant under A.R.S. § 41-1758.03 as part of the application packet.
- B. An applicant is responsible for all costs associated with obtaining the fingerprint clearance card.
- C. A licensee, as applicable, shall maintain a valid fingerprint clearance card while licensed under this Article, and shall provide written notice to the Department or private entity within 10 calendar days if the fingerprint clearance card is cancelled, suspended, or revoked.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2).

**R17-5-305. Traffic Survival School Qualified Instructor Status; Eligibility and Application Requirements**

- A. An applicant for traffic survival school qualified instructor status shall:
1. Apply through a traffic survival school licensed by the Department or private entity under A.R.S. § 28-3413 and this Article,
  2. Possess a valid Arizona driver license,
  3. Meet all applicable requirements under this Article, and
  4. Meet the good standing and character and reputation requirements as defined in R17-5-301.
- B. Each traffic survival school qualified instructor applicant shall complete an application packet that contains the following:
1. An application, completed on a form approved by the Department;
  2. A copy of a valid Arizona driver license;
  3. Documentation prescribed under A.R.S. § 41-1080 indicating that the applicant's presence in the United States is authorized under federal law;
  4. A motor vehicle record, dated within 30 days of the application date, which indicates that the applicant maintained a satisfactory driver record as defined in R17-5-301;
  5. An affidavit from the business manager of the traffic survival school certifying that the qualified instructor applicant has the necessary skills and abilities to give instruction at a professional level; and
  6. Payment of authorized fees as required by the private entity for application and administration of the instructor qualification process and for required instructor continuing education, which shall be negotiated by the Department and the private entity and shall be set forth in their contract.
- C. An applicant for instructor qualification shall have successfully completed a traffic survival school educational workshop or similar curriculum approved by the Department or private entity before being permitted to instruct any traffic survival school course.

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- D. An applicant for instructor qualification shall have successfully completed an examination given for qualification of instructors by the Department or private entity as required under R17-5-306 before being permitted to instruct any traffic survival school course.
- E. A business manager of a traffic survival school licensed under A.R.S. § 28-3413 and this Article shall submit to the Department or private entity the complete application packet for each qualified instructor applicant.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

**R17-5-306. Required Training and Examination of School and Instructor Applicants**

- A. An applicant for traffic survival school instructor qualification under this Article shall attend Department-approved training and shall pass one or more required examinations administered by the Department or private entity.
- B. The Department or private entity shall limit a traffic survival school qualified instructor applicant to three opportunities within 90 days, based on scheduling, to successfully complete and achieve a passing score or grade on each examination required under this Section.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

**R17-5-307. Approval or Denial of Application; Hearing; Appeal**

- A. An application will not be approved by the Department or private entity unless it is properly and fully completed with all required supporting documents and applicable fees as identified in this Article.
- B. The Department or private entity shall provide written notification to the professional driver training school or traffic survival school of the approval or denial of a license or traffic survival school instructor qualification. A notice denying the applicant a license or qualification under this Article shall specify the basis for denial and indicate that the applicant may request a hearing on the denial with the Department's Executive Hearing Office within 30 calendar days of the date on the notice unless the application is withdrawn by the applicant.
- C. The Department or private entity may deem a traffic survival school instructor applicant qualified when a completed application is received and the applicant has successfully completed all required training and examinations.
- D. Unless the application is withdrawn by the applicant, the Department or private entity may deny an application in which the applicant has:
  - 1. Failed to have or to document a satisfactory driver record as required under R17-5-305, as applicable;
  - 2. Failed to meet the good standing or character and reputation requirements of the Department as defined in R17-5-301;
  - 3. Failed to meet the fingerprint clearance card requirement under R17-5-304, as applicable;
  - 4. Made a material misrepresentation or misstatement on the application;

- 5. Violated a federal or state law or rule reasonably related in a business context to the authority applied for; or
- 6. Failed to complete all applicable application requirements under this Article.

- E. If timely requested by an applicant under subsection (B), the Department shall schedule and conduct a hearing as prescribed under A.R.S. Title 41, Chapter 6, Article 6 and 17 A.A.C. 1, Article 5 for denial of a license.
- F. An applicant whose application was previously denied by the Department or private entity for making a material misrepresentation or misstatement on the application is not eligible to reapply for 12 months from the date of previous denial.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

**R17-5-308. License Issuance; Effective Date; Expiration; Display**

- A. The Department or private entity may issue the following licenses upon determining an applicant meets all eligibility and application requirements provided under A.R.S. Title 28, Chapter 8, Article 7.1 or Title 32, Chapter 23 and this Article:
  - 1. Professional driver training school,
  - 2. Traffic survival school, and
  - 3. Established place of business (branch).
- B. The Department or private entity shall license only a school that employs or contracts at least one professional driver training school instructor who meets the qualifications under this Article or at least one currently qualified traffic survival school instructor, as applicable.
- C. A license issued under this Article is:
  - 1. Effective on the date of issuance;
  - 2. Effective until its expiration on the last day of each calendar year, except:
    - a. A license subject to an active duty military extension shall expire as provided under A.R.S. § 32-4301, and
    - b. A license subject to an individual's limited length of authorized stay shall expire immediately if the individual's presence in the United States is no longer authorized under federal law; and
  - 3. Nontransferable under any circumstances.
- D. A licensed school shall prominently and publicly display all licenses currently in effect at the school's principal place of business.
- E. A school shall surrender to the Department or private entity within three business days after the date of any license inactivation, as defined in R17-5-301, all:
  - 1. Licenses;
  - 2. Records pertaining to the school's operations and the training of students; and
  - 3. Department-approved inventory, as applicable and as defined in this Article.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

**R17-5-309. Renewal of License**

- A. A completed renewal, consisting of the following, shall be submitted to the Department or private entity a minimum of 30

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calendar days prior to license expiration, notwithstanding A.A.C. R17-1-102, failure to submit a renewal prior to December 1st shall result in the applicant being subject to all original licensing requirements:

1. A renewal application, completed on a form approved by the Department, including:
    - a. An updated list of all principals, instructors, contracted personnel, and employees of the school who are responsible for Arizona school operations, including full name and driver license number; and
    - b. The signature of all current principals on the completed application; and
  2. Payment of applicable license fees prescribed under A.R.S. § 28-3415 or 32-2374, for each activity and branch.
- B.** Notwithstanding A.R.S. § 28-3415 or 32-2374, an annual license issued by the Department or private entity under this Article during the month of December shall not expire until the last day of the subsequent calendar year.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

**R17-5-310. Modifications of Original Application Information**

- A.** A licensee or traffic survival school qualified instructor, making or learning of any change in the content of its original application information, other than ownership, shall provide written notification of the change, completed on a form approved by the Department and signed by a principal or business manager, to the Department or private entity within two business days of making the change.
- B.** A licensed school making a change to a principal or corporate structure shall submit to the Department or private entity a new application for licensing under this Article and all applicable fees, as a new applicant for licensure, within 10 calendar days of making the change.
- C.** A licensed school submitting a new application to the Department or private entity, as provided under subsection (B), is subject to the fingerprint clearance card requirement under R17-5-304 unless a valid fingerprint clearance card is already on file with the Department.
- D.** A licensed school shall provide written or electronic notification on a form, approved by the Department, to the Department or private entity within 10 calendar days of making any changes to the licensee's contact person, business manager, or instructors.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2).

**R17-5-311. Professional Conduct; Conflicts of Interest; Advertising**

- A.** A professional driver training school or traffic survival school representative or instructor shall not:
1. Accompany a student into any Department office or office of an authorized third party driver license or driver license training provider; or
  2. Solicit an individual for any purpose on any premises rented, leased, operated, or owned by the Department or by an authorized third party driver license or driver license training provider.

- B.** A licensee or traffic survival school qualified instructor shall maintain good standing with the Department at all times while licensed or qualified by the Department or private entity under this Article.
- C.** A licensee shall not delegate or subcontract any licensed activity authorized by the Department or private entity under this Article.
- D.** The Department may take corrective action as provided under R17-5-321 and R17-5-323 if the Department or private entity determines or has reason to believe that a licensee or instructor has demonstrated unethical conduct in the performance of official duties, including:
1. Verbally abusing, intimidating, or sexually harassing a student or potential student; or
  2. Making a false statement that is material to the activities regulated in this Article to any personnel of the Department or private entity.
- E.** A school shall use for all licensed activities and related advertising purposes only its official business name or its doing-business-as name as indicated on the license issued under this Article.
- F.** A licensee shall not represent or imply that it is the state of Arizona, the Department, the Motor Vehicle Division, or any government agency in any printed or electronic advertising or promotional material, except to the extent expressly authorized by the Department.
- G.** Licensee advertising shall not in any way:
1. Contain false, deceptive, or misleading information;
  2. Imply that the licensee can issue or guarantee issuance of a driver license or endorsement;
  3. Imply that the licensee can influence the Department or an authorized third party provider in the issuance of a driver license or endorsement;
  4. Imply that the licensee can provide any activity the licensee is not licensed by the Department or private entity to perform;
  5. Imply that preferential or advantageous treatment by the Department can be obtained; or
  6. Use or contain a term prohibited under R17-5-302(C).
- H.** A school licensed by the Department or private entity under this Article may state in its advertising that it is "licensed" or "qualified" by the Department, but shall not indicate that the school is approved, sanctioned, or in any other way endorsed or recommended by the Department.
- I.** All printed or electronic advertising or promotional material used, issued, or published by a licensee must be pre-approved by the Department or private entity.
- J.** An instructor, in any official capacity as an instructor or for compensation, shall not provide any classroom instruction or skills training for an immediate family member or a principal or employee of any school that employs the instructor.
- K.** A full-time employee of the state of Arizona shall not receive any direct pecuniary payments from any fees paid by those who attend a licensed school.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

**R17-5-312. Cancellation and Continuity of Services to Participants**

- A.** A principal of a school ceasing operations or cancelling courses for any reason shall ensure continuity of services to each student currently enrolled in courses as follows:

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1. A principal shall notify each student currently scheduled for, or enrolled in, a course that the school will be unable to provide the services previously offered 72 hours before the scheduled course; and
  2. A principal shall refund within four business days any payment received by the school for a course not yet provided.
- B.** A principal of a school ceasing operations shall provide to the Department or private entity, upon request, a written list of all students notified under subsection (A) with an explanation of the final resolution reached as a result of the principal's contact with the student.
- C.** A principal's failure to provide continuity of services to enrolled students as provided under this Section may result in the loss of the principal's status of good standing with the Department.
- B.** A qualified instructor shall provide a certificate of completion to the student at the conclusion of the course. A traffic survival school qualified instructor shall print the certificate of completion from the web site of the Department's private entity or the Department's web site, as applicable.
- C.** A high school qualified instructor shall not make a correction to a certificate of completion. If an error is made, the high school qualified instructor shall:
1. Void the certificate of completion,
  2. Write the word "VOID" or "VOIDED" clearly on the face of each voided certificate of completion, and
  3. Issue a new certificate of completion.
- D.** The Department may elect not to accept a certificate of completion that contains an alteration, erasure, correction, or illegible information.
- E.** A school or qualified instructor shall not withhold timely issuance of a certificate of completion due to a payment dispute between the school and the student.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2).

**R17-5-313. Method of Instruction; Curriculum**

- A.** An instructor shall teach only curriculum approved by the Department or private entity to a student attending a class.
- B.** An instructor shall not conduct personal business during a time designated for instruction.
- C.** An instructor shall not solicit students during training classes for businesses other than those licensed by the Department or private entity.
- D.** A school or instructor shall ensure that a student has both fully attended and successfully completed a course before issuing a certificate of completion to the student.
- E.** A licensed traffic survival school must use all equipment required by the Department or private entity to present the curriculum to the students, including at a minimum, a computer, a PowerPoint compatible projector, a DVD player, and a display monitor visible to all students.
- F.** Professional driver training school approved curriculum. The Department shall approve, and may modify, in writing, a uniform curriculum that the professional driver training school shall teach as applicable for each activity the licensee is authorized to perform. The curriculum shall be a standard course of instruction used by a professional driver training school for the training and education of students.
- G.** Traffic survival school approved curriculum. The Department shall approve, and may modify, in writing a uniform curriculum that the traffic survival school shall teach. The curriculum shall be selected and approved on the basis of effectiveness in improving the safety and habits of drivers.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

**R17-5-314. Certificate of Completion**

- A.** A qualified instructor for traffic survival school or high school driver education program shall accurately complete all required information on a certificate of completion:
1. The instructor providing the training listed on the certificate of completion shall sign the document once training is complete, or
  2. The instructor providing the final instruction or test shall sign the certificate of completion if training is provided by multiple instructors.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2).

**R17-5-315. Record Retention**

- A.** A licensed traffic survival school shall electronically transmit proof of course completion immediately following each student's satisfactory completion of a traffic survival school course in a manner and with the basic computer equipment prescribed by the Department or private entity. At a minimum, the computer equipment must be able to temporarily store, and electronically transmit over the internet, the certificates of completion required by the Department or private entity.
- B.** All records pertaining to a licensed school's operations and training of students shall be:
1. Stored and securely maintained at the licensee's principal place of business,
  2. Available for inspection by the Department or private entity during business hours, and
  3. Retained by the school for three years from the date of course completion.
- C.** A licensed school shall establish and maintain separate records for each authorized activity.
- D.** A licensed school shall maintain, for three years, attendance records for each class conducted.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

**R17-5-316. Traffic Survival School Department-Approved Inventory**

- A.** A traffic survival school licensed under this Article shall:
1. Prohibit public or other unauthorized access to all Department-approved inventory, and
  2. Submit to the Department or private entity a written report detailing the circumstances surrounding the loss or theft of any missing or stolen Department-approved inventory.
- B.** A licensee shall use only Department-approved inventory.
- C.** A school principal or business manager shall submit to the Department or private entity a written or electronic request for any additional Department-approved inventory the school may require.



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**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2).

**R17-5-317. School Responsibilities**

While licensed by the Department or private entity under A.R.S. § 28-3413 or 32-2371 and this Article, the school shall:

1. Comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and applicable federal regulations by providing appropriate auxiliary aids and services to students with disabilities requesting reasonable accommodation;
2. Comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and applicable federal regulations. As a requirement of compliance, the school shall:
  - a. Provide public notification of its compliance with Title VI by displaying a Department-approved notice to the public;
  - b. Take reasonable steps to ensure that Limited English Proficient (non-English speaking) customers have meaningful access to the services or activities performed under this Article, which includes, providing the school's services and authorized transactions in languages other than English and providing these services at no additional cost to the customer or student;
  - c. Report promptly any customer complaints alleging discrimination or failure to meet the requirements of this Section to the Department's Civil Rights office for processing and investigation. The school shall immediately upon receipt of such complaints provide access to its facilities, books, records, accounts, and other sources of information as may be determined or requested by the Department to be pertinent, in order to ascertain compliance with Title VI; and
  - d. Inform and formally train all school officers, principals, employees, and contractors on the requirements to comply with Title VI; and
3. Provide written notice to the Department or private entity within twenty-four hours if the driver license of any of the school's principals, managers, or instructors is suspended, revoked, cancelled, or disqualified.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2).

**R17-5-318. Instructor Responsibilities**

A professional driver training school instructor or traffic survival school qualified instructor shall:

1. Attend all ongoing training and continuing education as required by the Department or private entity;
2. Provide written notice to the licensed professional driver training school or traffic survival school within twenty-four hours if the instructor's driver license is suspended, revoked, cancelled, or disqualified;
3. Conduct training and courses only at training sites approved by the Department or private entity;
4. Conduct the final evaluation on behind-the-wheel final evaluation routes approved by the Department or private entity;
5. Follow and complete the curriculum approved by the Department or private entity for each course conducted; and
6. Conduct at least two courses in a calendar year.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

**R17-5-319. Traffic Survival Schools**

- A. The Department shall assign an individual only to a traffic survival school licensed by the Director under this Article.
- B. A traffic survival school or qualified instructor shall allow only students who provide acceptable proof of traffic survival school assignment to register for and attend a traffic survival school course. The following documents are acceptable proof of assignment:
  1. Notice of traffic survival school assignment or suspension for failure to attend traffic survival school,
  2. An order from a court or other appropriate tribunal from Arizona or another state indicating traffic survival school assignment,
  3. Traffic survival school proof of assignment form obtained from the Department,
  4. Electronic verification of traffic survival school assignment through the Department's private entity, or
  5. Motor vehicle record.
- C. On enrollment of a student in, or on a student's attendance of, a traffic survival school course, a licensed traffic survival school shall collect the statutory enrollee fee provided in A.R.S. § 28-3411, unless the student has paid the enrollee fee in advance. The licensed traffic survival school also shall collect the records fee prescribed by A.R.S. § 28-446, if applicable, before the student attends the traffic survival school course. The licensed traffic survival school shall fully remit these fees to the private entity within four business days after a student completes the traffic survival school course. If a licensed traffic survival school does not timely remit the enrollee fees, the Department or private entity may notify the traffic survival school that its prospective future students will be required to prepay the enrollee fees until remittances are current. The amount of the enrollee fee charged by the private entity shall be negotiated by the Department and the private entity and shall be set forth in their contract.
- D. A traffic survival school or qualified instructor shall not:
  1. Conduct courses with a number of students in excess of the classroom's fire safety capacity reported to the Department or private entity by the licensee under R17-5-321;
  2. Conduct courses with more than 30 students per qualified instructor;
  3. Exclude a translator, the Director, the private entity, or Department personnel from attending courses;
  4. Issue a certificate of completion to a student who has not fully completed the required curriculum; or
  5. Issue a certificate of completion for a student whom the instructor did not personally instruct.
- E. A licensee shall retain for three years all copies of the student's acceptable proof of assignment and the signed class roster of attending students.
- F. The private entity may develop and administer a web site that allows individuals who are assigned to traffic survival school to locate and enroll online in traffic survival school courses.
- G. Only an individual who meets the qualifications under R17-5-305, remains in compliance with this Article, and who is granted and retains traffic survival school qualified instructor status, may be allowed to teach individuals assigned by the Department to attend a licensed traffic survival school.

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- H. A licensed traffic survival school must hold at least one course every 60 days at the school's established place of business and each branch, as applicable.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2).

**R17-5-320. High School Driver Education Program**

- A. The following definitions apply to this Section:
1. "Accountable forms inventory" means a series of distinctly and consecutively numbered documents provided by the Department to an instructor qualified under this Section for:
    - a. Recording in a log, the assigned number of each document completed, issued, or voided by a high school qualified instructor; and
    - b. Reporting to the Department the assigned number of each document completed, issued, or voided by a high school qualified instructor.
  2. "Certified instructor report" means a report prepared and certified monthly by each high school qualified instructor listing all certificates of completion that were issued and voided.
- B. The Department shall cooperate with the Arizona Department of Education, under A.R.S. §§ 28-3174 and 32-2353, to enable the issuance of a certificate of completion to a regularly enrolled full-time student as part of a high school driver education program.
- C. The Director or private entity shall qualify an instructor approved by the Arizona Department of Education to issue a certificate of completion.
- D. A high school qualified instructor may issue a certificate of completion to a regularly enrolled full-time student who:
1. Successfully completes the classroom course of instruction required by the Arizona Department of Education, which may waive the student's requirement to take the Department's written test; or
  2. Successfully completes the skills course of instruction required by the Arizona Department of Education, which may waive the student's requirement to take the Department's skills test.
- E. A high school qualified instructor shall submit to the Department, no later than the fifth day of each month, all certified instructor reports and certificates of completion issued by the school during the preceding month. A high school qualified instructor who does not issue any certificates of completion during the preceding month shall submit to the Department a certified instructor report indicating "no activity."
- F. A high school qualified instructor shall provide the status of certificates of completion to the Department, upon request, by identifying the certificates by number as either issued, not issued, lost, or stolen.
- G. A high school representative shall promptly return all unused or un-issued certificates of completion to the Department, upon request.
- H. A certificate of completion constitutes accountable forms inventory to be secured at all times by the high school qualified instructor or other designee of the high school and any misuse, fraud, or negligence by a high school qualified instructor involving the form in consultation with the Arizona Department of Education pursuant to A.R.S. § 28-3174 may lead to Department disqualification of the instructor's authorization to issue the form.
- I. A high school qualified instructor shall submit to the Department all reports required under this Article by regular mail,

certified mail, registered mail, electronic mail, or personal delivery. The following dates shall be used to determine whether a report was received within the required timeframes established under this Section:

1. For regular mail, the postmark date;
  2. For certified or registered mail, the date of receipt by the designated delivery service;
  3. For electronic mail, the send date; and
  4. For personal delivery, the Department's time and date stamp of receipt.
- J. If a high school qualified instructor fails to timely or accurately submit to the Department a certified instructor report required under this Section, the Department may initiate corrective action. The Department may:
1. Provide an oral or written warning for a first untimely or inaccurate report,
  2. Send a letter of concern for a second untimely or inaccurate report in a 12-month period, and
  3. Request that the Arizona Department of Education disqualify a high school qualified instructor from issuing a certificate of completion under this Article for a third untimely or inaccurate report in a 12-month period.
- K. A high school shall develop and maintain a driver education class training record for each student, which shall include at least the following information:
1. Student's name;
  2. Student's phone number;
  3. Student's driver license or instruction permit number and its expiration date;
  4. Fee amounts collected for any related services;
  5. Date, type, and duration of all classroom lessons and practical instruction;
  6. Make, model, and license plate number of any motor vehicle used to conduct training, as applicable;
  7. Date and results of all tests administered;
  8. Number of certificates of completion issued; and
  9. Name and Department-issued number of each instructor who conducted a lesson or test.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2).

**R17-5-321. Periodic Audits, Monitoring, Inspections, and Investigations**

- A. To determine compliance with license requirements, qualification requirements and applicable federal and state laws and rules, the Department or private entity may:
1. Monitor for compliance by attending any licensed school's course or other activities on a scheduled or unscheduled basis;
  2. Audit for compliance by performing periodic reviews of the operations, facilities, equipment, and records;
  3. Inspect for compliance by making random, on-site visits during posted business hours; or
  4. Investigate for compliance by interviewing or submitting questions to school owners, instructors, and former or current students.
- B. Failure of a school or instructor to allow or cooperate in an audit, monitoring, inspection, or investigation may result in the Department issuing an immediate cease and desist order or requesting a hearing for suspension or revocation of a license issued under this Article.
- C. During an audit, monitoring, inspection, or investigation of a licensee, the Department, the private entity, a law enforcement

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agency, or employee of the Federal Motor Carrier Safety Administration may:

1. Review and copy paper and electronic records;
  2. Examine the licensee's principal and established place of business, all branches, training, or road training sites; and
  3. Interview the school's employees, instructors, and customers.
- D.** A licensee shall make records available for audit, monitoring, inspection, or investigation at the licensee's principal place of business.
- E.** After an audit or monitoring, the Department or private entity shall send a report of the results in writing to the school.
- F.** If instances of non-compliance are found as a result of an audit, monitoring, inspection, or investigation, the Department or private entity may determine if either of the following actions is required:
1. An informal meeting to discuss findings, or
  2. A written compliance plan addressing findings.
- G.** If greater instances of non-compliance are found as a result of an audit, monitoring, inspection, or investigation, the Department may determine if either of the following actions is required:
1. A probationary period; or
  2. A request for a hearing to cancel, suspend, or revoke a license to operate a school or conduct instruction under this Article.
- H.** The Department or private entity may issue a notice of corrective action to a licensee if the licensee fails to comply with a warning letter, with an audit, inspection or investigation request, a monitoring request, or with written findings provided by the Department or private entity. Only the Department may initiate a corrective action provided under subsection (G).
- I.** Each site used by a school as an office, training location, or classroom location shall:
1. Be inspected and approved by the Department or private entity prior to initial use or relocation,
  2. Be licensed by the Department or private entity, and
  3. Have office hours displayed in a conspicuous location at each site open to the public during the posted hours.
- J.** There shall be a clearly defined and visible separation between a school and any other business if a professional driver training school or traffic survival school is located in an office building, store, or other physical structure shared with any other business or enterprise.
- K.** Any request by a school for inspection and approval of a site on a recognized Indian reservation shall contain the written permission of the appropriate Tribal authority.
- L.** Any request by a school for inspection and approval of a site on a military base shall contain the written permission of the appropriate military authority.
- M.** A school shall submit to the Department or private entity a copy of the written lease or contract agreement or deed of ownership, if the site is owned by the school, for each site, as applicable.
- N.** Any request by a traffic survival school for inspection and approval of a site to be used for educational sessions shall include the approved fire safety capacity of the classroom(s) at that site and shall be signed by a principal of the traffic survival school.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2).

**R17-5-322. Cease and Desist Order; Hearing and Appeal**

- A.** The Department may immediately issue and serve a cease and desist order on a licensee, as prescribed under A.R.S. § 28-3417 or 32-2394, if the Department or private entity has reasonable cause to believe that the licensee has violated or is violating a federal or state law or rule relating to a duty prescribed under this Article.
- B.** A cease and desist order issued by the Department to a licensee under this Article shall:
1. Require the person on receipt of the order to cease and desist from further engaging in the prohibited conduct or in any activity authorized under this Article as specified in the cease and desist order, and
  2. Provide information regarding the person's right to request a hearing to show cause as to why the Department's order should not be upheld.
- C.** On failure or refusal of a licensee to comply with a cease and desist order, or after a requested hearing, the Department may cancel, suspend, or revoke the license of the licensee under A.R.S. § 28-3416 or 32-2391 and R17-5-323.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2).

**R17-5-323. Non-compliance; Notice of Corrective Action; Cancellation, Suspension, or Revocation of a Professional Driver Training School License or Traffic Survival School License or Qualification of a Traffic Survival School Instructor; Hearing and Appeal**

- A.** The following definitions apply to this Section:
1. "Cancellation" means a Department action that withdraws a license or qualification of a traffic survival school instructor issued under A.R.S. Title 28, Chapter 8, Article 7.1 or Title 32, Chapter 23 and this Article.
  2. "Revocation" means a Department action that terminates, for an indefinite period of time, a licensee's or traffic survival school qualified instructor's privilege to operate a school or conduct instruction under this Article.
  3. "Suspension" means a Department action that prohibits, for a stated period of time, a licensee or traffic survival school qualified instructor from operating as a school or instructor under this Article.
- B.** The Department or private entity may initiate corrective action on a licensee or a traffic survival school qualified instructor as provided under A.R.S. Title 28, Chapter 8, Article 7.1, Title 32, Chapter 23, Article 3, or Title 41, Chapter 6, Article 6, and this Article, if satisfactory evidence shows that a licensee or instructor, individually or collectively:
1. Violated a federal or state law or rule reasonably relating in a business context to a duty prescribed under this Article;
  2. Failed to maintain a status of good standing or character and reputation as defined in R17-5-301; or
  3. Provided false, deceptive, or misleading information to the Department or private entity in either an application or in response to an audit or inspection conducted pursuant to R17-5-321.
- C.** A corrective action initiated under subsection (B), depending on the severity or number of violations, may include the Department imposing a term of probation; issuing a cease and desist order under A.R.S. § 28-3417 or 32-2394; or requesting a hearing to cancel, suspend, or revoke an existing license under A.R.S. § 28-3416 or 32-2391.
- D.** A notice of corrective action issued by the Department requesting a hearing to cancel, suspend, or revoke an existing school license shall include:

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1. The grounds for the Department's action; and
  2. A brief written statement explaining that it will request that a hearing be held before the Department's Executive Hearing Office on the proposed cancellation, suspension, or revocation of a professional driver training school license or a traffic survival school license, as provided under A.R.S. § 28-3416 or 32-2391.
- E.** A notice of corrective action issued by the Department to cancel, suspend, or revoke an existing qualification of a traffic survival school instructor shall include:
1. The grounds for the Department's action; and
  2. A brief written statement of the hearing and appeal rights, including that the instructor may request a hearing with the Department's Executive Hearing Office within 30 calendar days of the date on the notice for the cancellation, suspension, or revocation of the qualification of a traffic survival school instructor, as provided in A.R.S. §§ 41-1001(12) and 41-1064.
- F.** The Department shall provide notice and conduct hearings as prescribed under A.R.S. Title 41, Chapter 6, Article 6, and 17 A.A.C. 1, Article 5, as applicable.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

**ARTICLE 4. DEALERS****R17-5-401. Definitions**

In addition to the definitions in A.R.S. §§ 28-4301 and 28-4410, the following definitions apply to this Article unless otherwise specified:

"Dealer" or "motor vehicle dealer" has the same meaning as "motor vehicle dealer" in A.R.S. § 28-4301.

"Director" has the same meaning as in A.R.S. § 28-101.

"Owner" means a person who holds the legal title of a motor vehicle.

"Principal place of business" means a licensed place of business from which a wholesale motor vehicle dealer or a broker conducts business and keeps the records of the business.

"State" means the state of Arizona and all its agencies and political subdivisions, their officers and agents.

"Taxpayer identification number" means a number used for tax purposes that is assigned by the Social Security Administration or the Internal Revenue Service.

"VIN" or "Vehicle Identification Number" means the unique code, including serial number, used by an automobile manufacturer to identify a specific motor vehicle.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 1434, effective July 4, 2017 (Supp. 17-2).

**R17-5-402. Bond Amounts; Dealers, Brokers, and Automotive Recyclers' Business Licenses**

- A.** As prescribed under A.R.S. § 28-4362, the Department shall require a bond in the amount specified for the following motor vehicle business license applicants:
1. \$100,000 for:
    - a. A new motor vehicle dealer,
    - b. A used motor vehicle dealer, or
    - c. A public consignment auction dealer.
  2. \$25,000 for:

- a. A broker,
  - b. A wholesale motor vehicle dealer, or
  - c. A wholesale motor vehicle auction dealer.
3. \$20,000 for an automotive recycler.
- B.** An applicant shall submit a bond on the original vehicle dealer bond form prescribed by the Director that meets the requirements in A.R.S. § 28-4362 and these rules. An applicant shall submit a separate, original bond for each application and for each county in which an applicant or licensee has an established place of business or a principle place of business. A power of attorney for the attorney-in-fact shall be attached to the dealer bond, if applicable.
- C.** An applicant shall sign the dealer bond, in addition to all partners for a partnership, or one officer for an incorporation.
- D.** The completed bond form shall contain an embossed stamp, seal, or sticker from the bond company.
- E.** The Department shall not accept a handwritten bond.

**Historical Note**

New Section recodified from R17-4-240 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 9 A.A.R. 1864, effective August 2, 2003 (Supp. 03-2). Section amended by final rulemaking at 23 A.A.R. 1434, effective July 4, 2017 (Supp. 17-2).

**R17-5-403. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1864, effective August 2, 2003 (Supp. 03-2). Section expired under A.R.S. 1056(J) at 22 A.A.R. 3195, effective October 5, 2016 (Supp. 16-3).§

**R17-5-404. Dealer Title Requirement for Vehicle Sale**

For purposes of A.R.S. § 28-4409(A), the dealer's name shall be recorded on a title certificate as transferee or purchaser.

**Historical Note**

New Section recodified from R17-4-241 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section heading corrected as recodified at 7 A.A.R. 3483 (Supp. 09-2).

**R17-5-405. Dealer Acquisition Contract**

- A.** For the purposes of A.R.S. § 28-4410, a dealer shall prepare a dealer acquisition contract on a Department form with contents as prescribed under subsection (B).
- B.** A dealer acquisition contract shall contain the following information:
1. The heading "Dealer Acquisition Contract;"
  2. The dealer's name and dealer license number;
  3. The dealer's business address and telephone number;
  4. The owner's name, address, telephone number; driver license number or taxpayer identification number, as applicable; and type of ownership;
  5. The VIN; license plate number; licensing state; and model, make, and year of the motor vehicle that has a dealer acquisition contract;
  6. If there is a lien holder, for each lien holder:
    - a. The lien holder's name, address, and telephone number;
    - b. The lien balance;
    - c. The prepayment penalties, if any; and
    - d. Other information on the terms and conditions of the lien repayment.
  7. A statement by the owner that the motor vehicle is free and clear of all liens and encumbrances, except those disclosed under subsection (B)(6)(a) and the unpaid lien bal-

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- ance is no greater than disclosed under subsection (B)(6)(b);
8. The contracted purchase price and a recital that this amount has been either paid directly to the owner or credited to the owner against the purchase price of another motor vehicle;
  9. A statement indicating that the owner is selling and transferring the described motor vehicle to the dealer;
  10. An authorization by the owner permitting the dealer to obtain all information necessary to verify the accuracy of the lien balance and assure that the balance is paid and the lien is released;
  11. A statement by the owner that the registration document provided to the dealer is the original and most recent registration issued for the vehicle;
  12. An agreement indicating whether the owner or dealer is responsible to satisfy the lien balance;
  13. An authorization by the owner permitting the dealer to obtain the original title certificate from the lien holder; endorse the owner's name on the title; and if necessary, transfer the title to the dealer;
  14. A statement that if the owner receives the certificate of title, the owner shall immediately deliver the title to the dealer and provide any signature and acknowledgment necessary to complete the title transfer to the dealer;
  15. The date when the dealer acquisition contract is executed by each party;
  16. The dealer's signature; and
  17. The owner's signature.
- C.** A dealer or an owner who adds to a dealer acquisition contract a provision not described in this Section shall ensure that the provision does not conflict with or alter the meaning of a provision of this Section.
- D.** When a dealer prepares a dealer acquisition contract as prescribed under this Section, the dealer shall give a copy to the owner and keep the original at the dealer's established place of business for three years after the date that the contract expires or terminates, or the date the motor vehicle is sold.
- E.** In complying with this Section, a dealer shall not interpret or claim compliance to be an approval by the state of the fairness, validity, or legality of a dealer acquisition contract. This Section furnishes only information required in a dealer acquisition contract. This Section does not detail any additional contractual requirements that may be defined under other Arizona statutes.
- Historical Note**
- New Section recodified from R17-4-245 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 4234, effective November 15, 2002 (Supp. 02-3). Section amended by final rulemaking at 23 A.A.R. 1434, effective July 4, 2017 (Supp. 17-2).
- R17-5-406. Dealer Consignment Contract**
- A.** For the purposes of A.R.S. § 28-4410, a motor vehicle dealer shall prepare a dealer consignment contract on a form with contents as prescribed under subsection (B).
  - B.** A dealer consignment contract shall contain the following information:
    1. The heading "Dealer Consignment Contract;"
    2. The dealer's name and dealer license number;
    3. The dealer's business address and telephone number;
    4. The owner's name, address, telephone number, driver license number or taxpayer identification number, and type of ownership;
    5. The VIN; license plate number; licensing state; and model, make, and year of the motor vehicle that has a dealer consignment contract;
    6. If there is a lien holder, for each lienholder:
      - a. The lien holder's name, address, and telephone number;
      - b. The lien balance;
      - c. The prepayment penalties, if any; and
      - d. Other information on the terms and conditions of the lien repayment;
    7. A statement by the owner that the vehicle is free and clear of all liens and encumbrances, except those disclosed under subsection (B)(6)(a) and the lien balance is no greater than that disclosed under subsection (B)(6)(b);
    8. An authorization by the owner permitting the dealer to market and sell the vehicle on behalf of the owner at a mutually-agreed upon, specified, minimum price;
    9. An agreement by the dealer to inform any prospective purchaser that the vehicle is on consignment;
    10. An agreement by the dealer that, upon receiving the sale proceeds, the dealer shall immediately satisfy all disclosed liens and ensure that the liens are released;
    11. An agreement by the owner that, upon the completion of the sale and after receiving the sale proceeds, the owner shall promptly deliver and endorse the title certificate for reassignment to the purchaser;
    12. The expiration date of the consignment contract;
    13. An agreement by the dealer to deliver the motor vehicle to the owner at a specified location on the date that the contract expires or terminates;
    14. An agreement by the owner to pay any specified fees due to the motor vehicle dealer on the return of the vehicle, after the expiration or termination of the consignment contract;
    15. The date the contract is executed;
    16. The dealer's signature; and
    17. The owner's signature.
  - C.** A dealer or an owner who adds to a dealer consignment contract a provision not described in this Section shall ensure that the provision does not conflict with or alter the meaning of a provision of this Section.
  - D.** When a dealer prepares a dealer consignment contract as prescribed under this Section, the dealer shall give a copy to the owner and keep the original at the dealer's established place of business for three years after the date that the dealer consignment contract expires or terminates, or the vehicle is sold.
  - E.** In complying with this Section, a dealer shall not interpret or claim compliance to be an approval by the state of the fairness, validity, or legality of a dealer consignment contract. This Section furnishes only information required in a dealer consignment contract. This Section does not detail any additional contractual requirements that may be defined under other Arizona statutes.
- Historical Note**
- New Section recodified from R17-4-246 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 4234, effective November 15, 2002 (Supp. 02-3). Section amended by final rulemaking at 23 A.A.R. 1434, effective July 4, 2017 (Supp. 17-2).
- R17-5-407. Motor Vehicle Repossession**
- A.** The Department shall not transfer a title when the ownership of a motor vehicle titled in this state or another state reverts through operation of state law to a lienholder of record through repossession unless the following conditions are met:

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1. The motor vehicle is physically located in this state;
2. A notice of lien is filed with the Department;
3. A completed affidavit from the lienholder is submitted to the Department stating that the motor vehicle is physically located in this state and was repossessed on default pursuant to the terms of the lien and applicable law and that this state, its agencies, employees, and agents shall not be held liable for relying on the contents of the affidavit; and
4. In addition to the information required in subsection (A)(3), the affidavit contains the following information:
  - a. The (VIN),
  - b. The vehicle model year,
  - c. The vehicle make,
  - d. The registered owner's name,
  - e. The date of repossession,
  - f. The state in which the vehicle is titled,
  - g. The lienholder company name,
  - h. The lienholder agent or representative name,
  - i. The lienholder signature, and
  - j. The notary or Department agent signature.
- B. The Department shall accept out-of-state affidavits of repossession that comply with the requirements in subsections (A)(3), (A)(4), and subsection (C) if all of the following apply:
  1. The affidavit is submitted by an Arizona licensed dealer, and
  2. The Arizona licensed dealer is transferring the title into the dealership's name.
- C. A lienholder may sell a repossessed motor vehicle without transferring the title into the lienholder's name by completing a Bill of Sale for submission to the Department. The Bill of Sale may be combined with the affidavit of repossession and shall contain the following information:
  1. The buyer's name;
  2. The sale date;
  3. The buyer's street address, including the city, state, and zip code;
  4. The name of the new lienholder, if applicable;
  5. The new lien date, if applicable;
  6. The odometer certification statement, if required by A.R.S. § 28-2058, including odometer reading, and an acknowledgment with the buyer's name and signature;
  7. A statement that the buyer is aware of the odometer certification made by the seller;
  8. The seller's name;
  9. The seller's notarized signature; and
  10. The seller's address, including city, state, and zip code.
- D. A completed repossession affidavit as prescribed in this Section is proof of ownership, right of possession, and right of transfer.
- E. The Department has no responsibility relating to foreclosure on real property under A.R.S. Title 33, Chapter 7.
2. A vehicle description, including year, make, and VIN;
3. A statement that the new motor vehicle was delivered to a previous purchaser;
4. The printed name of the new purchaser; and
5. The signature of the new purchaser (initials are not acceptable) indicating that the new purchaser has received the notice.
- C. The motor vehicle dealer shall:
  1. Provide a copy of the notice under subsection (B) to the new purchaser, and
  2. Keep a copy of the signed notice under subsection (B) at the new motor vehicle dealer's established place of business for at least three years.
- D. The motor vehicle dealer is not required to submit the notice to the Department under subsection (B) unless otherwise required by state or federal law.
- E. A new motor vehicle dealer shall not add additional language to the notice that would conflict with, or alter the intent of the provisions specified in subsection (B).

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 225, effective March 11, 2006 (Supp. 06-1). Section amended by final rulemaking at 23 A.A.R. 1434, effective July 4, 2017 (Supp. 17-2).

**ARTICLE 5. MOTOR CARRIER FINANCIAL RESPONSIBILITY****R17-5-501. Definitions**

In addition to the definitions provided under A.R.S. §§ 28-4001, 28-4031, 28-5201, and 28-5431, the following terms apply to this Article, unless the context otherwise requires:

"Binder" means a contract for temporary insurance as described in A.R.S. § 20-1120.

"Initial motor vehicle registration" means the first time a motor carrier registers a specific motor vehicle or a vehicle combination in Arizona.

"Insurance company" means an entity that is in the business of issuing motor carrier liability insurance policies.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 235, effective March 11, 2003 (Supp. 03-1). Amended by final rulemaking at 18 A.A.R. 2365, effective November 10, 2012 (Supp. 12-3).

**R17-5-502. Repealed****Historical Note**

New Section recodified from R17-4-226 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1).

**R17-5-503. Repealed****Historical Note**

New Section recodified from R17-4-226.01 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1).

**R17-5-408. Resale of a New Motor Vehicle**

- A. A motor vehicle dealer that sells a new motor vehicle that was delivered to a previous purchaser, shall provide written notice to the new purchaser under subsection (B).
- B. A motor vehicle dealer shall ensure that the notice under A.R.S. § 28-4422 contains the following information:
  1. The name of the dealership;

**R17-5-504. Requirement to Submit Proof of Financial Responsibility; Applicability; Procedure; Exception**

- A. If a person or motor carrier subject to financial responsibility requirements under A.R.S. § 28-4032 does not insure its motor vehicle or vehicle combination through an insurance company that electronically reports to the Department under A.R.S. § 28-4148 and Article 8 of this Chapter, the person or motor car-

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rier shall submit proof of financial responsibility as prescribed in this Section, and in the amount required under A.R.S. § 28-4033(A):

1. On initial motor vehicle registration, or
  2. On written request by the Department.
- B.** An insurance company, its managing general agent, broker, or agent may submit proof of financial responsibility to the Department on behalf of a person or motor carrier.
- C.** As proof of financial responsibility, a person or motor carrier shall submit to the Department a photocopy of:
1. A valid liability insurance policy;
  2. A binder dated within 90 days of filing with the Department;
  3. A completed and signed Form E Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, issued by an insurer that holds a valid certificate of authority or that is permitted to transact surplus lines insurance in this state, naming the Arizona Department of Transportation as the agency;
  4. A completed and signed Certificate of Liability Insurance form, issued by an insurer that holds a valid certificate of authority or that is permitted to transact surplus lines insurance in this state, naming the Arizona Department of Transportation as the certificate holder; or
  5. A certificate of self-insurance issued by the Department after a person or motor carrier meets the requirements of R17-5-810 and A.R.S. §§ 28-4007 and 28-4135.
- D.** Before a binder submitted as proof of financial responsibility expires, a motor carrier shall submit:
1. A binder from an insurance company other than the insurance company named in the first binder; or
  2. Proof of financial responsibility listed in subsections (C)(1) or (C)(3) through (5).
- E.** A person or motor carrier that maintains a valid USDOT number and files proof of financial responsibility with the Federal Motor Carrier Safety Administration under 49 CFR 387 is not required to submit additional proof of financial responsibility under this Section, except on written request by the Department.

**Historical Note**

New Section recodified from R17-4-445 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 9 A.A.R. 235, effective March 11, 2003 (Supp. 03-1). Amended by final rulemaking at 18 A.A.R. 2365, effective November 10, 2012 (Supp. 12-3).

**R17-5-505. Repealed****Historical Note**

New Section recodified from R17-4-446 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 235, effective March 11, 2003 (Supp. 03-1).

**R17-5-506. Repealed****Historical Note**

New Section recodified from R17-4-447 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 9 A.A.R. 235, effective March 11, 2003 (Supp. 03-1). Repealed by final rulemaking at 18 A.A.R. 2365, effective November 10, 2012 (Supp. 12-3).

**R17-5-507. Repealed****Historical Note**

New Section recodified from R17-4-448 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 235, effective March 11, 2003 (Supp. 03-1).

## ARTICLE 6. IGNITION INTERLOCK DEVICE MANUFACTURERS AND IGNITION INTERLOCK SERVICE PROVIDERS

**R17-5-601. Definitions**

In addition to the definitions provided under A.R.S. §§ 28-101 and 41-1072, in this Article, unless the context otherwise requires, the following terms apply:

“Alcohol concentration” means the weight amount of alcohol contained in a unit volume of breath or air, measured in grams of ethanol/210 liters of breath or air and expressed as grams/210 liters.

“Alveolar breath sample” means the last portion of a prolonged, uninterrupted exhalation from which breath alcohol concentrations can be determined.

“Anticircumvention feature” means any feature or circuitry incorporated into the ignition interlock device that is designed to prevent human activity that would cause the device not to operate as intended.

“Authorization agreement” or “agreement” means an agreement authorized by the Director that an IISP enters into with the Department to provide ignition interlock services under A.R.S. § 28-1468.

“Breath alcohol test” means analysis of a sample of the person’s expired alveolar breath to determine alcohol concentration.

“Bump starting” means a method of starting a motor vehicle with an internal combustion engine by engaging the manual transmission while the vehicle is in motion.

“Business day” means a day other than a Saturday, Sunday, or state holiday.

“Calibration” means the testing, adjustment, or systematic standardization of an ignition interlock device to determine and verify its accuracy.

“Cancellation” means the termination of a manufacturer’s ignition interlock device certification for ignition interlock device installation.

“Certification” means a status granted by the Department under this Article, which permits a certified ignition interlock device manufacturer to offer an ignition interlock device for installation.

“Certified ignition interlock device,” “CIID,” or “device” means a device that is based on alcohol specific electrochemical fuel sensor technology that meets the NHTSA specifications; that connects a breath analyzer to a motor vehicle’s ignition system; that is constantly available to monitor the alcohol concentration in the breath of any person attempting to start the motor vehicle by using its ignition system; that deters starting the vehicle by use of its ignition system unless the person attempting to start the motor vehicle provides an appropriate breath sample for the device; and determines whether the alcohol concentration in the person’s breath is below a preset level.

“Circumvent” or “circumvention” means an attempted or successful bypass of the proper functioning of a certified ignition interlock device and includes all of the following:

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The bump start of a motor vehicle with a certified ignition interlock device;

The introduction of a false sample other than a deep-lung breath sample from the person driving the motor vehicle;

The introduction of an intentionally contaminated or a filtered breath sample;

The intentional disruption or blocking of a digital image identification device;

The continued operation of the motor vehicle after the certified ignition interlock device detects breath alcohol exceeding the presumptive limit prescribed in A.R.S. § 28-1381(G)(3) or, if the person is under 21 years of age, any attempt to operate the motor vehicle with any spirituous liquor in the person's body;

Operating a motor vehicle without a properly functioning certified ignition interlock device and;

When a person, who is required to maintain a functioning certified ignition interlock device is starting or operating the motor vehicle, permits another individual to breathe into the certified ignition interlock device for the purpose of providing a breath alcohol sample to start the motor vehicle or for the rolling retest.

"Corrective action" means an action specified in or reasonably implied from Title 28, Chapter 4, Arizona Revised Statutes, that the Department takes in relation to a person's driving privilege and the usage or discontinuation of usage of a CIID.

"Customer number" means the system-generated, or other distinguishing number, assigned by the Department to each person conducting business with the Department. The customer number of a private individual is generally the person's driver license or non-operating identification license number.

"Data logger" means the electronic record of all ignition interlock device activity during the period when the device is installed.

"Data storage system" means a computerized recording of all events monitored by an ignition interlock device, which may be reproduced in the form of specific reports.

"Defective ignition interlock device" means an ignition interlock device that:

1. Does not meet the NHTSA specifications;
2. Does not pass calibration tests; or
3. Does not meet the accuracy and device standards prescribed in these rules.

"Drive cycle" means either the period of time from when a motor vehicle is initially turned on to the next time the ignition is turned off, or the period of time from when an initial breath alcohol test is performed and failed, to the time a breath alcohol test is successfully taken and the ignition is turned off.

"Early recall" means that a person's ignition interlock device recorded one tampering or circumvention event, any ignition interlock malfunction, or any four valid reportable violations within a continuous 90-day period, that requires a person to return to a service center within 72 hours.

"Emergency bypass" means an event that permits a vehicle equipped with an ignition interlock device to be started without requiring successful completion of a required breath alcohol test.

"Emergency situation" means a circumstance in which the person informs the IISP or IISP-certified technician that the person's vehicle needs to be moved to comply with the law, or the person has a valid and urgent need to operate the vehicle.

"Established place of business" means a business location that is:

Approved by the Department;

Located in Arizona;

Not used as a residence; and

Where an IISP or its agent or subcontractor provides authorized ignition interlock services.

"False sample" means any sample other than the unaltered, undiluted, or unfiltered alveolar breath sample coming from the person.

"Filtered breath sample" means any mechanism by which there is an attempt to remove alcohol from the human breath sample.

"Free restart" means a function of a CIID that will allow a person to restart the vehicle, under the conditions provided in R17-5-615, without completing another breath alcohol test.

"FTP" means file transfer protocol, the exchange of files over any network that supports electronic data interchange reporting that is transmitted through the Internet and prescribed by the Department.

"Global positioning system" means the ability of a wireless certified ignition interlock device to identify and transmit its geographic location through the operation of the device.

"Ignition interlock device installation fee" means the fee required in A.R.S. § 28-1462, and established by the Department in R17-5-614, that is paid by a person to an IISP when a CIID is installed on, or transferred to a person's vehicle.

"Ignition interlock period" means the period in which a person is required to use a CIID that is installed on a vehicle.

"Ignition interlock service provider" or "IISP" means a person who is an authorized representative of a manufacturer and who is under contract with the Department to install or oversee the installation of ignition interlock devices by the provider's authorized agents or subcontractors and to provide services to the public related to ignition interlock devices.

"Improper reporting" means any of the following:

Failure of a manufacturer to report any violations to the Department within 24 hours as required in R17-5-610(D)(1), or failure to send a person's ignition interlock reporting records, including records relating to a violation, to the Department as required in R17-5-612(C);

Failure of a manufacturer to submit to the Department valid and substantiated proof or evidence of a reportable activity related to a violation, including a summary report and relevant data loggers as required in R17-5-610(D)(2), within 10 days after the Department's request;

Failure of a manufacturer to electronically send each Certified Ignition Interlock Summarized Reporting Record to the Department within 24 hours, after performing a calibration check, that results in the Department mailing a driver license suspension to a person;

Failure of a manufacturer to electronically send a Certified Ignition Interlock Device Summarized Reporting



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Record to the Department within 24 hours after installing a CIID;

Electronic reporting by a manufacturer to the Department, of data that is an exact duplicate of a single violation that occurs on a particular day and time and is reported multiple times;

Knowingly reporting a violation that occurs when a participant's vehicle has high or low voltage;

Reporting an incident that occurs when a person has a free restart test to start the person's vehicle;

Reporting an incident that occurs in which a manufacturer downloads data from the device during a calibration check and tampers with the data or a CIID;

Failure of a manufacturer to validate any person's ignition interlock period extension within 10 days; or

Reporting an incident that occurs after the person's vehicle is turned off.

"Independent laboratory" means a testing facility, not owned or operated by a manufacturer, that can test an ignition interlock device according to the Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs), NHTSA, published at 78 FR 26862 to 26866, May 8, 2013, with the NHTSA technical corrections published at 80 FR 16720 to 16723, March 30, 2015.

"Manufacturer" means a person or an organization that is located in the United States, that is responsible for the design, construction, and production of an ignition interlock device and that is certified by the Department to offer ignition interlock devices for installation in motor vehicles in this state.

"Material modification" means a change to a CIID that affects the functionality of the device.

"Missed rolling retest" means the person refused or failed to provide a valid and substantiated breath sample while operating the motor vehicle, in response to a requested rolling retest within the time period prescribed in R17-5-615(E).

"Mobile services" means ignition interlock services provided by an IISP or its agents or subcontractors at a publicly accessible location other than the IISP's service center, that meet the requirements of R17-5-618.

"NHTSA" means the United States Department of Transportation's National Highway Traffic Safety Administration.

"NHTSA specifications" means the specifications for breath alcohol ignition interlock devices published at 78 FR 26862 to 26866, May 8, 2013, with the NHTSA technical corrections published at 80 FR 16720 to 16723, March 30, 2015.

"Permanent lock-out" means a feature of the CIID in which a motor vehicle will not start until the CIID is reset by an IISP or an IISP-certified technician.

"Person" means a person who is ordered by an Arizona court or the Department to equip each motor vehicle operated by the person with a functioning CIID, and who becomes a customer of an IISP for installation and servicing of the CIID.

"Positive result" means a test result indicating that the alcohol concentration meets or exceeds the set point value.

"Principal place of business" means the administrative headquarters of a manufacturer or an IISP that is located in Arizona, is zoned for commercial, and is not used as a residence.

"Purge" means any mechanism that cleanses or removes a previous breath or reference sample from the device and specifically removes alcohol.

"Real-time" or "real-time reporting" means the instant transmission of unfiltered ignition interlock violations as defined in R17-5-601, and data as prescribed in R17-5-610, including digital images, to the manufacturer's website for viewing by the Department without delay, as electronic or digital service permits.

"Reference sample device" means a device containing a sample of known alcohol concentration.

"Reference value" means an alcohol reference solution prepared and tested in a laboratory with a reference value and used to perform an accuracy check of the calibration of a CIID.

"Retest set point" has the same meaning as set point.

"Rolling retest" means a breath alcohol test that is required of a person at random intervals after the motor vehicle is started and that is in addition to the initial test required to start the motor vehicle.

"Service center" means an established place of business approved by the Department from which an IISP or its agents or subcontractors provide ignition interlock services to persons from one or more counties.

"Set point" means an alcohol concentration of 0.020 g/210 liters of breath.

"Tampering" means an overt or conscious attempt to physically disable or otherwise disconnect the CIID from its power source that allows the operator to start the engine without taking and passing the requisite breath test.

"Technician" means a person who is certified and properly trained by an ignition interlock service provider to install, inspect, calibrate, service or remove certified ignition interlock devices.

"Temporary lock-out" means a feature of the CIID which will not allow a motor vehicle to start for five minutes after a breath alcohol test result indicating an alcohol concentration above the set point.

"Vehicle identification number" or "VIN" means the unique code, including serial number, used by an automobile manufacturer to identify a specific motor vehicle.

"Violation" (when referencing acts or omissions on the part of a person in the ignition interlock program) includes, but is not limited to any of the following reportable activities performed by a person which a manufacturer shall promptly report to the Department:

Circumventing the CIID as defined in R17-5-601;

Tampering with the CIID as defined in A.R.S. § 28-1301;

Failing to provide proof of compliance or inspection of the CIID under A.R.S. § 28-1461(E)(4);

Attempting to operate the vehicle with an alcohol concentration of 0.08 or more as prescribed in A.R.S. § 28-1461(E)(5) if the person is at least 21 years of age;

Attempting to operate the vehicle with an alcohol concentration value in excess of the set point if the person is under 21 years of age;

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Refusing or failing to provide any set of three consecutive valid and substantiated breath samples in response to a requested rolling retest within an 18-minute time frame during a person's drive cycle;

Disconnecting or removing a CIID, except:

On repair of the vehicle, if the person provided to the IISP, technician, or service center advance notice of the repair and the anticipated completion date; or

On moving the device from one motor vehicle to another motor vehicle if replacement of the device is accomplished within 72 hours of device removal.

"Violation reset" means the unplanned servicing and inspection of a CIID and the downloading of information from its data storage system by an IISP as a result of an early recall that requires the manufacturer to unlock the device.

#### Historical Note

New Section recodified from R17-4-709 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Amended by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2). Amended by final rulemaking at 26 A.A.R. 1047, effective July 5, 2020 (Supp. 20-2).

#### R17-5-602. Ignition Interlock Device Manufacturer Certification; Expiration; Cancellation of Certification; Notice

- A. An ignition interlock device manufacturer shall obtain certification by the Department under this Article before offering a new ignition interlock device model and before making material modifications to an existing ignition interlock device model for implementation and installation under Arizona law.
- B. Ignition interlock device certification by an ignition interlock device manufacturer shall occur prior to the IISP signing an authorization agreement with the Department.
- C. After receiving Department certification for a new ignition interlock device model and meeting all the requirements under R17-5-604, the ignition interlock device manufacturer is effectively certified by the Department to offer the certified ignition interlock device model for installation under Arizona law.
- D. An ignition interlock device manufacturer shall submit a new application to the Department under R17-5-604 for the certification of each new ignition interlock device model the manufacturer intends to offer for installation.
- E. Manufacturer certification issued by the Department under this Article shall automatically expire if:
  1. The manufacturer no longer provides at least one currently certified ignition interlock device model for installation under Arizona law; and
  2. The manufacturer has no pending application on file with the Department for the certification of a device under R17-5-604.
- F. Manufacturer certification of an ignition interlock device that was previously approved by the Department under this Article shall automatically expire within one year after the certification is granted if the manufacturer has not contracted with an IISP currently contracted with the Department to install the CIID.
- G. After the one-year cancellation period in subsection (F) ends, a manufacturer may reapply to the Department for certification by completing a new application for the certification of a device and meeting all certification requirements under this Article.

- H. If the Department determines that a manufacturer fails to properly report ignition interlock information and data to the Department in the manner prescribed in these rules, the Department may immediately provide written notice to the manufacturer with the following information:
  1. The name of the person and the date of the improper reporting; and
  2. The manufacturer shall send the required record or report to the Department within ten business days, if applicable.

- I. If the manufacturer fails to remedy the issues identified in the notice within ten business days, the Department may cancel the manufacturer device certification.
- J. If a manufacturer's certification expires as a result of subsections (E)(1) and (E)(2), the manufacturer may reapply for certification by submitting a new application to the Department for the certification of a device under R17-5-604.
- K. A manufacturer shall only appoint one IISP that is contracted with the Department and serves as an authorized representative of the manufacturer to provide ignition interlock services to the public.
- L. A manufacturer shall notify the Department within 24 hours if an IISP is no longer authorized by a manufacturer to install its CIID.

#### Historical Note

New Section recodified from R17-4-709.01 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Former R17-5-602 renumbered to R17-5-604; new R17-5-602 made by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Amended by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

#### R17-5-603. Device Requirements, Technical Specifications, and Standards for Setup and Calibration

- A. The accuracy of the CIID shall be determined by analysis of an external standard generated by a reference sample device.
- B. A device shall have a demonstrable feature designed to assure that a breath sample measured is essentially alveolar.
- C. A test of alcohol-free samples shall not yield a positive result. Endogenously produced substances capable of being present in the breath shall not yield or significantly contribute to a positive result.
- D. All devices shall meet the setpoint requirements of R17-5-601 and the following requirements:
  1. Be calibrated to have an accuracy within plus or minus 0.005 g/210L of the reference value;
  2. Be calibrated using a known reference value between .020 g/210L and .050 g/210L; and
  3. Be accompanied by a Certificate of Analysis (COA).
- E. A device shall be designed so that anticircumvention features will be difficult to bypass.
  1. Anticircumvention provisions on the device shall include, but are not limited to, prevention or preservation of any evidence of circumvention by attempting to use a false or filtered breath sample or electronically bypassing the breath sampling requirements of a device.
  2. A device shall use special seals or other methods that reveal attempts to bypass lawful device operation.
- F. A CIID shall have global positioning system capability, and the manufacturer shall electronically and wirelessly download in real-time from the device and transmit daily to the Department, a person's ignition interlock activity in an FTP batch file.
- G. A CIID shall be equipped with a camera, which shall not distract or impede the driver in any manner from safe and legal

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operation of the vehicle, shall record all ignition interlock activity of the person, and shall provide any visual evidence of actual or attempted tampering, alteration, bypass, or circumvention, and report this information directly to the manufacturer.

**H.** The camera shall be able to record and store visual evidence of each person providing a breath alcohol test, and shall meet the following requirements:

1. At device installation, the camera shall take a reference picture of the person, which shall be kept on file;
2. A clear digital image shall be taken for each event, including initial vehicle start, all rolling retests, and whenever a violation is recorded;
3. Each digital image shall be a wide-angle view of the front cabin of the vehicle, including the passenger side, to ensure the camera can clearly capture the entire face of the person and any passengers; and
4. The camera shall produce a digital image of the person in all lighting conditions, including brightness, darkness, and low light conditions.

**I.** A device shall:

1. Automatically purge alcohol before allowing analysis.
2. Have a data storage system with the capacity to sufficiently record and maintain a record of the person's daily driving activities that occur between each regularly scheduled calibration check referenced under R17-5-610 and R17-5-706. An IISP shall download and transmit any digital images taken during a person's calibration check, during each rolling retest, and each time a person with the ignition interlock requirement or another individual starts the motor vehicle. A manufacturer shall make these digital images available to the Department on request.
3. Use the most current version of the manufacturer's software and firmware to ensure compliance with this Article and any other applicable rule or statute. The manufacturer's software and firmware shall:
  - a. Require device settings and operational features to include, but not limited to, sample delivery requirements, the set point, free restart, rolling retest requirements, violation settings, and temporary and permanent lock-outs; and
  - b. Prohibit modification of the device settings or operational features by a service center, or an IISP-certified technician unless the Department approves the modification under subsection (J).
4. Record all emergency bypasses in its data storage system.
5. Provide a visual reminder on the device that a calibration check must be performed on the person's CIID every 90 days, with prominent device notifications during each 77-day to 90-day interval within a person's ignition interlock period, of the following:
  - a. The device needs service; and
  - b. The time remaining until a permanent lock-out occurs.
6. Notify a person that failure to get the calibration check, including calibration and data download, by the end of each 90-day period will cause the vehicle to be in a permanent lock-out mode, and shall record the event in the data storage system.
7. On recording a violation of A.R.S. Title 28, Chapter 4, Article 5 for one instance of tampering or circumvention, any ignition interlock device malfunction, or any four valid reportable violations within a continuous 90-day period, emit a unique cue, either auditory, visual, or both, to warn a person that an early recall is initiated, requiring

the person to return to the IISP in 72 hours for a violation reset.

8. Enter into a permanent lock-out if a person does not return to the IISP for a violation reset within 72 hours after an early recall occurs.
  9. When a violation results in a permanent lock-out mode, the device shall:
    - a. Immobilize the person's vehicle;
    - b. Uniquely record the event in the data storage system; and
    - c. Require a violation reset by the IISP.
  10. Enter into a temporary lock-out mode for five minutes when the device detects during the initial breath alcohol test that a person's breath alcohol concentration is at or above the set point.
  11. After the five-minute temporary lock-out, the device shall allow subsequent breath alcohol tests with no further lock-out as long as each subsequent test produces a valid and substantiated breath test.
  12. Have security protections and the capability to provide visual evidence of any actual or attempted tampering, alteration or bypass of the device, or circumvention.
- J.** No modification shall be made to the design or operational concept of a device model after the Department has certified the device for installation under Arizona law, except that:
1. A software or firmware update required to maintain a device model is permissible if the update does not modify the design or operational concept of the device.
  2. Replacement, substitution, or repair of a part required to maintain a device model is permissible if the part does not modify the design or operational concept of the device.
  3. If a manufacturer determines that an existing Department-certified ignition interlock device model requires any modification, the manufacturer shall immediately notify the Department.

**Historical Note**

New Section recodified from R17-4-709.02 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Former R17-5-603 renumbered to R17-5-606; new R17-5-603 made by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Amended by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2). Amended by final rulemaking at 26 A.A.R. 1047, effective July 5, 2020 (Supp. 20-2).

**R17-5-604. Ignition Interlock Device Certification; Application Requirements**

- A.** A manufacturer shall offer for installation only an ignition interlock device that is certified by the Department under this Section.
- B.** To certify an ignition interlock device model, a manufacturer shall submit to the Department a properly completed application form that provides:
1. The manufacturer's name;
  2. The address of the manufacturer's principal place of business in this state and telephone number;
  3. The manufacturer's status as a sole proprietorship, partnership, limited liability company, or corporation;
  4. The name of the sole proprietor or of each partner, officer, director, manager, member, agent, or 20% or more stockholder;

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5. The name and model number of the ignition interlock device and the name under which the ignition interlock device will be marketed; and
6. The manufacturer's electronic mail address.
7. The following statements, signed by the manufacturer:
  - a. A statement that all information provided on the application form, including all information provided on any attachment to the application form, is complete, true, and correct;
  - b. A statement that the manufacturer agrees to indemnify and hold harmless the state of Arizona and any department, division, agency, officer, employee, or agent of the state of Arizona from all liability for:
    - i. Damage to property or injury to people arising, directly or indirectly, out of any act or omission by the manufacturer or the manufacturer's authorized IISP relating to the installation and operation of the ignition interlock device; and
    - ii. All court costs, expenses of litigation, and reasonable attorneys' fees;
  - c. A statement that the manufacturer agrees to comply with all requirements under this Article; and
  - d. A statement that the manufacturer agrees to immediately notify the Department of any change to the information provided on the application form.
- C. A manufacturer shall submit the following additional items with the application form:
  1. A document that provides a detailed description of the ignition interlock device and a digital image, drawing, or other graphic depiction of the device;
  2. A document that contains the complete technical specifications for the accuracy, reliability, security, data collection, recording, and tamper detection capabilities of the ignition interlock device;
  3. An independent laboratory's report for each device model that:
    - a. Presents supporting data to demonstrate that the ignition interlock device meets or exceeds the test results required by the Model Specifications For Breath Alcohol Ignition Interlock Devices (BAIIDs), NHTSA, published at 78 FR 26862 to 26866, May 8, 2013, with the NHTSA technical corrections published at 80 FR 16720 to 16723, March 30, 2015. The NHTSA specifications and technical corrections are incorporated by reference and are on file with the Department at 206 S. 17th Avenue, Phoenix, AZ 85007, and the NHTSA Office of Research and Technology, 1200 New Jersey Avenue SE, Washington, D.C. 20590. This incorporation by reference contains no future editions or amendments;
    - b. Provides the independent laboratory's name, address, and telephone number; and
    - c. Provides the name and model number of the ignition interlock device tested.
  4. A laboratory certification form, signed by an authorized representative of the independent laboratory that prepared the report required under subsection (C)(3), that states all of the following:
    - a. The laboratory is not owned or operated by a manufacturer and no other conflict of interest exists.
    - b. The laboratory tested the ignition interlock device in accordance with the Model Specifications For Breath Alcohol Ignition Interlock Devices (BAIIDs), NHTSA, published at 78 FR 26862 to 26866, May 8, 2013 with the NHTSA technical corrections published at 80 FR 16720 to 16723, March 30, 2015.
    - c. The laboratory confirms that the ignition interlock device meets or exceeds the test results required under the Model Specifications For Breath Alcohol Ignition Interlock Devices (BAIIDs), NHTSA, published at 78 FR 26862 to 26866, May 8, 2013, with the NHTSA technical corrections published at 80 FR 16720 to 16723, March 30, 2015.
    - d. The laboratory used properly maintained equipment and trained personnel to test the ignition interlock device.
    - e. The laboratory presented accurate test results to the Department.
  5. A certificate of insurance, issued by an insurance company authorized to transact business in Arizona, specifying:
    - a. A product liability policy with a current effective date;
    - b. The name and model number of the ignition interlock device model covered by the policy;
    - c. Policy coverage of \$1,000,000 and \$3,000,000 in the aggregate;
    - d. The manufacturer as the insured and the state of Arizona as an additional insured;
    - e. Product liability coverage for defects in manufacture, materials, design, calibration, installation, and operation of the ignition interlock device; and
    - f. The insurance company shall notify the Department's Risk Management, Insurance and Indemnification Section in writing at least 30 days before canceling the product liability policy.
  6. A statement that the ignition interlock device has a camera, includes a global positioning system, and provides real-time reporting.
- D. For any installation of a certified ignition interlock device or any replacement of a device on a person's motor vehicle with another device, an IISP or an IISP-certified technician shall install only a certified ignition interlock device that meets the additional requirements in this Article, and meets or exceeds the test results required by the Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs), NHTSA, published at 78 FR 26862 to 26866, May 8, 2013, with the NHTSA technical corrections published at 80 FR 16720 to 16723, March 30, 2015.
- E. A person whose CIID was installed prior to July 1, 2018, that does not meet all the requirements of subsection (D) shall return to the person's IISP by October 1, 2020 to exchange the CIID for a CIID that meets all the requirements of subsection (D).

**Historical Note**

New Section recodified from R17-4-709.03 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Former R17-5-604 renumbered to R17-5-607; new R17-5-604 renumbered from R17-5-602 and amended by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Amended by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2). Amended by final rulemaking at 26 A.A.R. 1047, effective July 5, 2020 (Supp. 20-2).

**R17-5-605. Application Processing; Time Frames; Exception**

- A. The Department shall process an application for ignition interlock device certification only if an applicant meets all applicable application requirements.

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- B.** The Department shall, within 10 days of receiving an application for certification, provide notice to the applicant that the application is either complete or incomplete.
1. The date of receipt is the date the Department receives the application.
  2. If an application is incomplete, the notice shall specifically identify what required information is missing.
- C.** An applicant with an incomplete application shall provide all missing information to the Department within 15 days of the date indicated on the notice provided by the Department under subsection (B).
1. After receiving all of the required information, the Department shall notify the applicant that the application is complete.
  2. The Department may deny certification of an ignition interlock device if the applicant fails to provide the required information within 15 days of the date indicated on the notice.
- D.** Except as provided under subsection (F), the Department shall render a decision on an application for certification of an ignition interlock device within 30 days of the date indicated on the notice acknowledging receipt of a complete application provided to the applicant under subsections (B) or (C)(1).
- E.** For the purpose of A.R.S. § 41-1073, the Department establishes the following time frames for processing an application for certification of an ignition interlock device:
1. Administrative completeness review time frame: 10 days.
  2. Substantive review time frame: 30 days.
  3. Overall time frame: 40 days.
- F.** Established time frames may be suspended by the Department under A.R.S. § 41-1074 for certification of an ignition interlock device until the Department receives all external agency approvals required for certifying a new ignition interlock device model from the Department of Public Safety.
- B.** The Director shall deny an application for certification of an ignition interlock device model if all requirements of subsection (A) are not met, or on finding any of the following:
1. The design, material, or workmanship is defective, causing the ignition interlock device model to fail to function as intended;
  2. The manufacturer's product liability insurance coverage is terminated or canceled;
  3. The manufacturer no longer offers the ignition interlock device model for installation under Arizona law;
  4. The manufacturer or the independent laboratory provided false or inaccurate information to the Department relating to the performance of the ignition interlock device model;
  5. The components, design, or installation and operating instructions have undergone a modification that causes the ignition interlock device model to be out of compliance with the NHTSA specifications in R17-5-604(C), the requirements in this Article; or
  6. The Department receives a report of device disapproval from an independent laboratory or other external reviewer.
- C.** The Department shall mail to the manufacturer, written notification of the certification or denial of certification of an ignition interlock device model. A notice denying certification of an ignition interlock device model shall specify the basis for the denial and indicate that the applicant may, within 15 days of the date on the notice, request a hearing on the Director's decision to deny certification by filing a written request with the Department's Executive Hearing Office as prescribed under 17 A.A.C. 1, Article 5.
- D.** If a manufacturer timely requests a hearing on the Director's decision to deny certification of an ignition interlock device model, the Department's Executive Hearing Office shall conduct the hearing as provided under A.R.S. Title 41, Chapter 6, Article 6, and 17 A.A.C. 1, Article 5.

**Historical Note**

New Section recodified from R17-4-709.04 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Former R17-5-605 renumbered to R17-5-608; new R17-5-605 made by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Amended by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

**R17-5-606. Application Completeness; Denial of Ignition Interlock Device Certification; Hearing**

- A.** An application for certification of an ignition interlock device model is complete when the Department receives:
1. From the manufacturer, a properly prepared application form;
  2. From the manufacturer, all additional items required under R17-5-604(C);
  3. From the Department of Public Safety, under A.R.S. § 28-1462, written confirmation or disapproval of the independent laboratory's report that the ignition interlock device meets or exceeds the NHTSA specifications in R17-5-604(C); and
  4. From the manufacturer, a letter or notification that the device meets the following standards:
    - a. The anticircumvention features in R17-5-603(E),
    - b. The data storage capacity requirement in R17-5-603(I)(2), and
    - c. The constant communication requirement in R17-5-610(O).

**Historical Note**

New Section recodified from R17-4-709.05 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Former R17-5-606 renumbered to R17-5-609; new R17-5-606 renumbered from R17-5-603 and amended by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Amended by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2). Amended by final rulemaking at 26 A.A.R. 1047, effective July 5, 2020 (Supp. 20-2).

**R17-5-607. Cancellation of Device Certification; Hearing**

- A.** The Director shall cancel an ignition interlock device model certification and remove the device from its list of CIID's on finding any of the following:
1. The design, material, or workmanship contains a defect that causes the ignition interlock device model to fail to function as intended;
  2. The manufacturer's product liability insurance coverage is terminated or canceled;
  3. The manufacturer no longer offers the ignition interlock device model for installation under Arizona law;
  4. The manufacturer or independent laboratory provided false or inaccurate information to the Department relating to the performance of the ignition interlock device model;
  5. The components, design, or installation and operating instructions have undergone a modification that causes the ignition interlock device model to be out of compliance with the NHTSA specifications in R17-5-604(C);

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6. The manufacturer instructs the Department to cancel its certification of the ignition interlock device model;
  7. The manufacturer, the IISP, or the device does not comply with this Article or any other applicable rule or statute; or
  8. If the manufacturer has not contracted with an IISP authorized by the Department within one year after the device model certification.
- B.** The Department, on finding any of the conditions described under subsection (A), or on finding that the manufacturer failed to timely remedy the issues identified in the notice provided under R17-5-602(H), shall mail to the manufacturer a notice and order of cancellation of certification for the specific ignition interlock device model. The notice and order of cancellation shall:
1. Specify the basis for the action;
  2. Specify the date when the one-year decertification begins and ends; and
  3. State that the manufacturer may, within 15 days after receipt of a notice and order of manufacturer device model cancellation, file a written request for a hearing with the Department's Executive Hearing Office as prescribed under 17 A.A.C. 1, Article 5, to show cause as to why the ignition interlock device certification should not be cancelled.
- C.** If a hearing to show cause is timely requested, the Department's Executive Hearing Office shall conduct the hearing as prescribed under A.R.S. Title 41, Chapter 6, Article 6, and 17 A.A.C. 1, Article 5. The request for a hearing stays the summary cancellation of manufacturer device model certification.
- D.** Within 10 days after a hearing, the hearing officer shall issue to the manufacturer a written decision, which shall:
1. Provide findings of fact and conclusions of law; and
  2. Grant or cancel the certification.
- E.** If the hearing officer affirms the manufacturer device model cancellation, the manufacturer may seek judicial review under A.R.S. Title 12, Chapter 7, Article 6, within 35 days of the date when a copy of the decision sought to be reviewed is served upon the party affected unless the court grants a stay while the appeal is pending.
- F.** Within 60 days after the effective date of an order of cancellation, the manufacturer shall, at the manufacturer's own expense, ensure the removal of all ignition interlock devices that are not certified and facilitate the replacement of each device with a CIID.
- G.** The manufacturer of a previously decertified ignition interlock device model may reapply to the Department for certification of another ignition interlock device model under R17-5-604 after the one-year device decertification period ends.
- H.** After cancellation, the Department shall notify the IISP and the IISP-certified technicians that each of them is prohibited from installing the ignition interlock device for which the device certification was cancelled.
- I.** Cancellation of a manufacturer's device model certification prohibits the manufacturer from performing its duties with respect to the device model that has been cancelled and making the device model available for installation in the state for a period of one year from the latest of the following dates when:
1. The Department cancels a manufacturer's device model certification, or
  2. The Department's Executive Hearing Office cancels the manufacturer's device model certification.

**Historical Note**

New Section recodified from R17-4-709.06 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Former R17-5-607 renumbered to R17-5-610; new R17-5-607 renum-

bered from R17-5-604 and amended by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Amended by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

**Appendix A. Renumbered****Historical Note**

New Appendix recodified from 17 A.A.C. 4, Article 7 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Appendix A renumbered to R17-5-610, Appendix A, by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).

**Appendix B. Renumbered****Historical Note**

New Appendix recodified from 17 A.A.C. 4, Article 7 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Appendix B renumbered to R17-5-610, Appendix B, by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).

**Appendix C. Renumbered****Historical Note**

New Appendix recodified from 17 A.A.C. 4, Article 7 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Appendix C renumbered to R17-5-610, Appendix C, by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).

**R17-5-608. Modification of a Certified Ignition Interlock Device Model**

- A.** A manufacturer shall notify the Department in writing at least 10 days before a material modification is made to a certified ignition interlock device model.
- B.** Before providing a previously certified but materially modified ignition interlock device model for installation in a motor vehicle under an order of an Arizona court or the Department, a manufacturer shall:
1. Submit to the Department a completed application form with the information required under R17-5-604(B) and all additional items required under R17-5-604(C), and
  2. Obtain certification of the materially modified ignition interlock device from the Department.
- C.** The Department's certification of a materially modified ignition interlock device model does not affect the original certification of the unmodified model.

**Historical Note**

New Section recodified from R17-4-709.07 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Former R17-5-608 renumbered to R17-5-611; new R17-5-608 renumbered from R17-5-605 and amended by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Amended by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

**R17-5-609. IISP and Manufacturer Responsibilities**

- A.** An IISP shall refer a person only to the IISP's certified technician.
- B.** An IISP shall provide the Department and each person with a toll-free telephone number to call to obtain the names and phone numbers of the IISP's certified technicians, the IISP ser-

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- vice center locations, and hours of operation for the IISP service centers.
- C. An IISP shall certify each technician by providing adequate training and oversight for the technician to perform one of the activities at a service center, which are installation, inspection, calibration, service, or removal of a CIID.
- D. An IISP shall provide to every person operating a motor vehicle equipped with a CIID, and any other persons who will operate the motor vehicle, training on how to operate the motor vehicle. An IISP shall instruct the person on all of the following:
1. How to use the system;
  2. How to obtain service for the CIID;
  3. How to find answers to any additional questions;
  4. How the alcohol retest feature works;
  5. How drinking alcohol before a test may result in a reading of sensitive or fail;
  6. How the CIID shall not be removed, except by an IISP or IISP-certified technician;
  7. How noncompliance with a regularly scheduled calibration check for a person with a limited or restricted driving privilege shall result in suspension of the person's driving privilege under A.R.S. § 28-1463 until proof of compliance is submitted to the Department under A.R.S. § 28-1461, and the duration of the person's certified ignition interlock device requirement shall be extended under A.R.S. § 28-1461;
  8. What the penalties are for circumvention of the CIID;
  9. What the penalties are for tampering with, or misusing the CIID;
  10. What will happen after failing a start-up breath alcohol test;
  11. What will happen after a person has a set of three consecutive valid and substantiated missed rolling retests within an 18-minute time frame during a drive cycle; and that a person shall not avoid compliance with the rolling retest requirement by turning off a motor vehicle's ignition or by keeping the motor vehicle in operation while the vehicle is parked, and leaving the vehicle when a rolling retest is requested;
  12. What events or actions will result in a temporary or permanent lock-out of the CIID; and
  13. How to provide a properly delivered alveolar breath sample.
- E. An IISP shall have each person sign a document stating that the IISP has instructed the person regarding each topic contained in subsections (D) and (L), and has received the manufacturer's written instructions for operation of the CIID.
- F. An IISP shall inform a person that a compliance check on a CIID is required 30 days and 60 days after installation of the device, which shall be done electronically.
- G. An IISP shall inform each person to bring the vehicle to a service center for a calibration check within every 77 to 90-day period until the person is eligible for device removal.
- H. An IISP shall check each CIID for evidence of tampering at least once every 90 days or more frequently if needed. This anticircumvention check shall be conducted at each person's calibration check at a service center as required under R17-5-706.
- I. An IISP shall ensure that the manufacturer reports to the Department electronically under R17-5-610 if any evidence of tampering is discovered, and the manufacturer shall submit valid and substantiated proof or evidence of a reportable activity. An IISP shall keep visual evidence of a person's tampering or circumvention for a minimum of three years after the termination of the person's required ignition interlock period.
- J. An IISP shall submit to the Department a list of the IISP-certified technicians, subcontractors, or agents, and service centers at the beginning of the contract with the Department, within 5 business days of making a change to the list previously provided, and on a monthly basis as requested by the Department.
- K. An IISP shall comply with the provisions of this Article and A.R.S. Title 28, Chapter 4, Article 5.
- L. A manufacturer shall develop and an IISP shall provide each person a reference and problem solving guide at the time of installation that shall include information on the following:
1. Operating a motor vehicle equipped with the CIID;
  2. Cleaning and caring for the CIID;
  3. Identifying and addressing any vehicle malfunctions or repairs that may affect the CIID; and
  4. How to properly take a valid and substantiated rolling retest.
- M. A manufacturer shall notify the Department within 10 days of a change of address of its principal place of business in this state.
- N. A manufacturer or an IISP shall provide a warning label, for each CIID installed, which shall have an orange background and shall include the following:
1. Be a minimum size of two inches by one inch;
  2. Be printed in a minimum of nine-point font;
  3. Be printed in Arial font, or a font of substantially similar size and legibility; and
  4. Contain the words in black lettering: "Warning! Any person tampering with, circumventing, or otherwise misusing this Ignition Interlock Device, is guilty of a Class 1 misdemeanor."
- O. A manufacturer shall ensure that the IISP or the IISP-certified technician affixes conspicuously and maintains on each installed CIID the warning label described under subsection (N), which may be affixed to the device or to the device's cord.
- P. A manufacturer shall develop written instructions for the installation and removal of an ignition interlock device from a motor vehicle.
- Q. While a person maintains a functioning CIID in a vehicle under A.R.S. Title 28, Chapter 4, Article 5, the ignition interlock manufacturer shall electronically provide to the Department and transmit daily to the Department the information and reports prescribed in R17-5-610 and R17-5-615.
- R. The manufacturer is responsible for overseeing any agents or subcontractors, including vendors and distributors, as well as overseeing the manufacturer's IISP to ensure adherence to all performance standards.

**Historical Note**

New Section recodified from R17-4-709.08 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Former R17-5-609 renumbered to R17-5-612; new R17-5-609 renumbered from R17-5-606 and amended by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Section repealed; new Section made by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2). Amended by final rulemaking at 26 A.A.R. 1047, effective July 5, 2020 (Supp. 20-2).

**R17-5-610. Reporting; Reportable Activity**

- A. A person shall have installed in a motor vehicle, only an ignition interlock device certified by the Department under R17-5-604.
- B. A manufacturer shall develop and the IISP shall ensure that each IISP-certified technician complies with the IISP's written procedures for the installation of a CIID.

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- C.** Certified ignition interlock device installation verification.
1. A manufacturer shall electronically transmit a Certified Ignition Interlock Device Summarized Reporting Record to the Department within 24 hours of the device installation.
  2. The electronic Certified Ignition Interlock Device Summarized Reporting Record for installation verification shall contain all of the following information:
    - a. Department-assigned service center number;
    - b. Person's full name (first, middle, last and suffix);
    - c. Date of birth;
    - d. Driver license or customer number;
    - e. Report date;
    - f. Install date;
    - g. Report type;
    - h. Technician identification number;
    - i. A unique identification number for the CIID;
    - j. The last six digits of the vehicle identification number that matches the vehicle information on the data logger; and
    - k. Whether the Department, a court, or an out-of-state entity requires a person to have a CIID.
- D.** Certified ignition interlock device calibration check.
1. A manufacturer shall electronically transmit a Certified Ignition Interlock Device Summarized Reporting Record to the Department within 24 hours after performing a calibration check on an installed CIID.
  2. A manufacturer shall submit to the Department the following valid and substantiated proof or evidence of a reportable activity related to a violation, as prescribed in subsection (F), within 10 days by electronic means, which shall include:
    - a. A summary report stating why the data logger or any other evidence confirms the occurrence of a violation, including any digital images of the person; and
    - b. A data logger that shows at least 12 hours of data before and after the violation.
  3. A manufacturer may submit to the Department the following additional valid and substantiated proof or evidence of a reportable activity related to a violation, as prescribed in subsection (F), if available, within 10 days by electronic means, which may include:
    - a. Video recordings;
    - b. Written statements; and
    - c. Any other evidence relevant to a violation.
  4. The electronic Certified Ignition Interlock Device Summarized Reporting Record for the calibration check shall contain all of the following information:
    - a. Department-assigned service center number;
    - b. Person's full name (first, middle, last and suffix);
    - c. Date of birth;
    - d. Driver license or customer number;
    - e. Report date;
    - f. Install date;
    - g. Report type;
    - h. Missed rolling retest count, dates, and times;
    - i. Technician identification number;
    - j. Alcohol concentration violation count, dates, time, and alcohol concentration;
    - k. Tampering violation count, dates, and time;
    - l. Circumvention count, dates, and time;
    - m. Device download date;
    - n. Device download time;
    - o. Bypass code indication, date, and time;
    - p. A unique identification number for the CIID;
    - q. The last six digits of the vehicle identification number that matches the vehicle information on the data logger; and
    - r. Whether the Department, a court, or an out-of-state entity requires a person to have a CIID.
- E.** Certified ignition interlock device removal report.
1. When a certified ignition interlock device is removed, a manufacturer shall electronically transmit a Certified Ignition Interlock Device Summarized Reporting Record to the Department within 24 hours.
  2. The electronic Certified Ignition Interlock Device Summarized Reporting Record for removal of a device shall indicate the condition of noncompliance and contain all of the following information:
    - a. Department-assigned service center number;
    - b. Person's full name (first, middle, last and suffix);
    - c. Date of birth;
    - d. Driver license or customer number;
    - e. Report date;
    - f. Install date;
    - g. Removal date;
    - h. Report type;
    - i. Technician identification number;
    - j. A unique identification number for the CIID;
    - k. The last six digits of the vehicle identification number that matches the vehicle information on the data logger;
    - l. Whether the Department, a court, or an out-of-state entity requires a person to have a CIID;
    - m. Missed rolling retest count, dates, and times;
    - n. Device download date; and
    - o. Device download time.
- F.** Reportable activity for a person's noncompliance with these rules and A.R.S. Title 28, Chapter 4, Article 5, shall be limited to valid and substantiated instances by a person of any of the following transmitted electronically and wirelessly by the manufacturer to the Department in real-time within 24 hours:
1. Tampering with a CIID as defined in A.R.S. § 28-1301;
  2. Refusing or failing to provide any set of three consecutive valid and substantiated breath samples in response to a requested rolling retest within an 18-minute time frame during a person's drive cycle;
  3. Failing to provide proof of compliance or inspection of the CIID as required under A.R.S. § 28-1461(E)(4);
  4. Attempting to operate the vehicle with an alcohol concentration of 0.08 or more as prescribed in A.R.S. § 28-1461(E)(5) if the person is at least 21 years of age;
  5. Attempting to operate the vehicle with an alcohol concentration in excess of the set point if the person is under 21 years of age;
  6. Circumvention of a CIID as defined in R17-5-601; or
  7. Disconnecting or removing a CIID, except:
    - a. On repair of the vehicle, if the person provided to the IISP, technician, or service center advance notice of the repair and the anticipated completion date; or
    - b. On moving the device from one motor vehicle to another motor vehicle if replacement of the device is accomplished within 72 hours of device removal.
- G.** A person shall not avoid compliance with the rolling retest requirement by turning off a motor vehicle's ignition or by keeping the motor vehicle operating while the vehicle is parked, and leaving the vehicle when a rolling retest is requested. A missed rolling retest is reportable activity for a person's noncompliance under subsection (F).
- H.** A manufacturer shall screen each person's data loggers to ensure that there is no improper reporting.



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- I. A manufacturer shall ensure that a CIID has the necessary programming to identify each person's ignition interlock period and each drive cycle to report and send data and violations to the Department as required by these rules.
- J. A manufacturer shall review within 10 days all reports sent by the Department and returned to the manufacturer for verification of accurate reporting. If a manufacturer finds that the reported information does not indicate valid and substantiated evidence of a violation, the manufacturer shall immediately contact the Department to correct the person's record before corrective action is initiated against a person as a result of misreported ignition interlock data.
- K. A manufacturer shall immediately contact the Department if the manufacturer finds that the reported information indicates:
  1. An obvious mechanical failure of a CIID;
  2. Obvious errors in the recorded CIID data that cannot be attributed to a person's actions;
  3. Obvious errors in the transmission of CIID data to the Department, including misreported instances of tampering; or
  4. Submission of an extension of a person's ignition interlock period or a violation to the Department when a person was not in the vehicle to take the rolling retests.
- L. A manufacturer shall ensure that a CIID electronically and wirelessly uploads data in real-time to the manufacturer's website, that is maintained by the manufacturer, and the manufacturer shall submit all required information and reports in a daily FTP file to the Department.
- M. In cases where no electronic or digital service exists, the manufacturer shall store the data and send the data as soon as electronic or digital service is available.
- N. A manufacturer shall include the date of the last upload on the person's account on the manufacturer's website.
- O. A CIID shall have constant communication between the manufacturer's server and relay unit while the device is in use.
- P. All data, including digital images, shall be available to the Department for viewing on the manufacturer's website within five minutes after the data is recorded on the device, or as soon as electronic or digital reception permits.

**Historical Note**

New Section recodified from R17-4-709.09 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Former R17-5-610 renumbered to R17-5-703; new R17-5-610 renumbered from R17-5-607 and amended by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Amended by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2). Amended by final rulemaking at 26 A.A.R. 1047, effective July 5, 2020 (Supp. 20-2).

**Exhibit A. Renumbered****Historical Note**

New Exhibit recodified from 17 A.A.C. 4, Article 7 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Exhibit A renumbered to R17-5-703, Exhibit A, by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).

**Exhibit B. Renumbered****Historical Note**

New Exhibit recodified from 17 A.A.C. 4, Article 7 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Exhibit B renumbered to R17-5-703, Exhibit B, by final rulemaking at 13 A.A.R. 3499, effective December 1,

2007 (Supp. 07-4).

**Appendix A. Repealed****Historical Note**

Appendix A renumbered from R17-5-607, Appendix A, and repealed by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).

**Appendix B. Repealed****Historical Note**

Appendix B renumbered from R17-5-607, Appendix B, and repealed by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).

**Appendix C. Repealed****Historical Note**

Appendix C renumbered from R17-5-607, Appendix C, and repealed by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).

**R17-5-611. Emergency Assistance; Continuity of Service to Persons**

- A. For events occurring outside of normal business hours, an IISP shall provide to each person a 24-hour emergency toll-free phone number answered by a live person at all times, to provide assistance in the event a CIID fails to operate properly or a vehicle experiences a problem relating to the installation, operation, or failure of a CIID.
  1. During normal business hours, if the IISP or technician receives a call for emergency assistance, and determines that a vehicle is experiencing a problem relating to the installation, operation, or failure of a CIID, an IISP or a technician shall respond to the call within 24 hours of the initial contact and shall be available either to:
    - a. Provide telephonically, the technical information required for the person to resolve the issue; or
    - b. Provide or arrange for appropriate towing or roadside assistance services if unable to resolve the issue telephonically.
  2. After receiving a person's call for emergency or other assistance, the IISP, technician, or manufacturer, as appropriate, shall either:
    - a. Make the CIID functional, if possible, within 24 hours, or
    - b. Replace or repair the CIID within 48 hours of the initial contact.
- B. An IISP shall ensure uninterrupted service to a person for the duration of the person's ignition interlock period, which shall include facilitating the replacement of a technician, subcontractor, or an employee or agent who goes out of business, is removed, or a technician whose certification is cancelled by the IISP.
  1. If a manufacturer terminates the IISP's authorization, the manufacturer shall obtain each person's records from the IISP and retain the records according to R17-5-612.
  2. At the end or termination of an ignition interlock service authorization agreement, the manufacturer shall provide the Department with electronic access to each person's ignition interlock records for three years.
  3. If a manufacturer authorizes a new IISP, the manufacturer shall notify each person affected by the authorization of the new IISP at least 30 days before the authorization becomes effective.
  4. If a manufacturer does not authorize a new IISP, the manufacturer at no cost to the person, shall:

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- a. Provide written notification to all persons who are affected by the loss of an IISP or lack of service in an area, at least 30 days before the IISP discontinues service. The written notification shall inform the person of the manufacturer's responsibility to facilitate removal and replacement of the CIID and shall provide the instructions necessary for the person to successfully exchange the device;
  - b. Remove the device from the vehicle of each affected person; and
  - c. Facilitate the replacement of each device through a manufacturer with an IISP that can provide service.
5. A manufacturer shall notify the Department within 24 hours of replacing its IISP.
  6. An IISP shall submit to the Department an updated list of the IISP's certified technicians within 5 business days after making a change to the list provided to the Department under R17-5-609(J).
- C. Except in an emergency situation, a manufacturer, an IISP, or an IISP's-certified technician shall not remove another manufacturer's CIID without the express permission of that manufacturer.
1. If in an emergency situation a manufacturer, an IISP, or the IISP's-certified technician removes another manufacturer's CIID, that manufacturer, IISP, or the IISP's-certified technician shall return the device to the original manufacturer within 72 hours of the emergency removal; and
  2. The original manufacturer, on receipt of the device, shall provide to the Department an electronic report of the device removal under R17-5-610, which shall include the transmission of all data stored in its data storage system.
- D. In accordance with the IISP's implementation plan, an IISP shall facilitate the replacement of the IISP's service center if the service center goes out of business or the service center is closed, and the IISP does not have a service center in the county. An IISP shall notify the Department within 72 hours of replacing a service center location in a county.
1. If a service center closes and is replaced, the manufacturer shall make all reasonable efforts to obtain from the service center being replaced, all the individual ignition interlock records and data required to be retained under R17-5-612. The records shall be provided to, and maintained by the IISP.
  2. If an out-of-business or closed service center is not replaced, the manufacturer shall retain the records and data as required under R17-5-612, and shall provide the Department with electronic access to the records and data.
    - a. The manufacturer shall facilitate removal of all installed CIID's no longer serviced by the out-of-business or closed service center, and shall bear the cost of replacing each device with a serviceable CIID chosen by the person, even if the replacement device must be provided through an alternate manufacturer.
    - b. The manufacturer shall, within 30 days, make a reasonable effort to notify its customers of the change of service center or replacement of a device.
  3. If the manufacturer cannot comply with subsection (D)(1) or subsection (D)(2), the IISP shall:
    - a. Notify its customers and the Department that service will be terminated; and
    - b. Remove each device at no cost to the customer.

**Historical Note**

Section R17-5-611 renumbered from R17-5-608 and

amended by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Amended by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

**R17-5-612. Records Retention; Submission of Copies and Quarterly Reports**

- A. During the duration of the ignition interlock service authorization agreement, an IISP shall retain each person's ignition interlock activity records in an electronic format, including a secure database, or a paper format. The retained records shall consist of every document relating to installation, operation, and removal of the CIID. The IISP shall maintain all daily ignition interlock activity records of each person in the device's data storage system, or in a secure database at a commercial business location in this state, that the Department may access during posted business hours. An IISP shall inform the Department where all individual ignition interlock activity records are located.
- B. Prior to the end or termination of an ignition interlock service authorization agreement, the manufacturer shall obtain all person's ignition interlock records and provide the Department with electronic access to the records for three years.
- C. A manufacturer shall provide copies of each person's ignition interlock records to the Department within 10 days after Department personnel request copies of records, including records relating to installation and operation of the CIID.
- D. A manufacturer shall electronically send to the Department, by the 10th day of January, April, July, and October, a quarterly report containing the following information for the previous three months:
1. The number of CIID's the IISP currently has in service;
  2. The number of CIID's installed since the previous quarterly report;
  3. The number of CIID's removed by the IISP since the previous quarterly report; and
  4. Other information required by the Department.
- E. An IISP shall maintain and make available to the Department the ignition interlock records of all persons served by the IISP, records relating to the authorization agreement, and employee background check information at a commercial business location in this state of the manufacturer or the IISP during normal business hours.

**Historical Note**

Section R17-5-612 renumbered from R17-5-609 and amended by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Amended by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2). Amended by final rulemaking at 26 A.A.R. 1047, effective July 5, 2020 (Supp. 20-2).

**R17-5-613. Inspections and Complaints**

- A. The Department shall investigate any complaint that is related to a CIID or an IISP.
- B. An IISP and a manufacturer shall permit and fully cooperate with periodic on-site inspections of the IISP's service centers and principal places of business of the manufacturer at any time during normal business hours by an authorized representative of the Department, where records relating to the authorization agreement and individual ignition interlock device records are maintained.
- C. The Department shall conduct on-site inspections of a manufacturer, or a service center under the provisions of A.R.S. § 41-1009. The inspection shall include an examination of igni-

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tion interlock activity, records and verification of an adequate supply of the warning labels that meet the requirements of A.R.S. § 28-1462 and R17-5-609.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).  
Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Amended by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

**R17-5-614. Ignition Interlock Device Installation Fee; Financial Records**

- A. An IISP shall collect an ignition interlock device installation fee of twenty dollars from each participant for each CIID that is installed in, or transferred to a motor vehicle by an IISP.
- B. An IISP shall electronically remit the collected ignition interlock device installation fees paid by all persons to the Department on a monthly basis through a payment account created by the IISP, as determined by the Department, by transferring the collected fees paid during the previous month to the Department by the tenth day of the following month.
- C. An IISP shall not charge a person an installation fee to replace a defective ignition interlock device.
- D. An IISP shall post the amount of the ignition interlock device installation fee and the statutory authority for the ignition interlock device installation fee required by A.R.S. § 28-1462 on the IISP's website, that is available to all persons with an ignition interlock device requirement, and in a visible location at each of the IISP's service centers.
- E. An IISP must clearly post the amount of all other fees charged to a person for ignition interlock device services.
- F. An IISP shall maintain the financial records of the ignition interlock device installation fee collection and transfer to the Department, at an IISP's established place of business, or in a secure database, for three years from the date of the fee transfer. The Department may review the financial records of an IISP during normal business hours, to ensure compliance with the collection and transfer of the ignition interlock device installation fee to the Department.

**Historical Note**

New Section made by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2). Section repealed; new Section made by final rulemaking at 26 A.A.R. 1047, effective July 5, 2020 (Supp. 20-2).

**R17-5-615. Rolling Retest; Missed Rolling Retest; Extension of Ignition Interlock Period**

- A. A manufacturer shall report to the Department any valid and substantiated missed rolling retests, as defined in R17-5-601, that occur during the time period prescribed in subsection (E).
- B. A CIID shall have the capability to require a rolling retest and meet the requirements of a rolling retest. A person shall be prompted for the first rolling retest within five to 15 minutes after the initial test required to start an engine, and the device shall prompt for additional rolling retests at random intervals of up to 30 minutes after each previously requested and passed rolling retest.
- C. A certified ignition interlock device shall:
  1. Emit a warning light, tone, or both, to alert a person that a rolling retest is required;
  2. Allow a period of six minutes after the warning light, tone, or both, to allow a person to take a rolling retest;
  3. Require a person to perform a new test to restart an engine if it is switched off during or after a rolling retest warning;

4. Allow a free restart of a motor vehicle's ignition, within three minutes after the ignition is switched off, without requiring another breath alcohol test, except when a rolling retest is in progress;
  5. Use the set point value for startups and retests;
  6. Record, in its data storage system, the result of each rolling retest performed by a person during the person's drive cycle, and any valid and substantiated missed rolling retests; and
  7. Immediately require another rolling retest each time a person refuses to perform a requested rolling retest.
- D. Until a person successfully performs a rolling retest, or the engine is switched off, a device shall record in its data storage system, each subsequent refusal or failure of the person to perform the requested rolling retest.
  - E. The Department shall count one missed rolling retest for a person who refuses or fails to provide a valid and substantiated breath sample in response to a requested rolling retest if not followed by the person providing a valid and substantiated breath sample within six minutes.
  - F. Failure to take a rolling retest when a person's breath alcohol concentration is equal to or exceeds the set point shall not sound the vehicle horn, nor any type of siren, bell, whistle or any device emitting a similar sound, or any unreasonable loud or harsh sound that is audible outside of the vehicle, and shall not cause the engine of the vehicle to shut off.
  - G. The Department shall extend a person's ignition interlock period for six months, as provided in A.R.S. § 28-1461(E) for any set of three consecutive missed rolling retests that occur within an 18-minute time frame during a drive cycle.
  - H. If during one drive cycle, a person who is at least 21 years of age, has two or more breath alcohol concentrations of 0.08 or more, the Department shall count this as one violation, and shall extend a person's ignition interlock period for six months.
  - I. If during one drive cycle, a person who is under 21 years of age, has any breath alcohol concentration one or more times, the Department shall count this as one violation, and shall extend a person's ignition interlock period for six months.
  - J. Except as provided in subsections (H) and (I), if during one drive cycle, a person has more than one violation as defined in R17-5-601, the Department shall extend a person's ignition interlock period for six months for each violation.

**Historical Note**

New Section made by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

**R17-5-616. Civil Penalties; Hearing**

- A. After notice and an opportunity for a hearing, the Director may impose a civil penalty pursuant to A.R.S. § 28-1465, against a manufacturer of a certified ignition interlock device for improper reporting to the Department of ignition interlock data, as defined in R17-5-601. The Director may impose and collect a civil penalty against a manufacturer of a certified ignition interlock device, who is responsible for an occurrence of improper reporting, as follows:
  1. \$100 for the first occurrence, but not to exceed \$1,000 per series of occurrences of improper reporting on a specific date;
  2. \$250 for the second occurrence, but not to exceed \$2,500 per series of occurrences of improper reporting on a specific date; and
  3. \$500 for the third or subsequent occurrence, but not to exceed \$5,000 per series of occurrences of improper reporting on a specific date.

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- B. The Director, on finding that a manufacturer engaged in improper reporting, shall mail a notice to the manufacturer stating that civil penalties may be imposed for improper reporting. The notice shall:
  1. Specify the basis for the action; and
  2. State that the manufacturer may, within 15 days after receipt of the notice, file a written request for a hearing with the Department's Executive Hearing Office as prescribed in 17 A.A.C. 1, Article 5.
- C. A manufacturer who is aggrieved by an assessment, decision, or order of the Department under A.R.S. § 28-1465 and this Section may seek judicial review under A.R.S. Title 12, Chapter 7, Article 6.
- D. The manufacturer shall pay the civil penalty imposed under this Section to the Department no later than 30 days after the order is final.
- E. If the manufacturer fails to pay the civil penalty within 30 days after the order is final, the director may file an action in the superior court in the county in which the hearing is held to collect the civil penalty.

**Historical Note**

New Section made by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).  
Amended by final rulemaking at 26 A.A.R. 1047, effective July 5, 2020 (Supp. 20-2).

**R17-5-617. Cease and Desist**

- A. If the Director has reasonable cause to believe that a party to an IISP authorization agreement is violating any provision of state statute, administrative rule, or the authorization agreement, the Director will immediately issue and serve a cease and desist order by mail to the IISP's last known address.
- B. On receipt of the cease and desist order, the IISP shall immediately cease and desist from further engaging in any activity that is not authorized in state statute, administrative rule, or the agreement, and that is specified in the cease and desist order.
- C. On failure of the IISP to comply with the cease and desist order, the IISP may request a hearing with the Department's Executive Hearing Office under 17 A.A.C. 1, Article 5 within 15 days. On failure of the IISP to comply with the cease and desist order, the Director will immediately cancel the agreement with the IISP.

**Historical Note**

New Section made by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

**R17-5-618. Service Centers; Mobile Services**

- A. An IISP shall have at least one readily accessible service center in each county in this state that performs all ignition interlock services, including service, calibration, installation, inspection, and removal of a CIID by a technician who is trained and certified by the IISP for the specific service area.
- B. An IISP, subcontractor, agent, or an employee who operates a service center, or provides mobile services as an extended service provided by a service center on a temporary or emergency basis, shall meet the requirements in these rules before conducting CIID-related business in this state.
- C. A service center shall maintain sufficient staffing to provide an acceptable level of ignition interlock device services during all posted business hours.
- D. A technician that provides mobile services shall be stationed and employed at the IISP's service center and be certified in the ignition interlock service area the technician will provide.
- E. When a service center technician provides mobile services, an IISP shall ensure that the service center has another technician

or employee available at the service center to provide ignition interlock device services.

- F. An IISP's service center shall:
  1. Be located in a permanent, fixed-site facility that accommodates installing, inspecting, downloading, calibrating, monitoring, maintaining, servicing, and removing a CIID;
  2. Provide a designated waiting area for a person that is separate from the installation area;
  3. Ensure that a person does not witness installation of the CIID;
  4. Through the IISP, the IISP-certified technician or employee, provide the necessary training required by R17-5-609(D) for a person to operate a CIID;
  5. Ensure that a technician meets the necessary requirements in order to receive and maintain certification before a technician or an IISP conducts ignition interlock device business in this state; and
  6. Have the necessary equipment and tools to provide all ignition interlock services in a professional manner.
- G. A service center that provides mobile services shall:
  1. Have the capability to provide all the ignition interlock services in subsection (F)(1);
  2. Meet the requirements in subsection (F)(3) through (F)(6);
  3. Have permission from the motor vehicle owner to provide mobile services; and
  4. Ensure that a technician provides business identification to a person requesting service prior to performing services, along with the service center certificate and the technician's training certificate.
- H. A service center that provides mobile services shall not operate from a tow truck.
- I. An IISP that operates a service center, shall ensure that an IISP-certified technician utilizes all of the following:
  1. The analysis of a reference sample such as headspace gas from a mixture of water and alcohol, the results of which shall agree with the reference sample predicted value, or other methodologies approved by the Department. The preparatory documentation on the reference sample solution, such as a certificate of analysis, shall be made available to the Department on request.
  2. The set point value established under R17-5-601. All analytical results shall be expressed in grams of alcohol per 210 liters of breath (g/210L).
  3. The most current versions of manufacturer software and firmware to ensure continuous compliance under this Article and A.R.S. Title 28, Chapter 4, Article 5.
- J. An IISP shall ensure that a motor vehicle used to provide mobile services from a service center has current vehicle registration in this state and maintains the required mandatory insurance and financial responsibility coverage in A.R.S. § 28-4009.
- K. A technician shall ensure that a person who receives mobile services receives the same level of training and service as a person who receives services at a service center.
- L. The manufacturer shall ensure that a CIID electronically transmits the Summarized Reporting Record for a calibration check to the Department as provided in R17-5-610(D)(4).

**Historical Note**

New Section made by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

**R17-5-619. Application; IISP Implementation Plan**

- A. An IISP that applies for authorization of an ignition interlock service provider contract under A.R.S. § 28-1468 shall submit

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all documents and meet all the requirements in the ignition interlock service provider authorization agreement; in Title 28, Chapter 5, Article 4, Arizona Revised Statutes; and these rules.

- B.** In addition to this information, an IISP shall submit to the Department, with the application, a detailed implementation plan that outlines the steps and time frames necessary for the IISP to be fully operational. The implementation plan must include:
1. The IISP's plan for establishing a service center in every county in this state;
  2. The IISP's procedures for imposing progressive discipline on its employees, agents, or subcontractors who fail to comply with the requirements of Arizona statute; Department administrative rules; or the terms of the authorization agreement;
  3. A plan for transitioning ignition interlock services to another IISP that ensures continuous monitoring will occur if a participant decides to transition services to another IISP or if the IISP ceases conducting business or leaves this state;
  4. A means by which the IISP will provide all participant records and information or electronic access to the records and information to the ignition interlock device manufacturer in the event the IISP ceases conducting business or leaves this state. At the end or termination of an ignition interlock service authorization agreement, the manufacturer shall provide the Department with electronic access to all person's ignition interlock records for three years; and
  5. Documentation that the IISP is an authorized agent of the manufacturer and a point of contact for the manufacturer, including the IISP's telephone number and e-mail address.
- C.** An IISP shall be approved by the Director through the application for authorization agreement process before offering ignition interlock services in the state.
- D.** An IISP shall use this process to reapply to the Director for reauthorization of an ignition interlock service provider contract.

**Historical Note**

New Section made by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

**R17-5-620. Authorization Time Frame; Ignition Interlock Service Provider**

- A.** The Director shall, within 10 days of the date of receipt of an application for authorization of an ignition interlock service provider contract, provide notice to the IISP that the application is either complete or incomplete.
1. The date of receipt is the date the Director receives the application.
  2. If an application is incomplete, the dated notice shall specifically identify the required information that is missing.
- B.** An applicant with an incomplete application shall provide all missing information to the Director within 15 days of the Director's notice.
1. After receiving all of the required information, the Director shall notify the IISP that the application is complete.
  2. The Director may deny an IISP's application if the IISP fails to provide the required information within 15 days of the Director's notice.
- C.** The Director shall render a decision on an application for authorization within 30 days of the date on the notice acknowledging receipt of a complete application, provided to the applicant under subsections (A) or (B).

- D.** If the Director denies an application for authorization, the Director shall notify the IISP in writing within 20 days after the denial, and of the grounds for the denial in accordance with A.R.S. § 28-1468 (E).
- E.** For the purposes of A.R.S. § 41-1073, the Department establishes the following time frames for the purpose of reviewing an application for authorization:
1. Administrative completeness review time frame: 10 days.
  2. Substantive review time frame: 30 days.
  3. Overall time frame: 40 days.
- F.** The Director shall use this process for reapplication for authorization of an ignition interlock service provider contract.

**Historical Note**

New Section made by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

**R17-5-621. Service Center Application**

- A.** On approval by the Director of an IISP's signed application for authorization to provide ignition interlock services, an IISP shall submit to the Department for approval a properly completed service center application for approval of the IISP's service centers.
- B.** An IISP shall provide the following information to the Department:
1. The service center name, which shall match the name on the service center;
  2. The business address of the established place of business of each service center or business location;
  3. The telephone number of each established place of business of each service center or business location;
  4. The service center's legal status as a sole proprietorship, partnership, limited liability company, or a corporation;
  5. The name of the sole proprietor, each partner, officer, director, manager, member, agent, or 20% or more stockholder;
  6. The name and model number of each CIID the IISP plans to install;
  7. An indication of any service centers that will provide mobile services;
  8. Any applicable business licenses and the governmental entity; and
  9. The following statements signed by the IISP:
    - a. A statement that all information provided on the application, including all information provided on any attachment to the application is complete, true, and correct;
    - b. A statement that the IISP agrees to indemnify and hold harmless from all liability the state of Arizona and any department, division, agency, officer, employee, or agent of the state of Arizona;
    - c. A statement that the IISP agrees to comply with all requirements in these rules; and
    - d. A statement that the IISP agrees to immediately notify the Department of any change to the information provided on the application form.
- C.** The Department shall process an IISP's service center application only if the IISP meets all applicable application requirements.
- D.** The Department shall, within 10 days of receiving a service center application, provide notice to the IISP that the application is either complete or incomplete.
1. The date of receipt is the date the Department receives the application.
  2. If an application is incomplete, the notice shall specifically identify the required information that is missing.

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- E. An IISP with an incomplete application shall provide all missing information to the Department within 15 days of the date on the Department's notice.
  1. After receiving all of the required information, the Department shall notify the IISP that the application is complete.
  2. The Department may deny approval of a service center if the IISP fails to provide the required information within 15 days of the date on the notice.
- F. The Department shall render a decision on a service center application within 30 days of the date indicated on the notice acknowledging receipt of a complete application provided to the IISP under subsections (D) or (E).
- G. For the purpose of A.R.S. § 41-1073, the Department establishes the following time frames for processing an application for approval of a service center:
  1. Administrative completeness review time frame: 10 days.
  2. Substantive review time frame: 30 days.
  3. Overall time frame: 40 days.
- H. If a service center is no longer authorized by a manufacturer to install its CIID, the IISP shall notify the Department within 24 hours.
- I. An IISP shall be the authorized representative of a specific manufacturer while the authorization agreement is in effect, for a service center to install the manufacturer's CIID.
- J. If an IISP, subcontractor, or agent opens or relocates a service center, or the service center is operated by another entity, an IISP, subcontractor, or agent shall submit a new service center application for approval.
- K. An IISP shall use this process to reapply to the Department for a service center application.

**Historical Note**

New Section made by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).  
Amended by final rulemaking at 26 A.A.R. 1047, effective July 5, 2020 (Supp. 20-2).

**R17-5-622. Technician Application**

- A. On approval by the Department of an IISP's service center application, an IISP shall submit to the Department for approval, a properly completed technician application with the following information:
  1. Name of the technician;
  2. The technician's date of birth;
  3. The technician's residence address;
  4. The technician's driver license number;
  5. Name of the service center where the technician is employed;
  6. Location of the service center where the technician is employed; and
  7. The following statements signed by the technician and the IISP:
    - a. A statement that all information provided on the application form, including all information provided on any attachment to the application form is complete, true, and correct;
    - b. A statement that the technician and the IISP agree to indemnify and hold harmless from all liability the state of Arizona and any department, division, agency, officer, employee, or agent of the state of Arizona;
    - c. A statement that the technician agrees to comply with all requirements in these rules; and
    - d. A statement that the IISP agrees to immediately notify the Department of any change to the information provided on the application form.

- B. The Department shall process a technician's application only if a technician meets all applicable application requirements.
- C. The Department shall, within 10 days of receiving a technician application, provide notice to the applicant that the application is either complete or incomplete.
  1. The date of receipt is the date the Department receives the application.
  2. If an application is incomplete, the notice shall specifically identify the required information that is missing.
- D. An applicant with an incomplete application shall provide all missing information to the Department within 15 days of the date on the Department's notice.
  1. After receiving all of the required information, the Department shall notify the applicant that the application is complete.
  2. The Department may deny approval of a technician application if the applicant fails to provide the required information within 15 days of the date on the notice.
- E. The Department shall render a decision on a technician application within 30 days of the date indicated on the notice acknowledging receipt of a complete application provided to the IISP under subsections (C) or (D).
- F. For the purpose of A.R.S. § 41-1073, the Department establishes the following time frames for processing an application for approval of a technician:
  1. Administrative completeness review time frame: 10 days.
  2. Substantive review time frame: 30 days.
  3. Overall time frame: 40 days.
- G. If an IISP and the IISP's technician are no longer authorized by a manufacturer to install its CIID, the IISP shall notify the Department within 24 hours.
- H. An IISP shall be the authorized representative of a specific manufacturer that has an authorization agreement in effect for a technician to service the manufacturer's CIID.
- I. An IISP shall submit a separate technician application when an IISP hires a new technician.
- J. After the Department approves a technician, the Department will assign to each technician, a unique technician identification number to identify each technician who installs, calibrates, inspects, or removes a CIID.
- K. An IISP shall use this process to reapply to the Department for a technician application.

**Historical Note**

New Section made by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

**R17-5-623. Termination of Authorization; Notification**

- A. If the Director terminates an IISP's authorization agreement, the Director shall notify each person with the manufacturer's CIID that the person has 30 days to obtain another IISP.
- B. Any IISP owner or principal whose agreement has been terminated as a result of the IISP's authorization being cancelled is not eligible to re-apply for authorization from the Department until 36 months after the date of termination.

**Historical Note**

New Section made by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

**ARTICLE 7. IGNITION INTERLOCK DEVICE TECHNICIANS****R17-5-701. Definitions**

The definitions provided under A.R.S. §§ 28-101 and R17-5-601 apply to this Article unless the context otherwise requires.

**Historical Note**

New Section recodified from R17-4-801 at 7 A.A.R.

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3483, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 2297, effective August 5, 2006 (Supp. 06-2). New Section made by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Section amended by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

**R17-5-702. Records Check; Technician Qualifications; IISP Self-Certification of Technician**

- A. If the Director enters into an IISP's ignition interlock authorization agreement under A.R.S. § 28-1468, an IISP shall conduct an annual criminal records check and a certified driver's license record check on all employees, agents, or subcontractors listed on the IISP's application within 30 days prior to each individual's start date.
- B. An IISP shall self-certify and train a technician in the service area that the technician will provide.
- C. The qualifications for a technician are:
  1. A technician shall be at least 18 years of age.
  2. A technician who is required to drive a motor vehicle on a highway in this state in the technician's capacity shall have a valid Arizona driver license as required by A.R.S. § 28-3151, unless exempted under A.R.S. § 28-3152.
  3. A technician shall have the necessary mechanical ability, training, and certification from the IISP required to perform installation, inspection, service, calibration, or removal of a CIID from a motor vehicle.
- D. A technician shall:
  1. Maintain the confidentiality of any personal information, driver license information, or ignition interlock data or reports relating to a person;
  2. Ensure that a person does not observe the technician's actions relating to installation and removal of a CIID;
  3. Comply with the ignition interlock rules in 17 A.A.C. 5, Articles 6 and 7, and Arizona Revised Statutes Title 28, Chapter 4, Article 5; and
  4. Conduct installation, service, calibration, inspection, or removal of an ignition interlock device from a motor vehicle in accordance with industry standards.
- E. A technician is prohibited from using the global positioning system capabilities of a CIID to track the location of a person and shall not release location information gathered by the CIID.

**Historical Note**

New Section recodified from R17-4-805 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 2297, effective August 5, 2006 (Supp. 06-2). New Section made by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Section repealed; new Section made by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

**R17-5-703. Repealed****Historical Note**

New Section recodified from R17-4-806 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 2297, effective August 5, 2006 (Supp. 06-2). Section R17-5-703 renumbered from R17-5-610 and amended by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132,

effective April 1, 2015 (Supp. 14-4). Section repealed by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

**Exhibit A. Repealed****Historical Note**

Exhibit A renumbered from R17-5-610, Exhibit A, and repealed by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).

**Exhibit B. Repealed****Historical Note**

Exhibit B renumbered from R17-5-610, Exhibit B, and repealed by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).

**R17-5-704. Repealed****Historical Note**

New Section recodified from R17-4-807 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 2297, effective August 5, 2006 (Supp. 06-2). New Section made by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Section repealed by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

**R17-5-705. Repealed****Historical Note**

New Section recodified from R17-4-808 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 2297, effective August 5, 2006 (Supp. 06-2). New Section made by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Section repealed by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

**R17-5-706. Calibration Check; Requirements**

- A. An IISP-certified technician shall inspect, maintain, and check each CIID for calibration accuracy and operational performance before the device is placed into, or returned to service.
- B. A person with a CIID installed on a motor vehicle is responsible for obtaining a calibration check of the CIID by the IISP's technician at the IISP's service center within every 77 to 90-day period after device installation, and every 77 to 90 days thereafter, during the person's ignition interlock period.
- C. An IISP-certified technician shall perform a calibration check at the IISP's service center at least once every 90 days after device installation, and at least every 90 days thereafter.
- D. The calibration check performed under R17-5-610 shall include an inspection of the device to verify that it is properly functioning in accordance with all of the following criteria:
  1. Accuracy standards as prescribed under R17-5-603;
    - a. The device shall be calibrated before placed into, or returned to service.
    - b. The calibration test shall consist of introducing to the device a known alcohol concentration from a reference sample device, the analysis of which indicates the device's agreement with the known concentration. The manufacturer's software shall be capable of performing, documenting, and reporting the result of this calibration test. The calibration test result shall verify the accuracy of the ignition inter-

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lock device according to the standards prescribed under R17-5-603; and

2. Anticircumvention standards and operational features as prescribed under R17-5-603.
- E. The calibration test referenced under subsection (D) shall be performed when the information uploaded from a device indicates that the device has experienced an interruption in service or was completely disconnected. Additionally, the complete device, including the camera and its connection to the vehicle, shall be examined for evidence of tampering while it is still attached to the vehicle. An IISP shall document or photograph any evidence of tampering or circumvention and submit the documentation to the Department as required by these rules and A.R.S. Title 28, Chapter 4, Article 5.
- F. If calibration confirmation test results reveal that the device is not properly calibrated, the device shall be recalibrated to restore the accuracy standards prescribed under R17-5-603 before the device is returned to service.
- G. At least once every 90 days, a technician shall perform a physical inspection of the ignition interlock device, including an anticircumvention check, while it is still attached to the vehicle.
- H. A technician shall perform a physical inspection of the ignition interlock device any time an early recall occurs.
- I. If at any time an individual device model fails to meet the provisions of this Section, the manufacturer, IISP, or IISP-certified technician, as appropriate, shall either:
  1. Repair, recalibrate, and retest the device model to ensure that it does meet all applicable standards; or
  2. Remove the device model from service.

**Historical Note**

New Section recodified from R17-4-501 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 2297, effective August 5, 2006 (Supp. 06-2). New Section made by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Amended by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

**R17-5-707. Repealed****Historical Note**

New Section made by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Section repealed by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

**R17-5-708. Repealed****Historical Note**

New Section made by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Section repealed by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

**ARTICLE 8. MANDATORY INSURANCE AND FINANCIAL RESPONSIBILITY****R17-5-801. Definitions**

In addition to the definitions under A.R.S. §§ 28-101 and 28-4001, in this Chapter, unless otherwise specified:

“*Arizona Mandatory Insurance Reporting System Guide for Insurance Companies*” means the Department’s guide that is

available on the agency’s website and provides technical information to a company about information transmission between the Department and the company.

“Company” means an insurance or indemnity company authorized to write motor vehicle liability coverage in Arizona.

“Customer number” means the system-generated, or other distinguishing number, assigned by the Department to each person conducting business with the Department, as prescribed in R17-5-805.

“EDI” means electronic data interchange, which is the transmission of data in a standardized format from one computer to another without the use of magnetic tape.

“EDI reporting” means the computer-to-computer transmission of data from a company to the Department.

“Error return” means the computer-to-computer transmission, from the Department to a company, of all data reporting errors received during EDI reporting.

“FEIN” means the federal employer identification number or federal tax identification number used to identify a business entity.

“FTP” means file transfer protocol, which is a common protocol used by the Department for exchanging files over any network that supports EDI reporting transmitted through the Internet or Intranet.

“Information exchange” means EDI reporting where a company or service provider transmits a report to the Department through a connection to a private information network.

“Motor Vehicle Division” means the Arizona Department of Transportation’s Motor Vehicle Division.

“NAIC” means the National Association of Insurance Commissioners.

“Private information network” means the value-added network used by a company or service provider to facilitate EDI transmissions to the Department and to provide other network services where fees are charged for the network connection based on the number of characters and messages transmitted.

“Reportable activity” means the information required to be transmitted to the Department under A.R.S. § 28-4148 and this Article.

“Self-insurer” means a person or entity that has met the qualifications, completed the application process, and received a certificate of self-insurance issued by the Department under R17-5-810.

“Service provider” means a person or entity that reports for an insurance company through a connection to a private information network or an FTP for EDI reporting.

“SR22” means a certification filed, by a company duly authorized to transact business in this state, as proof of financial responsibility for the future, which guarantees that the insured owner or operator has in effect at least the minimum motor vehicle liability insurance coverage required under A.R.S. Title 28, Chapter 9, Article 3.

“SR26” means a certification filed by a company duly authorized to transact business in this state, which notifies the Department that an insured owner or operator required to maintain proof of financial responsibility for the future, under A.R.S. Title 28, Chapter 9, Article 3, is no longer covered under a previously reported SR22.



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“Value-added network” means a private network provider that is hired by a company to facilitate EDI or provide other network services.

“X12” means the American National Standards Institute, Accredited Standards Committee, uniform standards for the inter-industry electronic exchange of business transactions by EDI.

“X12 (TS811)” means X12 Transaction Set 811, Consolidated Service Invoice – Statement, version 3050, which is the specific set of EDI transactions developed for the insurance industry in the X12 standard format for automobile liability insurance reporting.

#### Historical Note

New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

#### R17-5-802. Insurance Company Electronic Reporting Requirement; Applicability

- A. A company that provides motor vehicle liability insurance coverage for an Arizona vehicle shall electronically transmit to the Department all reportable activity under A.R.S. § 28-4148 and R17-5-803 using one of the authorized EDI reporting methods identified in the *Arizona Mandatory Insurance Reporting System Guide for Insurance Companies*. Each transmission shall include all of the applicable record matching criteria prescribed under R17-5-804 or R17-5-805.
- B. A company that issues 1,000 or more SR22 policies per calendar year shall electronically transmit to the Department all SR22 and SR26 activity using one of the Department-authorized EDI reporting methods identified in the *Arizona Mandatory Insurance Reporting System Guide for Insurance Companies*. Each transmission shall include all of the applicable record matching criteria prescribed under R17-5-804 or R17-5-805.
- C. The Department shall not accept or record an out-of-state motor vehicle liability insurance policy for a passenger vehicle, even if written by a company authorized to transact business in this state.

#### Historical Note

New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

#### R17-5-803. Insurance Company Reportable Activity

- A. A company shall transmit to the Department:
  1. All reportable activity, not previously reported, that was processed by the company seven or fewer days before each reporting date; or
  2. A statement of inactivity, if no reportable activity occurred by the reporting date.
- B. For the purpose of this Article, reportable activity shall include:
  1. A policy cancellation;
  2. A policy non-renewal;
  3. A new policy issuance;
  4. A commercial policy reissuance;
  5. A vehicle added to a policy;
  6. A vehicle deleted from a policy;
  7. A policy reinstatement; and
  8. All SR22 and SR26 filings by insurance companies issuing 1,000 or more SR22 policies per calendar year.

- C. Reportable activity does not include the addition or deletion of a vehicle to or from a non-vehicle-specific commercial policy.

#### Historical Note

New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

#### R17-5-804. Record Matching Criteria for a Vehicle-specific Policy

For each vehicle-specific policy transmitted to the Department, a company shall include all of the following information to assist with the matching of policies to Department customers:

1. The complete and valid vehicle identification number;
2. The policy number; and
3. The NAIC number of the reporting company.

#### Historical Note

New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

#### R17-5-805. Record Matching Criteria for a Non-vehicle-specific Commercial Policy

A. For each non-vehicle-specific commercial policy transmitted to the Department, a company shall include all of the following information to assist with the matching of policies to Department customers:

1. The Department customer number of the insured:
  - a. If a policy covers all vehicles registered in the name of a business or organization, the customer number is the FEIN of the business or organization, or a system-generated number; or
  - b. If a policy covers all vehicles registered in the name of a private individual, the customer number is the Arizona Driver License number or the non-operating identification license number of the private individual;
2. The policy number; and
3. The NAIC number of the responsible company.

- B. If the Department customer number required under subsection (A)(1) is not available to a company, the company may provide the complete and valid vehicle identification number of each vehicle covered under the policy in-lieu of the Department customer number.

#### Historical Note

New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

#### R17-5-806. Department-authorized EDI Reporting Methods; Reporting Schedule

- A. A company shall transmit to the Department all reportable activity listed in R17-5-803 using a Department-authorized EDI reporting method specified in the *Arizona Mandatory Insurance Reporting System Guide for Insurance Companies*.
- B. A company shall transmit all reportable activity to the Department at least once every seven days.

#### Historical Note

New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

#### R17-5-807. X12 Data Format for Policy Receipt and Error

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- A. Reporting format. A company shall transmit to the Department all reportable activity using the format prescribed in the *Arizona Mandatory Insurance Reporting System Guide for Insurance Companies* provided by the Department.
- B. Error return format. The Department shall return to a company all reporting errors received during a transmission of reportable activity using the X12 error return format prescribed in the *Arizona Mandatory Insurance Reporting System Guide for Insurance Companies*.
- C. The Department shall return to a company an acknowledgment that a transmission of reportable activity was received and processed using the format in the *Arizona Mandatory Insurance Reporting System Guide for Insurance Companies*.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

**R17-5-808. Insurance Company Reporting Errors; Resolution; Noncompliance**

- A. The Department shall:
  - 1. Return to a company, using the X12 error return format provided in R17-5-807(B), all reporting errors received during or after a transmission; and
  - 2. Instruct the company to correct all reporting errors affecting the Department's processing of the required data.
- B. All companies reporting electronic policy information shall notify the Department prior to making changes to any reporting systems, or previously established policy reporting formats, that may affect the Department's ability to match and process the information received.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

**R17-5-809. Insurance Company Failure to Submit Required Data; Request for Hearing**

If a company fails to submit the data required under A.R.S. § 28-4148, and this Article, the Department shall:

- 1. Send to the company, a dated written notice, which:
  - a. Identifies the business week or reporting period in which the company did not submit the required information;
  - b. Instructs the company to submit the information for the identified business week or reporting period within seven days of the date of the notice;
  - c. Informs the company that a failure to respond to the Department's request within the allotted time-frame, shall result in a referral of the matter to the Arizona Department of Insurance, under A.R.S. § 20-237, which may result in a civil penalty for each violation of up to \$250 per day for each day the insurer is in violation of A.R.S. § 28-4148; and
  - d. Provides notice of the company's right to request a hearing with the Arizona Department of Insurance under A.R.S. § 20-237; and
- 2. Advise the Arizona Department of Insurance if the company fails to comply with the Department's written notice provided under this Section.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended

by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

**R17-5-810. Self-insurance as Alternate Proof of Financial Responsibility; Provisions; Applicability**

- A. Self-insurance applicant qualification. A person or entity may apply for self-insurance under this Section if the applicant:
  - 1. Owns the minimum number of vehicles prescribed under A.R.S. § 28-4007(A) with current Arizona registration;
  - 2. Demonstrates minimum assets of \$1 million on documentation required under subsections (C) and (D);
  - 3. Meets any additional financial responsibility requirements under A.R.S. § 28-4033(A), according to the insured vehicle's weight and/or intended use; and
  - 4. Provides a business office contact for the company with a current phone number and mailing information.
- B. A self-insurance applicant shall provide, on a self-insurance application form provided by the Department, the following information:
  - 1. Applicant's name;
  - 2. Business name, if applicable;
  - 3. Mailing address, city, state, and ZIP code;
  - 4. A selection of coverage type:
    - a. Public liability only; or
    - b. Public liability and property damage;
  - 5. Number of vehicles in the applicant's fleet;
  - 6. A selection list that describes the nature of the applicant's business;
  - 7. A description of any hazardous materials transported by type, class, and weight;
  - 8. A report of all accidents in the prior 39-month period before the application date;
  - 9. The applicant's signature and official business title to certify that all information is true and correct; and
  - 10. Acknowledgment by a notary public or by the signature of an authorized Department agent.
- C. Supplementary documentation. In addition to a completed self-insurance application form, the applicant shall submit a profit and loss statement certified by a Certified Public Accountant for the 12-month period before the application date. The profit and loss statement shall include one of the following:
  - 1. A balance sheet; or
  - 2. An annual financial report.
- D. On approval of an application, the Department shall issue a certificate of self-insurance that is continuously valid, but shall require the self-insurer to submit a 12-month update of supplementary documentation prescribed under subsection (C) on or before July 1 of each successive year.
- E. An initial self-insurance applicant or a self-insurer making an annual update shall submit documentation required under subsections (B) through (D) to the following address:
 

Motor Vehicle Division  
Financial Responsibility Unit  
P.O. Box 2100, Mail Drop 535M  
Phoenix, AZ 85001-2100
- F. A self-insurer shall keep a copy of the self-insurance certificate in each covered vehicle at all times.
- G. A self-insurer shall submit periodic, written notification updates to the Department of vehicles added or removed from self-insurance coverage. The written notification shall include the vehicle identification number of each vehicle.
- H. A self-insurer that terminates self-insurance shall provide new evidence of financial responsibility as required under A.R.S. § 28-4135 for each vehicle previously covered under a self-insurance certificate.

## CHAPTER 5. DEPARTMENT OF TRANSPORTATION - COMMERCIAL PROGRAMS

- I. In addition to the reasonable grounds prescribed under A.R.S. § 28-4007(C), the Department may cancel a self-insurance certificate under the following circumstances:
1. A self-insurer fails to comply with provisions of the Department's annual update requirement under subsection (D), or
  2. A self-insurer no longer owns the covered business or fleet.
- J. For the purpose of A.R.S. § 28-4007(C) and this Section, the Department shall conduct a self-insurance cancellation hearing according to the provisions prescribed under 17 A.A.C. 1, Article 5.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

**R17-5-811. Certificate of Deposit as Alternate Proof of Financial Responsibility; Applicability**

For the purpose of A.R.S. §§ 28-4076(2) and 28-4084, a person depositing a \$40,000 certificate of deposit with the state treasurer as alternate proof of financial responsibility may apply the certificate to a maximum of 25 non-commercial vehicles registered in the person's name.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1).

**ARTICLE 9. TRANSPORTATION NETWORK COMPANIES****R17-5-901. Definitions**

In addition to the definitions provided under A.R.S. § 28-9551, when applicable to a transportation network company, the following definitions apply to this Article unless otherwise specified:

"Applicant" means a person that meets the statutory requirements of a transportation network company as prescribed under A.R.S. Title 28, Chapter 30, Article 3.

"Designated point of contact" means a person employed by a transportation network company who has the authority to gather and provide records to the Department on request.

"Transportation network company permit" means a document issued by the Department to an applicant that meets the requirements prescribed under A.R.S. Title 28, Chapter 30, Article 3, as authorization to conduct transportation network services in this state.

"Violation" means a failure to maintain or make available to the Department any records the transportation network company is required to maintain and provide to the Department on request as provided under A.R.S. §§ 28-9554 through 28-9556.

**Historical Note**

New Section made by exempt rulemaking under Laws 2015, Ch. 235, § 14, at 21 A.A.R. 1825, effective August 21, 2015 (Supp. 15-3). Section repealed; new Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**R17-5-902. Transportation Network Company Permit - Initial Application; Issuance; Fee**

- A. An applicant for a transportation network company permit issued by the Department under A.R.S. § 28-9552, shall apply to the Department by:
1. Completing and submitting online the application form provided by the Department at [www.azdot.gov](http://www.azdot.gov);

2. Providing the full name and contact information of the applicant's agent for service of process in this state;
3. Certifying that the transportation network company meets the requirements of A.R.S. Title 28, Chapter 30, Article 3;
4. Filing a legible illustration of the applicant's trade dress; and
5. Paying a \$1,000 application fee as provided under A.R.S. § 28-9552(A).

- B. Upon receipt and acceptance of all required documents, fees, and certifications, the Department shall issue to an applicant a transportation network company permit.
- C. The application fee paid to the Department under subsection (A) is refundable in full if the transportation network company permit application is:
1. Denied by the Department, or
  2. Withdrawn by the applicant before the Department issues a transportation network company permit.
- D. A transportation network company permit issued by the Department under this Section expires three years after issuance and may be renewed as provided under R17-5-903.

**Historical Note**

New Section made by exempt rulemaking under Laws 2015, Ch. 235, § 14, at 21 A.A.R. 1825, effective August 21, 2015 (Supp. 15-3). Section repealed; new Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**R17-5-903. Transportation Network Company Permit - Renewal Application; Issuance; Fee**

- A. A transportation network company shall apply to the Department for renewal of a transportation network company permit issued by the Department under A.R.S. § 28-9552 and R17-5-902, no earlier than 90 days, and no later than 30 days, before the permit expires by:
1. Completing and submitting online the renewal application form provided by the Department at <https://secure.servicearizona.com>;
  2. Filing with the Department a legible illustration of the applicant's trade dress if different than the illustration already on file with the Department;
  3. Certifying that the transportation network company meets the requirements of A.R.S. Title 28, Chapter 30, Article 3; and
  4. Paying a \$1,000 renewal application fee as provided under A.R.S. § 28-9552(A).
- B. Upon receipt and acceptance of all required documents, fees, and certifications, the Department shall issue to an applicant a transportation network company permit renewal.
- C. A transportation network company permit renewal issued by the Department expires three years after the date the existing transportation network company permit expires.
- D. The holder of an expired transportation network company permit may apply to the Department for a new transportation network company permit using the renewal application procedure provided under R17-5-903(A).

**Historical Note**

New Section made by exempt rulemaking under Laws 2015, Ch. 235, § 14, at 21 A.A.R. 1825, effective August 21, 2015 (Supp. 15-3). Section repealed; new Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**R17-5-904. Transportation Network Company Permit or Renewal - General Provisions**

## CHAPTER 5. DEPARTMENT OF TRANSPORTATION - COMMERCIAL PROGRAMS

- A. A transportation network company permit or renewal issued by the Department under this Article shall include an assigned number that remains effective until either withdrawn by the Department or until it expires.
- B. A transportation network company permit or renewal issued by the Department under this Article shall not be transferred or assigned, in whole or in part, to any person other than the person to whom the permit is issued, except upon a merger, change in control, or sale of substantially all of the transportation network company's assets to an entity that assumes the duties and obligations of the permit. The transportation network company shall notify the Department within 30 days of such a transfer or assignment, and the Department shall have 30 days beginning on such notification to nullify the transfer or assignment based on the criteria set forth in this Article. An initial public offering shall not be deemed to trigger a transfer or assignment under this Section.

**Historical Note**

New Section made by exempt rulemaking under Laws 2015, Ch. 235, § 14, at 21 A.A.R. 1825, effective August 21, 2015 (Supp. 15-3). Section repealed; new Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**R17-5-905. Transportation Network Company - Record Review**

- A. The Department, after providing reasonable notice to a transportation network company, may review with or without cause all records a transportation network company is required to make available to the Department on request as provided under A.R.S. §§ 28-9554 through 28-9556.
- B. A transportation network company shall make all records described under subsection (A) available to the Department for review at an Arizona location.
- C. The Department shall conduct a record review during the transportation network company's normal business hours.
- D. The Department shall provide a copy of its review report to the transportation network company's designated point of contact. The report shall include the review results and indicate any violations found.

**Historical Note**

New Section made by exempt rulemaking under Laws 2015, Ch. 235, § 14, at 21 A.A.R. 1825, effective August 21, 2015 (Supp. 15-3). Section repealed; new Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**R17-5-906. Transportation Network Company - Designated Point of Contact**

- A. A transportation network company shall provide to the Department the name and contact information of the transportation network company's designated point of contact in this state.
- B. A transportation network company shall notify the Department within 10 business days of making a change to the name or contact information of the transportation network company's designated point of contact in this state.

**Historical Note**

New Section made by exempt rulemaking under Laws 2015, Ch. 235, § 14, at 21 A.A.R. 1825, effective August 21, 2015 (Supp. 15-3). Section repealed; new Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**ARTICLE 10. VEHICLE FOR HIRE****R17-5-1001. Definitions**

In addition to the definitions in A.R.S. §§ 28-101 and 28-9501, the following terms apply to this Article unless otherwise specified:

"Appealable agency action" has the meaning prescribed in A.R.S. § 41-1092.

"Applicant" means a company that applies to the Department for a vehicle for hire company permit as prescribed under A.R.S. Title 28, Chapter 30, Article 1, and these rules.

"Application" means forms designated as an application and all documents and additional information the Department requires a vehicle for hire company applicant to submit to obtain a vehicle for hire company permit.

"Contested case" has the meaning prescribed in A.R.S. § 41-1001.

"Designated point of contact" means a person employed by a vehicle for hire company who has the authority to gather and provide records to the Department on request.

"Good standing" means that an applicant does not have:

Any outstanding civil penalties owed to the Department;

Any suspension, revocation, or cancellation of a vehicle for hire company permit issued by the Department;

Any delinquent fees, taxes, or unpaid balances owed to the Department; or

Any open complaints submitted to the Department regarding compliance with vehicle for hire statutes or rules.

"Government agency" means this state and any political subdivision of this state that receives and uses tax revenues.

"Handbook 44" means the U. S. Department of Commerce, National Institute of Standards and Technology (NIST) *Handbook 44*, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices, Section 5.54. Taximeters, revised as of 2016.

"NIST" means the National Institute of Standards and Technology of the U.S. Department of Commerce.

"Permittee" means the owner or responsible party in the vehicle for hire company that meets all permit requirements and holds a vehicle for hire company permit.

"Trade dress" means a removable and distinct logo, insignia or emblem attached to, or visible from the exterior of a taxi while providing vehicle for hire services as a taxi, and that includes the word "taxi" or "cab."

"Vehicle for hire company permit" means the permit required in A.R.S. § 28-9503 for a vehicle for hire company to operate in this state.

"Violation" means the failure of a vehicle for hire company to:

Provide to the Department any records the vehicle for hire company is required to maintain and provide on request, as provided in A.R.S. § 28-9507;

Follow these rules; or

Follow A.R.S. Title 28, Chapter 30, Articles 1 and 2.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**R17-5-1002. Incorporation by Reference**

## CHAPTER 5. DEPARTMENT OF TRANSPORTATION - COMMERCIAL PROGRAMS

The Department incorporates by reference the U. S. Department of Commerce, National Institute of Standards and Technology (NIST) *Handbook 44*, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices, Section 5.54. Taximeters, revised as of 2016, and no later amendments or editions. The incorporated material is available at [www.nist.gov/pml/pubs/hb44.cfm](http://www.nist.gov/pml/pubs/hb44.cfm). The incorporated material is on file with the Department at 206 S. 17th Ave., Phoenix, AZ.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**R17-5-1003. Vehicle for Hire Company Permit; Good Standing; Handbook 44**

- A. An applicant to the Department for a vehicle for hire company permit shall be in good standing with the Department at the time the vehicle for hire company applies for or renews a vehicle for hire company permit.
- B. A vehicle for hire company that operates a vehicle for hire as a taxi shall have an operating taxi meter installed in each taxi by a person or company that uses *Handbook 44*.
- C. A vehicle for hire company operating a taxi shall maintain, and make available to the Department, records for the installation and calibration of each taxi meter for the duration of the three-year vehicle for hire company permit.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**R17-5-1004. Vehicle for Hire Company Permit - Initial Application; Issuance; Fee**

- A. A vehicle for hire company shall apply to the Department for a vehicle for hire company permit by:
  - 1. Completing and submitting the application form to the Department that is located at: [www.azdot.gov](http://www.azdot.gov);
  - 2. Providing the full name and contact information of the vehicle for hire company's agent for service of process in this state;
  - 3. Submitting a clear illustration of the vehicle for hire company's trade dress, if operating as a taxi;
  - 4. Paying the application fee of \$24 per vehicle that is used as a taxi by the vehicle for hire company at the time of application, not to exceed a total of \$1,000 per applicant, as required by A.R.S. § 28-9503;
  - 5. Certifying that the vehicle for hire company meets all vehicle for hire company requirements in A.R.S. Title 28, Chapter 30, Article 1; and
  - 6. Stating the total number of vehicles for hire in the vehicle for hire company fleet at the time of application.
- B. A vehicle for hire company shall provide to the Department the name and contact information of the vehicle for hire company's designated point of contact in this state.
- C. After the Department receives and accepts a completed application, all certifications, and the application fee, if applicable, the Department shall issue to an applicant a vehicle for hire company permit.
- D. A vehicle for hire company permit issued by the Department expires three years after the date of issuance.
- E. A vehicle for hire company may apply to renew a vehicle for hire company permit as provided in R17-5-1005.
- F. A vehicle for hire company shall notify the Department within 10 business days of making a change to the name or contact information of the vehicle for hire company's designated point of contact in this state.
- G. A vehicle for hire company permit or renewal issued by the Department under this Article may be transferred to a person

other than the person to whom the permit is issued, if ownership of the vehicle for hire company changes. The vehicle for hire company shall notify the Department within 30 days of such a transfer.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**R17-5-1005. Vehicle for Hire Company Permit - Renewal Application; Issuance; Fee**

- A. A vehicle for hire company shall apply to the Department for renewal of an existing vehicle for hire company permit under A.R.S. § 28-9503, no earlier than 90 days and no later than 30 days before the three-year permit expires by:
  - 1. Completing and submitting the required information, all certifications, and the application fee, if applicable, to the Department at: <https://secure.servicearizona.com>;
  - 2. Submitting a clear illustration of the vehicle for hire company's trade dress, if operating as a taxi, and if different than the illustration already on file with the Department;
  - 3. Paying the renewal application fee of \$24 per vehicle that is used as a taxi at the time of permit renewal, not to exceed a total of \$1,000 per applicant, as required by A.R.S. § 28-9503; and
  - 4. Certifying that the vehicle for hire company meets all the vehicle for hire company requirements in A.R.S. Title 28, Chapter 30, Article 1.
- B. Upon receipt and acceptance of all required documents, fees, if applicable, and certifications, the Department shall issue to an applicant a vehicle for hire company permit renewal.
- C. A vehicle for hire company permit renewal issued by the Department expires three years after the existing vehicle for hire company permit expires.
- D. The holder of an expired vehicle for hire company permit may apply to the Department for a new vehicle for hire company permit using the renewal application procedure provided under R17-5-1005(A).

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**R17-5-1006. Vehicle for Hire Company Permit or Renewal - General Provisions**

A vehicle for hire company permit issued by the Department shall include an assigned number that remains effective until either withdrawn by the Department or until the permit expires.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**R17-5-1007. Vehicle for Hire Company; Record Review; Inspection**

- A. The Department, after providing reasonable notice to a company with a vehicle for hire company permit, may review, with or without cause, all records of a vehicle for hire company as prescribed in A.R.S. § 28-9507, at intervals determined by the Department.
- B. A vehicle for hire company shall make all records described under subsection (A) available to the Department for review at an Arizona location.
- C. The Department shall conduct a record review during the vehicle for hire company's normal business hours.
- D. The Department may conduct a periodic, random inspection of a taxi meter and any vehicle for hire, or in response to a complaint by the public. An inspection may include an inspection

## CHAPTER 5. DEPARTMENT OF TRANSPORTATION - COMMERCIAL PROGRAMS

of the taxi meter in a taxi and the signage required by A.R.S. § 28-9506.

- E. After the inspection, the Department shall provide a copy of the inspection report to the vehicle for hire company or the designated point of contact. The report shall include any deficiencies or violations indicated during the inspection.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**R17-5-1008. Posting of Fares**

- A. When a livery vehicle provides local transportation at fares that are established in a contract with a government agency, the livery vehicle interior signage shall indicate that fares are determined by contract with a government agency when providing those services.
- B. When a livery vehicle provides local transportation services at fares that are not established in a contract with a government

agency, the livery vehicle interior signage shall post fares in accordance with A.R.S. § 28-9506(A)(2).

**Historical Note**

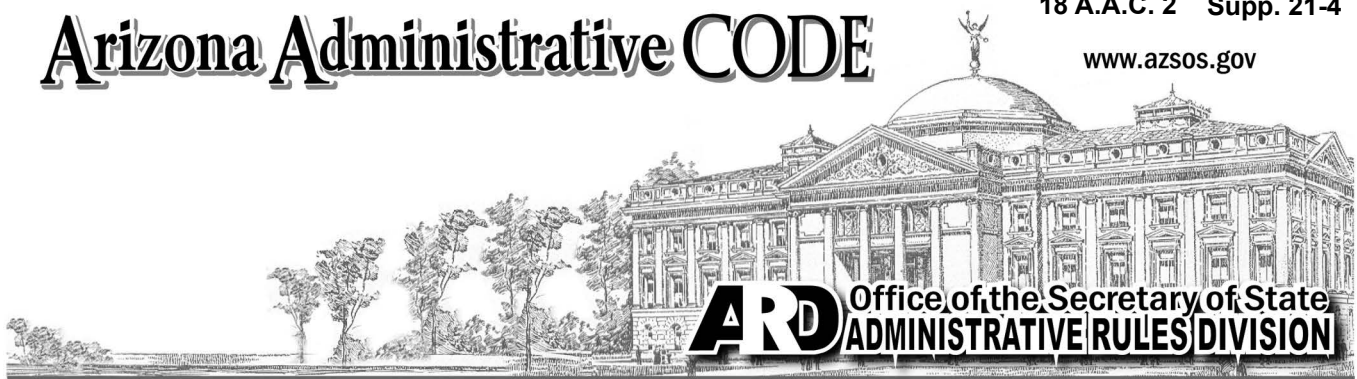
New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**R17-5-1009. Appealable Agency Actions; Rehearing; Judicial Review**

- A. A.R.S. Title 41, Chapter 6, Article 10 applies to all contested cases and all appealable agency actions of the Department under A.R.S. Title 28, Chapter 30, Article 2.
- B. A vehicle for hire company whose permit, renewal, or authority is denied has a right to a hearing, an opportunity for rehearing under A.R.S. Title 41, Chapter 6, Articles 6 and 10, and if the denial is upheld, judicial review under A.R.S. Title 12, Chapter 7, Article 6.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).



## TITLE 18. ENVIRONMENTAL QUALITY

### CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY - AIR POLLUTION CONTROL

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
October 1, 2021 through December 31, 2021

<a href="#">R18-2-610.</a>	<a href="#">Definitions for R18-2-610.01, R18-2-610.02, and R18-2-610.03</a>	<a href="#">90</a>
<a href="#">R18-2-610.03.</a>	<a href="#">Agricultural PM General Permit for Crop Operations; Pinal County PM Nonattainment Area</a>	<a href="#">95</a>

<a href="#">R18-2-611.</a>	<a href="#">Definitions for R18-2-611.01, R18-2-611.02, and R18-2-611.03</a>	<a href="#">97</a>
<a href="#">R18-2-611.03.</a>	<a href="#">Agricultural PM General Permit for Animal Operations; Pinal County PM Nonattainment Area</a>	<a href="#">105</a>

#### Questions about these rules? Contact:

Department: Arizona Department of Environmental Quality  
Address: 1110 W. Washington Ave.  
Phoenix, AZ 85007  
Website: [www.azdeq.gov](http://www.azdeq.gov)  
Name: Steven Burr  
Telephone: (602) 771-4251  
Fax: (602) 771-2366  
E-mail: [Burr.Steven@azdeq.gov](mailto:Burr.Steven@azdeq.gov)

**The release of this Chapter in Supp. 21-4 replaces Supp. 20-4, 1-225 pages**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

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### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

First Quarter: January 1 - March 31  
Second Quarter: April 1 - June 30  
Third Quarter: July 1 - September 30  
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2021 is cited as Supp. 21-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

### RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

### AUTHENTICATION OF PDF CODE CHAPTERS

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

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, [www.azsos.gov](http://www.azsos.gov) under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

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

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

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

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

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

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





## Administrative Rules Division

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## TITLE 18. ENVIRONMENTAL QUALITY

## CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY - AIR POLLUTION CONTROL

Authority: A.R.S. § 49-457

## Supp. 21-4

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*Article 2, consisting of Sections R18-2-201 through R18-2-220, repealed effective August 8, 1991 (Supp. 91-3).*

*Article 2 consisting of Sections R9-3-201, R9-3-202, R9-3-204 through R9-3-207, and R9-3-215 through R9-3-219 renumbered as Article 2, Sections R18-2-201, R18-2-202, R18-2-204 through R18-2-207, and R18-2-215 through R18-2-219 (Supp. 87-3).*

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*Article 6, consisting of Sections R18-2-601 through R18-2-605, renumbered to Article 8, Sections R18-2-801 through R18-2-805 (Supp. 93-4).*

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*Article 7 consisting of Sections R18-2-701 through R18-2-709 repealed effective September 26, 1990 (Supp. 90-3).*

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*Article 8, consisting of Sections R18-2-801 through R18-2-805, renumbered to Article 9, Sections R18-2-901 through R18-2-905 (Supp. 93-4).*

*Article 8 consisting of Sections R18-2-801 through R18-2-805 adopted effective February 26, 1988.*

*Former Article 8 consisting of Sections R9-3-801 through R9-3-829, R9-3-831, R9-3-832, R9-3-835 through R9-3-838, R9-3-840 through R9-3-848, and R9-3-857 through R9-3-859 repealed effective February 26, 1988.*

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*Article 9, consisting of Sections R18-2-901 through R18-2-905, renumbered to Article 11, Sections R18-2-1101 through R18-2-1105 (Supp. 93-4).*

*Article 9 consisting of Sections R18-2-901 and R18-2-902 adopted effective February 26, 1988.*

*Former Article 9 consisting of Sections R9-3-901, R9-3-903 through R9-3-906, R9-3-910, R9-3-913, and R9-3-922 repealed effective February 26, 1988.*

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*Article 11 consisting of Sections R18-2-1101 and R18-2-1102 repealed effective September 26, 1990 (Supp. 90-3).*

*Article 11 consisting of Sections R9-3-1101, R9-3-1102, and Appendices 1 through 11 renumbered as Article 11, Sections R18-2-1101, R18-2-1102, and Appendices 1 through 11 (Supp. 87-3).*

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*Article 13, consisting of Sections R18-2-1301 through R18-2-1307, rules expired under A.R.S. § 41-1056(J), effective April 30, 2013 (Supp. 13-3).*

*Article 13, consisting of Sections R18-2-1301 through R18-2-1307, made by final rulemaking at 9 A.A.R. 1295, effective April 2, 2003 (Supp. 03-2).*

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**ARTICLE 17. EXPIRED**

*Article 17, consisting of Sections R18-2-1701 through R18-2-1709, expired under A.R.S. § 41-1056(J) at 23 A.A.R.135, effective August 26, 2016; filed in the Office of the Secretary of State December 23, 2016 (Supp. 16-4).*

*Article 17, consisting of Sections R18-2-1701 through R18-2-1709, made by final rulemaking at 12 A.A.R.1953, effective January 1, 2007 (Supp. 06-2).*

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**ARTICLE 18. REPEALED**

*Article 18, consisting of Sections R18-2-1801 through R18-2-1812 and Appendix 13, repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).*

*Article 18, consisting of Sections R18-2-1801 through R18-2-1812 and Appendix 13, made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2).*

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## ARTICLE 1. GENERAL

**R18-2-101. Definitions**

The following definitions apply to this Chapter. Where the same term is defined in this Section and in the definitions Section for an Article of this Chapter, the Article-specific definition shall apply.

1. "Act" means the Clean Air Act of 1963 (P.L. 88-206; 42 U.S.C. 7401 through 7671q) as amended through December 31, 2011 (and no future editions).
2. "Actual emissions" means the actual rate of emissions of a regulated NSR pollutant from an emissions unit, as determined in subsections (2)(a) through (e), except that this definition shall not apply for calculating whether a significant emissions increase as defined in R18-2-401 has occurred, or for establishing a plantwide applicability limitation as defined in R18-2-401. Instead, the definitions of projected actual emissions and baseline actual emissions in R18-2-401 shall apply for those purposes.
  - a. In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a consecutive 24-month period that precedes the particular date and that is representative of normal source operation. The Director may allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored or combusted during the selected time period.
  - b. The Director may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.
  - c. For any emissions unit that is or will be located at a source with a Class I permit and has not begun normal operations on the particular date, actual emissions shall equal the unit's potential to emit on that date.
  - d. For any emissions unit that is or will be located at a source with a Class II permit and has not begun normal operations on the particular date, actual emissions shall be based on applicable control equipment requirements and projected conditions of operation.
  - e. This definition shall not apply for calculating whether a significant emissions increase has occurred, or for establishing a PAL. Instead, the definitions of projected actual emissions and baseline actual emissions in R18-2-401 shall apply for those purposes.
3. "Administrator" means the Administrator of the United States Environmental Protection Agency.
4. "Affected facility" means, with reference to a stationary source, any apparatus to which a standard is applicable.
5. "Affected source" means a source that includes one or more units which are subject to emission reduction requirements or limitations under Title IV of the Act.
6. "Affected state" means any state whose air quality may be affected by a source applying for a permit, permit revision, or permit renewal and that is contiguous to Arizona or that is within 50 miles of the permitted source.
7. "Afterburner" means an incinerator installed in the secondary combustion chamber or stack for the purpose of incinerating smoke, fumes, gases, unburned carbon, and other combustible material not consumed during primary combustion.
8. "Air contaminants" means smoke, vapors, charred paper, dust, soot, grime, carbon, fumes, gases, sulfuric acid mist aerosols, aerosol droplets, odors, particulate matter, wind-borne matter, radioactive materials, or noxious chemicals, or any other material in the outdoor atmosphere.
9. "Air curtain destructor" means an incineration device designed and used to secure, by means of a fan-generated air curtain, controlled combustion of only wood waste and slash materials in an earthen trench or refractory-lined pit or bin.
10. "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants or combinations thereof in sufficient quantities, which either alone or in connection with other substances by reason of their concentration and duration are or tend to be injurious to human, plant or animal life, or cause damage to property, or unreasonably interfere with the comfortable enjoyment of life or property of a substantial part of a community, or obscure visibility, or which in any way degrade the quality of the ambient air below the standards established by the director. A.R.S. § 49-421(2).
11. "Air pollution control equipment" means equipment used to eliminate, reduce or control the emission of air pollutants into the ambient air.
12. "Air quality control region" (AQCR) means an area so designated by the Administrator pursuant to Section 107 of the Act and includes the following regions in Arizona:
  - a. Maricopa Intrastate Air Quality Control Region which is comprised of the County of Maricopa.
  - b. Pima Intrastate Air Quality Control Region which is comprised of the County of Pima.
  - c. Northern Arizona Intrastate Air Quality Control Region which encompasses the counties of Apache, Coconino, Navajo, and Yavapai.
  - d. Mohave-Yuma Intrastate Air Quality Control Region which encompasses the counties of La Paz, Mohave, and Yuma.
  - e. Central Arizona Intrastate Air Quality Control Region which encompasses the counties of Gila and Pinal.
  - f. Southeast Arizona Intrastate Air Quality Control Region which encompasses the counties of Cochise, Graham, Greenlee, and Santa Cruz.
13. "Allowable emissions" means the emission rate of a stationary source calculated using both the maximum rated capacity of the source, unless the source is subject to federally enforceable limits which restrict the operating rate or hours of operation, and the most stringent of the following:
  - a. The applicable standards as set forth in 40 CFR 60, 61 and 63;
  - b. The applicable emissions limitations approved into the state implementation plan, including those with a future compliance date; or,
  - c. The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.
14. "Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.
15. "Applicable implementation plan" means those provisions of the state implementation plan approved by the Administrator or a federal implementation plan promulgated for Arizona or any portion of Arizona in accordance with Title I of the Act.
16. "Applicable requirement" means any of the following:
  - a. Any federal applicable requirement.

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- b. Any other requirement established pursuant to this Chapter or A.R.S. Title 49, Chapter 3.
17. "Arizona Testing Manual" means sections 1 and 7 of the Arizona Testing Manual for Air Pollutant Emissions amended as of March 1992 (and no future editions).
18. "ASTM" means the American Society for Testing and Materials.
19. "Attainment area" means any area that has been identified in regulations promulgated by the Administrator as being in compliance with national ambient air quality standards.
20. "Begin actual construction" means, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. With respect to a change in method of operation this term refers to those onsite activities, other than preparatory activities, which mark the initiation of the change.
- a. For purposes of title I, parts C and D and section 112 of the clean air act, and for purposes of applicants that require permits containing limits designed to avoid the application of title I, parts C and D and section 112 of the clean air act, these activities include installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures but do not include any of the following, subject to subsection (20)(c):
- Clearing and grading, including demolition and removal of existing structures and equipment, stripping and stockpiling of topsoil.
  - Installation of access roads, driveways and parking lots.
  - Installation of ancillary structures, including fences, office buildings and temporary storage structures, that are not a necessary component of an emissions unit or associated air pollution control equipment for which the permit is required.
  - Ordering and onsite storage of materials and equipment.
- b. For purposes other than those identified in subsection (20)(a), these activities do not include any of the following, subject to subsection (20)(c):
- Clearing and grading, including demolition and removal of existing structures and equipment, stripping and stockpiling of topsoil and earthwork cut and fill for foundations.
  - Installation of access roads, parking lots, driveways and storage areas.
  - Installation of ancillary structures, including fences, warehouses, storerooms and office buildings, provided none of these structures impacts the design of any emissions unit or associated air pollution control equipment.
  - Ordering and onsite storage of materials and equipment.
  - Installation of underground pipework, including water, sewer, electric and telecommunications utilities.
  - Installation of building and equipment supports, including concrete forms, footers, pilings, foundations, pads and platforms, provided none of these supports impacts the design of any emissions unit or associated air pollution control equipment.
- c. *An applicant's performance of any activities that are excluded from the definition of "begin actual construction" under subsection (20)(a) or (b) shall be at the applicant's risk and shall not reduce the applicant's obligations under this Chapter. The director shall evaluate an application for a permit or permit revision and make a decision on the same basis as if the activities allowed under subsection (20)(a) or (b) had not occurred.* A.R.S. § 49-401.01(7).
21. "Best available control technology" (BACT) means an emission limitation, including a visible emissions standard, based on the maximum degree of reduction for each regulated NSR pollutant which would be emitted from any proposed major source or major modification, taking into account energy, environmental, and economic impact and other costs, determined by the Director in accordance with R18-2-406(A)(4) to be achievable for such source or modification.
22. "Btu" means British thermal unit, which is the quantity of heat required to raise the temperature of one pound of water 1°F.
23. "Categorical sources" means the following classes of sources:
- Coal cleaning plants with thermal dryers;
  - Kraft pulp mills;
  - Portland cement plants;
  - Primary zinc smelters;
  - Iron and steel mills;
  - Primary aluminum ore reduction plants;
  - Primary copper smelters;
  - Municipal incinerators capable of charging more than 250 tons of refuse per day;
  - Hydrofluoric, sulfuric, or nitric acid plants;
  - Petroleum refineries;
  - Lime plants;
  - Phosphate rock processing plants;
  - Coke oven batteries;
  - Sulfur recovery plants;
  - Carbon black plants using the furnace process;
  - Primary lead smelters;
  - Fuel conversion plants;
  - Sintering plants;
  - Secondary metal production plants;
  - Chemical process plants, which shall not include ethanol production facilities that produce ethanol by natural fermentation included in North American Industry Classification System codes 325193 or 312140;
  - Fossil-fuel boilers, combinations thereof, totaling more than 250 million Btus per hour heat input;
  - Petroleum storage and transfer units with a total storage capacity more than 300,000 barrels;
  - Taconite ore processing plants;
  - Glass fiber processing plants;
  - Charcoal production plants;
  - Fossil-fuel-fired steam electric plants and combined cycle gas turbines of more than 250 million Btus per hour heat input.
24. "Categorically exempt activities" means any of the following:
- Any combination of diesel-, natural gas- or gasoline-fired engines with cumulative power equal to or less than 145 horsepower.
  - Natural gas-fired engines with cumulative power equal to or less than 155 horsepower.



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- c. Gasoline-fired engines with cumulative power equal to or less than 200 horsepower.
  - d. Any of the following emergency or stand-by engines used for less than 500 hours in each calendar year, provided the permittee keeps records documenting the hours of operation of the engines:
    - i. Any combination of diesel-, natural gas- or gasoline-fired emergency engines with cumulative power equal to or less than 2,500 horsepower.
    - ii. Natural gas-fired emergency engines with cumulative power equal to or less than 2,700 horsepower.
    - iii. Gasoline-fired emergency engines with cumulative power equal to or less than 3,700 horsepower.
  - e. Any combination of boilers with a cumulative maximum design heat input capacity of less than 10 million Btu/hr.
25. "CFR" means the Code of Federal Regulations, amended as of July 1, 2011, (and no future editions), with standard references in this Chapter by Title and Part, so that "40 CFR 51" means Title 40 of the Code of Federal Regulations, Part 51.
  26. "Charge" means the addition of metal bearing materials, scrap, or fluxes to a furnace, converter or refining vessel.
  27. "Clean coal technology" means any technology, including technologies applied at the precombustion, combustion, or post-combustion stage, at a new or existing facility that will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam, that was not in widespread use as of November 15, 1990.
  28. "Clean coal technology demonstration project" means a project using funds appropriated under the heading "Department of Energy - Clean Coal Technology," up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology or similar projects funded through appropriations for the Environmental Protection Agency. The federal contribution for a qualifying project shall be at least 20% of the total cost of the demonstration project.
  29. "Coal" means all solid fossil fuels classified as anthracite, bituminous, subbituminous, or lignite by ASTM D-388-91, (Classification of Coals by Rank).
  30. "Combustion" means the burning of matter.
  31. "Commence" means, as applied to construction of a source, or a major modification as defined in Article 4 of this Chapter, that the owner or operator has all necessary preconstruction approvals or permits and either has:
    - a. Begun, or caused to begin, a continuous program of actual onsite construction of the source, to be completed within a reasonable time; or
    - b. Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.
  32. "Construction" means any physical change or change in the method of operation, including fabrication, erection, installation, demolition, or modification of an emissions unit, which would result in a change in emissions.
  33. "Continuous monitoring system" means a CEMS, CERMS, or CPMS.
  34. "Continuous emissions monitoring system" or "CEMS" means the total equipment, required under the emission monitoring provisions in this Chapter, used to sample, condition (if applicable), analyze, and provide, on a continuous basis, a permanent record of emissions.
  35. "Continuous emissions rate monitoring system" or "CERMS" means the total equipment required for the determination and recording of the pollutant mass emissions rate (in terms of mass per unit of time).
  36. "Continuous parameter monitoring system" or "CPMS" means the total equipment, required under the emission monitoring provisions in this Chapter, to monitor process or control device operational parameters (for example, control device secondary voltages and electric currents) or other information (for example, gas flow rate, O<sub>2</sub> or CO<sub>2</sub> concentrations) and to provide, on a continuous basis, a permanent record of monitored values.
  37. "Controlled atmosphere incinerator" means one or more refractory-lined chambers in which complete combustion is promoted by recirculation of gases by mechanical means.
  38. "*Conventional air pollutant*" means any pollutant for which the Administrator has promulgated a primary or secondary national ambient air quality standard. A.R.S. § 49-401.01(12).
  39. "*Department*" means the Department of Environmental Quality. A.R.S. § 49-101(2)
  40. "*Director*" means the director of environmental quality who is also the director of the department. A.R.S. § 49-101(3)
  41. "Discharge" means the release or escape of an effluent from a source into the atmosphere.
  42. "Dust" means finely divided solid particulate matter occurring naturally or created by mechanical processing, handling or storage of materials in the solid state.
  43. "Dust suppressant" means a chemical compound or mixture of chemical compounds added with or without water to a dust source for purposes of preventing air entrainment.
  44. "Effluent" means any air contaminant which is emitted and subsequently escapes into the atmosphere.
  45. "Electric utility steam generating unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.
  46. "Emission" means an air contaminant or gas stream, or the act of discharging an air contaminant or a gas stream, visible or invisible.
  47. "Emission standard" or "emission limitation" means a requirement established by the state, a local government, or the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.
  48. "Emissions unit" means any part of a stationary source which emits or would have the potential to emit any regulated air pollutant and includes an electric steam generating unit.
  49. "Equivalent method" means any method of sampling and analyzing for an air pollutant which has been demon-

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- strated under R18-2-311(D) to have a consistent and quantitatively known relationship to the reference method, under specified conditions.
50. "Excess emissions" means emissions of an air pollutant in excess of an emission standard as measured by the compliance test method applicable to such emission standard.
  51. "Federal applicable requirement" means any of the following (including requirements that have been promulgated or approved by EPA through rulemaking at the time of issuance but have future effective compliance dates):
    - a. Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under Title I of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR 52.
    - b. Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated through rulemaking under Title I, including parts C or D, of the Act.
    - c. Any standard or other requirement under section 111 of the Act, including 111(d).
    - d. Any standard or other requirement under section 112 of the Act, including any requirement concerning accident prevention under section 112(r)(7) of the Act.
    - e. Any standard or other requirement of the acid rain program under Title IV of the Act or the regulations promulgated thereunder and incorporated pursuant to R18-2-333.
    - f. Any requirements established pursuant to section 504(b) or section 114(a)(3) of the Act.
    - g. Any standard or other requirement governing solid waste incineration, under section 129 of the Act.
    - h. Any standard or other requirement for consumer and commercial products, under section 183(e) of the Act.
    - i. Any standard or other requirement for tank vessels under section 183(f) of the Act.
    - j. Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the Act.
    - k. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act, unless the Administrator has determined that such requirements need not be contained in a Title V permit.
    - l. Any national ambient air quality standard or maximum increase allowed under R18-2-218 or visibility requirement under Part C of Title I of the Act, but only as it would apply to temporary sources permitted pursuant to section 504(e) of the Act.
  52. "Federal Land Manager" means, with respect to any lands in the United States, the secretary of the department with authority over such lands.
  53. "Federally enforceable" means all limitations and conditions which are enforceable by the Administrator under the Act, including all of the following:
    - a. The requirements of the new source performance standards and national emission standards for hazardous air pollutants.
    - b. The requirements of such other state or county rules or regulations approved by the Administrator, including the requirements of state and county operating and new source review permit and registration programs that have been approved by the Administrator. Notwithstanding this subsection, the condition of any permit or registration designated as being enforceable only by the state is not federally enforceable.
    - c. The requirements of any applicable implementation plan.
    - d. Emissions limitations, controls, and other requirements, and any associated monitoring, recordkeeping, and reporting requirements that are included in a permit pursuant to R18-2-306.01 or R18-2-306.02.
  54. "Federally listed hazardous air pollutant" means a pollutant listed pursuant to R18-2-1701(9).
  55. "Final permit" means the version of a permit issued by the Department after completion of all review required by this Chapter.
  56. "Fixed capital cost" means the capital needed to provide all the depreciable components.
  57. "Fuel" means any material which is burned for the purpose of producing energy.
  58. "Fuel burning equipment" means any machine, equipment, incinerator, device or other article, except stationary rotating machinery, in which combustion takes place.
  59. "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
  60. "Fume" means solid particulate matter resulting from the condensation and subsequent solidification of vapors of melted solid materials.
  61. "Fume incinerator" means a device similar to an afterburner installed for the purpose of incinerating fumes, gases and other finely divided combustible particulate matter not previously burned.
  62. "Good engineering practice (GEP) stack height" means a stack height meeting the requirements described in R18-2-332.
  63. "Hazardous air pollutant" means any federally listed hazardous air pollutant.
  64. "Heat input" means the quantity of heat in terms of Btus generated by fuels fed into the fuel burning equipment under conditions of complete combustion.
  65. "Incinerator" means any equipment, machine, device, contrivance or other article, and all appurtenances thereof, used for the combustion of refuse, salvage materials or any other combustible material except fossil fuels, for the purpose of reducing the volume of material.
  66. "Indian governing body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.
  67. "Indian reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.
  68. "Insignificant activity" means any of the following activities:
    - a. Liquid Storage and Piping
      - i. Petroleum product storage tanks containing the following substances, provided the applicant lists and identifies the contents of each tank with a volume of 350 gallons or more and provides threshold values for throughput or capacity or both for each such tank: diesel fuels and fuel oil in storage tanks with capacity of 40,000 gallons or less, lubricating oil, transformer oil, and used oil.

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- ii. Gasoline storage tanks with capacity of 10,000 gallons or less.
  - iii. Storage and piping of natural gas, butane, propane, or liquified petroleum gas, provided the applicant lists and identifies the contents of each stationary storage vessel with a volume of 350 gallons or more and provides threshold values for throughput or capacity or both for each such vessel.
  - iv. Piping of fuel oils, used oil and transformer oil, provided the applicant includes a system description.
  - v. Storage and handling of drums or other transportable containers where the containers are sealed during storage, and covered during loading and unloading, including containers of waste and used oil regulated under the federal Resource Conservation and Recovery Act, 42 U.S.C. 6901-6992(k). Permit applicants must provide a description of material in the containers and the approximate amount stored.
  - vi. Storage tanks of any size containing exclusively soaps, detergents, waxes, greases, aqueous salt solutions, aqueous solutions of acids that are not regulated air pollutants, or aqueous caustic solutions, provided the permit applicant specifies the contents of each storage tank with a volume of 350 gallons or more.
  - vii. Electrical transformer oil pumping, cleaning, filtering, drying and the re-installation of oil back into transformers.
  - b. Internal combustion engine-driven compressors, internal combustion engine-driven electrical generator sets, and internal combustion engine-driven water pumps used for less than 500 hours per calendar year for emergency replacement or standby service, provided the permittee keeps records documenting the hours of operation of this equipment.
  - c. Low Emitting Processes
    - i. Batch mixers with rated capacity of 5 cubic feet or less.
    - ii. Wet sand and gravel production facilities that obtain material from subterranean and subaqueous beds, whose production rate is 200 tons/hour or less, and whose permanent in-plant roads are paved and cleaned to control dust. This does not include activities in emissions units which are used to crush or grind any non-metallic minerals.
    - iii. Powder coating operations.
    - iv. Equipment using water, water and soap or detergent, or a suspension of abrasives in water for purposes of cleaning or finishing.
    - v. Blast-cleaning equipment using a suspension of abrasive in water and any exhaust system or collector serving them exclusively.
    - vi. Plastic pipe welding.
  - d. Site Maintenance
    - i. Housekeeping activities and associated products used for cleaning purposes, including collecting spilled and accumulated materials at the source, including operation of fixed vacuum cleaning systems specifically for such purposes.
    - ii. Sanding of streets and roads to abate traffic hazards caused by ice and snow.
    - iii. Street and parking lot striping.
    - iv. Architectural painting and associated surface preparation for maintenance purposes at industrial or commercial facilities.
  - e. Sampling and Testing
    - i. Noncommercial (in-house) experimental, analytical laboratory equipment which is bench scale in nature, including quality control/quality assurance laboratories supporting a stationary source and research and development laboratories.
    - ii. Individual sampling points, analyzers, and process instrumentation, whose operation may result in emissions but that are not regulated as emission units.
  - f. Ancillary Non-Industrial Activities
    - i. General office activities, such as paper shredding, copying, photographic activities, and blueprinting, but not to include incineration.
    - ii. Use of consumer products, including hazardous substances as that term is defined in the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) where the product is used at a source in the same manner as normal consumer use.
    - iii. Activities directly used in the diagnosis and treatment of disease, injury or other medical condition.
  - g. Miscellaneous Activities
    - i. Installation and operation of potable, process and waste water observation wells, including drilling, pumping, filtering apparatus.
    - ii. Transformer vents.
69. "Kraft pulp mill" means any stationary source which produces pulp from wood by cooking or digesting wood chips in a water solution of sodium hydroxide and sodium sulfide at high temperature and pressure. Regeneration of the cooking chemicals through a recovery process is also considered part of the kraft pulp mill.
70. "Lead" means elemental lead or alloys in which the predominant component is lead.
71. "Lime hydrator" means a unit used to produce hydrated lime product.
72. "Lime plant" includes any plant which produces a lime product from limestone by calcination. Hydration of the lime product is also considered to be part of the source.
73. "Lime product" means any product produced by the calcination of limestone.
74. "Major modification" is defined as follows:
- a. A major modification is any physical change in or change in the method of operation of a major source that would result in both a significant emissions increase of any regulated NSR pollutant and a significant net emissions increase of that pollutant from the stationary source.
  - b. Any emissions increase or net emissions increase that is significant for nitrogen oxides or volatile organic compounds is significant for ozone.
  - c. For the purposes of this definition, none of the following is a physical change or change in the method of operation:
    - i. Routine maintenance, repair, and replacement;
    - ii. Use of an alternative fuel or raw material by reason of an order under sections 2(a) and (b) of the Energy Supply and Environmental Coord-

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- dination Act of 1974, 15 U.S.C. 792, or by reason of a natural gas curtailment plan under the Federal Power Act, 16 U.S.C. 792 - 825r;
- iii. Use of an alternative fuel by reason of an order or rule under section 125 of the Act;
  - iv. Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
  - v. For purposes of determining the applicability of R18-2-403 through R18-2-405 or R18-2-411, any of the following:
    - (1) Use of an alternative fuel or raw material by a stationary source that the source was capable of accommodating before December 21, 1976, unless the change would be prohibited under any federally enforceable permit condition established after December 12, 1976 under 40 CFR 52.21 or under Articles 3 or 4 of this Chapter; or
    - (2) Use of an alternative fuel or raw material by a stationary source that the source is approved to use under any permit issued under R18-2-403;
    - (3) An increase in the hours of operation or in the production rate, unless the change would be prohibited under any federally enforceable permit condition established after December 21, 1976, under 40 CFR 52.21, or under Articles 3 or 4 of this Chapter.
  - vi. For purposes of determining the applicability of R18-2-406 through R18-2-408 or R18-2-410, any of the following:
    - (1) Use of an alternative fuel or raw material by a stationary source that the source was capable of accommodating before January 6, 1975, unless the change would be prohibited under any federally enforceable permit condition established after January 6, 1975 under 40 CFR 52.21 or under Articles 3 or 4 of this Chapter;
    - (2) Use of an alternative fuel or raw material by a stationary source that the source is approved to use under any permit issued under 40 CFR 52.21, or under R18-2-406; or
    - (3) An increase in the hours of operation or in the production rate, unless the change would be prohibited under any federally enforceable permit condition established after January 6, 1975, under 40 CFR 52.21, or under Articles 3 or 4 of this Chapter.
  - vii. Any change in ownership at a stationary source;
  - viii. [Reserved.]
  - ix. The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, if the project complies with:
    - (1) The SIP, and
    - (2) Other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated;
  - x. For electric utility steam generating units located in attainment and unclassifiable areas only, the installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, if the project does not result in an increase in the potential to emit any regulated pollutant emitted by the unit. This exemption applies on a pollutant-by-pollutant basis; and
  - xi. For electric utility steam generating units located in attainment and unclassifiable areas only, the reactivation of a very clean coal-fired electric utility steam generating unit.
  - d. This definition shall not apply with respect to a particular regulated NSR pollutant when the major source is complying with the requirements of R18-2-412 for a PAL for that regulated NSR pollutant. Instead, the definition of PAL major modification in R18-2-401(20) shall apply.
75. "Major source" means:
- a. A major source as defined in R18-2-401.
  - b. A major source under section 112 of the Act:
    - i. For pollutants other than radionuclides, any stationary source that emits or has the potential to emit, in the aggregate, including fugitive emission 10 tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to section 112(b) of the Act, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as described in Article 11 of this Chapter. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or
    - ii. For radionuclides, "major source" shall have the meaning specified by the Administrator by rule.
  - c. A major stationary source, as defined in section 302 of the Act, that directly emits or has the potential to emit, 100 tpy or more of any air pollutant including any major source of fugitive emissions of any such pollutant. The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of section 302(j) of the Act, unless the source belongs to a section 302(j) category.
76. "Malfunction" means any sudden and unavoidable failure of air pollution control equipment, process equipment or a process to operate in a normal and usual manner, but does not include failures that are caused by poor maintenance, careless operation or any other upset condition or equipment breakdown which could have been prevented by the exercise of reasonable care.
77. "Minor source" means a source of air pollution which is not a major source for the purposes of Article 4 of this Chapter and over which the Director, acting pursuant to A.R.S. § 49-402(B), has asserted jurisdiction.
78. "Minor source baseline area" means the air quality control region in which the source is located.

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79. "Mobile source" means any combustion engine, device, machine or equipment that operates during transport and that emits or generates air contaminants whether in motion or at rest. A.R.S. § 49-401.01(23).
80. "Modification" or "modify" means a physical change in or change in the method of operation of a source that increases the emissions of any regulated air pollutant emitted by such source by more than any relevant de minimis amount or that results in the emission of any regulated air pollutant not previously emitted by more than such de minimis amount. An increase in emissions at a minor source shall be determined by comparing the source's potential to emit before and after the modification. The following exemptions apply:
- A physical or operational change does not include routine maintenance, repair or replacement.
  - An increase in the hours of operation or if the production rate is not considered an operational change unless such increase is prohibited under any permit condition that is legally and practically enforceable by the department.
  - A change in ownership at a source is not considered a modification. A.R.S. § 49-401.01(24).
81. "Monitoring device" means the total equipment, required under the applicable provisions of this Chapter, used to measure and record, if applicable, process parameters.
82. "Motor vehicle" means any self-propelled vehicle designed for transporting persons or property on public highways.
83. "Multiple chamber incinerator" means three or more refractory-lined combustion chambers in series, physically separated by refractory walls and interconnected by gas passage ports or ducts.
84. "Natural conditions" includes naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration.
85. "National ambient air quality standard" means the ambient air pollutant concentration limits established by the Administrator pursuant to section 109 of the Act. A.R.S. § 49-401.01(25).
86. "National emission standards for hazardous air pollutants" or "NESHAP" means standards adopted by the Administrator under section 112 of the Act.
87. "Necessary preconstruction approvals or permits" means those permits or approvals required under the Act and those air quality control laws and rules which are part of the SIP.
88. "Net emissions increase" means:
- The amount by which the sum of subsections (88)(a)(i) and (ii) exceeds zero:
    - The increase in emissions of a regulated NSR pollutant from a particular physical change or change in the method of operation at a stationary source as calculated pursuant to R18-2-402(D); and
    - Any other increases and decreases in actual emissions of the regulated NSR pollutant at the source that are contemporaneous with the particular change and are otherwise creditable.
    - For purposes of calculating increases and decreases in actual emissions under subsection (88)(a)(ii), baseline actual emissions shall be determined as provided in the definition of baseline actual emissions in R18-2-401(2), except that R18-2-401(2)(a)(iii) and (b)(iv) shall not apply.
  - An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between:
    - The date five years before a complete application for a permit or permit revision authorizing the particular change is submitted or actual construction of the particular change begins, whichever occurs earlier, and
    - The date that the increase from the particular change occurs.
  - For purposes of determining the applicability of R18-2-403 through R18-2-405 or R18-2-411, an increase or decrease in actual emissions is creditable only if the Director has not relied on it in issuing a permit or permit revision under R18-2-403, which permit is in effect when the increase in actual emissions from the particular change occurs. For purposes of determining the applicability of R18-2-406 through R18-2-408 or R18-2-410, an increase or decrease in actual emissions is creditable only if the Director has not relied on it in issuing a permit under R18-2-406, which permit is in effect when the increase in actual emissions from the particular change occurs.
  - An increase or decrease in actual emissions of sulfur dioxide, nitrogen oxides, PM<sub>10</sub>, or PM<sub>2.5</sub> which occurs before the applicable minor source baseline date, as defined in R18-2-218, is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.
  - An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.
  - A decrease in actual emissions is creditable only to the extent that it satisfies all of the following conditions:
    - The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions.
    - It is enforceable as a practical matter at and after the time that actual construction on the particular change begins.
    - It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
    - The emissions unit was actually operated and emitted the specific pollutant.
    - For purposes of determining the applicability of R18-2-403 through R18-2-405 or R18-2-411, the Director has not relied on it in issuing any permit, permit revision, or registration under Article 4, R18-2-302.01, or R18-2-334, and the state has not relied on it in demonstrating attainment or reasonable further progress.
  - An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit, as defined in R18-2-401(24), that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.
  - Subsection (2)(a) shall not apply for determining creditable increases and decreases.

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89. "New source" means any stationary source of air pollution which is subject to a new source performance standard.
90. "New source performance standards" or "NSPS" means standards adopted by the Administrator under section 111(b) of the Act.
91. "Nitric acid plant" means any facility producing nitric acid 30% to 70% in strength by either the pressure or atmospheric pressure process.
92. "Nitrogen oxides" means all oxides of nitrogen except nitrous oxide, as measured by test methods set forth in the Appendices to 40 CFR 60.
93. "Nonattainment area" means an area so designated by the Administrator acting pursuant to section 107 of the Act as exceeding national primary or secondary ambient air standards for a particular pollutant or pollutants.
94. "Nonpoint source" means a source of air contaminants which lacks an identifiable plume or emission point.
95. "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.
96. "Operation" means any physical or chemical action resulting in the change in location, form, physical properties, or chemical character of a material.
97. "Owner or operator" means any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source.
98. "Particulate matter" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.
99. "Particulate matter emissions" means all finely divided solid or liquid materials other than uncombined water, emitted to the ambient air as measured by applicable test methods and procedures described in R18-2-311.
100. "Permitting authority" means the department or a county department, agency or air pollution control district that is charged with enforcing a permit program adopted pursuant to A.R.S. § 49-480(A). A.R.S. § 49-401.01(28).
101. "Permitting exemption thresholds" for a regulated minor NSR pollutant means the following:
- | Regulated Air Pollutant   | Emission Rate in tons per year (TPY) |
|---|--------------------------------------|
| PM <sub>2.5</sub> (primary emissions only; levels for precursors are set below) | 5                                    |
| PM <sub>10</sub>  | 7.5                                  |
| SO <sub>2</sub>   | 20                                   |
| NO <sub>x</sub>   | 20                                   |
| VOC   | 20                                   |
| CO  | 50                                   |
| Pb  | 0.3                                  |
102. "Person" means any public or private corporation, company, partnership, firm, association or society of persons, the federal government and any of its departments or agencies, the state and any of its agencies, departments or political subdivisions, as well as a natural person.
103. "Planning agency" means an organization designated by the governor pursuant to 42 U.S.C. 7504. A.R.S. § 49-401.01(29).
104. "PM<sub>2.5</sub>" means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR 50 Appendix L, or by an equivalent method designated according to 40 CFR 53.
105. "PM<sub>10</sub>" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method contained within 40 CFR 50 Appendix J or by an equivalent method designated in accordance with 40 CFR 53.
106. "PM<sub>10</sub> emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by applicable test methods and procedures described in R18-2-311.
107. "Plume" means visible effluent.
108. "Pollutant" means an air contaminant the emission or ambient concentration of which is regulated pursuant to this Chapter.
109. "Portable source" means any stationary source that is capable of being operated at more than one location.
110. "Potential to emit" or "potential emission rate" means the maximum capacity of a stationary source to emit a pollutant, excluding secondary emissions, under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is legally and practically enforceable by the Department or a county under A.R.S. Title 49, Chapter 3; any rule, ordinance, order or permit adopted or issued under A.R.S. Title 49, Chapter 3 or the state implementation plan.
111. "Predictive Emissions Monitoring System" or "PEMS" means the total equipment, required under the emission monitoring provisions in this Chapter, to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O<sub>2</sub> or CO<sub>2</sub> concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis.
112. "Primary ambient air quality standards" means the ambient air quality standards which define levels of air quality necessary, with an adequate margin of safety, to protect the public health, as specified in Article 2 of this Chapter.
113. "Process" means one or more operations, including equipment and technology, used in the production of goods or services or the control of by-products or waste.
114. "Project" means a physical change in, or change in the method of operation of, an existing major source.
115. "Proposed final permit" means the version of a Class I permit or Class I permit revision that the Department proposes to issue and forwards to the Administrator for review in compliance with R18-2-307(A). A proposed final permit constitutes a final and enforceable authorization to begin actual construction of, but not to operate, a new Class I source or a modification to a Class I source.
116. "Proposed permit" means the version of a permit for which the Director offers public participation under R18-2-330 or affected state review under R18-2-307(D).
117. "Reactivation of a very clean coal-fired electric utility steam generating unit" means any physical change or change in the method of operation associated with commencing commercial operations by a coal-fired utility unit after a period of discontinued operation if the unit:
- Has not been in operation for the two-year period before enactment of the Clean Air Act Amendments of 1990, and the emissions from the unit continue to

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- be carried in the Director's emissions inventory at the time of enactment;
- b. Was equipped before shutdown with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85% and a removal efficiency for particulates of no less than 98%;
  - c. Is equipped with low-NO<sub>x</sub> burners before commencement of operations following reactivation; and
  - d. Is otherwise in compliance with the Act.
118. "Reasonable further progress" means the schedule of emission reductions defined within a nonattainment area plan as being necessary to come into compliance with a national ambient air quality standard by the primary standard attainment date.
119. "Reasonably available control technology" (RACT) means devices, systems, process modifications, work practices or other apparatus or techniques that are determined by the Director to be reasonably available taking into account:
- a. The necessity of imposing the controls in order to attain and maintain a national ambient air quality standard;
  - b. The social, environmental, energy and economic impact of the controls;
  - c. Control technology in use by similar sources; and
  - d. The capital and operating costs and technical feasibility of the controls.
120. "Reclaiming machinery" means any machine, equipment device or other article used for picking up stored granular material and either depositing this material on a conveyor or reintroducing this material into the process.
121. "Reference method" means the methods of sampling and analyzing for an air pollutant as described in the Arizona Testing Manual; 40 CFR 50, Appendices A through K; 40 CFR 51, Appendix M; 40 CFR 52, Appendices D and E; 40 CFR 60, Appendices A through F; and 40 CFR 61, Appendices B and C, as incorporated by reference in 18 A.A.C. 2, Appendix 2.
122. "Regulated air pollutant" means any of the following:
- a. Any conventional air pollutant.
  - b. Nitrogen oxides and volatile organic compounds.
  - c. Any pollutant that is subject to a new source performance standard.
  - d. Any pollutant that is subject to a national emission standard for hazardous air pollutants or other requirements established under section 112 of the Act, including sections 112(g), (j), and (r), including the following:
    - i. Any pollutant subject to requirements under section 112(j) of the act. If the administrator fails to promulgate a standard by the date established pursuant to section 112(e) of the act, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to section 112(e) of the Act; and
    - ii. Any pollutant for which the requirements of section 112(g)(2) of the Act have been met, but only with respect to the individual source subject to the section 112(g)(2) requirement.
  - e. Any Class I or II substance subject to a standard promulgated under title VI of the Act.
123. "Regulated minor NSR pollutant" means any pollutant for which a national ambient air quality standard has been promulgated and the following precursors for such pollutants:
- a. VOC and nitrogen oxides as precursors to ozone.
  - b. Nitrogen oxides and sulfur dioxide as precursors to PM<sub>2.5</sub>.
124. "Regulated NSR pollutant" is defined as follows:
- a. For purposes of determining the applicability of R18-2-403 through R18-2-405 and R18-2-411, regulated NSR pollutant means any pollutant for which a national ambient air quality standard has been promulgated and any pollutant identified under this subsection as a constituent of or precursor to such pollutant, provided that such constituent or precursor pollutant may only be regulated under NSR as part of the regulation of the general pollutant. Precursors for purposes of NSR are the following:
    - i. Volatile organic compounds and nitrogen oxides are precursors to ozone in all areas.
    - ii. Sulfur dioxide is a precursor to PM<sub>2.5</sub> in all areas.
    - iii. Nitrogen oxides are precursors to PM<sub>2.5</sub> in all areas.
    - iv. VOC and ammonia are precursors to PM<sub>2.5</sub> in PM<sub>2.5</sub> nonattainment areas.
  - b. For all other purposes, regulated NSR pollutant means the pollutants identified in subsection (a) and the following:
    - i. Any pollutant that is subject to any new source performance standard except greenhouse gases as defined in 40 CFR 86.1818-12(a).
    - ii. Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act as of July 1, 2011.
    - iii. Any pollutant that is otherwise subject to regulation under the Act, except greenhouse gases as defined in 40 CFR 86.1818-12(a).
  - c. Notwithstanding subsections (124)(a) and (b), the term regulated NSR pollutant shall not include any or all hazardous air pollutants either listed in section 112 of the Act, or added to the list pursuant to section 112(b)(2) of the Act, unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under section 108 of the Act.
  - d. PM<sub>2.5</sub> emissions and PM<sub>10</sub> emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. On and after January 1, 2011, condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM<sub>2.5</sub> and PM<sub>10</sub> in permits issued under Article 4.
125. "Repowering" means:
- a. Replacing an existing coal-fired boiler with one of the following clean coal technologies:
    - i. Atmospheric or pressurized fluidized bed combustion;
    - ii. Integrated gasification combined cycle;
    - iii. Magnetohydrodynamics;
    - iv. Direct and indirect coal-fired turbines;
    - v. Integrated gasification fuel cells; or
    - vi. As determined by the Administrator, in consultation with the United States Secretary of

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- Energy, a derivative of one or more of the above technologies; and
- vii. Any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.
- b. Repowering also includes any oil, gas, or oil and gas-fired unit that has been awarded clean coal technology demonstration funding as of January 1, 1991, by the United States Department of Energy.
- c. The Director shall give expedited consideration to permit applications for any source that satisfies the requirements of this subsection (and) is granted an extension under section 409 of the Act.
126. "Run" means the net period of time during which an emission sample is collected, which may be, unless otherwise specified, either intermittent or continuous within the limits of good engineering practice.
127. "Secondary ambient air quality standards" means the ambient air quality standards which define levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant, as specified in Article 2 of this Chapter.
128. "Secondary emissions" means emissions which are specific, well defined, quantifiable, occur as a result of the construction or operation of a major source or major modification, but do not come from the major source or major modification itself, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions include emissions from any offsite support facility which would not otherwise be constructed or increase its emissions except as a result of the construction or operation of the major source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.
129. "Section 302(j) category" means:
- a. Any of the classes of sources listed in the definition of categorical source in subsection (23); or
- b. Any category of affected facility which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act.
130. "Shutdown" means the cessation of operation of any air pollution control equipment or process equipment for any purpose, except routine phasing out of process equipment.
131. "Significant" means, in reference to a significant emissions increase, a net emissions increase, a stationary source's potential to emit or a stationary source's maximum capacity to emit with any elective limits as defined in R18-2-301(13):
- a. A rate of emissions of conventional pollutants that would equal or exceed any of the following:
- | Pollutant         | Emissions Rate  |
|-------------------|---|
| Carbon monoxide   | 100 tons per year (tpy)   |
| Nitrogen oxides   | 40 tpy  |
| Sulfur dioxide    | 40 tpy  |
| PM <sub>10</sub>  | 15 tpy  |
| PM <sub>2.5</sub> | 10 tpy of direct PM <sub>2.5</sub> emissions; 40 tpy of sulfur dioxide emissions; 40 tpy of nitrogen oxide emissions. |
- Ozone 40 tpy of VOC or nitrogen oxides
- Lead 0.6 tpy
- b. For purposes of determining the applicability of R18-2-302(B)(2) or R18-2-406, in addition to the rates specified in subsection (131)(a), a rate of emissions of non-conventional pollutants that would equal or exceed any of the following:
- | Pollutant   | Emissions Rate             |
|---|----------------------------|
| Particulate matter  | 25 tpy                     |
| Fluorides   | 3 tpy                      |
| Sulfuric acid mist  | 7 tpy                      |
| Hydrogen sulfide (H <sub>2</sub> S)   | 10 tpy                     |
| Total reduced sulfur (including H <sub>2</sub> S)   | 10 tpy                     |
| Reduced sulfur compounds (including H <sub>2</sub> S)   | 10 tpy                     |
| Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans) | 3.5 x 10 <sup>-6</sup> tpy |
| Municipal waste combustor metals (measured as particulate matter)   | 15 tpy                     |
| Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)                                   | 40 tpy                     |
| Municipal solid waste landfill emissions (measured as nonmethane organic compounds)                                       | 50 tpy                     |
| Any regulated NSR pollutant not specifically listed in this subsection (or) subsection (131)(a), except for ammonia.      | Any emission rate          |
- c. In ozone nonattainment areas classified as serious or severe, the emission rate for nitrogen oxides or VOC determined under R18-2-405.
- d. In a carbon monoxide nonattainment area classified as serious, a rate of emissions that would equal or exceed 50 tons per year, if the Administrator has determined that stationary sources contribute significantly to carbon monoxide levels in that area.
- e. In PM<sub>2.5</sub> nonattainment areas, an emission rate that would equal or exceed 40 tons per year of VOC as a precursor of PM<sub>2.5</sub>.
- f. In PM<sub>2.5</sub> nonattainment areas, for purposes of determining the applicability of R18-2-403 or R18-2-404, an emission rate that would equal or exceed 40 tons per year of ammonia, as a precursor to PM<sub>2.5</sub>. This subsection shall take effect on the effective date of the Administrator's action approving it as part of the state implementation plan.
- g. Notwithstanding the emission rates listed in subsection (131)(a) or (b), for purposes of determining the applicability of R18-2-406, any emissions rate or any net emissions increase associated with a major source or major modification, which would be constructed within 10 kilometers of a Class I area and have an impact on the ambient air quality of such area equal to or greater than 1 µg/m<sup>3</sup> (24-hour average).



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132. "Significant emissions increase" means, for a regulated NSR pollutant, an increase in emissions that is significant as defined in this Section for that pollutant.
133. "Smoke" means particulate matter resulting from incomplete combustion.
134. "Source" means any building, structure, facility or installation that may cause or contribute to air pollution or the use of which may eliminate, reduce or control the emission of air pollution. A.R.S. § 49-401.01(23).
135. "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.
136. "Stack in existence" means that the owner or operator had either:
- Begun, or caused to begin, a continuous program of physical onsite construction of the stack;
  - Entered into binding agreements or contractual obligations, which could not be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.
137. "Start-up" means the setting into operation of any air pollution control equipment or process equipment for any purpose except routine phasing in of process equipment.
138. "State implementation plan" or "SIP" means the accumulated record of enforceable air pollution control measures, programs and plans adopted by the Director and submitted to and approved by the Administrator pursuant to 42 U.S.C. 7410.
139. "Stationary rotating machinery" means any gas engine, diesel engine, gas turbine, or oil fired turbine operated from a stationary mounting and used for the production of electric power or for the direct drive of other equipment.
140. "Stationary source" means any building, structure, facility or installation which emits or may emit any regulated NSR pollutant, any regulated air pollutant or any pollutant listed under section 112(b) of the act. "Building," "structure," "facility," or "installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" as described in the "Standard Industrial Classification Manual, 1987."
141. "Subject to regulation" means, for any air pollutant, that the pollutant is subject to either a provision in the Act, or a nationally-applicable regulation codified by the administrator in 40 CFR chapter I, subchapter C, that requires actual control of the quantity of emissions of that pollutant, and that such a control requirement has taken effect and is operative to control, limit or restrict the quantity of emissions of that pollutant released from the regulated activity.
142. "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge, but does not include facilities where conversion to sulfuric acid is utilized as a means of preventing emissions of sulfur dioxide or other sulfur compounds to the atmosphere.
143. "Temporary clean coal technology demonstration project" means a clean coal technology demonstration project operated for five years or less, and that complies with the applicable implementation plan and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after the project is terminated.
144. "Temporary source" means a source which is portable, as defined in A.R.S. § 49-401.01(23) and which is not an affected source.
145. "Total reduced sulfur" (TRS) means the sum of the sulfur compounds, primarily hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide, that are released during kraft pulping and other operations and measured by Method 16 in 40 CFR 60, Appendix A.
146. "Trivial activities" means activities and emissions units, such as the following, that may be omitted from a permit or registration application. Certain of the following listed activities include qualifying statements intended to exclude similar activities:
- Low-Emitting Combustion
    - Combustion emissions from propulsion of mobile sources;
    - Emergency or backup electrical generators at residential locations;
    - Portable electrical generators that can be moved by hand from one location to another. "Moved by hand" means capable of being moved without the assistance of any motorized or non-motorized vehicle, conveyance, or device;
  - Low- Or Non-Emitting Industrial Activities
    - Blacksmith forges;
    - Hand-held or manually operated equipment used for buffing, polishing, carving, cutting, drilling, sawing, grinding, turning, routing or machining of ceramic art work, precision parts, leather, metals, plastics, fiberboard, masonry, carbon, glass, or wood;
    - Brazing, soldering, and welding equipment, and cutting torches related to manufacturing and construction activities that do not result in emission of HAP metals. Brazing, soldering, and welding equipment, and cutting torches related to manufacturing and construction activities that emit HAP metals are insignificant activities based on size or production level thresholds. Brazing, soldering, and welding equipment, and cutting torches directly related to plant maintenance and upkeep and repair or maintenance shop activities that emit HAP metals are treated as trivial and listed separately in this definition;
    - Drop hammers or hydraulic presses for forging or metalworking;
    - Air compressors and pneumatically operated equipment, including hand tools;
    - Batteries and battery charging stations, except at battery manufacturing plants;
    - Drop hammers or hydraulic presses for forging or metalworking;
    - Equipment used exclusively to slaughter animals, not including other equipment at slaughterhouses, such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment;
    - Hand-held applicator equipment for hot melt adhesives with no VOC in the adhesive formulation;

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- x. Equipment used for surface coating, painting, dipping, or spraying operations, except those that will emit VOC or HAP;
- xi. CO<sub>2</sub> lasers used only on metals and other materials that do not emit HAP in the process;
- xii. Electric or steam-heated drying ovens and autoclaves, but not the emissions from the articles or substances being processed in the ovens or autoclaves or the boilers delivering the steam;
- xiii. Salt baths using nonvolatile salts that do not result in emissions of any regulated air pollutants;
- xiv. Laser trimmers using dust collection to prevent fugitive emissions;
- xv. Process water filtration systems and demineralizers;
- xvi. Demineralized water tanks and demineralizer vents;
- xvii. Oxygen scavenging or de-aeration of water;
- xviii. Ozone generators;
- xix. Steam vents and safety relief valves;
- xx. Steam leaks; and
- xxi. Steam cleaning operations and steam sterilizers;
- xxii. Use of vacuum trucks and high pressure washer/cleaning equipment within the stationary source boundaries for cleanup and in-source transfer of liquids and slurried solids to waste water treatment units or conveyances;
- xxiii. Equipment using water, water and soap or detergent, or a suspension of abrasives in water for purposes of cleaning or finishing.
- xxiv. Electric motors.
- c. Building and Site Maintenance Activities
  - i. Plant and building maintenance and upkeep activities, including grounds-keeping, general repairs, cleaning, painting, welding, plumbing, re-tarring roofs, installing insulation, and paving parking lots, if these activities are not conducted as part of a manufacturing process, are not related to the source's primary business activity, and do not otherwise trigger a permit revision. Cleaning and painting activities qualify as trivial activities if they are not subject to VOC or hazardous air pollutant control requirements;
  - ii. Repair or maintenance shop activities not related to the source's primary business activity, not including emissions from surface coating, de-greasing, or solvent metal cleaning activities, and not otherwise triggering a permit revision;
  - iii. Janitorial services and consumer use of janitorial products;
  - iv. Landscaping activities;
  - v. Routine calibration and maintenance of laboratory equipment or other analytical instruments;
  - vi. Sanding of streets and roads to abate traffic hazards caused by ice and snow;
  - vii. Street and parking lot striping;
  - viii. Caulking operations which are not part of a production process.
- d. Incidental, Non-Industrial Activities
  - i. Air-conditioning units used for human comfort that do not have applicable requirements under Title VI of the Act;
  - ii. Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing, industrial or commercial process;
  - iii. Tobacco smoking rooms and areas;
  - iv. Non-commercial food preparation;
  - v. General office activities, such as paper shredding, copying, photographic activities, pencil sharpening and blueprinting, but not including incineration;
  - vi. Laundry activities, except for dry-cleaning and steam boilers;
  - vii. Bathroom and toilet vent emissions;
  - viii. Fugitive emissions related to movement of passenger vehicles, if the emissions are not counted for applicability purposes under subsection (146)(c) of the definition of major source in this Section and any required fugitive dust control plan or its equivalent is submitted with the application;
  - ix. Use of consumer products, including hazardous substances as that term is defined in the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) where the product is used at a source in the same manner as normal consumer use;
  - x. Activities directly used in the diagnosis and treatment of disease, injury or other medical condition;
  - xi. Circuit breakers;
  - xii. Adhesive use which is not related to production.
- e. Storage, Piping and Packaging
  - i. Storage tanks, vessels, and containers holding or storing liquid substances that will not emit any VOC or HAP;
  - ii. Storage tanks, reservoirs, and pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, if appropriate lids and covers are used;
  - iii. Chemical storage associated with water and wastewater treatment where the water is treated for consumption and/or use within the permitted facility;
  - iv. Chemical storage associated with water and wastewater treatment where the water is treated for consumption and/or use within the permitted facility;
  - v. Storage cabinets for flammable products;
  - vi. Natural gas pressure regulator vents, excluding venting at oil and gas production facilities;
  - vii. Equipment used to mix and package soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, if appropriate lids and covers are used;
- f. Sampling and Testing
  - i. Vents from continuous emissions monitors and other analyzers;
  - ii. Bench-scale laboratory equipment used for physical or chemical analysis, but not laboratory fume hoods or vents;
  - iii. Equipment used for quality control, quality assurance, or inspection purposes, including sampling equipment used to withdraw materials for analysis;
  - iv. Hydraulic and hydrostatic testing equipment;

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- v. Environmental chambers not using HAP gases;
- vi. Soil gas sampling;
- vii. Individual sampling points, analyzers, and process instrumentation, whose operation may result in emissions but that are not regulated as emission units;
- g. Safety Activities
  - i. Fire suppression systems;
  - ii. Emergency road flares;
- h. Miscellaneous Activities
  - i. Shock chambers;
  - ii. Humidity chambers;
  - iii. Solar simulators;
  - iv. Cathodic protection systems;
  - v. High voltage induced corona; and
  - vi. Filter draining.
- 147. "Unclassified area" means an area which the Administrator, because of a lack of adequate data, is unable to classify as an attainment or nonattainment area for a specific pollutant, and which, for purposes of this Chapter, is treated as an attainment area.
- 148. "Uncombined water" means condensed water containing analytical trace amounts of other chemical elements or compounds.
- 149. "Urban or suburban open area" means an unsubdivided tract of land surrounding a substantial urban development of a residential, industrial, or commercial nature and which, though near or within the limits of a city or town, may be uncultivated, used for agriculture, or lie fallow.
- 150. "Vacant lot" means a subdivided residential or commercial lot which contains no buildings or structures of a temporary or permanent nature.
- 151. "Vapor" means the gaseous form of a substance normally occurring in a liquid or solid state.
- 152. "Visibility impairment" means any humanly perceptible change in visibility (light extinction, visual range, contrast, coloration) from that which would have existed under natural conditions.
- 153. "Visible emissions" means any emissions which are visually detectable without the aid of instruments and which contain particulate matter.
- 154. "Volatile organic compounds" or "VOC" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions. This includes any such organic compound other than the following:
  - a. Methane;
  - b. Ethane;
  - c. Methylene chloride (dichloromethane);
  - d. 1,1,1-trichloroethane (methyl chloroform);
  - e. 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
  - f. Trichlorofluoromethane (CFC-11);
  - g. Dichlorodifluoromethane (CFC-12);
  - h. Chlorodifluoromethane (HCFC-22);
  - i. Trifluoromethane (HFC-23);
  - j. 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);
  - k. Chloropentafluoroethane (CFC-115);
  - l. 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
  - m. 1,1,1,2-tetrafluoroethane (HFC-134(a));
  - n. 1,1-dichloro 1-fluoroethane (HCFC-141(b));
  - o. 1-chloro 1,1-difluoroethane (HCFC-142(b));
  - p. 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
  - q. Pentafluoroethane (HFC-125);
  - r. 1,1,2,2-tetrafluoroethane (HFC-134);
  - s. 1,1,1-trifluoroethane (HFC-143(a));
  - t. 1,1-difluoroethane (HFC-152(a));
  - u. Parachlorobenzotrifluoride (PCBTF);
  - v. Cyclic, branched, or linear completely methylated siloxanes;
  - w. Acetone;
  - x. Perchloroethylene (tetrachloroethylene);
  - y. 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225(ca));
  - z. 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225(cb));
  - aa. 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
  - bb. Difluoromethane (HFC-32);
  - cc. Ethylfluoride (HFC-161);
  - dd. 1,1,1,3,3,3-hexafluoropropane (HFC-236(fa));
  - ee. 1,1,2,2,3-pentafluoropropane (HFC-245(ca));
  - ff. 1,1,2,3,3-pentafluoropropane (HFC-245(ea));
  - gg. 1,1,1,2,3-pentafluoropropane (HFC-245(eb));
  - hh. 1,1,1,3,3-pentafluoropropane (HFC-245(fa));
  - ii. 1,1,1,2,3,3-hexafluoropropane (HFC-236(ea));
  - jj. 1,1,1,3,3-pentafluorobutane (HFC-365(mfc));
  - kk. Chlorofluoromethane (HCFC-31);
  - ll. 1-chloro-1-fluoroethane (HCFC-151(a));
  - mm. 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123(a));
  - nn. 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C<sub>4</sub>F<sub>9</sub>OCH<sub>3</sub>);
  - oo. 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CFCF<sub>2</sub>OCH<sub>3</sub>);
  - pp. 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C<sub>4</sub>F<sub>9</sub>OC<sub>2</sub>H<sub>5</sub>);
  - qq. 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CFCF<sub>2</sub>OC<sub>2</sub>H<sub>5</sub>);
  - rr. Methyl acetate; and
  - ss. 1,1,1,2,2,3,3-heptafluoro-3-methoxypropane (n-C<sub>3</sub>F<sub>7</sub>OCH<sub>3</sub>, HFE—7000);
  - tt. 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE – 7500);
  - uu. 1,1,1,2,3,3,3-hentafluoropropane (HFC 227ea);
  - vv. Methyl formate (HCOOCH<sub>3</sub>); and
  - ww. (1) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE—7300);
  - xx. Propylene carbonate;
  - yy. Dimethyl carbonate; and
  - zz. Trans -1,3,3,3-tetrafluoropropene;
  - aaa. HCF<sub>2</sub>OCF<sub>2</sub>H (HFE-134);
  - bbb. HCF<sub>2</sub>OCF<sub>2</sub>OCF<sub>2</sub>H (HFE-236(cal2));
  - ccc. HCF<sub>2</sub>OCF<sub>2</sub>CF<sub>2</sub>OCF<sub>2</sub>H (HFE-338(pcc13));
  - ddd. HCF<sub>2</sub>OCF<sub>2</sub>OCF<sub>2</sub>CF<sub>2</sub>OCF<sub>2</sub>H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180));
  - eee. Trans 1-chloro-3,3,3-trifluoroprop-1-ene;
  - fff. 2,3,3,3-tetrafluoropropene;
  - ggg. 2-amino-2-methyl-1-propanol; and
  - hhh. Perfluorocarbon compounds that fall into these classes:
    - i. Cyclic, branched, or linear, completely fluorinated alkanes.
    - ii. Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations.
    - iii. Cycle, branched, or linear, completely fluorinated tertiary amines with no unsaturations; or
    - iv. Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
  - v. The following compound is VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory

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- requirements which apply to VOC and shall be uniquely identified in emission reports, but is not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate.
155. "Wood waste burner" means an incinerator designed and used exclusively for the burning of wood wastes consisting of wood slabs, scraps, shavings, barks, sawdust or other wood material, including those that generate steam as a by-product.

**Historical Note**

Former Section R9-3-101 repealed, new Section R9-3-101 adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Editorial correction, paragraph (133) (Supp. 80-1). Editorial correction, paragraph (58) (Supp. 80-2). Amended effective July 9, 1980. Amended by adding new paragraphs (24), (55), (102), and (115) and renumbering accordingly, effective August 29, 1980 (Supp. 80-4). Amended effective May 28, 1982 (Supp. 82-3). Amended effective September 22, 1983 (Supp. 83-5). Amended paragraph (133), added paragraph (156) and renumbered accordingly effective September 28, 1984 (Supp. 84-5). Amended paragraph (29) by deleting (aa) and (bb) effective August 9, 1985 (Supp. 85-4). Former Section R9-3-101 renumbered without change as R18-2-101 (Supp. 87-3). Amended paragraph (98) effective December 1, 1988 (Supp. 88-4). Amended effective September 26, 1990 (Supp. 90-3). Amended effective November 15, 1993 (Supp. 93-4). Amended effective June 10, 1994 (Supp. 94-2). Amended effective October 7, 1994 (Supp. 94-4). Amended effective February 28, 1995 (Supp. 95-1). Amended effective August 1, 1995 (Supp. 95-3). Amended effective January 31, 1997; filed with the Office of Secretary of State January 10, 1997 (Supp. 97-1). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4074, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 8 A.A.R. 2543, effective May 24, 2002 (Supp. 02-2). Amended by final rulemaking at 9 A.A.R. 4541, effective December 2, 2003 (Supp. 03-4). Amended by final rulemaking at 11 A.A.R. 3305, effective October 3, 2005 (Supp. 05-3). Amended by final rulemaking at 11 A.A.R. 5504, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1). Amended by final rulemaking at 25 A.A.R. 3630, effective February 1, 2020 (Supp. 19-4).

**R18-2-102. Incorporated Materials**

- A. The following documents are incorporated by reference and are on file with the Office of the Secretary of State (1700 W. Washington St., Suite 103, Phoenix, AZ 85007) and the Department (1110 W. Washington St., Phoenix, AZ 85007):
1. Sections 1 and 7 of the Department's "Arizona Testing Manual for Air Pollutant Emissions," amended as of March 1992 (and no future editions).
  2. All ASTM test methods referenced in this Chapter as of the year specified in the reference (and no future amendments). They are available from the American Society for Testing and Materials, 1916 Race St., Philadelphia, PA 19103-1187.

3. The U.S. Government Printing Office's "Standard Industrial Classification Manual, 1987" (and no future editions).
- B. The Code of Federal Regulations is published by the United States Government Printing Office, 732 North Capital Street, NW, Washington, DC 20401-0001, is on file with the Department of Environmental Quality, 1110 West Washington Street, Phoenix, Arizona 85007, and is available at the Arizona State Library, Archives & Public Records, 1700 West Washington Street, Phoenix, Arizona 85007 and at other Federal depository libraries in the state (see [http://catalog.gpo.gov/fdlpdir/FDLP-dir.jsp?st\\_12=AZ&flag=searchp](http://catalog.gpo.gov/fdlpdir/FDLP-dir.jsp?st_12=AZ&flag=searchp)). It is also available online at <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.

**Historical Note**

Adopted effective September 26, 1990 (Supp. 90-3). Amended effective February 3, 1993 (Supp. 93-1). Amended effective November 15, 1993 (Supp. 93-4). Amended effective June 10, 1994 (Supp. 94-2). Amended effective December 7, 1995 (Supp. 95-4). Amended by final rulemaking at 5 A.A.R. 3221, effective August 12, 1999 (Supp. 99-3). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-103. Applicable Implementation Plan; Savings**

No rule adopted in this Chapter shall preempt or nullify any applicable requirement or emission standard in an applicable implementation plan unless the Director revises the applicable implementation plan in conformance with the requirements of 40 CFR 51, Subpart F, and the Administrator approves the revision.

**Historical Note**

Adopted effective September 26, 1990 (Supp. 90-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4).

**ARTICLE 2. AMBIENT AIR QUALITY STANDARDS; AREA DESIGNATIONS; CLASSIFICATIONS****R18-2-201. Particulate Matter: PM<sub>10</sub> and PM<sub>2.5</sub>**

- A. PM<sub>10</sub> Standards
1. The level of the primary and secondary ambient air quality standards for PM<sub>10</sub> is 150 micrograms per cubic meter of PM<sub>10</sub> – 24-hour average concentration.
  2. To determine attainment of the primary and secondary standards, a person shall measure PM<sub>10</sub> in the ambient air by:
    - a. A reference method based on 40 CFR 50, Appendix J, and designated according to 40 CFR 53; or
    - b. An equivalent method designated according to 40 CFR 53.
  3. The primary and secondary 24-hour ambient air quality standards for PM<sub>10</sub> are attained when the expected number of days per calendar year with a 24-hour average concentration above 150 micrograms per cubic meter, determined according to 40 CFR 50, Appendix K, is less than or equal to one.
- B. PM<sub>2.5</sub> Standards
1. The primary ambient air quality standards for PM<sub>2.5</sub> are:
    - a. 12 micrograms per cubic meter of PM<sub>2.5</sub> – annual arithmetic mean concentration.
    - b. 35 micrograms per cubic meter of PM<sub>2.5</sub> – 24-hour average concentration.
  2. The secondary ambient air quality standards for PM<sub>2.5</sub> are:

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- a. 15 micrograms per cubic meter of  $PM_{2.5}$  – annual arithmetic mean concentration.
- b. 35 micrograms per cubic meter of  $PM_{2.5}$  – 24-hour average concentration.
3. To determine attainment of the primary and secondary standards, a person shall measure  $PM_{2.5}$  in the ambient air by:
  - a. A reference method based on 40 CFR 50, Appendix L, and designated according to 40 CFR 53; or
  - b. An equivalent method designated according to 40 CFR 53.
4. The primary annual ambient air quality standard for  $PM_{2.5}$  is met when the annual arithmetic mean concentration, determined according to 40 CFR 50, Appendix N, is less than or equal to 12 micrograms per cubic meter.
5. The secondary annual ambient air quality standard for  $PM_{2.5}$  is met when the annual arithmetic mean concentration, determined according to 40 CFR 50, Appendix N, is less than or equal to 15 micrograms per cubic meter.
6. The primary and secondary 24-hour ambient air quality standards for  $PM_{2.5}$  are met when the 98th percentile 24-hour concentration, determined according to 40 CFR 50, Appendix N, is less than or equal to 35 micrograms per cubic meter.

**Historical Note**

Amended effective December 22, 1976 (Supp. 76-5). Former Section R9-3-201 repealed, new Section R9-3-201 adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Editorial correction, subsection (E) (Supp. 80-2). Amended effective August 29, 1980 (Supp. 80-4). Amended subsection(B)(1) and deleted subsections (C) through (E) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-201 renumbered without change as Section R18-2-201 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Amended by final rulemaking at 11 A.A.R. 3305, effective October 3, 2005 (Supp. 05-3). Section corrected to include subsection (B), which was inadvertently omitted in Supp. 05-3 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-202. Sulfur Oxides (Sulfur Dioxide)**

- A. The primary ambient air quality standards for sulfur oxides, measured as sulfur dioxide, are:
  1. 0.03 parts per million (ppm) ( $80 \mu\text{g}/\text{m}^3$ ) -- annual arithmetic mean.
  2. 0.14 parts per million (ppm) ( $365 \mu\text{g}/\text{m}^3$ ) – maximum 24-hour concentration not to be exceeded more than once per calendar year.
  3. 75 parts per billion (ppb) – maximum one-hour concentration. The one-hour primary standard is met at an ambient air quality monitoring site when the three-year average of the annual 99th percentile of the daily maximum one-hour average concentrations is less than or equal to 75 parts per billion, as determined according to 40 CFR 50, Appendix T.
- B. The secondary ambient air quality standard for sulfur oxides, measured as sulfur dioxide, is 0.5 parts per million (ppm) ( $1300 \mu\text{g}/\text{m}^3$ ) -- maximum three-hour concentration not to be exceeded more than once per year.
- C. The level of the standards shall be measured by a reference method based on 40 CFR 50, Appendix A or A-1, or by a Federal Equivalent Method designated according to 40 CFR 53.

- D. The standards in subsections (A)(1) and (2) shall apply:

1. In an area designated nonattainment for a standard in subsections (A)(1) or (2) as of August 23, 2011, and areas not meeting a state implementation plan call for a standard in subsections (A)(1) or (2), until the state submits pursuant to section 191 of the Act, and the Administrator approves, a state implementation plan providing for attainment the standard in subsection (A)(3) in that area.
2. In areas other than those identified in subsection (D)(1), until the effective date of the designation of that area, pursuant to section 107 of the act, for the standard in subsection (A)(3).

**Historical Note**

Amended effective December 22, 1976 (Supp. 76-5). Former Section R9-3-202 repealed, new Section R9-3-202 adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective August 29, 1980 (Supp. 80-4). Amended subsection (B) effective May 28, 1982 (Supp. 82-3). Amended by deleting subsections (C) through (E) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-202 renumbered without change as Section R18-2-202 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Amended by final rulemaking at 11 A.A.R. 3305, effective October 3, 2005 (Supp. 05-3). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2).

**R18-2-203. Ozone**

- A. The eight-hour average primary ambient air quality standard for ozone is 0.070 ppm.
- B. The eight-hour average secondary ambient air quality standard for ozone is 0.070 ppm.
- C. To determine attainment of the primary and secondary standards, a person shall measure ozone in the ambient air by:
  1. A reference method based on 40 CFR 50, Appendix D, and designated according to 40 CFR 53; or
  2. An equivalent method designated according to 40 CFR 53.
- D. The eight-hour average primary ambient air quality standard for ozone is met at an ambient air quality monitoring site when the three-year average of the annual fourth highest daily maximum eight-hour average ozone concentration is less than or equal to 0.070 ppm, determined according to 40 CFR 50, Appendix U.

**Historical Note**

Amended effective December 22, 1976 (Supp. 76-5). Former Section R9-3-204 repealed, new Section R9-3-204 adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective August 29, 1980 (Supp. 80-4). Amended by deleting subsections (B) through (D) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-204 renumbered without change as Section R18-2-204 (Supp. 87-3). Section R18-2-103 renumbered from R18-2-204 and amended effective September 26, 1990 (Supp. 90-3). Amended by final rulemaking at 11 A.A.R. 3305, effective October 3, 2005 (Supp. 05-3). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-204. Carbon monoxide**

- A. The primary ambient air quality standards for carbon monoxide are:

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1. 9 parts per million (10 milligrams per cubic meter) -- maximum eight-hour concentration not to be exceeded more than once per year.
  2. 35 parts per million (40 milligrams per cubic meter) -- maximum one-hour concentration not to be exceeded more than once per year.
- B.** An eight-hour average shall be considered valid if at least 75% of the hourly averages for the eight-hour period are available. In the event that only six or seven hourly averages are available, the eight-hour average shall be computed on the basis of the hours available using 6 or 7 as the divisor.
- C.** When summarizing data for comparison with the standards, averages shall be stated to one decimal place. Comparison of the data with the levels of the standards in parts per million shall be made in terms of integers with fractional parts of 0.5 or greater rounding up.

**Historical Note**

Amended effective December 22, 1976 (Supp. 76-5).  
 Former Section R9-3-205 repealed, new Section R9-3-205 adopted effective May 14, 1979 (Supp. 79-1).  
 Amended effective October 2, 1979 (Supp. 79-5).  
 Amended effective August 29, 1980 (Supp. 80-4).  
 Amended by deleting subsections (B) through (D) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-205 renumbered without change as Section R18-2-205 (Supp. 87-3). Former Section R18-2-204 renumbered to R18-2-203, new Section R18-2-204 renumbered from R18-2-205 and amended effective September 26, 1990 (Supp. 90-3).

**R18-2-205. Nitrogen Oxides (Nitrogen Dioxide)**

- A.** The primary ambient air quality standards for oxides of nitrogen, measured in the ambient air as nitrogen dioxide, are:
1. 53 parts per billion -- annual average concentration.
  2. 100 parts per billion -- one-hour average concentration.
- B.** The secondary ambient air quality standard for nitrogen dioxide is 0.053 (parts per million (100 micrograms per cubic meter) -- annual arithmetic mean.
- C.** The levels of the standards shall be measured by a reference method based on 40 CFR 50, Appendix F or a federal equivalent method designated in accordance with 40 CFR 53.
- D.** The annual primary standard is met when the annual average concentration in a calendar year is less than or equal to 53 ppb, as determined in accordance with 40 CFR, Appendix S for the annual standard.
- E.** The one-hour primary standard is met when the three-year average of the annual 98th percentile of the daily maximum one-hour average concentration is less than or equal to 100 parts per billion, as determined in accordance with 40 CFR 50, Appendix S.
- F.** The secondary standard is attained when the annual arithmetic mean concentration in a calendar year is less than or equal to 0.053 ppm, rounded to three decimal places, with fractional parts equal to or greater than 0.0005 ppm rounded up. To demonstrate attainment, an annual mean shall be based upon hourly data that is at least 75% complete or upon data derived from the manual methods, that is at least 75% complete for the scheduled sampling days in each calendar quarter.

**Historical Note**

Amended effective December 22, 1976 (Supp. 76-5).  
 Former Section R9-3-206 repealed, new Section R9-3-206 adopted effective May 14, 1979 (Supp. 79-1).  
 Amended effective October 2, 1979 (Supp. 79-5).  
 Amended effective August 29, 1980 (Supp. 80-4).  
 Amended by deleting subsections (B) through (D) effective September 22, 1983 (Supp. 83-5). Former Section

R9-3-206 renumbered without change as Section R18-2-206 (Supp. 87-3). Former Section R18-2-205 renumbered to R18-2-204, new Section R18-2-205 renumbered from R18-2-206 and amended effective September 26, 1990 (Supp. 90-3). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2).

**R18-2-206. Lead**

- A.** The primary ambient air quality standard for lead and its compounds, measured as elemental lead, is 0.15 micrograms per cubic meter -- maximum arithmetic mean averaged over a three-month period.
- B.** The secondary ambient air quality standard for lead and its compounds, measured as elemental lead, is 0.15 micrograms per cubic meter -- maximum arithmetic mean averaged over a three-month period.
- C.** The level of the standards shall be measured by a reference method based on 40 CFR 50, Appendix G and designated in accordance with 40 CFR 53, or by an equivalent designated in accordance with part 53 of this chapter.
- D.** The national primary and secondary ambient air quality standards for lead are met when the maximum arithmetic three-month mean concentration for a three-year period, as determined in accordance with 40 CFR 50, Appendix R, is less than or equal to 0.15 micrograms per cubic meter.
- E.** The former primary and secondary ambient air quality standards for lead of 1.5 micrograms per cubic meter averaged over a calendar quarter shall apply to an area until one year after the effective date of the designation of that area, pursuant to section 107 of the Act, for the standards in subsections (A) and (B).

**Historical Note**

Former Section R9-3-207 repealed effective May 14, 1979 (Supp. 79-1). New Section R9-3-207 adopted effective October 2, 1979 (Supp. 79-5). Amended effective August 29, 1980 (Supp. 80-4). Amended by deleting subsections (B) through (D) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-207 renumbered without change as Section R18-2-207 (Supp. 87-3). Former Section R18-2-206 renumbered to R18-2-205, new Section R18-2-206 renumbered from R18-2-207 and amended effective September 26, 1990 (Supp. 90-3). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2).

**R18-2-207. Renumbered****Historical Note**

Former Section R9-3-207 renumbered to R18-2-206 effective September 26, 1990 (Supp. 90-3).

**R18-2-208. Reserved****R18-2-209. Reserved****R18-2-210. Attainment, Nonattainment, and Unclassifiable Area Designations**

40 CFR 81.303 as amended as of July 1, 2014 (and no future amendments or editions) is incorporated by reference as an applicable requirement and on file with the Department of Environmental Quality. 40 CFR 81.303 is available from the U.S. Government Printing Office, Superintendent of Documents, bookstore.gpo.gov, Mail Stop: SSOP IDCC-SSOM, Washington, D.C. 20402-9328.

**Historical Note**

Adopted effective November 15, 1993 (Supp. 93-4).  
 Amended effective December 7, 1995 (Supp. 95-4).  
 Amended by final rulemaking at 5 A.A.R. 3221, effective August 12, 1999 (Supp. 99-3). Amended by final

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rulemaking at 8 A.A.R. 2543, effective May 24, 2002 (Supp. 02-2). Amended by final rulemaking at 10 A.A.R. 3281, effective September 27, 2004 (Supp. 04-3). Amended by final rulemaking at 11 A.A.R. 3305, effective October 3, 2005 (Supp. 05-3). Amended by final rulemaking at 13 A.A.R. 4199, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3).

**R18-2-211. Reserved****R18-2-212. Reserved****R18-2-213. Reserved****R18-2-214. Reserved****R18-2-215. Ambient air quality monitoring methods and procedures**

- A. Only those methods which have been either designated by the Administrator as reference or equivalent methods or approved by the Director shall be used to monitor ambient air.
- B. Quality assurance, monitor siting, and sample probe installation procedures shall be in accordance with procedures described in the Appendices to 40 CFR 58.
- C. The Director may approve other procedures upon a finding that the proposed procedures are substantially equivalent or superior to procedures in the Appendices to 40 CFR 58.

**Historical Note**

Adopted effective September 22, 1983 (Supp. 83-5). Former Section R9-3-215 renumbered without change as Section R18-2-215 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3).

**R18-2-216. Interpretation of Ambient Air Quality Standards and Evaluation of Air Quality Data**

Unless otherwise specified, interpretation of all ambient air quality standards contained in this Article shall be in accordance with 40 CFR 50, incorporated by reference in Appendix 2 of this Chapter.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-216 repealed, new Section R9-3-216 adopted effective August 29, 1980 (Supp. 80-4). Former Section R9-3-216 renumbered without change as Section R18-2-216 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1).

**R18-2-217. Designation and Classification of Attainment Areas**

- A. All areas shall be classified as either Class I, Class II or Class III.
- B. All of the following areas which were in existence on August 7, 1977 shall be Class I areas irrespective of attainment status and shall not be redesignated:
  - 1. International parks;
  - 2. National wilderness areas which exceed 5,000 acres in size;
  - 3. National memorial parks which exceed 5,000 acres in size; and
  - 4. National parks which exceed 6,000 acres in size.
- C. Areas which were redesignated as Class I under regulations promulgated before August 7, 1977, shall remain Class I, but may be redesignated as provided in this Section.

- D. Any other area, unless otherwise specified in the legislation creating such an area, is initially designated Class II, but may be redesignated as provided in this Section.

- E. The following areas shall be designated only as Class I or II:

1. An area which as of August 7, 1977, exceeds 10,000 acres in size and is one of the following:
  - a. A national monument,
  - b. A national primitive area,
  - c. A national preserve,
  - d. A national recreational area,
  - e. A national wild and scenic river,
  - f. A national wildlife refuge,
  - g. A national lakeshore or seashore.
2. A national park or national wilderness area established after August 7, 1977, which exceeds 10,000 acres in size.

- F. Except as otherwise provided in subsections (B) to (E), the Governor may redesignate areas of the state as Class I or Class II, provided that the following requirements are fulfilled:

1. At least one public hearing is held in or near the area affected in accordance with 40 CFR 51.102;
2. Other states, Indian governing bodies and Federal Land Managers, whose land may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing.
3. A discussion document of the reasons for the proposed redesignation including a description and analysis of health, environmental, economic, social and energy effects of the proposed redesignation is prepared by the Governor or the Governor's designee. The discussion document shall be made available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing shall contain appropriate notification of the availability of such discussion document.
4. Prior to the issuance of notice respecting the redesignation of an area which includes any federal lands, the Governor or the Governor's designee has provided written notice to the appropriate Federal Land Manager and afforded the Federal Land Manager adequate opportunity, not in excess of 60 days, to confer with the state respecting the redesignation and to submit written comments and recommendations. The Governor or the Governor's designee shall publish a list of any inconsistency between such redesignation and such recommendations, together with the reasons for making such redesignation against the recommendation of the Federal Land Manager, if any Federal Land Manager has submitted written comments and recommendations.
5. The redesignation is proposed after consultation with the elected leadership of local governments in the area covered by the proposed redesignation.
6. The redesignation is submitted to the Administrator as a revision to the SIP.

- G. Except as otherwise provided in subsections (B) to (E), the Governor may redesignate areas of the state as Class III if all of the following criteria are met:

1. Such redesignation meets the requirements of subsection (F);
2. Such redesignation has been approved after consultation with the appropriate committee of the legislature if it is in session or with the leadership of the legislature if it is not in session.
3. The general purpose units of local government representing a majority of the residents of the area to be redesignated concur in the redesignation;
4. Such redesignation shall not cause, or contribute to, a concentration of any air pollutant which exceeds any

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national ambient air quality standard or any maximum increase allowed under R18-2-218;

5. For any new major source as defined in R18-2-401 or a major modification of such source which may be permitted to be constructed and operated only if the area in question is redesignated as Class III, any permit application and materials submitted as part of the application shall be available for public inspection prior to any public hearing on the redesignation of the area as Class III.
  6. The redesignation is submitted to the Administrator as a revision to the SIP.
- H.** A redesignation shall not be effective until approved by the Administrator as part of an applicable implementation plan. If the Administrator disapproves the redesignation, the classification of the area shall be that which was in effect before the disapproved redesignation.
- I.** Lands within the exterior boundaries of Indian reservations may be redesignated only by the appropriate Indian governing body.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Editorial correction, subsection (A), paragraph (5), subparagraph (d) (Supp. 80-2). Amended effective May 28, 1982 (Supp. 82-3). Former Section R9-3-217 renumbered without change as Section R18-2-217 (Supp. 87-3). Amended and subsection (B) renumbered to Section R18-2-218 effective September 26, 1990 (Supp. 90-3). Amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-218. Limitation of Pollutants in Classified Attainment Areas**

- A.** Areas designated as Class I, II, or III shall be limited to the following increases in air pollutant concentrations occurring over the baseline concentration; provided that for any period other than an annual period, the applicable maximum allowable increase may be exceeded once per year at any one location:

**CLASS I**

Maximum Allowable Increase (Micrograms per cubic meter)

**Particulate matter: PM<sub>2.5</sub>**

Annual arithmetic mean	1
24-hr maximum	2

**Particulate matter: PM<sub>10</sub>**

Annual arithmetic mean	4
24-hour maximum	8

**Sulfur dioxide:**

Annual arithmetic mean	2
24-hour maximum	5
3-hour maximum	25

**Nitrogen dioxide:**

Annual arithmetic mean	2.5
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**CLASS II****Particulate matter: PM<sub>2.5</sub>**

Annual arithmetic mean	4
24-hr maximum	9

**Particulate matter: PM<sub>10</sub>**

Annual arithmetic mean	17
24-hour maximum	30

**Sulfur dioxide:**

Annual arithmetic mean	20
24-hour maximum	91
3-hour maximum	512

**Nitrogen dioxide:**

Annual arithmetic mean	25
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**CLASS III****Particulate matter: PM<sub>2.5</sub>**

Annual arithmetic mean	8
24-hr maximum	18

**Particulate matter: PM<sub>10</sub>**

Annual arithmetic mean	34
24-hour maximum	60

**Sulfur dioxide:**

Annual arithmetic mean	40
24-hour maximum	182
3-hour maximum	700

**Nitrogen dioxide:**

Annual arithmetic mean	50
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- B.** The baseline concentration is that ambient concentration level which exists in the baseline area at the time of the applicable minor source baseline data.

1. The major source baseline date is:
  - a. January 6, 1975, for sulfur dioxide and PM<sub>10</sub>.
  - b. February 8, 1988, for nitrogen dioxide.
  - c. October 20, 2010, for PM<sub>2.5</sub>.
2. The minor source baseline date shall be the earliest date after the trigger date on which a major source as defined in R18-2-401 or major modification subject to 40 CFR 52.21 or R18-2-406 submits a complete application under the relevant regulations.
  - a. The trigger date is:
    - i. August 7, 1977, for PM<sub>10</sub> and sulfur dioxide.
    - ii. February 8, 1988, for nitrogen dioxide.
    - iii. October 20, 2011, for PM<sub>2.5</sub>.
  - b. Any minor source baseline date established originally for total suspended particulates shall remain in effect and shall apply for purposes of determining the amount of available PM-10 increments, except that the Department may rescind any such minor source baseline date where it can be shown, to the satisfaction of the Department, that the emissions increase from the major source, or the net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM-10 emissions.
3. A baseline concentration shall be determined for each pollutant for which there is a minor source baseline date and shall include both:
  - a. The actual emissions representative of sources in existence on the minor source baseline date, except as provided in subsection (B)(4); and
  - b. The allowable emissions of major sources as defined in R18-2-401 which commenced construction before



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- the major source baseline date but were not in operation by the applicable minor source baseline date.
4. The following shall not be included in the baseline concentration and shall affect the applicable maximum allowable increase:
    - a. Actual emissions from any major source as defined in R18-2-401 on which construction commenced after the major source baseline date; and
    - b. Actual emissions increases and decreases at any stationary source occurring after the minor source baseline date.
  - C. The baseline date shall be established for each pollutant for which maximum allowable increases or other equivalent measures have been established if both:
    1. The area in which the proposed source or modification would construct is designated as attainment or unclassifiable under section 107(d)(1)(A)(ii) or (iii) of the Act for the pollutant on the date of its complete application under 40 CFR 52.21 or R18-2-406; and
    2. In the case of a major source as defined in R18-2-401, the pollutant would be emitted in significant amounts, or in the case of a major modification, there would be a significant net emissions increase of the pollutant.
  - D. The baseline area shall be the AQCR that contains the area, designated as attainment or unclassifiable under section 107(d)(1)(A)(ii) or (iii) of the Act, in which the major source as defined in R18-2-401 or major modification establishing the minor source baseline date would construct or would have an air quality impact for the pollutant for which the minor source baseline date is established, as follows: greater than or equal to 1 microgram per cubic meter (annual average) for sulfur dioxide, nitrogen dioxide or PM<sub>10</sub>; or greater than or equal to 0.3 microgram per cubic meter (annual average) for PM<sub>2.5</sub>.
    1. Area redesignations under section 107(d)(1)(A)(ii) or (iii) of the Act that would redesignate a baseline area may not intersect or be smaller than the area of impact of any new major source as defined in R18-2-401 or a major modification which either:
      - a. Establishes a minor source baseline date, or
      - b. Is subject to either 40 CFR 52.21 or R18-2-406 and would be constructed in Arizona.
    2. Any baseline area established originally for total suspended particulates shall remain in effect and shall apply for purposes of determining the amount of available PM<sub>10</sub> increments, except that such baseline area shall not remain in effect if the Department rescinds the corresponding minor source baseline date in accordance with subsection (B)(2)(b).
  - E. The maximum allowable concentration of any air pollutant in any area to which subsection (A) applies shall not exceed a concentration for each pollutant equal to the concentration permitted under the national ambient air quality standards.
  - F. For purposes of determining compliance with the maximum allowable increases in ambient concentrations of an air pollutant, the following concentrations of such pollutant shall not be taken into account:
    1. Concentration of such pollutant attributable to the increase in emissions from major and stationary sources which have converted from the use of petroleum products, or natural gas, or both, by reason of a natural gas curtailment order which is in effect under the provisions of sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. 792, over the emissions from such sources before the effective date of such order;
    2. The concentration of such pollutant attributable to the increase in emissions from major and stationary sources which have converted from using gas by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act, 16 U.S.C. 792 - 825r, over the emissions from such sources before the effective date of the natural gas curtailment plan;
    3. Concentrations of PM<sub>10</sub> or PM<sub>2.5</sub> attributable to the increase in emissions from construction or other temporary emission related activities of a new or modified source;
    4. The increase in concentrations attributable to new sources outside the United States over the concentrations attributable to existing sources which are included in the baseline concentration; and
    5. Concentrations attributable to the temporary increase in emissions of sulfur dioxide, nitrogen oxides, PM<sub>2.5</sub>, or PM<sub>10</sub> from major sources as defined in R18-2-401 when the following conditions are met:
      - a. The permits issued to such sources specify the time period during which the temporary emissions increase of sulfur dioxide, nitrogen oxides, PM<sub>2.5</sub> or PM<sub>10</sub> would occur. Such time period shall not be renewable and shall not exceed two years.
      - b. The temporary emissions increase will not:
        - i. Impact any Class I area or any area where a maximum increase allowed by subsection (A) is known to be violated; or
        - ii. Cause or contribute to the violation of a national ambient air quality standard.
      - c. The operating permit issued to such sources specifies that, at the end of the time period described in subsection (F)(5)(a), the emissions levels from the sources would not exceed the levels occurring before the temporary emissions increase was approved.
    6. The exception granted by subsections (F)(1) and (2) with respect to maximum increases allowed under subsection (A) shall not apply more than five years after the effective date of the order or natural gas curtailment plan on which the exception is based.
  - G. If the Director or the Administrator determines that the SIP is substantially inadequate to prevent significant deterioration or that an applicable maximum allowable increase as specified in subsection (A) is being violated, the SIP shall be revised to correct the inadequacy or the violation. The SIP shall be revised within 60 days of such a finding by the Director or within 60 days following notification by the Administrator, or by such later date as prescribed by the Administrator after consultation with the Director.
  - H. The Director shall review the adequacy of the SIP on a periodic basis and within 60 days of such time as information becomes available that an applicable maximum allowable increase is being violated.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Editorial correction, subsection (A), paragraph (5), subparagraph (d) (Supp. 80-2). Amended effective May 28, 1982 (Supp. 82-3). Former Section R9-3-217 renumbered without change as Section R18-2-217 (Supp. 87-3). Former Section R18-2-218 renumbered to R18-2-219, new Section R18-2-218 renumbered from R18-2-217(B) and amended effective September 26, 1990 (Supp. 90-3). Amended effective November 15, 1993 (Supp. 93-4). Amended effective February 28, 1995 (Supp. 95-1).

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Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-219. Repealed****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-218 repealed, new Section R9-3-218 adopted effective September 22, 1983 (Supp. 83-5). Former Section R9-3-218 renumbered without change as Section R18-2-218 (Supp. 87-3). Former Section R18-2-219 renumbered to R18-2-220, new Section R18-2-219 renumbered from R18-2-218 and amended effective September 26, 1990 (Supp. 90-3). Section repealed by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2).

**R18-2-220. Air Pollution Emergency Episodes**

- A. Procedures shall be implemented by the Director in order to prevent the occurrence of ambient air pollutant concentrations which would cause significant harm to the health of persons, as specified in subsection (B)(4). The procedures and actions required for each stage are described in the Department's "Procedures for Prevention of Emergency Episodes," amended as of August 2018 (and no future edition), which is incorporated herein by reference and on file with the Department.
- B. The following stages are identified by air quality criteria in order to provide for sequential emissions reductions, public notification and increased Department monitoring and forecast responsibilities. The declaration of any stage, and the area of the state affected, shall be based on air quality measurements and meteorological analysis and forecast.

1. A Stage I air pollution alert shall be declared when any of the alert level concentrations listed in subsection (B)(4) are exceeded at any monitoring site and when meteorological conditions indicate that there will be a continuance or recurrence of alert level concentrations for the same pollutant during the subsequent 24-hour period. If, 48 hours after an alert has been initially declared, air pollution concentrations and meteorological conditions do not improve, the warning stage control actions shall be implemented but no warning shall be declared, unless air quality has deteriorated to the extent described in subsection (B)(2).
2. A Stage II air pollution warning shall be declared when any of the warning level concentrations listed in subsection (B)(4) are exceeded at any monitoring site and when meteorological conditions indicate that there will be a continuance or recurrence of concentrations of the same pollutant exceeding the warning level during the subsequent 24-hour period. If, 48 hours after a warning has been initially declared, air pollution concentrations and meteorological conditions do not improve, the emergency stage shall be declared and its control actions implemented.
3. A Stage III air pollution emergency shall be declared when any of the emergency level concentrations listed in subsection (B)(4) are exceeded at any monitoring site and when meteorological conditions indicate that there will be a continuance or recurrence of concentrations of the same pollutant exceeding the emergency level during the subsequent 24-hour period.
4. Summary of emergency episode and significant harm levels:

Pollutant	Averaging Time	Alert	Warning	Emergency	Significant Harm
Carbon monoxide (mg/m <sup>3</sup> )	1-hr	--	--	--	144
	4-hr	--	--	--	86.3
	8-hr	17	34	46	57.5
Nitrogen dioxide (µg/m <sup>3</sup> )	1-hr	1,130	2,260	3,000	3,750
	24-hr	282	565	750	938
Ozone (ppm)	1-hr	.2	.4	.5	.6
PM <sub>2.5</sub> (µg/m <sup>3</sup> )	24-hr	140.5	210.5	280.5	350.5
PM <sub>10</sub> (µg/m <sup>3</sup> )	24-hr	350	420	500	600
Sulfur dioxide (µg/m <sup>3</sup> )	24-hr	800	1,600	2,100	2,620

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Editorial correction, subsection (B), paragraph (2) (Supp. 80-1). Editorial correction, subsection (A) (Supp. 80-2). Former Section R9-3-219 repealed, new Section R9-3-219 adopted effective May 28, 1982 (Supp. 82-3). Former Section R9-3-219 renumbered without change as Section R18-2-219 (Supp. 87-3). Section R18-2-220 renumbered from R18-2-219 and amended effective September 26, 1990 (Supp. 90-3). Section amended by final rulemaking at 25 A.A.R. 888, effective May 18, 2019 (Supp. 19-1).

**ARTICLE 3. PERMITS AND PERMIT REVISIONS****R18-2-301. Definitions**

The following definitions apply to this Article:

1. "Alternative method" means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to produce results adequate for the Director's determination of compliance in accordance with R18-2-311(D).
2. "Billable permit action" means the issuance or denial of a new permit, significant permit revision, or minor permit revision, or the renewal of an existing permit.
3. "Capacity factor" means the ratio of the average load on a machine or equipment for the period of time considered to the capacity rating of the machine or equipment.
4. "CEM" means a continuous emission monitoring system as defined in R18-2-101.
5. "Complete" means, in reference to an application for a permit, permit revision or registration, that the application contains all the information necessary for processing the application. Designating an application complete for purposes of a permit, permit revisions or registration processing does not preclude the Director from requesting or accepting any additional information.

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6. "Dispersion technique" means any technique which attempts to affect the concentration of a pollutant in the ambient air by any of the following:
  - a. Using that portion of a stack which exceeds good engineering practice stack height;
  - b. Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or
  - c. Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. This shall not include any of the following:
    - i. The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream.
    - ii. The merging of exhaust gas streams under any of the following conditions:
      - (1) The source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams;
      - (2) After July 8, 1985, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant, applying only to the emission limitation for that pollutant; or
      - (3) Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation was in existence prior to the merging, an increase in the quantity of pollutants actually emitted prior to the merging, the reviewing agency shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source owner or operator that merging was not significantly motivated by such intent, the reviewing agency shall deny credit for the effects of such merging in calculating the allowable emissions for the source.
    - iii. Smoke management in agricultural or silvicultural prescribed burning programs.
    - iv. Episodic restrictions on residential woodburning and open burning.
    - v. Techniques which increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.
7. "Emissions allowable under the permit" means a permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or an emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.
8. "Fossil fuel-fired steam generator" means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.
9. "Fuel oil" means Number 2 through Number 6 fuel oils as specified in ASTM D-396-90a (Specification for Fuel Oils), gas turbine fuel oils Numbers 2-GT through 4-GT as specified in ASTM D-2880-90a (Specification for Gas Turbine Fuel Oils), or diesel fuel oils Numbers 2-D and 4-D as specified in ASTM D-975-90a (Specification for Diesel Fuel Oils).
10. "Itemized bill" means a breakdown of the permit processing time into the categories of pre-application activities, completeness review, substantive review, and public involvement activities, and within each category, a further breakdown by employee name.
11. "Major source threshold" means the lowest applicable emissions rate for a pollutant that would cause the source to be a major source at the particular time and location, under the definition of major source in R18-2-101.
12. "Maximum capacity to emit" means the maximum amount a source is capable of emitting under its physical and operational design without taking any limitations on operations or air pollution controls into account.
13. "Maximum capacity to emit with any elective limits" means the maximum amount a source is capable of emitting under its physical and operational design taking into account the effect on emissions of any elective limits included in the source's registration under R18-2-302.01(F).
14. "Minor NSR Modification" means any of the following changes that do not qualify as a major source or major modification:
  - a. Any physical change in or change in the method of operation of an emission unit or a stationary source that either:
    - i. Increases the potential to emit of a regulated minor NSR pollutant by an amount greater than or equal to the permitting exemption thresholds, or
    - ii. Results in emissions of a regulated minor NSR pollutant not previously emitted by such emission unit or stationary source in an amount greater than or equal to the permitting exemption thresholds.
  - b. Construction of one or more new emissions units that have the potential to emit regulated minor NSR pollutants at an amount greater than or equal to the permitting exemption threshold.
  - c. A change covered by subsections (12)(a) or (b) constitutes a minor NSR modification regardless of whether there will be a net decrease in total source emissions or a net increase in total source emissions that is less than the permitting exemption threshold as a result of decreases in the potential to emit of other emission units at the same stationary source.
  - d. For the purposes of this subsection (the) following do not constitute a physical change or change in the method of operation:
    - i. A change consisting solely of the construction of, or changes to, a combination of emissions units qualifying as a categorically exempt activity.
    - ii. For a stationary source that is required to obtain a Class II permit under R18-2-302 and that is

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- subject to source-wide emissions caps under R18-2-306.01 or R18-2-306.02, a change that will not result in the violation of the existing emissions cap for that regulated minor NSR pollutant.
- iii. Replacement of an emission unit by a unit with a potential to emit regulated minor NSR pollutants that is less than or equal to the potential to emit of the existing unit, provided the replacement does not cause an increase in emissions at other emission units at the stationary source. A unit installed under this provision is subject to any limits applicable to the unit it replaced.
  - iv. Routine maintenance, repair, and replacement.
  - v. Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. 792, or by reason of a natural gas curtailment plan under the Federal Power Act, 16 U.S.C. 792 to 825r.
  - vi. Use of an alternative fuel by reason of an order or rule under Section 125 of the Act.
  - vii. Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste.
  - viii. Use of an alternative fuel or raw material by a stationary source that either:
    - (1) The source was capable of accommodating before December 12, 1976, unless the change would be prohibited under any federally enforceable permit condition established after December 12, 1976, under 40 CFR 52.21, or under Articles 3 or 4 of this Chapter; or
    - (2) The source is approved to use under any permit issued under 40 CFR 52.21, or under Articles 3 or 4 of this Chapter.
  - ix. An increase in the hours of operation or in the production rate, unless the change would be prohibited under any federally enforceable permit condition established after December 12, 1976, under 40 CFR 52.21, or under Articles 3 or 4 of this Chapter.
  - x. Any change in ownership at a stationary source.
  - xi. The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, if the project complies with:
    - (1) The SIP, and
    - (2) Other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.
  - xii. For electric utility steam generating units located in attainment and unclassifiable areas only, the installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, if the project does not result in an increase in the potential to emit any regulated pollutant emitted by the unit. This exemption applies on a pollutant-by-pollutant basis.
  - xiii. For electric utility steam generating units located in attainment and unclassifiable areas only, the reactivation of a very clean coal-fired electric utility steam generating unit.
- e. For purposes of this subsection:
    - i. "Potential to emit" means the lower of a source's or emission unit's potential to emit or its allowable emissions.
    - ii. In determining potential to emit, the fugitive emissions of a stationary source shall not be considered unless the source belongs to a section 302(j) category.
    - iii. All of the roadways located at a stationary source constitute a single emissions unit.
- 15. "NAICS" means the five- or six-digit North American Industry Classification System-United States, 1997, number for industries used by the U.S. Department of Commerce.
  - 16. "Permit processing time" means all time spent by Air Quality Division staff or consultants on tasks specifically related to the processing of an application for the issuance or renewal of a particular permit or permit revision, including time spent processing an application that is denied.
  - 17. "Quantifiable" means, with respect to emissions, including the emissions involved in equivalent emission limits and emission trades, capable of being measured or otherwise determined in terms of quantity and assessed in terms of character. Quantification may be based on emission factors, stack tests, monitored values, operating rates and averaging times, materials used in a process or production, modeling, or other reasonable measurement practices.
  - 18. "Registration" means a registration under R18-2-302.01.
  - 19. "Replicable" means, with respect to methods or procedures, sufficiently unambiguous that the same or equivalent results would be obtained by the application of the method or procedure by different users.
  - 20. "Responsible official" means one of the following:
    - a. For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
      - i. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
      - ii. The delegation of authority to such representatives is approved in advance by the permitting authority;
    - b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
    - c. For a municipality, state, federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this Article, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or
    - d. For affected sources:
      - i. The designated representative in so far as actions, standards, requirements, or prohibi-

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- tions under Title IV of the Act or the regulations promulgated thereunder are concerned; and
- ii. The designated representative for any other purposes under 40 CFR 70.
21. "Screening model" means air dispersion modeling performed with screening techniques in accordance with 40 CFR 51, Appendix W as of June 30, 2017 (and no future amendments or additions).
  22. "Small source" means a source with a potential to emit, without controls, less than the rate defined as permitting exemption thresholds in R18-2-101, but required to obtain a permit solely because it is subject to a standard under 40 CFR 63.
  23. "Startup" means the setting in operation of a source for any purpose.
  24. "Synthetic minor" means a source with a permit that contains voluntarily accepted emissions limitations, controls, or other requirements (for example, a cap on production rates or hours of operation, or limits on the type of fuel) under R18-2-306.01 to reduce the potential to emit to a level below the major source threshold.

**Historical Note**

Former Section R18-2-301 renumbered to R18-2-302, new Section R18-2-301 adopted effective September 26, 1990 (Supp. 90-3). Correction to table in subsection (A)(13) (Supp. 93-1). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4).

Amended effective August 1, 1995 (Supp. 95-3).  
Amended by final rulemaking at 5 A.A.R. 4074, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 6 A.A.R. 343, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 7 A.A.R. 5670, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1). Amended by final rulemaking at 25 A.A.R. 3630, effective February 1, 2020 (Supp. 19-4).

**R18-2-302. Applicability; Registration; Classes of Permits**

- A. Except as otherwise provided in this Article, no person shall begin actual construction of, operate, or make a modification to any stationary source subject to regulation under this Article, without obtaining a registration, permit or permit revision from the Director.
- B. Class I and II permits and registrations shall be required as follows:
  1. A Class I permit shall be required for a person to begin actual construction of or operate any of the following:
    - a. Any major source,
    - b. Any solid waste incineration unit required to obtain a permit pursuant to Section 129(e) of the Act,
    - c. Any affected source, or
    - d. Any stationary source in a source category designated by the Administrator pursuant to 40 CFR 70.3 and adopted by the Director by rule.
  2. Unless a Class I permit is required, a Class II permit shall be required for:
    - a. A person to begin actual construction of or operate any stationary source that emits, or has the maximum capacity to emit with any elective limits, any regulated NSR pollutant in an amount greater than or equal to the significant level.
    - b. A person to make a physical or operational change to a stationary source that would cause the source to emit, or have the maximum capacity to emit with any elective limits, any regulated NSR pollutant in an amount greater than or equal to the significant level.
- C. Notwithstanding subsections (A) and (B), the following stationary sources do not require a permit or registration unless the source is a major source, or unless operation without a permit would result in a violation of the Act:
  1. A stationary source that consists solely of a single categorically exempt activity plus any combination of trivial activities.
  2. Agricultural equipment used in normal farm operations. "Agricultural equipment used in normal farm operations" does not include equipment classified as a source that

- c. A person to begin actual construction of or modify a stationary source that otherwise would be subject to registration but that the Director has determined requires a permit under R18-2-302.01(C)(4) or (D).
3. Unless a Class I or II permit is required, registration shall be required for:
  - a. A person to begin actual construction of or operate any stationary source that emits or has the maximum capacity to emit any regulated minor NSR pollutant in an amount greater than or equal to a permitting exemption threshold.
  - b. A person to begin actual construction of or operate any stationary source subject to a standard under section 111 of the Act, except that a stationary source is not required to register solely because it is subject to any of the following standards:
    - i. 40 CFR 60, Subpart AAA (Residential Wood Heaters).
    - ii. 40 CFR 60, Subpart IIII (Stationary Compression Ignition Internal Combustion Engines).
    - iii. 40 CFR 60, Subpart JJJJ (Stationary Spark Ignition Internal Combustion Engines).
    - iv. 40 CFR 60, Subpart QQQQ (Residential Hydronic Heaters and Forced-Air Furnaces).
  - c. A person to begin actual construction of or operate any stationary source, including an area source, subject to a standard under section 112 of the Act, except that a stationary source is not required to register solely because it is subject to any of the following standards:
    - i. 40 CFR 61.145.
    - ii. 40 CFR 63, Subpart ZZZZ (Reciprocating Internal Combustion Engines).
    - iii. 40 CFR 63, Subpart WWWW (Ethylene Oxide Sterilizers).
    - iv. 40 CFR 63, Subpart CCCCCC (Gasoline Distribution).
    - v. 40 CFR 63, Subpart HHHHHH (Paint Stripping and Miscellaneous Surface Coating Operations).
    - vi. 40 CFR 63, Subpart JJJJJJ (Industrial, Commercial, and Institutional Boilers Area Sources), published at 76 FR 15554 (March 21, 2011).
    - vii. A regulation or requirement under section 112(r) of the Act.
  - d. A physical or operational change to a source that would cause the source to emit or have the maximum capacity to emit any regulated minor NSR pollutant in an amount greater than or equal to the permitting exemption threshold.

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requires a permit under Title V of the Act, or that is subject to a standard under 40 CFR 60, 61 or 63.

- D. No person may construct or reconstruct any major source of hazardous air pollutants, unless the Director determines that maximum achievable control technology emission limitation (MACT) for new sources under Section 112 of the Act will be met. If MACT has not been established by the Administrator, such determination shall be made on a case-by-case basis pursuant to 40 CFR 63.40 through 63.44, as incorporated by reference in R18-2-1101(B). For purposes of this subsection, constructing and reconstructing a major source shall have the meaning prescribed in 40 CFR 63.41.
- E. Elective limits or controls adopted under R18-2-302.01(F) shall not be considered in determining whether a source requires registration or a Class I permit but shall be considered in determining any of the following:
  - 1. Whether the registration is subject to the public participation requirements of R18-2-330, as provided in R18-2-302.01(B)(3).
  - 2. Whether review for possible interference with attainment or maintenance of ambient standards is required under R18-2-302.01(C).
  - 3. Whether the source requires a Class II permit, as provided in subsections (B)(2)(a) or (b).
- F. The fugitive emissions of a stationary source shall not be considered in determining whether the source requires a Class II permit under subsections (B)(2)(a) or (b) or a registration under subsections (B)(3)(a) or (d), unless the source belongs to a section 302(j) category. If a permit is required for a stationary source, the fugitive emissions of the source shall be subject to all of the requirements of this Article.
- G. Notwithstanding subsections (A) and (B), a person may begin actual construction, but not operation, of a source requiring a Class I permit or Class I permit revision upon the Director's issuance of the proposed final permit or proposed final permit revision.

**Historical Note**

Amended effective August 7, 1975 (Supp. 75-1).  
 Amended as an emergency effective December 15, 1975 (Supp. 75-2). Amended effective May 10, 1976 (Supp. 76-3). Amended effective April 12, 1977 (Supp. 77-2).  
 Amended effective March 24, 1978 (Supp. 78-2). Former Section R9-3-301 repealed, new Section R9-3-301 adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective July 9, 1980 (Supp. 80-4). Amended effective May 28, 1982 (Supp. 82-3). Amended subsections (B) and (C) effective September 22, 1983 (Supp. 83-5). Amended subsection (B), paragraph (3) effective September 28, 1984 (Supp. 84-5). Former Section R9-3-301 renumbered without change as Section R18-2-301 (Supp. 87-3). Former Section R18-2-302 renumbered to R18-2-302.01, new Section R18-2-302 renumbered from R18-2-301 and amended effective September 26, 1990 (Supp. 90-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-302.01. Source Registration Requirements**

- A. Application. An application for registration shall be submitted on the form specified by the Director and shall include the following information:

1. The name of the applicant.
  2. The physical location of the source, including the street address, city, county, zip code and latitude and longitude coordinates.
  3. The source's maximum capacity to emit with any elective limits each regulated minor NSR pollutant.
  4. Identification of any elective limits or controls adopted under subsection (F).
  5. In the case of a modification, each increase in the source's maximum capacity to emit with any elective limits that exceeds the applicable threshold in subsection (G)(1)(a).
  6. Identification of the method used to determine the maximum capacity to emit under R18-2-302(B)(3)(a), a change in the maximum capacity to emit under R18-2-302(B)(3)(d), or the maximum capacity to emit with any elective limits under subsection (G)(1)(a).
  7. Process information for the source, including a list of emission units, design capacity, operations schedule, and identification of emissions control devices.
- B. Registration Processing Procedures.
    1. The Department shall complete a review of a registration application for administrative completeness within 30 calendar days, calculated in accordance with A.A.C. R18-1-503, after its receipt.
    2. The Department shall complete a substantive review and take final action on a registration application within 60 calendar days if no hearing is requested, and 90 calendar days if a hearing is requested, calculated in accordance with A.A.C. R18-1-504, after the application is administratively complete.
    3. Except as provided in subsection (B)(5), a registration for construction of a source shall be subject to the public notice and participation requirements of R18-2-330. The materials relevant to the registration decision made available to the public under R18-2-330(D) shall include any determination made or modeling conducted by the Director under subsection (C).
    4. The Department shall also send a copy of the notice required by subsection (B)(3) to the administrator through the appropriate regional office, and to all other state and local air pollution control agencies having jurisdiction in the region in which the source subject to the registration will be located. The notice shall also be sent to any other agency in the region having responsibility for implementing the procedures required under 40 CFR 51, Subpart I.
    5. A registration for construction of a source shall not be subject to subsections (B)(3) or (4), if the source's maximum capacity to emit with any elective limits each regulated minor NSR pollutant is less than the applicable permitting exemption threshold.
  - C. Review for National Ambient Air Quality Standards Compliance; Requirement to Obtain a Permit.
    1. The Director shall review each application for registration of a source with the maximum capacity to emit with any elective limits any regulated minor NSR pollutant in an amount equal to or greater than the permitting exemption threshold. The purpose of the review shall be to determine whether the new or modified source may interfere with attainment or maintenance of a national ambient air quality standard in any area. In making the determination required by this subsection, the Director shall take into account the following factors:

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- a. The source's emission rates, including fugitive emission rates, taking into account any elective limits or controls adopted under subsection (F).
  - b. The location of emission units within the facility and their proximity to the ambient air.
  - c. The terrain in which the source is or will be located.
  - d. The source type.
  - e. The location and emissions of nearby sources.
  - f. Background concentrations of regulated minor NSR pollutants.
2. The Director may undertake the review specified in subsection (C)(1) for a source with the maximum capacity to emit with any elective limits regulated minor NSR pollutants in an amount less than the permitting exemption threshold.
  3. If the Director determines under subsections (C)(1) or (C)(2) that a source's emissions may interfere with attainment or maintenance of a national ambient air quality standard, the Director shall perform a screening model run for each regulated minor NSR pollutant for which that determination has been made.
  4. If the Director determines, based on performance of the screening model pursuant to subsection (C)(3), that a source's emissions, taking into account any elective limits or controls adopted under subsection (F), will interfere with attainment or maintenance of a national ambient air quality standard, the Director shall deny the application for registration. Notwithstanding R18-2-302(B)(3), the owner or operator of the source shall be required to obtain a permit under R18-2-302 and shall comply with R18-2-334 before beginning actual construction of the source or modification.
- D. Requirement to Obtain a Permit.** Notwithstanding R18-2-302(B)(3)(b) and (c), the Director shall deny an application for registration for a source subject to a standard under section 111 or 112 of the Act and require the owner or operator to obtain a permit under R18-2-302, if the Director determines based on the following factors that the requirement to obtain a permit is warranted:
1. The size and complexity of the source.
  2. The complexity of the section 111 or 112 standard applicable to the source.
  3. The public health or environmental risks posed by the pollutants subject to regulation under the section 111 or 112 standard.
- E. Registration Contents.** A registration shall contain the following elements:
1. Enforceable emission limitations and standards, including operational requirements and limitations, that ensure compliance with all applicable SIP requirements at the time of issuance and any testing, monitoring, recordkeeping and reporting obligations imposed by the applicable requirement or by R18-2-312.
  2. Any elective limits or controls and associated operating, maintenance, monitoring and recordkeeping requirements adopted pursuant to subsection (F).
  3. A requirement to retain any records required by the registration at the source for at least three years in a form that is suitable for expeditious inspection and review.
  4. For any source that has adopted elective limits or controls under subsection (F), a requirement to submit an annual compliance report on the form provided by the Director in the registration.
- F. Elective Limits or Controls.** The owner or operator of a source requiring registration may elect to include any of the following emission limitations in the registration, provided the Department approves the limitation and the registration also includes the operating, maintenance, monitoring, and recordkeeping requirements specified below for the limitation.
1. A limitation on the hours of operation of any process or combination of processes.
    - a. The registration shall express the limitation in terms of hours per rolling 12-month period and shall specify the process or combination of processes subject to the limitation.
    - b. The owner or operator shall maintain a log or readily available business records showing actual operating hours through the preceding operating day for the process or processes subject to the limitation.
  2. A limitation on the production rate for any process or combination of processes.
    - a. The registration shall express the limitation in terms of an appropriate unit of mass or production per rolling 12-month period and shall specify the process or combination of processes subject to the limitation.
    - b. The owner or operator shall maintain a log or readily available business records showing the actual production rate through the preceding operating day for the process or processes subject to the limitation. The owner or operator shall update the log or business records at least once per operating day.
  3. A requirement to operate a fabric filter for the control of particulate matter emissions.
    - a. The owner or operator shall operate the fabric filter at all times that the emission unit controlled by the fabric filter is operated.
    - b. The owner or operator shall inspect the fabric filter at least once per month for tears and leaks and shall promptly repair any tears or leaks identified. If the fabric filter is subject to a limit on the opacity of emissions, the inspection shall include an opacity observation in accordance with the applicable reference method.
    - c. The owner or operator shall operate and maintain the fabric filter in substantial compliance with the manufacturer's operation and maintenance recommendations.
    - d. The owner or operator shall keep a log or readily available business records of the inspections required by subsection (F)(3)(b) and the maintenance activities required by subsection (F)(3)(c). The owner or operator shall update the log or business records within 24 hours after an inspection or maintenance activity is performed.
    - e. The registration shall identify the fabric filters and processes subject to this requirement.
  4. Limitations on the total amount of VOC or hazardous air pollutants in solvents, coatings or other process materials used at the registered source.
    - a. The registration shall identify the pollutants and processes covered by the limitations and shall express the limitations in terms of pounds per rolling 12-month period.
    - b. The owner or operator shall maintain a log or readily available business records showing the concentration of each covered VOC or hazardous air pollutant in each VOC or hazardous air pollutant containing material used at the source. The owner or operator shall update the records whenever the concentration in any material changes or a new material is used. The presence at the source of a current material

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safety data sheet for a material used without dilution or other alteration satisfies this requirement.

- c. The owner or operator shall maintain a spreadsheet or database to record the amount of each material containing a covered VOC or hazardous air pollutant used. The spreadsheet or database shall calculate the total pounds of the VOC or hazardous air pollutant used by multiplying the concentration of VOC or hazardous air pollutant in a material by the amount of material used and shall employ appropriate units of measurement and conversion factors. The owner or operator shall update the spreadsheet or database at least once per operating day.

**G. Revised Registrations.**

1. Unless a Class II permit is required under R18-2-302(B)(2)(b), the owner or operator of a registered source shall file a revised registration on the occurrence of any of the following:
  - a. A modification to the source that would result in an increase in the source's maximum capacity to emit with any elective limits exceeding any of the following amounts:
    - i. 2.5 tons per year for NO<sub>x</sub>, SO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, VOC or CO.
    - ii. 0.3 tons per year for lead.
  - b. Relocation of a portable source.
  - c. The transfer of the source to a new owner.
2. The requirements of subsection (B) shall not apply to a revised registration. The owner or operator may begin actual construction and operation of the modified, relocated or transferred source on filing the revised registration.

**H. Registration Term.**

1. A source's registration shall expire five years after the date of issuance of the last registration for the source or any modification to the source.
2. A source shall submit an application for renewal of a registration not later than six months before expiration of the registration's term.
3. If a source submits a timely and complete application for renewal of a registration, the source's authorization to operate under its existing registration shall continue until the Director takes final action on the application.
4. The Director may terminate a registration under R18-2-321(C). If the Director terminates a registration under R18-2-321(C)(3), the owner or operator shall be required to apply for a permit for the source under R18-2-302.

- I. Issuance of a registration shall not relieve the owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state, or federal law.

**Historical Note**

Amended effective August 7, 1975 (Supp. 75-1); Former Section R9-3-302 repealed, new Section R9-3-302 adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-302 repealed, new Section R9-3-302 adopted effective October 2, 1979 (Supp. 79-5). Former Section R9-3-302 repealed, new Section R9-3-302 adopted effective May 28, 1982 (Supp. 82-3). Former Section R9-3-302 renumbered without change as Section R18-2-302 (Supp. 87-3). Section R18-2-302.01 renumbered from Section R18-2-302 and amended effective September 26, 1990 (Supp. 90-3). Section repealed effective November 15, 1993 (Supp. 93-4). New Section made by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1). Amended by final rulemaking at 25 A.A.R. 3630, effective

February 1, 2020 (Supp. 19-4).

**R18-2-303. Transition from Installation and Operating Permit Program to Unitary Permit Program; Registration Transition; Minor NSR Transition**

- A. An installation or operating permit issued before September 1, 1993, and the authority to operate, as provided in Laws 1992, Ch. 299, § 65, continues in effect until the installation or operating permit is terminated, or until the Director issues or denies a Class I or Class II permit to the source, whichever is earlier.
- B. The terms and conditions of installation permits issued before September 1, 1993, or in permits or permit revisions issued under R18-2-302 and authorizing the construction or modification of a stationary source, remain federal applicable requirements unless modified or revoked by the Director.
- C. All sources in existence on September 1, 2012, requiring a registration shall provide notice to the Director by no later than December 1, 2012, on a form provided by the Director.
- D. All sources requiring a registration that are in existence on the date R18-2-302.01 becomes effective under R18-2-302.01(I) may submit applications for registration at any time after R18-2-302.01 is effective and shall submit an application no later than 180 days after receipt of written notice from the Director that an application is required.
- E. Sources in existence on December 2, 2015 are not subject to R18-2-334, unless the source undertakes a minor NSR modification after that date. Notwithstanding any other provision of this Chapter, R18-2-334 shall apply only to applications for permits or permit revisions filed after December 2, 2015.

**Historical Note**

Amended effective August 7, 1975 (Supp. 75-1). Amended effective August 6, 1976 (Supp. 76-4). Former Section R9-3-303 repealed, new Section R9-3-303 adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-303 repealed, new Section R9-3-303 adopted effective October 2, 1979 (Supp. 79-5). Amended effective May 28, 1982 (Supp. 82-3). Amended subsection (D), paragraph (1) effective September 28, 1984 (Supp. 84-5). Former Section R9-3-303 renumbered without change as Section R18-2-303 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-304. Permit Application Processing Procedures**

- A. Unless otherwise noted, this Section applies to each source requiring a Class I or II permit or permit revision.
- B. Standard Application Form and Required Information. To apply for a permit required by this Chapter, applicants shall complete the applicable standard application form provided by the Director and supply all information required by the form's filing instructions. The application forms and filing instructions for Class I Permits shall at a minimum require submission of the following elements:
  1. Identifying information, including company name and address (or plant name and address if different from the company name), owner's name and agent, and telephone number and names of plant site manager/contact.
  2. A description of the source's processes and products (by Standard Industrial Classification (SIC) Code), including those associated with any proposed alternative operating scenarios (AOS) identified by the source.
  3. The following emission-related information:



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- a. All emissions of pollutants for which the source is major, and all emissions of regulated air pollutants. A permit application shall describe all emissions of regulated air pollutants emitted from any emissions unit, except as otherwise provided in R18-2-304(F)(8). The Director shall require additional information related to the emissions of air pollutants sufficient to verify which requirements are applicable to the source, and other information necessary to collect any permit fees owed under R18-2-326.
- b. Identification and description of all points of emissions described in subsection (B)(3)(a) in sufficient detail to establish the basis for fees and applicability of requirements.
- c. Emissions rate in tons per year (tpy) and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method. For emissions units subject to an annual emissions cap, tpy can be reported as part of the aggregate emissions associated with the cap, except where more specific information is needed, including where necessary to determine and/or assure compliance with an applicable requirement.
- d. The following information to the extent it is needed to determine or regulate emissions: fuels, fuel use, raw materials, production rates, and operating schedules.
- e. Identification and description of air pollution control equipment and compliance monitoring devices or activities.
- f. Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated pollutants at the Class I source.
- g. Other information required by any applicable requirement (including information related to stack height limitations in R18-2-332).
- h. Calculations on which the information in subsections (B)(3)(a) through (g) is based.
4. The following air pollution control requirements:
  - a. Citation and description of all applicable requirements, and
  - b. Description of or reference to any applicable test method for determining compliance with each applicable requirement.
5. Other specific information that may be necessary to implement and enforce other applicable requirements or to determine the applicability of such requirements.
6. An explanation of any proposed exemptions from otherwise applicable requirements.
7. Additional information as determined to be necessary by the Director to define proposed AOS identified by the source pursuant to R18-2-306(A)(11) or to define permit terms and conditions implementing any AOS under R18-2-306(A)(11) or implementing R18-2-317, R18-2-306(A)(12), R18-2-306(A)(14), or R18-2-306.02. The permit application shall include documentation demonstrating that the source has obtained all authorizations required under the applicable requirements relevant to any proposed AOS, or a certification that the source has submitted all relevant materials to the Director for obtaining such authorizations.
8. A compliance plan for all Class I sources that contains all of the following:
  - a. A description of the compliance status of the source with respect to all applicable requirements.
  - b. A description as follows:
    - i. For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
    - ii. For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.
    - iii. For requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements.
    - iv. For applicable requirements associated with a proposed AOS, a statement that the source will meet such requirements upon implementation of the AOS. If a proposed AOS would implicate an applicable requirement that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.
  - c. A compliance schedule as follows:
    - i. For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
    - ii. For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet, in a timely manner, applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement.
    - iii. A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction non-compliance with, the applicable requirements on which it is based.
    - iv. For applicable requirements associated with a proposed AOS, a statement that the source will meet such requirements upon implementation of the AOS. If a proposed AOS would implicate an applicable requirement that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet, in a timely manner, applicable requirements that become effective during the permit term will satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement.
  - d. A schedule for submission of certified progress reports no less frequently than every six months for

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- sources required to have a schedule of compliance to remedy a violation.
- e. The compliance plan content requirements specified in subsection (B)(8) shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under title IV of the Act with regard to the schedule and methods the source will use to achieve compliance with the acid rain emissions limitations.
9. Requirements for compliance certification, including the following:
    - a. A certification of compliance with all applicable requirements by a responsible official, which shall include:
      - i. Identification of the applicable requirement that is the basis of the certification;
      - ii. The method used for determining the compliance status of the source, including a description of monitoring, recordkeeping, and reporting requirements and test methods;
      - iii. The compliance status; and
      - iv. Such other facts as the Director may require;
    - b. A schedule for submission of compliance certifications during the permit term, to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the permitting authority;
    - c. A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the Act; and
    - d. A certification of truth, accuracy, and completeness pursuant to R18-2-304(I).
  10. The use of nationally-standardized forms for acid rain portions of permit applications and compliance plans, as required by regulations promulgated under title IV of the act.
- C. The Director, either upon the Director's own initiative or on the request of a permit applicant, may waive a requirement that specific information or data be submitted in the application for a Class II permit for a particular source or category of sources if the Director determines that the information or data would be unnecessary to determine all of the following:
    1. The applicable requirements to which the source may be subject;
    2. That the source is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of the provisions of A.R.S. Title 49, Chapter 3, Article 2 and this Chapter;
    3. The fees to which the source may be subject; and
    4. A proposed emission limitation, control, or other requirement that meets the requirements of R18-2-306.01 or R18-2-306.02.
  - D. A timely application is:
    1. For a source, that becomes subject to the permit program as a result of a change in regulation and not as a result of construction or a physical or operational change, one that is submitted within 12 months after the source becomes subject to the permit program.
    2. For purposes of permit renewal, a timely application is one that is submitted at least six months, but not more than 18 months, prior to the date of permit expiration.
  3. Any source under R18-2-326(A)(3) which becomes subject to a standard promulgated by the Administrator pursuant to section 112(d) of the Act shall, within 12 months of the date on which the standard is promulgated, submit an application for a permit revision demonstrating how the source will comply with the standard.
- E. If an applicable implementation plan allows the determination of an alternative emission limit, a source may, in its application, propose an emission limit that is equivalent to the emission limit otherwise applicable to the source under the applicable implementation plan. The source shall also demonstrate that the equivalent limit is quantifiable, accountable, enforceable, and subject to replicable compliance determination procedures.
  - F. A complete application shall comply with all of the following:
    1. To be complete, an application shall provide all information required by subsection (B) (standard application form section). An application for permit revision only need supply information related to the proposed change, unless the source's proposed permit revision will change the permit from a Class II permit to a Class I permit. A responsible official shall certify the submitted information consistent with subsection (I) (Certification of Truth, Accuracy, and Completeness).
    2. An application for a new permit or permit revision shall contain an assessment of the applicability of the requirements of Article 4 of this Chapter. If the applicant determines that the proposed new source is a major source as defined in R18-2-401, or the proposed permit revision constitutes a major modification as defined in R18-2-101, then the application shall comply with all applicable requirements of Article 4.
    3. An application for a new permit or permit revision shall contain an assessment of the applicability of Minor New Source Review requirements in R18-2-334. If the applicant determines that the proposed new source is subject to R18-2-334, or the proposed permit revision constitutes a Minor NSR Modification, then the application shall comply with all applicable requirements of R18-2-334.
    4. Except for proposed new major sources or major modifications subject to the requirements of Article 4 of this Chapter, an application for a new permit, a permit revision, or a permit renewal shall be deemed to be complete unless, within 60 days of receipt of the application, the Director notifies the applicant by certified mail that the application is not complete.
    5. If a source wishes to voluntarily enter into an emissions limitation, control, or other requirement pursuant to R18-2-306.01, the source shall describe that emissions limitation, control, or other requirement in its application, along with proposed associated monitoring, recordkeeping, and reporting requirements necessary to demonstrate that the emissions limitation, control, or other requirement is permanent, quantifiable, and otherwise enforceable as a practical matter.
    6. If, while processing an application that has been determined or deemed to be complete, the Director determines that additional information is necessary to evaluate or take final action on that application, the Director may request such information in writing and set a reasonable deadline for a response. Except for minor permit revisions as set forth in R18-2-319, a source's ability to continue operating without a permit, as set forth in subsection (K), shall be in effect from the date the application is determined to be complete until the final permit is issued, provided that the applicant submits any

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- requested additional information by the deadline specified by the Director.
7. The completeness determination shall not apply to revisions processed through the minor permit revision process.
  8. Activities which are insignificant pursuant to the definition of insignificant activities in R18-2-101 shall be listed in the application. Except as necessary to complete the assessment required by subsections (F)(2) or (3), the application need not provide emissions data regarding insignificant activities. If the Director determines that an activity listed as insignificant does not meet the requirements of the definition of insignificant activities in R18-2-101 or that emissions data for the activity is required to complete the assessment required by subsections (F)(2) or (3), the Director shall notify the applicant in writing and specify additional information required.
  9. If a permit applicant requests terms and conditions allowing for the trading of emission increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emission cap that is established in the permit independent of otherwise applicable requirements, the permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable.
  10. The Director is not in disagreement with a notice of confidentiality submitted with the application pursuant to A.R.S. § 49-432.
- G.** A source applying for a Class I permit that has submitted information with an application under a claim of confidentiality pursuant to A.R.S. § 49-432 and R18-2-305 shall submit a copy of such information directly to the Administrator.
- H.** Duty to Supplement or Correct Application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a proposed permit.
- I.** Certification of Truth, Accuracy, and Completeness. Any application form, report, or compliance certification submitted pursuant to this Chapter shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this Article shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- J.** Action on Application.
1. The Director shall issue or deny each permit according to the provisions of A.R.S. § 49-427. The Director may issue a permit with a compliance schedule for a source that is not in compliance with all applicable requirements at the time of permit issuance.
  2. In addition, a permit may be issued, revised, or renewed only if all of the following conditions have been met:
    - a. The application received by the Director for a permit, permit revision, or permit renewal shall be complete according to subsection (F).
    - b. Except for revisions qualifying as administrative or minor under R18-2-318 and R18-2-319, all of the requirements for public notice and participation under R18-2-330 shall have been met.
    - c. For Class I permits, the Director shall have complied with the requirements of R18-2-307 for notifying and responding to affected states, and if applicable, other notification requirements of R18-2-402(D)(2) and R18-2-410(C)(2).
    - d. For Class I and II permits, the conditions of the permit shall require compliance with all applicable requirements.
    - e. For permits for which an application is required to be submitted to the Administrator under R18-2-307(A), and to which the Administrator has properly objected to its issuance in writing within 45 days of receipt of the proposed final permit and all necessary supporting information from the Department, the Director has revised and submitted a proposed final permit in response to the objection and EPA has not objected to this proposed final permit within 45 days of receipt.
    - f. For permits to which the Administrator has objected to issuance pursuant to a petition filed under 40 CFR 70.8(d), the Administrator's objection has been resolved.
    - g. For a Class II permit that contains voluntary emission limitations, controls, or other requirements established pursuant to R18-2-306.01, the Director shall have complied with the requirement of R18-2-306.01(C) to provide the Administrator with a copy of the proposed permit.
3. If the Director denies a permit under this Section, a notice shall be served on the applicant by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the denial and a statement that the permit applicant is entitled to a hearing.
  4. The Director shall provide a statement that sets forth the legal and factual basis for the proposed permit conditions including references to the applicable statutory or regulatory provisions. The Director shall send this statement to any person who requests it and, for Class I permits, to the Administrator.
  5. Priority shall be given by the Director to taking action on applications for construction or modification submitted pursuant to Title I, Parts C (Prevention of Significant Deterioration) and D (New Source Review) of the Act.
- K.** Requirement for a Permit. Except as noted under the provisions in R18-2-317 and R18-2-319, no source may operate after the time that it is required to submit a timely and complete application, except in compliance with a permit issued pursuant to this Chapter. However, if a source under R18-2-326(A)(3) submits a timely and complete application for continued operation under a permit revision or renewal, the source's failure to have a permit is not a violation of this Article until the Director takes final action on the application. This protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit, by the deadline specified in writing by the Director, any additional information identified as being needed to process the application. This subsection does not affect a source's obligation to obtain a permit revision before making a modification to the source.

**Historical Note**

Amended effective August 7, 1975 (Supp. 75-1). Former Section R9-3-304 repealed, new Section R9-3-304 formerly Section R9-3-305 renumbered and amended effective August 6, 1976 (Supp. 76-4). Former Section R9-3-304 repealed, new Section R9-3-304 adopted effective May 14, 1979 (Supp. 79-1). Amended effective October

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2, 1979 (Supp. 79-5). Former Section R9-3-304 repealed, new Section R9-3-304 adopted effective May 28, 1982 (Supp. 82-3). Former Section R9-3-304 renumbered without change as Section R18-2-304 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended effective October 7, 1994 (Supp. 94-4). Amended effective August 1, 1995 (Supp. 95-3). The reference to R18-2-101(54) in subsection (E)(8) corrected to reference R18-2-101(57) (Supp. 99-3). Amended by final rulemaking at 6 A.A.R. 343, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1). Amended by final rulemaking at 25 A.A.R. 3630, February 1, 2020 (Supp. 19-4).

**R18-2-305. Public Records; Confidentiality**

- A.** The Director shall make all permits, including all elements required to be in the permit pursuant to R18-2-306, available to the public. No permit shall be issued unless the information required by R18-2-306 is present in the permit.
- B.** A notice of confidentiality pursuant to A.R.S. § 49-432(C) shall:
  1. Precisely identify the information in the documents submitted which is considered confidential.
  2. Contain sufficient supporting information to allow the Director to evaluate whether such information satisfies the requirements related to trade secrets or, if applicable, how the information, if disclosed, is likely to cause substantial harm to the person's competitive position.
- C.** Within 30 days of receipt of a notice of confidentiality that complies with subsection (B) above, the Director shall make a determination as to whether the information satisfies the requirements for trade secret or competitive position pursuant to A.R.S. § 49-432(C)(1) and so notify the applicant in writing. If the Director agrees with the applicant that the information covered by the notice of confidentiality satisfies the statutory requirements, the Director shall include a notice in the file for the permit or permit application that certain information has been considered confidential.
- D.** If the Director takes action pursuant to A.R.S. § 49-432(D) and obtains a final order authorizing disclosure, the Director shall place the information in the public file and shall notify any person who has requested disclosure. If the court determines that the information is not subject to disclosure, the Director shall provide the notice specified in subsection (C) above.

**Historical Note**

Amended effective August 7, 1975 (Supp. 75-1). Amended as an emergency effective December 15, 1975 (Supp. 75-2). Amended effective May 10, 1976 (Supp. 76-3). Former Section R9-3-306 renumbered as Section R9-3-305 effective August 6, 1976. References changed to conform (Supp. 76-4). Amended effective April 12, 1977 (Supp. 77-2). Amended effective March 24, 1978 (Supp. 78-2). Former Section R9-3-305 repealed, new Section R9-3-305 adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Former Section R9-3-305 repealed, new Section R9-3-305 adopted effective May 28, 1982 (Supp. 82-3). Former Section R9-3-305 renumbered without change as R18-2-305 (Supp. 87-3). Section repealed, new Section adopted

effective November 15, 1993 (Supp. 93-4).

**R18-2-306. Permit Contents**

- A.** Each permit issued by the Director shall include the following elements:
  1. The date of issuance and the permit term.
  2. Enforceable emission limitations and standards, including operational requirements and limitations that ensure compliance with all applicable requirements at the time of issuance and operational requirements and limitations that have been voluntarily accepted under R18-2-306.01.
    - a. The permit shall specify and reference the origin of and authority for each term or condition and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.
    - b. The permit shall state that, if an applicable requirement of the Act is more stringent than an applicable requirement of regulations promulgated under Title IV of the Act, both provisions shall be incorporated into the permit and shall be enforceable by the Administrator.
    - c. Any permit containing an equivalency demonstration for an alternative emission limit submitted under R18-2-304(E) shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.
    - d. The permit shall specify applicable requirements for fugitive emission limitations, regardless of whether the source category in question is included in the list of sources contained in the definition of major source in R18-2-101.
3. Each permit shall contain the following requirements with respect to monitoring:
  - a. All monitoring and analysis procedures or test methods required under applicable monitoring and testing requirements, including:
    - i. Monitoring and analysis procedures or test methods under 40 CFR 64;
    - ii. Other procedures and methods promulgated under sections 114(a)(3) or 504(b) of the Act; and
    - iii. Monitoring and analysis procedures or test methods required under R18-2-306.01.
  - b. 40 CFR 64 as adopted July 1, 1998, is incorporated by reference and on file with the Department and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments. If more than one monitoring or testing requirement applies, the permit may specify a streamlined set of monitoring or testing provisions if the specified monitoring or testing is adequate to assure compliance at least to the same extent as the monitoring or testing applicable requirements not included in the permit as a result of such streamlining;
  - c. If the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit as reported under subsection (A)(4). The monitoring requirements shall ensure use of terms, test methods, units, averaging periods, and other statistical conventions consistent

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- with the applicable requirement, and as otherwise required under R18-2-306.01. Recordkeeping provisions may be sufficient to meet the requirements of this subsection; and
- d. As necessary, requirements concerning the use, maintenance, and, if appropriate, installation of monitoring equipment or methods.
4. The permit shall incorporate all applicable recordkeeping requirements including recordkeeping requirements established under R18-2-306.01, for the following:
    - a. Records of required monitoring information that include the following:
      - i. The date, place as defined in the permit, and time of sampling or measurement;
      - ii. The date any analyses was performed;
      - iii. The name of the company or entity that performed the analysis;
      - iv. A description of the analytical technique or method used;
      - v. The results of any analysis; and
      - vi. The operating conditions existing at the time of sampling or measurement;
    - b. Retention of records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation and copies of all reports required by the permit.
  5. The permit shall incorporate all applicable reporting requirements including reporting requirements established under R18-2-306.01 and require the following:
    - a. Submittal of reports of any required monitoring. All instances of deviations from permit requirements shall be clearly identified in the reports. All required reports shall be certified by a responsible official consistent with R18-2-304(I) and R18-2-309(A)(5) and shall be submitted with the following frequency:
      - i. For a Class I permit, at least once every six months;
      - ii. For a Class II permit, at least once per year.
    - b. Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of the deviations, and any corrective actions or preventive measures taken. Where the applicable requirement contains a definition of prompt or otherwise specifies a timeframe for reporting deviations, that definition or timeframe shall govern. Where the applicable requirement does not address the timeframe for reporting deviations, the permittee shall submit reports of deviations in compliance with the following schedule:
      - i. Notice that complies with timeframe in R18-2-310.01(A) is prompt for deviations that constitute excess emissions;
      - ii. Except as otherwise provided in the permit, notice that complies with subsection (A)(5)(a) is prompt for all other types of deviation.
  6. A permit condition prohibiting emissions exceeding any allowances the source lawfully holds under Title IV of the Act or the regulations promulgated thereunder.
    - a. A permit revision is not required for increases in emissions that are authorized by allowances acquired under the acid rain program, if the increases do not require a permit revision under any other applicable requirement.
  - b. A limit shall not be placed on the number of allowances held by the source. The source shall not, however, use allowances as a defense to noncompliance with any other applicable requirement.
  - c. Any allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Act.
  - d. Any permit issued under the requirements of this Chapter and Title V of the Act to a unit subject to the provisions of Title IV of the Act shall include conditions prohibiting all of the following:
    - i. Annual emissions of sulfur dioxide in excess of the number of allowances to emit sulfur dioxide held by the owner or operator of the unit or the designated representative of the owner or operator,
    - ii. Exceedances of applicable emission rates,
    - iii. Use of any allowance before the year for which it is allocated, and
    - iv. Contravention of any other provision of the permit.
  7. A severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portion of the permit.
  8. Provisions stating the following:
    - a. The permittee shall comply with all conditions of the permit including all applicable requirements of Arizona air quality statutes A.R.S. Title 49, Chapter 3, and the air quality rules, 18 A.A.C. 2. Any permit noncompliance is grounds for enforcement action; for a permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application. Noncompliance with any federally enforceable requirement in a permit is a violation of the Act.
    - b. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
    - c. The permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
    - d. The permit does not convey any property rights of any sort, or any exclusive privilege to the permit holder.
    - e. The permittee shall furnish to the Director, within a reasonable time, any information that the Director may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon the Director's request, the permittee shall also furnish to the Director copies of records required to be kept by the permit. For information claimed to be confidential, the permittee shall furnish a copy of the records directly to the Administrator along with a claim of confidentiality.
    - f. For any major source operating in a nonattainment area for all pollutants for which the source is classified as a major source, the source shall comply with reasonably available control technology.

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9. A provision to ensure that the source pays fees to the Director under A.R.S. § 49-426(E), R18-2-326, and R18-2-511.
  10. A provision stating that a permit revision shall not be required under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes provided for in the permit.
  11. Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the Director. The terms and conditions shall:
    - a. Require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating;
    - b. Extend the permit shield described in R18-2-325 to all terms and conditions under each such operating scenario; and
    - c. Ensure that the terms and conditions of each such alternative scenario meet all applicable requirements and the requirements of this Chapter.
  12. Terms and conditions, if the permit applicant requests them, and as approved by the Director, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading the increases and decreases without a case-by-case approval of each emissions trade. The terms and conditions:
    - a. Shall include all terms required under subsections (A) and (C) to determine compliance;
    - b. Shall not extend the permit shield in subsection (D) to all terms and conditions that allow the increases and decreases in emissions;
    - c. Shall not include trading that involves emission units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades; and
    - d. Shall meet all applicable requirements and requirements of this Chapter.
  13. Terms and conditions, if the permit applicant requests them and they are approved by the Director, setting forth intermittent operating scenarios including potential periods of downtime. If the terms and conditions are included, the state's emissions inventory shall not reflect the zero emissions associated with the periods of downtime.
  14. Upon request of a permit applicant, the Director shall issue a permit that contains terms and conditions allowing for the trading of emission increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emission cap established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The Director shall not include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements. Changes made under this subsection (shall) not include modifications under any provision of Title I of the Act and shall not exceed emissions allowable under the permit. The terms and conditions shall provide, for Class I sources, for notice that conforms to R18-2-317(D) and (E), and for Class II sources, for logging that conforms to R18-2-317.02(B)(5). In addition, the notices for Class I and Class II sources shall describe how the increases and decreases in emissions will comply with the terms and conditions of the permit.
  15. Other terms and conditions as are required by the Act, A.R.S. Title 49, Chapter 3, Articles 1 and 2, and the rules adopted in 18 A.A.C. 2.
- B. Federally-enforceable Requirements.**
1. The following permit conditions shall be enforceable by the Administrator and citizens under the Act:
    - a. Except as provided in subsection (B)(2), all terms and conditions in a Class I permit, including any provision designed to limit a source's potential to emit;
    - b. Terms or conditions in a Class II permit setting forth federal applicable requirements; and
    - c. Terms and conditions in any permit entered into voluntarily under R18-2-306.01, as follows:
      - i. Emissions limitations, controls, or other requirements; and
      - ii. Monitoring, recordkeeping, and reporting requirements associated with the emissions limitations, controls, or other requirements in subsection (B)(1)(c)(i).
  2. Notwithstanding subsection (B)(1)(a), the Director shall specifically designate as not being federally enforceable under the Act any terms and conditions included in a Class I permit that are not required under the Act or under any of its applicable requirements.
- C. Each permit shall contain a compliance plan as specified in R18-2-309.**
- D. Each permit shall include the applicable permit shield provisions under R18-2-325.**
- E. Emergency provision.**
1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, that requires immediate corrective action to restore normal operation and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
  2. An emergency constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of subsection (E)(3) are met.
  3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
    - a. An emergency occurred and the permittee can identify the cause or causes of the emergency;
    - b. At the time of the emergency the permitted facility was being properly operated;
    - c. During the period of the emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
    - d. The permittee submitted notice of the emergency to the Director by certified mail, facsimile, or hand delivery within two working days of the time when emission limitations were exceeded due to the emergency. This notice shall contain a description of the

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emergency, any steps taken to mitigate emissions, and corrective action taken.

4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
  5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.
- F. A Class I permit issued to a major source shall require that revisions be made under R18-2-321 to incorporate additional applicable requirements adopted by the Administrator under the Act that become applicable to a source with a permit with a remaining permit term of three or more years. A revision shall not be required if the effective date of the applicable requirement is after the expiration of the permit. The revisions shall be made as expeditiously as practicable, but not later than 18 months after the promulgation of the standards and regulations. Any permit revision required under this subsection (shall) comply with R18-2-322 for permit renewal and shall reset the five-year permit term.

**Historical Note**

Adopted effective August 7, 1975 (Supp. 75-1). Former Section R9-3-307 renumbered as Section R9-3-306 effective August 6, 1976. Reference changed to conform (Supp. 76-4). Former Section R9-3-306 repealed, new Section R9-3-306 adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (A) effective May 28, 1982 (Supp. 82-3). Amended subsection (A) effective September 28, 1984 (Supp. 84-5). Former Section R9-3-306 renumbered without change as R18-2-306 (Supp. 87-3). Amended subsection (I) effective December 1, 1988 (Supp. 88-4). Amended effective September 26, 1990 (Supp. 90-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended effective August 1, 1995 (Supp. 95-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4074, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 6 A.A.R. 343, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-306.01. Permits Containing Voluntarily Accepted Emission Limitations and Standards**

- A. A source may voluntarily propose in its application, and accept in its permit, emissions limitations, controls, or other requirements that are permanent, quantifiable, and otherwise enforceable as a practical matter in order to avoid classification as a source that requires a Class I permit or to avoid one or more other applicable requirements. For the purposes of this Section, "enforceable as a practical matter" means that specific means to assess compliance with an emissions limitation, control, or other requirement are provided for in the permit in a manner that allows compliance to be readily determined by an inspection of records and reports.
- B. In order for a source to obtain a permit containing voluntarily accepted emissions limitations, controls, or other requirements, the source shall demonstrate all of the following in its permit application:
  1. The emissions limitations, controls, or other requirements to be imposed for the purpose of avoiding an applicable requirement are at least as stringent as the emissions limitations, controls, or other requirements that would otherwise be applicable to that source, including those that originate in an applicable implementation plan; and the

permit does not waive, or make less stringent, any limitations or requirements contained in or issued pursuant to an applicable implementation plan, or that are otherwise federally enforceable.

2. All voluntarily accepted emissions limitations, controls, or other requirements will be permanent, quantifiable, and otherwise enforceable as a practical matter.
- C. At the same time as notice of proposed issuance is first published pursuant to A.R.S. § 49-426(D), the Director shall send a copy of any Class II permit proposed to be issued pursuant to this Section to the Administrator for review during the comment period described in the notice pursuant to R18-2-330(C)(3).
  - D. The Director shall send a copy of each final permit issued pursuant to this Section to the Administrator.

**Historical Note**

Adopted effective August 1, 1995 (Supp. 95-3). Amended by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-306.02. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 4074, effective September 22, 1999 (Supp. 99-3). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2982, effective September 15, 2016 (Supp. 16-3).

**R18-2-307. Permit Review by the EPA and Affected States**

- A. Except as provided in R18-2-304(G) and as waived by the Administrator, for each Class I permit, a copy of each of the following shall be provided to the Administrator as follows:
  1. The applicant shall provide a complete copy of the application including any attachments, compliance plans, and other information required by R18-2-304(F) at the time of submittal of the application to the Director.
  2. The Director shall provide the proposed final permit after public and affected state review.
  3. The Director shall provide the final permit at the time of issuance.
- B. The Director shall keep all records associated with all permits for a minimum of five years from issuance.
- C. No permit for which an application is required to be submitted to the Administrator under subsection (A) shall be issued if the Administrator properly objects to its issuance in writing within 45 days of receipt of the proposed final permit from the Department and all necessary supporting information.
- D. Review by Affected States.
  1. For each Class I permit, the Director shall provide notice of each proposed permit to any affected state on or before the time that the Director provides this notice to the public as required under R18-2-330 except to the extent R18-2-319 requires the timing of the notice to be different.
  2. If the Director refuses to accept a recommendation of any affected state submitted during the public or affected state review period, the Director shall notify the Administrator and the affected state in writing. The notification shall include the Director's reasons for not accepting any such recommendation and shall be provided to the Administrator as part of the submittal of the proposed final permit. The Director shall not be required to accept recommendations that are not based on federal applicable requirements or requirements of state law.
- E. Any person who petitions the Administrator pursuant to 40 CFR 70.8(d) shall notify the Department by certified mail of

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such petition as soon as possible, but in no case more than 10 days following such petition. Such notice shall include the grounds for objection and whether such objections were raised during the public comment period. If the Administrator objects to the permit as a result of a petition filed under this subsection, the Director shall not issue the permit until EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day administrative review period and prior to the Administrator's objection.

- F.** If the Director has issued a permit prior to receipt of the Administrator's objection under subsection (E), and the Administrator indicates that it should be revised, terminated, or revoked and reissued, the Director shall reopen the permit in accordance with R18-2-321 and may thereafter issue only a revised permit that satisfies the Administrator's objection. In any case, the source shall not be in violation of the requirement to have submitted a timely and complete application.
- G.** Prohibition on Default Issuance.
1. No Class I permit including a permit renewal or revision shall be issued until affected states and the Administrator have had an opportunity to review the proposed permit.
  2. No permit or renewal shall be issued unless the Director has acted on the application.

**Historical Note**

Adopted effective August 7, 1975 (Supp. 75-1). Former Section R9-3-307 renumbered as Section R9-3-306 effective August 6, 1976 (Supp. 76-4). New Section R9-3-307 adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Former Section R9-3-307 repealed, new Section R9-3-307 adopted effective May 28, 1982 (Supp. 82-3). Amended subsection (B)(4)(b) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-307 renumbered without change as R18-2-307 (Supp. 87-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-308. Emission Standards and Limitations**

Wherever applicable requirements apply different standards or limitations to a source for the same item, all applicable requirements shall be included in the permit.

**Historical Note**

Adopted effective August 7, 1975 (Supp. 75-1). Former Section R9-3-308 repealed, new Section R9-3-308 adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-308 renumbered without change as R18-2-308 (Supp. 87-3). Amended effective December 1, 1988 (Supp. 88-4). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4).

**R18-2-309. Compliance Plan; Certification**

All permits shall contain the following elements with respect to compliance:

1. The elements required by R18-2-306(A)(3), (4), and (5).
2. Requirements for certifications of compliance with terms and conditions contained in the permit, including emissions limitations, standards, and work practices. Permits shall include each of the following:
  - a. The frequency of submissions of compliance certifications, which shall not be less than annually;
  - b. The means to monitor the compliance of the source with its emissions limitations, standards, and work practices;

- c. A requirement that the compliance certification include all of the following (the identification of applicable information may cross-reference the permit or previous reports, as applicable):
    - i. The identification of each term or condition of the permit that is the basis of the certification;
    - ii. The identification of the methods or other means used by the owner or operator for determining the compliance status with each term and condition during the certification period. The methods and other means shall include, at a minimum, the methods and means required under R18-2-306(A)(3). If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Act, which prohibits knowingly making a false certification or omitting material information;
    - iii. The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the methods or means designated in subsection (2)(c)(ii). The certification shall identify each deviation and take it into account in the compliance certification. For emission units subject to 40 CFR 64, the certification shall also identify as possible exceptions to compliance any period during which compliance is required and in which an excursion or exceedance defined under 40 CFR 64 occurred; and
    - iv. Other facts the Director may require to determine the compliance status of the source.
  - d. A requirement that permittees submit all compliance certifications to the Director. Class I permittees shall also submit compliance certifications to the Administrator.
  - e. Additional requirements specified in sections 114(a)(3) and 504(b) of the Act or pursuant to R18-2-306.01.
3. A requirement for any document required to be submitted by a permittee, including reports, to contain a certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this Section shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
  4. Inspection and entry provisions that require that upon presentation of proper credentials, the permittee shall allow the Director to:
    - a. Enter upon the permittee's premises where a source is located, emissions-related activity is conducted, or records are required to be kept under the conditions of the permit;
    - b. Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of the permit;
    - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
    - d. Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compli-



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- ance with the permit or other applicable requirements; and
- e. Record any inspection by use of written, electronic, magnetic, or photographic media.
5. A compliance plan that contains all the following:
    - a. A description of the compliance status of the source with respect to all applicable requirements;
    - b. A description as follows:
      - i. For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with the requirements;
      - ii. For applicable requirements that will become effective during the permit term, a statement that the source will meet the requirements on a timely basis; and
      - iii. For requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements;
    - c. A compliance schedule as follows:
      - i. For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with the requirements;
      - ii. For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement;
      - iii. A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. The schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirement for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. The schedule of compliance shall supplement, and shall not sanction noncompliance with, the applicable requirements on which it is based.
    - d. A schedule for submission of certified progress reports no less frequently than every six months for sources required to have a schedule of compliance to remedy a violation. The progress reports shall contain:
      - i. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones, or compliance were achieved; and
      - ii. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.
  6. The compliance plan content requirements specified in subsection (5) shall apply and be included in the acid rain portion of a compliance plan for an affected source,

except as specifically superseded by regulations promulgated under Title IV of the Act, and incorporated under R18-2-333 with regard to the schedule and each method the source will use to achieve compliance with the acid rain emissions limitations.

7. If there is a Federal Implementation Plan (FIP) applicable to the source, a provision that compliance with the FIP is required.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amendment filed September 18, 1979, effective following the adoption of Article 7. Nonferrous Smelter Orders. Amended effective October 2, 1979 (Supp. 79-5). Article 7. Nonferrous Smelter Orders adopted effective January 8, 1980. Amendment filed September 18, 1979 effective January 8, 1980 (Supp. 80-2). Amended effective September 28, 1984 (Supp. 84-5). Former Section R9-3-309 renumbered without change as R18-2-309 (Supp. 87-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended effective October 7, 1994 (Supp. 94-4). Amended effective August 1, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 343, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 2833, effective June 17, 2004 (Supp. 04-2).

**R18-2-310. Affirmative Defenses for Excess Emissions Due to Malfunctions, Startup, and Shutdown****A. Applicability.**

This rule establishes affirmative defenses for certain emissions in excess of an emission standard or limitation and applies to all emission standards or limitations except for standards or limitations:

1. Promulgated pursuant to Sections 111 or 112 of the Act,
2. Promulgated pursuant to Titles IV or VI of the Clean Air Act,
3. Contained in any Prevention of Significant Deterioration (PSD) or New Source Review (NSR) permit issued by the U.S. E.P.A.,
4. Contained in R18-2-715(F), or
5. Included in a permit to meet the requirements of R18-2-406(A)(5).

**B. Affirmative Defense for Malfunctions.**

Emissions in excess of an applicable emission limitation due to malfunction shall constitute a violation. The owner or operator of a source with emissions in excess of an applicable emission limitation due to malfunction has an affirmative defense to a civil or administrative enforcement proceeding based on that violation, other than a judicial action seeking injunctive relief, if the owner or operator of the source has complied with the reporting requirements of R18-2-310.01 and has demonstrated all of the following:

1. The excess emissions resulted from a sudden and unavoidable breakdown of process equipment or air pollution control equipment beyond the reasonable control of the operator;
2. The air pollution control equipment, process equipment, or processes were at all times maintained and operated in a manner consistent with good practice for minimizing emissions;
3. If repairs were required, the repairs were made in an expeditious fashion when the applicable emission limitations were being exceeded. Off-shift labor and overtime were utilized where practicable to ensure that the repairs were made as expeditiously as possible. If off-shift labor and overtime were not utilized, the owner or operator sat-

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isfactorily demonstrated that the measures were impracticable;

4. The amount and duration of the excess emissions (including any bypass operation) were minimized to the maximum extent practicable during periods of such emissions;
5. All reasonable steps were taken to minimize the impact of the excess emissions on ambient air quality;
6. The excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance;
7. During the period of excess emissions there were no exceedances of the relevant ambient air quality standards established in Article 2 of this Chapter that could be attributed to the emitting source;
8. The excess emissions did not stem from any activity or event that could have been foreseen and avoided, or planned, and could not have been avoided by better operations and maintenance practices;
9. All emissions monitoring systems were kept in operation if at all practicable; and
10. The owner or operator's actions in response to the excess emissions were documented by contemporaneous records.

**C. Affirmative Defense for Startup and Shutdown.**

1. Except as provided in subsection (C)(2), and unless otherwise provided for in the applicable requirement, emissions in excess of an applicable emission limitation due to startup and shutdown shall constitute a violation. The owner or operator of a source with emissions in excess of an applicable emission limitation due to startup and shutdown has an affirmative defense to a civil or administrative enforcement proceeding based on that violation, other than a judicial action seeking injunctive relief, if the owner or operator of the source has complied with the reporting requirements of R18-2-310.01 and has demonstrated all of the following:
  - a. The excess emissions could not have been prevented through careful and prudent planning and design;
  - b. If the excess emissions were the result of a bypass of control equipment, the bypass was unavoidable to prevent loss of life, personal injury, or severe damage to air pollution control equipment, production equipment, or other property;
  - c. The source's air pollution control equipment, process equipment, or processes were at all times maintained and operated in a manner consistent with good practice for minimizing emissions;
  - d. The amount and duration of the excess emissions (including any bypass operation) were minimized to the maximum extent practicable during periods of such emissions;
  - e. All reasonable steps were taken to minimize the impact of the excess emissions on ambient air quality;
  - f. During the period of excess emissions there were no exceedances of the relevant ambient air quality standards established in Article 2 of this Chapter that could be attributed to the emitting source;
  - g. All emissions monitoring systems were kept in operation if at all practicable; and
  - h. The owner or operator's actions in response to the excess emissions were documented by contemporaneous records.
2. If excess emissions occur due to a malfunction during routine startup and shutdown, then those instances shall be treated as other malfunctions subject to subsection (B).

**D. Affirmative Defense for Malfunctions During Scheduled Maintenance.**

If excess emissions occur due to a malfunction during scheduled maintenance, then those instances will be treated as other malfunctions subject to subsection (B).

**E. Demonstration of Reasonable and Practicable Measures.**

For an affirmative defense under subsections (B) or (C), the owner or operator of the source shall demonstrate, through submission of the data and information required by this Section and R18-2-310.01, that all reasonable and practicable measures within the owner or operator's control were implemented to prevent the occurrence of the excess emissions.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective June 19, 1981 (Supp. 81-3). Amended Arizona Testing Manual for Air Pollutant Emissions, effective September 22, 1983 (Supp. 83-5). Amended Arizona Testing Manual for Air Pollutant Emissions, as of September 15, 1984, effective August 9, 1985 (Supp. 85-4). Amended effective September 28, 1984 (Supp. 84-5). Former Section R9-3-310 renumbered without change as R18-2-310 (Supp. 87-3). Amended effective February 26, 1988 (Supp. 88-1). Amended effective September 26, 1990 (Supp. 90-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 1164, effective February 15, 2001 (Supp. 01-1).

**R18-2-310.01. Reporting Requirements**

- A.** The owner or operator of any source shall report to the Director any emissions in excess of the limits established by this Chapter or the applicable permit. The owner or operator of any registered source may report excess emissions in accordance with this Section in order to qualify for the affirmative defense established in R18-2-310. The report shall be in two parts as specified below:
1. Notification by telephone or facsimile within 24 hours of the time the owner or operator first learned of the occurrence of excess emissions that includes all available information from subsection (B).
  2. Detailed written notification by submission of an excess emissions report within 72 hours of the notification under subsection (A)(1).
- B.** The excess emissions report shall contain the following information:
1. The identity of each stack or other emission point where the excess emissions occurred;
  2. The magnitude of the excess emissions expressed in the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;
  3. The time and duration or expected duration of the excess emissions;
  4. The identity of the equipment from which the excess emissions emanated;
  5. The nature and cause of the emissions;
  6. The steps taken, if the excess emissions were the result of a malfunction, to remedy the malfunction and the steps taken or planned to prevent the recurrence of the malfunctions;
  7. The steps that were or are being taken to limit the excess emissions; and
  8. If the source's permit contains procedures governing source operation during periods of startup or malfunction and the excess emissions resulted from startup or mal-

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function, a list of the steps taken to comply with the permit procedures.

- C. In the case of continuous or recurring excess emissions, the notification requirements of this Section shall be satisfied if the source provides the required notification after excess emissions are first detected and includes in the notification an estimate of the time the excess emissions will continue. Excess emissions occurring after the estimated time period or changes in the nature of the emissions as originally reported shall require additional notification pursuant to subsections (A) and (B).

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R.

1164, effective February 15, 2001 (Supp. 01-1).

Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2).

**R18-2-311. Test Methods and Procedures**

- A. Except as otherwise specified in this Chapter, the applicable procedures and testing methods contained in the Arizona Testing Manual; 40 CFR 52, Appendices D and E; 40 CFR 60, Appendices A through F; and 40 CFR 61, Appendices B and C shall be used to determine compliance with the requirements established in this Chapter or contained in permits issued pursuant to this Chapter.
- B. Except as otherwise provided in this subsection the opacity of visible emissions shall be determined by Reference Method 9 of the Arizona Testing Manual or by alternative method ALT-082 approved by the Administrator on May 15, 2012. A permit may specify a method, other than Method 9 or ALT-082, for determining the opacity of emissions from a particular emissions unit, if the method has been promulgated by the Administrator in 40 CFR 60, Appendix A or approved by the Administrator as an alternative method.
- C. Except as otherwise specified in this Chapter, the heat content of solid fuel shall be determined according to ASTM method D-3176-89, (Practice for Ultimate Analysis of Coal and Coke) and ASTM method D-2015-91, (Test Method for Gross Calorific Value of Coal and Coke by the Adiabatic Bomb Calorimeter).
- D. Except for ambient air monitoring and emissions testing required under Articles 9 and 11 of this Chapter, alternative and equivalent test methods in any test plan submitted to the Director may be approved by the Director for the duration of that plan provided that the following three criteria are met:
1. The alternative or equivalent test method measures the same chemical and physical characteristics as the test method it is intended to replace.
  2. The alternative or equivalent test method has substantially the same or better reliability, accuracy, and precision as the test method it is intended to replace.
  3. Applicable quality assurance procedures are followed in accordance with the Arizona Testing Manual, 40 CFR 60 or other quality assurance methods which are consistent with principles contained in the Arizona Testing Manual or 40 CFR 60 as approved by the Director.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective July 9, 1980 (Supp. 80-4). Amended effective September 28, 1984 (Supp. 84-5). Former Section R9-3-311 renumbered without change as R18-2-311 (Supp. 87-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 23 A.A.R. 333, effective March 21,

2017 (Supp. 17-1).

**R18-2-312. Performance Tests**

- A. Except as provided in subsection (J), within 60 days after a source subject to the permit requirements of this Article has achieved the capability to operate at its maximum production rate on a sustained basis but no later than 180 days after initial start-up of such source and at such other times as may be required by the Director, the owner or operator of such source shall conduct performance tests and furnish the Director a written report of the results of the tests.
- B. Performance tests shall be conducted and data reduced in accordance with the test method and procedures contained in the Arizona Testing Manual unless the Director:
1. Specifies or approves, in specific cases, the use of a reference method with minor changes in methodology;
  2. Approves the use of an equivalent method;
  3. Approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance; or
  4. Waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Director's satisfaction that the source is in compliance with the standard.
  5. Nothing in this Section shall be construed to abrogate the Director's authority to require testing.
- C. Performance tests shall be conducted under such conditions as the Director shall specify to the plant operator based on representative performance of the source. The owner or operator shall make available to the Director such records as may be necessary to determine the conditions of the performance tests. Operations during periods of start-up, shutdown, and malfunction shall not constitute representative conditions of performance tests unless otherwise specified in the applicable standard.
- D. The owner or operator of a permitted source shall provide the Director two weeks prior notice of the performance test to afford the Director the opportunity to have an observer present.
- E. The owner or operator of a permitted source shall provide, or cause to be provided, performance testing facilities as follows:
1. Sampling ports adequate for test methods applicable to such facility.
  2. Safe sampling platform(s).
  3. Safe access to sampling platform(s).
  4. Utilities for sampling and testing equipment.
- F. Each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs is required to be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the owner or operator's control, compliance may, upon the Director's approval, be determined using the arithmetic means of the results of the two other runs. If the Director, or the Director's designee is present, tests may only be stopped with the Director's or such designee's approval. If the Director, or the Director's designee is not present, tests may only be stopped for good cause, which includes forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the operator's control. Termination of testing without good cause after the first run is commenced shall constitute a failure of the test.

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- G. Except as provided in subsection (H) compliance with the emission limits established in this Chapter or as prescribed in permits issued pursuant to this Chapter shall be determined by the performance tests specified in this Section or in the permit.
- H. In addition to performance tests specified in this Section, compliance with specific emission limits may be determined by:
  1. Opacity tests.
  2. Emission limit compliance tests specifically designated as such in the regulation establishing the emission limit to be complied with.
  3. Continuous emission monitoring, where applicable quality assurance procedures are followed and where it is designated in the permit or in an applicable requirement to show compliance.
- I. Nothing in this Section shall be so construed as to prevent the utilization of measurements from emissions monitoring devices or techniques not designated as performance tests as evidence of compliance with applicable good maintenance and operating requirements.
- J. The owner or operator of a source subject to this Section may request an extension to the performance test deadline due to a force majeure event as follows:
  1. If a force majeure event is about to occur, occurs, or has occurred for which the owner or operator intends to assert a claim of force majeure, the owner or operator shall notify the Director in writing as soon as practicable following the date the owner or operator first knew, or through due diligence should have known that the event may cause or caused a delay in testing beyond the regulatory deadline. The notification must occur before the performance test deadline unless the initial force majeure or a subsequent force majeure event delays the notice, and in such cases, the notification shall be given as soon as practicable.
  2. The owner or operator shall provide to the Director a written description of the force majeure event and a rationale for attributing the delay in testing beyond the regulatory deadline to the force majeure; describe the measures taken or to be taken to minimize the delay; and identify a date by which the owner or operator proposes to conduct the performance test. The performance test shall be conducted as soon as practicable after the force majeure event occurs.
  3. The decision as to whether or not to grant an extension to the performance test deadline is solely within the discretion of the Director. The Director shall notify the owner or operator in writing of approval or disapproval of the request for an extension as soon as practicable.
  4. Until an extension of the performance test deadline has been approved by the Director under subsections (1), (2), and (3), the owner or operator remains subject to the requirements of this Section.
  5. For purposes of this subsection, a "force majeure event" means an event that will be or has been caused by circumstances beyond the control of the source, its contractors, or any entity controlled by the source that prevents the owner or operator from complying with the regulatory requirement to conduct performance tests within the specified timeframe despite the source's best efforts to fulfill the obligation. Examples of such events are acts of nature, acts of war or terrorism, or equipment failure or safety hazard beyond the control of the source.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective September 28, 1984 (Supp. 84-5). Former Section R9-3-312 renumbered without change as R18-2-312

(Supp. 87-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-313. Existing Source Emission Monitoring**

- A. Every source subject to an existing source performance standard as specified in this Chapter shall install, calibrate, operate, and maintain all monitoring equipment necessary for continuously monitoring the pollutants and other gases specified in this Section for the applicable source category.
  1. Applicability.
    - a. Fossil-fuel fired steam generators, as specified in subsection (C)(1), shall be monitored for opacity, nitrogen oxides emissions, sulfur dioxide emissions, and oxygen or carbon dioxide.
    - b. Fluid bed catalytic cracking unit catalyst regenerators, as specified in subsection (C)(4), shall be monitored for opacity.
    - c. Sulfuric acid plants, as specified in subsection (C)(3), shall be monitored for sulfur dioxide emissions.
    - d. Nitric acid plants, as specified in subsection (C)(2), shall be monitored for nitrogen oxides emissions.
  2. Emission monitoring shall not be required when the source of emissions is not operating.
  3. Variations.
    - a. Unless otherwise prohibited by the Act, the Director may approve, on a case-by-case basis, alternative monitoring requirements different from the provisions of this Section if the installation of a continuous emission monitoring system cannot be implemented by a source due to physical plant limitations or extreme economic reasons. Alternative monitoring procedures shall be specified by the Director on a case-by-case basis and shall include, as a minimum, annual manual stack tests for the pollutants identified for each type of source in this Section. Extreme economic reasons shall mean that the requirements of this Section would cause the source to be unable to continue in business.
    - b. Alternative monitoring requirements may be prescribed when installation of a continuous emission monitoring system or monitoring device specified by this Section would not provide accurate determinations of emissions (e.g., condensed, uncombined water vapor may prevent an accurate determination of opacity using commercially available continuous emission monitoring systems).
    - c. Alternative monitoring requirements may be prescribed when the affected facility is infrequently operated (e.g., some affected facilities may operate less than one month per year).
  4. Monitoring system malfunction: A temporary exemption from the monitoring and reporting requirements of this Section may be provided during any period of monitoring system malfunction, provided that the source owner or operator demonstrates that the malfunction was unavoidable and is being repaired expeditiously.
- B. Installation and performance testing required under this Section shall be completed and monitoring and recording shall commence within 18 months of the effective date of this Section.
- C. Minimum monitoring requirements:
  1. Fossil-fuel fired steam generators: Each fossil-fuel fired steam generator, except as provided in the following subsections, with an annual average capacity factor of

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greater than 30%, as reported to the Federal Power Commission for calendar year 1976, or as otherwise demonstrated to the Department by the owner or operator, shall conform with the following monitoring requirements when such facility is subject to an emission standard for the pollutant in question.

- a. A continuous emission monitoring system for the measurement of opacity which meets the performance specifications of this Section shall be installed, calibrated, maintained, and operated in accordance with the procedures of this Section by the owner or operator of any such steam generator of greater than 250 million Btu per hour heat input except where:
    - i. Gaseous fuel is the only fuel burned; or
    - ii. Oil or a mixture of gas and oil are the only fuels burned and the source is able to comply with the applicable particulate matter and opacity regulations without utilization of particulate matter collection equipment, and where the source has never been found to be in violation through any administrative or judicial proceedings, or accepted responsibility for any violation of any visible emission standard.
  - b. A continuous emission monitoring system for the measurement of sulfur dioxide which meets the performance specifications of this Section shall be installed, calibrated, using sulfur dioxide calibration gas mixtures or other gas mixtures approved by the Director, maintained and operated on any fossil-fuel fired steam generator of greater than 250 million Btu per hour heat input which has installed sulfur dioxide pollutant control equipment.
  - c. A continuous emission monitoring system for the measurement of nitrogen oxides which meets the performance specification of this Section shall be installed, calibrated using nitric oxide calibration gas mixtures or other gas mixtures approved by the Director, maintained and operated on fossil-fuel fired steam generators of greater than 1000 million Btu per hour heat input when such facility is located in an air quality control region where the Director has specifically determined that a control strategy for nitrogen dioxide is necessary to attain the ambient air quality standard specified in R18-2-205, unless the source owner or operator demonstrates during source compliance tests as required by the Department that such a source emits nitrogen oxides at levels 30% or more below the emission standard within this Chapter.
  - d. A continuous emission monitoring system for the measurement of the percent oxygen or carbon dioxide which meets the performance specifications of this Section shall be installed, calibrated, operated, and maintained on fossil-fuel fired steam generators where measurements of oxygen or carbon dioxide in the flue gas are required to convert either sulfur dioxide or nitrogen oxides continuous emission monitoring data, or both, to units of the emission standard within this Chapter.
2. Nitric acid plants: Each nitric acid plant of greater than 300 tons per day production capacity, the production capacity being expressed as 100% acid located in an air quality control region where the Director has specifically determined that a control strategy for nitrogen dioxide is necessary to attain the ambient air quality standard specified in R18-2-205, shall install, calibrate using nitrogen dioxide calibration gas mixtures, maintain, and operate a continuous emission monitoring system for the measurement of nitrogen oxides which meets the performance specifications of this Section for each nitric acid producing facility within such plant.
  3. Sulfuric acid plants: Each sulfuric acid plant as defined in R18-2-101, of greater than 300 tons per day production capacity, the production being expressed as 100% acid, shall install, calibrate using sulfur dioxide calibration gas mixtures or other gas mixtures approved by the Director, maintain and operate a continuous emission monitoring system for the measurement of sulfur dioxide which meets the performance specifications of this Section for each sulfuric acid producing facility within such a plant.
  4. Fluid bed catalytic cracking unit catalyst regenerators at petroleum refineries. Each catalyst regenerator for fluid bed catalytic cracking units of greater than 20,000 barrels per day fresh-feed capacity shall install, calibrate, maintain and operate a continuous emission monitoring system for the measurement of opacity which meets the performance specifications of this Section for each regenerator within such refinery.
- D. Minimum specifications:** Owners or operators of monitoring equipment installed to comply with this Section shall demonstrate compliance with the following performance specifications.
1. The performance specifications set forth in Appendix B of 40 CFR 60 are incorporated herein by reference and shall be used by the Director to determine acceptability of monitoring equipment installed pursuant to this Section. However where reference is made to the Administrator in Appendix B of 40 CFR 60, the Director may allow the use of either the state-approved reference method or the federally approved reference method as published in 40 CFR 60. The performance specifications to be used with each type of monitoring system are listed below.
    - a. Continuous emission monitoring systems for measuring opacity shall comply with performance specification 1.
    - b. Continuous emission monitoring systems for measuring nitrogen oxides shall comply with performance specification 2.
    - c. Continuous emission monitoring systems for measuring sulfur dioxide shall comply with performance specification 2.
    - d. Continuous emission monitoring systems for measuring sulfur dioxide shall comply with performance specification 3.
    - e. Continuous emission monitoring systems for measuring carbon dioxide shall comply with performance specification 3.
  2. Calibration gases: Span and zero gases shall be traceable to National Bureau of Standards reference gases whenever these reference gases are available. Every six months from date of manufacture, span and zero gases shall be reanalyzed by conducting triplicate analyses using the reference methods in Appendix A of 40 CFR 60 (Chapter 1) as amended: For sulfur dioxide, use Reference Method 6; for nitrogen oxides, use Reference Method 7; and for carbon dioxide or oxygen, use Reference Method 3. The gases may be analyzed at less frequent intervals if longer shelf lives are guaranteed by the manufacturer.
  3. Cycling time: Time includes the total time required to sample, analyze, and record an emission measurement.

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- a. Continuous emission monitoring systems for measuring opacity shall complete a minimum of one cycle of sampling and analyzing for each successive six-minute period.
- b. Continuous emission monitoring systems for measuring oxides of nitrogen, carbon dioxide, oxygen, or sulfur dioxide shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.
4. Monitor location: All continuous emission monitoring systems or monitoring devices shall be installed such that representative measurements of emissions of process parameter (i.e., oxygen, or carbon dioxide) from the affected facility are obtained. Additional guidance for location of continuous emission monitoring systems to obtain representative samples are contained in the applicable performance specifications of Appendix B of 40 CFR 60.
5. Combined effluents: When the effluents from two or more affected facilities of similar design and operating characteristics are combined before being released to the atmosphere through more than one point, separate monitors shall be installed.
6. Zero and drift: Owners or operators of all continuous emission monitoring systems installed in accordance with the requirements of this Section shall record the zero and span drift in accordance with the method prescribed by the manufacturer's recommended zero and span check at least once daily, using calibration gases specified in subsection (C) as applicable, unless the manufacturer has recommended adjustments at shorter intervals, in which case such recommendations shall be followed; shall adjust the zero span whenever the 24-hour zero drift or 24-hour calibration drift limits of the applicable performance specifications in Appendix B of Part 60, Chapter 1, Title 40 CFR are exceeded.
7. Span: Instrument span should be approximately 200% of the expected instrument data display output corresponding to the emission standard for the source.
- E. Minimum data requirement: The following subsections set forth the minimum data reporting requirements for sources employing continuous monitoring equipment as specified in this Section. These periodic reports do not relieve the source operator from the reporting requirements of R18-2-310.01.
  1. The owners or operators of facilities required to install continuous emission monitoring systems shall submit to the Director a written report of excess emissions for each calendar quarter and the nature and cause of the excess emissions, if known. The averaging period used for data reporting shall correspond to the averaging period specified in the emission standard for the pollutant source category in question. The required report shall include, as a minimum, the data stipulated in this subsection.
  2. For opacity measurements, the summary shall consist of the magnitude in actual percent opacity of all six-minute opacity averages greater than any applicable standards for each hour of operation of the facility. Average values may be obtained by integration over the averaging period or by arithmetically averaging a minimum of four equally spaced, instantaneous opacity measurements per minute. Any time periods exempted shall be deleted before determining any averages in excess of opacity standards.
  3. For gaseous measurements the summary shall consist of emission averages in the units of the applicable standard for each averaging period during which the applicable standard was exceeded.
  4. The date and time identifying each period during which the continuous emission monitoring system was inoperative, except for zero and span checks and the nature of system repair or adjustment shall be reported. The Director may require proof of continuous emission monitoring system performance whenever system repairs or adjustments have been made.
  5. When no excess emissions have occurred and the continuous emission monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be included in the report.
  6. Owners or operators of affected facilities shall maintain a file of all information reported in the quarterly summaries, and all other data collected either by the continuous emission monitoring system or as necessary to convert monitoring data to the units of the applicable standard for a minimum of two years from the date of collection of such data or submission of such summaries.
- F. Data reduction: Owners or operators of affected facilities shall use the following procedures for converting monitoring data to units of the standard where necessary.
  1. For fossil-fuel fired steam generators the following procedures shall be used to convert gaseous emission monitoring data in parts per million to g/million cal (lb/million Btu) where necessary.
    - a. When the owner or operator of a fossil-fuel fired steam generator elects under subsection (C)(1)(d) to measure oxygen in the flue gases, the measurements of the pollutant concentration and oxygen concentration shall each be on a consistent basis (wet or dry).
      - i. When measurements are on a wet basis, except where wet scrubbers are employed or where moisture is otherwise added to stack gases, the following conversion procedure shall be used:
 
$$E(Q) = C(ws)F(w) \left[ \frac{20.9}{20.9(1 - B(wa)) - \%O(2ws)} \right]$$
      - ii. When measurements are on a wet basis and the water vapor content of the stack gas is determined at least once every 15 minutes the following conversion procedure shall be used:
 
$$E(Q) = C(ws)F \left[ \frac{20.9}{20.9(1 - B(wa))\%O(2ws)} \right]$$

Use of this equation is contingent upon demonstrating the ability to accurately determine B(ws) such that any absolute error in B(ws) will not cause an error of more than  $\pm 1.5\%$  in the term:

$$\left[ \frac{20.9}{20.9(1 - B(wa)) - \%O(2ws)} \right]$$
      - iii. When measurements are on a dry basis, the following conversion procedure shall be used:
    - b. When the owner or operator elects under subsection (C)(1)(d) to measure carbon dioxide in the flue gases, the measurement of the pollutant concentration and the carbon dioxide concentration shall each

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$$E(Q) = CF \left[ \frac{20.9}{20.9 - \%O(2ws)} \right]$$

be on a consistent basis (wet or dry) and the following conversion procedure used;

$$E(Q) = CF(c) \left[ \frac{100}{\%CO(2)} \right]$$

- c. The values used in the equations under subsection (F)(1) above are derived as follows:

$E(Q)$  = pollutant emission, g/million cal (lb/million Btu).

$C$  = pollutant concentration, g/dscm (lb/dscf), determined by multiplying the average concentration (ppm) for each hourly period by  $4.16 \times 10^{-5}$  M g/dscm per ppm ( $2.64 \times 10^{-9}$  M lb/dscf per ppm) where  $M$  = pollutant molecular weight, g/g-mole (lb/lb-mole),  $M = 64$  for sulfur dioxide and 46 for oxides of nitrogen.

$C(ws)$  = pollutant concentrations at stack conditions, g/wscm (lb/wscf), determined by multiplying the average concentration (ppm) for each one-hour period by  $4.15 \times 10^{-5}$  M lb/wscm per ppm ( $2.59 \times 10^{-5}$  M lb/wscf per ppm) where  $M$  = pollutant molecular weight, g/g mole (lb/lb mole).  $M = 64$  for sulfur dioxide and 46 for nitrogen oxides.

$\%O(2)$ ,  $\%CO(2)$  = Oxygen or carbon dioxide volume (expressed as percent) determined with equipment specified under subsection (D)(1)(d).

$F, F(c)$  = A factor representing a ratio of the volume of dry flue gases generated to the calorific value of the fuel combusted ( $F$ ), a factor representing a ratio of the volume of carbon dioxide generated to the calorific value of the fuel combusted ( $F(c)$ ), respectively. Values of  $F$  and  $F(c)$  are given in 40 CFR 60.45(f) (Chapter 1).

$F(w)$  = A factor representing a ratio of the volume of wet flue gases generated to the caloric value of the fuel combusted. Values of  $F(w)$  are given in Reference Method 19 of the Arizona Testing Manual.

$B(wa)$  = Proportion by volume of water vapor in the ambient air. Approval may be given for determination of  $B(w)a$  by on-site instrumental measurement provided that the absolute accuracy of the measurement technique can be demonstrated to be within  $\pm 0.7\%$  water vapor. Estimation methods for  $B(wa)$  are given in Reference Method 19 of the Arizona Testing Manual.

$B(ws)$  = Proportion by volume of water vapor in the stack gas.

2. For sulfuric acid plants as defined in R18-2-101, the owner or operator shall:
  - a. Establish a conversion factor three times daily according to the procedures of 40 CFR 60.84(b) (Chapter 1),
  - b. Multiply the conversion factor by the average sulfur dioxide concentration in the flue gases to obtain

average sulfur dioxide emissions in Kg/metric ton (lb/short ton), and

- c. Report the average sulfur dioxide emission for each averaging period in excess of the applicable emission standard in the quarterly summary.
3. For nitric acid plants, the owner or operator shall:
  - a. Establish a conversion factor according to the procedures of 40 CFR 60.73(b) (Chapter 1),
  - b. Multiply the conversion factor by the average nitrogen oxides concentration in the flue gases to obtain the nitrogen oxides emissions in the units of the applicable standard,
  - c. Report the average nitrogen oxides emission for each averaging period in excess of applicable emission standard in the quarterly summary.
4. The Director may allow data reporting or reduction procedures varying from those set forth in this Section if the owner or operator of a source shows to the satisfaction of the Director that his procedures are at least as accurate as those in this Section. Such procedures may include but are not limited to the following:
  - a. Alternative procedures for computing emission averages that do not require integration of data (e.g., some facilities may demonstrate that the variability of their emissions is sufficiently small to allow accurate reduction of data based upon computing averages from equally spaced data points over the averaging period).
  - b. Alternative methods of converting pollutant concentration measurements to the units of the emission standards.

#### Historical Note

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Editorial correction, subsection (C), paragraph (1), subparagraph (d) (Supp. 80-2). Amended effective July 9, 1980 (Supp. 80-4). Former Section R9-3-313 renumbered without change as R18-2-313 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 7 A.A.R. 1164, effective February 15, 2001 (Supp. 01-1).

#### R18-2-314. Quality Assurance

Facilities subject to the permit requirements of this Article shall submit a quality assurance plan to the Director that meets the requirements of R18-2-311(D)(3) within 12 months of the effective date of this Section. Facilities subject to the requirements of R18-2-313 shall submit a quality assurance plan as specified in the permit.

#### Historical Note

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective July 9, 1980 (Supp. 80-4). Former Section R9-3-314 renumbered without change as R18-2-314 (Supp. 87-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4).

#### R18-2-315. Posting of Permit

- A. Any person who has been granted an individual or general permit shall post such permit or a certificate of permit issuance on location where the equipment is installed in such a manner as to be clearly visible and accessible. All equipment covered by the permit shall be clearly marked with one of the following:
  1. The current permit number,
  2. A serial number or other equipment number that is also listed in the permit to identify that piece of equipment.
- B. A copy of the complete permit shall be kept on the site.

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**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective July 9, 1980 (Supp. 80-4). Former Section R9-3-315 renumbered without change as R18-2-315 (Supp. 87-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4).

**R18-2-316. Notice by Building Permit Agencies**

All agencies of the county or political subdivisions of the county that issue or grant building permits or approvals shall examine the plans and specifications submitted by an applicant for a permit or approval to determine if an air pollution permit will possibly be required under the provisions of this Chapter. If it appears that an air pollution permit will be required, the agency or political subdivision shall give written notice to the applicant to contact the Director and shall furnish a copy of that notice to the Director.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-316 renumbered without change as R18-2-316 (Supp. 87-3).

**R18-2-317. Facility Changes Allowed Without Permit Revisions - Class I**

- A. A facility with a Class I permit may make changes that contravene an express permit term without a permit revision if all of the following apply:
  1. The changes are not modifications under any provision of Title I of the Act or under A.R.S. § 49-401.01(24);
  2. The changes do not exceed the emissions allowable under the permit whether expressed therein as a rate of emissions or in terms of total emissions;
  3. The changes do not violate any applicable requirements or trigger any additional applicable requirements;
  4. The changes satisfy all requirements for a minor permit revision under R18-2-319(A);
  5. The changes do not contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements; and
  6. The changes do not constitute a minor NSR modification.
- B. The substitution of an item of process or pollution control equipment for an identical or substantially similar item of process or pollution control equipment shall qualify as a change that does not require a permit revision, if the substitution meets all of the requirements of subsections (A), (D), and (E).
- C. Except for sources with authority to operate under general permits, permitted sources may trade increases and decreases in emissions within the permitted facility, as established in the permit under R18-2-306(A)(12), if an applicable implementation plan provides for the emissions trades without applying for a permit revision and based on the seven working days notice prescribed in subsection (D). This provision is available if the permit does not provide for the emissions trading as a minor permit revision.
- D. For each change under subsections (A) through (C), a written notice by certified mail or hand delivery shall be received by the Director and the Administrator a minimum of seven working days in advance of the change. Notifications of changes associated with emergency conditions, such as malfunctions necessitating the replacement of equipment, may be provided less than seven working days in advance of the change but must be provided as far in advance of the change or, if advance notification is not practicable, as soon after the change as possible.
- E. Each notification shall include:
  1. When the proposed change will occur;
  2. A description of the change;

3. Any change in emissions of regulated air pollutants;
  4. The pollutants emitted subject to the emissions trade, if any;
  5. The provisions in the implementation plan that provide for the emissions trade with which the source will comply and any other information as may be required by the provisions in the implementation plan authorizing the trade;
  6. If the emissions trading provisions of the implementation plan are invoked, then the permit requirements with which the source will comply; and
  7. Any permit term or condition that is no longer applicable as a result of the change.
- F. The permit shield described in R18-2-325 shall not apply to any change made under subsections (A) through (C). Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to requirements of the implementation plan authorizing the emissions trade.
- G. Except as otherwise provided for in the permit, making a change from one alternative operating scenario to another as provided under R18-2-306(A)(11) shall not require any prior notice under this Section.
- H. The Director shall make available to the public monthly summaries of all notices received under this Section.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-317 renumbered without change as R18-2-317 (Supp. 87-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 5 A.A.R. 4074, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2).

**R18-2-317.01. Facility Changes that Require a Permit Revision - Class II**

- A. The following changes at a source with a Class II permit shall require a permit revision:
  1. A change that would trigger a new applicable requirement or violate an existing applicable requirement.
  2. Establishment of, or change in, an emissions cap under R18-2-306.02;
  3. A change that will require a case-by-case determination of an emission limitation or other standard, or a source-specific determination of ambient impacts, or a visibility or increment analysis;
  4. A change that results in emissions that are subject to monitoring, recordkeeping or reporting under R18-2-306(A)(3), (4), or (5) if the emissions cannot be measured or otherwise adequately quantified by monitoring, recordkeeping, or reporting requirements already in the permit;
  5. A change that will authorize the burning of used oil, used oil fuel, hazardous waste, or hazardous waste fuel, or any other fuel not currently authorized by the permit;
  6. A change that requires the source to obtain a Class I permit;
  7. Replacement of an item of air pollution control equipment listed in the permit with one that does not have the same or better pollutant removal efficiency;
  8. Establishment or revision of a limit under R18-2-306.01;
  9. Increasing operating hours or rates of production above the permitted level;
  10. A change that relaxes monitoring, recordkeeping, or reporting requirements, except when the change results:



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- a. From removing equipment that results in a permanent decrease in actual emissions, if the source keeps onsite records of the change in a log that satisfies Appendix 3 of this Chapter and if the requirements that are relaxed are present in the permit solely for the equipment that was removed; or
  - b. From a change in an applicable requirement; and
11. A minor NSR modification.
- B.** A source with a Class II permit may make any physical change or change in the method of operation without revising the source's permit unless the change is specifically prohibited in the source's permit or is a change described in subsection (A). A change that does not require a permit revision may still be subject to requirements in R18-2-317.02.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R.

4074, effective September 22, 1999 (Supp. 99-3).

Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2).

**R18-2-317.02. Procedures for Certain Changes that Do Not Require a Permit Revision - Class II**

- A.** Except for a physical change or change in the method of operation at a Class II source requiring a permit revision under R18-2-317.01, or a change subject to logging or notice requirements in subsections (B) or (C), a change at a Class II source shall not be subject to revision, notice, or logging requirements under this Chapter.
- B.** Except as otherwise provided in the conditions applicable to an emissions cap created under R18-2-306.02, the following changes may be made if the source keeps onsite records of the changes according to Appendix 3:
1. Implementing an alternative operating scenario, including raw material changes;
  2. Changing process equipment, operating procedures, or making any other physical change if the permit requires the change to be logged;
  3. Engaging in any new insignificant activity listed in the definition of insignificant activities in R18-2-101 but not listed in the permit;
  4. Replacing an item of air pollution control equipment listed in the permit with an identical (same model, different serial number) item. The Director may require verification of efficiency of the new equipment by performance tests; and
  5. A change that results in a decrease in actual emissions if the source wants to claim credit for the decrease in determining whether the source has a net emissions increase for any purpose. The logged information shall include a description of the change that will produce the decrease in actual emissions. A decrease that has not been logged is creditable only if the decrease is quantifiable, enforceable, and otherwise qualifies as a creditable decrease.
- C.** Except as provided in the conditions applicable to an emissions cap created under R18-2-306.02, the following changes may be made if the source provides written notice to the Department in advance of the change as provided below:
1. Replacing an item of air pollution control equipment listed in the permit with one that is not identical but that is substantially similar and has the same or better pollutant removal efficiency: seven days. The Director may require verification of efficiency of the new equipment by performance tests;
  2. A physical change or change in the method of operation that increases actual emissions more than 10% of the major source threshold for any conventional pollutant but does not require a permit revision: seven days;
  3. Replacing an item of air pollution control equipment listed in the permit with one that is not substantially similar but that has the same or better efficiency: 30 days. The Director may require verification of efficiency of the new equipment by performance tests;
  4. A change that would trigger an applicable requirement that already exists in the permit: 30 days unless otherwise required by the applicable requirement;
  5. A change that amounts to reconstruction of the source or an affected facility: seven days. For purposes of this subsection, reconstruction of a source or an affected facility shall be presumed if the fixed capital cost of the new components exceeds 50% of the fixed capital cost of a comparable entirely new source or affected facility and the changes to the components have occurred over the 12 consecutive months beginning with commencement of construction; and
  6. A change that will result in the emissions of a new regulated air pollutant above an applicable regulatory threshold but that does not trigger a new applicable requirement for that source category: 30 days. For purposes of this requirement, an applicable regulatory threshold for a conventional air pollutant shall be 10% of the applicable major source threshold for that pollutant.
- D.** For each change under subsection (C), the written notice shall be by certified mail or hand delivery and shall be received by the Director the minimum amount of time in advance of the change. Notifications of changes associated with emergency conditions, such as malfunctions necessitating the replacement of equipment, may be provided with less than required notice, but must be provided as far in advance of the change, or if advance notification is not practicable, as soon after the change as possible. The written notice shall include:
1. When the proposed change will occur,
  2. A description of the change,
  3. Any change in emissions of regulated air pollutants, and
  4. Any permit term or condition that is no longer applicable as a result of the change.
- E.** A source may implement any change in subsection (C) without the required notice by applying for a minor permit revision under R18-2-319 and complying with R18-2-319(D)(2) and (G).
- F.** The permit shield described in R18-2-325 shall not apply to any change made under this Section, other than implementation of an alternate operating scenario under subsection (B)(1).
- G.** Notwithstanding any other part of this Section, the Director may require a permit to be revised for any change that, when considered together with any other changes submitted by the same source under this Section over the term of the permit, constitutes a change under R18-317.01(A).
- H.** If a source change is described under both subsections (B) and (C), the source shall comply with subsection (C). If a source change is described under both subsection (C) and R18-2-317.01(B), the source shall comply with R18-2-317.01(B).
- I.** A copy of all logs required under subsection (B) shall be filed with the Director within 30 days after each anniversary of the permit issue date. If no changes were made at the source requiring logging, a statement to that effect shall be filed instead.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R.

4074, effective September 22, 1999 (Supp. 99-3).

Amended by final rulemaking at 18 A.A.R. 1542, effective

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tive August 7, 2012 (Supp. 12-2).

**R18-2-318. Administrative Permit Amendments**

- A. Except for provisions pursuant to Title IV of the Act, an administrative permit amendment is a permit revision that does any of the following:
1. Corrects typographical errors;
  2. Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
  3. Requires more frequent monitoring or reporting by the permittee;
  4. Allows for a change in ownership or operational control of a source as approved under R18-2-323 where the Director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility coverage, and liability between the current and new permittee has been submitted to the Director;
- B. Administrative permit amendments to Title IV provisions of the permit shall be governed by regulations promulgated by the Administrator under Title IV of the Act.
- C. The Director shall take no more than 60 days from receipt of a request for an administrative permit amendment to take final action on such request, and for Class I permits may incorporate such changes without providing notice to the public or affected states provided that it designates any such permit revisions as having been made pursuant to this Section.
- D. The Director shall submit a copy of Class I permits revised under this Section to the Administrator.
- E. Except for administrative permit amendments involving a transfer under R18-2-323, the source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-318 renumbered without change as R18-2-318 (Supp. 87-3). Amended subsection (A) effective December 1, 1988 (Supp. 88-4). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4).

**R18-2-318.01. Annual Summary Permit Amendments for Class II Permits**

The Director may amend any Class II permit annually without following R18-2-321 in order to incorporate changes reflected in logs or notices filed under R18-2-317.02. The amendment shall be effective to the anniversary date of the permit. The Director shall make available to the public for any source:

1. A complete record of logs and notices sent to the Department under R18-2-317.02; and
2. Any amendments or revisions to the source's permit.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 4074, effective September 22, 1999 (Supp. 99-3).

**R18-2-319. Minor Permit Revisions**

- A. Minor permit revision procedures may be used only for those changes at a Class I source that satisfy all of the following:
1. Do not violate any applicable requirement;
  2. Do not involve substantive changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
  3. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination of ambient impacts, or an analysis of

impacts on visibility or maximum increases allowed under R18-2-218;

4. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed in order to avoid an applicable requirement to which the source would otherwise be subject. The terms and conditions include:
    - a. A federally enforceable emissions cap that the source would assume to avoid classification as a modification under any provision of Title I of the Act; and
    - b. An alternative emissions limit approved under regulations promulgated under the section 112(i)(5) of the Act.
  5. Are not modifications under any provision of Title I of the Act;
  6. Are not changes in fuels not represented in the permit application or provided for in the permit;
  7. Are not minor NSR modifications subject to R18-2-334; and
  8. Are not required to be processed as a significant permit revision under R18-2-320.
- B. Minor permit revision procedures shall be used for the following changes at a Class II source:
1. A change that triggers a new applicable requirement if all of the following apply:
    - a. The change is not a minor NSR modification subject to R18-2-334;
    - b. A case-by-case determination of an emission limitation or other standard is not required; and
    - c. The change does not require the source to obtain a Class I permit.
  2. A change that increases emissions above the permitted level unless the increase otherwise creates a condition that requires a significant permit revision;
  3. A change in fuel from fuel oil or coal, to natural gas or propane, if not authorized in the permit;
  4. A change that results in emissions subject to monitoring, recordkeeping, or reporting under R18-2-306(A)(3),(4), or (5) and that cannot be measured or otherwise adequately quantified by monitoring, recordkeeping, or reporting requirements already in the permit;
  5. A decrease in the emissions permitted under an emissions cap unless the decrease requires a change in the conditions required to enforce the cap or to ensure that emissions trades conducted under the cap are quantifiable and enforceable; and
  6. Replacement of an item of air pollution control equipment listed in the permit with one that does not have the same or better efficiency.
- C. As approved by the Director, minor permit revision procedures may be used for permit revisions involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that the minor permit revision procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by the Administrator.
- D. An application for minor permit revision shall be on the standard application form provided under R18-2-304(B) and include the following:
1. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

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2. For Class I sources, and any source that is making the change immediately after it files the application, the source's suggested draft permit;
  3. Certification by a responsible official, consistent with standard permit application requirements, that the proposed revision meets the criteria for use of minor permit revision procedures and a request that the procedures be used;
- E.** EPA and affected state notification. For Class I permits, within five working days of receipt of an application for a minor permit revision, the Director shall notify the Administrator and affected states of the requested permit revision in accordance with R18-2-307.
- F.** For Class I permits, the Director shall not issue a final permit revision until after the Administrator's 45-day review period or until the Administrator has notified the Director that the Administrator will not object to issuance of the permit revision, whichever is first, although the Director may approve the permit revision before that time. Within 90 days of the Director's receipt of an application under minor permit revision procedures, or 15 days after the end of the Administrator's 45-day review period, whichever is later, the Director shall do one or more of the following:
1. Issue the permit revision as proposed,
  2. Deny the permit revision application,
  3. Determine that the proposed permit revision does not meet the minor permit revision criteria and should be reviewed under the significant revision procedures, or
  4. Revise the proposed permit revision and transmit to the Administrator the new proposed permit revision as required in R18-2-307.
- G.** The source may make the change proposed in its minor permit revision application immediately after it files the application. After a Class I source makes a change allowed by the preceding sentence, and until the Director takes any of the actions specified in subsection (F), the source shall comply with both the applicable requirements governing the change and the proposed revised permit terms and conditions. During this time period, the Class I source need not comply with the existing permit terms and conditions it seeks to modify. However, if the Class I source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to revise may be enforced against it.
- H.** The permit shield under R18-2-325 shall not extend to minor permit revisions.
- I.** Notwithstanding any other part of this Section, the Director may require a permit to be revised under R18-2-320 for any change that, when considered together with any other changes submitted by the same source under this Section or R18-2-317.02 over the life of the permit, do not satisfy subsection (A) for Class I sources or subsection (B) for Class II sources.
- J.** The Director shall make available to the public monthly summaries of all applications for minor permit revisions.
- A.** For Class I sources, a significant revision shall be used for an application requesting a permit revision that does not qualify as a minor permit revision or as an administrative amendment. A significant revision that is only required because of a change described in R18-2-319(A)(6) or (7) shall not be considered a significant permit revision under part 70 for the purposes of 40 CFR 64.5(a)(2). Every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or recordkeeping permit terms or conditions shall follow significant revision procedures.
- B.** A source with a Class II permit shall make the following changes only after the permit is revised following the public participation requirements of R18-2-330:
1. Establishing or revising a voluntarily accepted emission limitation or standard as described by R18-2-306.01 or R18-2-306.02, except a decrease in the limitation authorized by R18-2-319(B)(5);
  2. Making any change in fuel not authorized by the permit and that is not fuel oil or coal, to natural gas or propane;
  3. A change that is a minor NSR modification subject to R18-2-334;
  4. A change that relaxes monitoring, recordkeeping, or reporting requirements, except when the change results from:
    - a. Removing equipment that results in a permanent decrease in actual emissions, if the source keeps onsite records of the change in a log that satisfies Appendix 3 of this Chapter and if the requirements that are relaxed are present in the permit solely for the equipment that was removed; or
    - b. A change in an applicable requirement.
  5. A change that will cause the source to violate an existing applicable requirement including the conditions establishing an emissions cap;
  6. A change that will require any of the following:
    - a. A case-by-case determination of an emission limitation or other standard;
    - b. A source-specific determination of ambient impacts, or an analysis of impacts on visibility or maximum allowable increases allowed under R18-2-218; or
    - c. A case-by-case determination of a monitoring, recordkeeping, and reporting requirement.
  7. A change that requires the source to obtain a Class I permit.
- C.** Any modification to a major source of federally listed hazardous air pollutants, and any reconstruction of a source, or a process or production unit, under section 112(g) of the Act and regulations promulgated thereunder, shall follow significant permit revision procedures and any rules adopted under A.R.S. § 49-426.03.
- D.** Significant permit revisions shall meet all requirements of this Article for applications, public participation, review by affected states, and review by the Administrator that apply to permit issuance and renewal. Notwithstanding R18-2-330(C), the Director may provide notice for changes requiring a significant permit revision solely under subsections (B)(2), (4) or (6)(c) by posting a notice on the Department's web site, sending e-mails to persons who have requested electronic notification of the Department's proposed air quality permit actions and by mailing a copy of the notice as provided in R18-2-330(C)(1).
- E.** When an existing source applies for a significant permit revision to revise its permit from a Class II permit to a Class I permit, it shall submit a Class I permit application in accordance with R18-2-304. The Director shall issue the entire permit, and not just the portion being revised, in accordance with Class I

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-319 renumbered without change as R18-2-319 (Supp. 87-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 5 A.A.R. 4074, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-320. Significant Permit Revisions**

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permit content and issuance requirements, including requirements for public, affected state, and EPA review, contained in R18-2-307 and R18-2-330.

**Historical Note**

Adopted effective September 26, 1990 (Supp. 90-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4074, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 6 A.A.R. 343, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-321. Permit Reopenings; Revocation and Reissuance; Termination****A. Reopening for Cause.**

1. Each issued permit shall include provisions specifying the conditions under which the permit shall be reopened prior to the expiration of the permit. A permit shall be reopened and revised under any of the following circumstances:
  - a. Additional applicable requirements under the Act become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to R18-2-322(B). Any permit revision required pursuant to this subsection shall comply with provisions in R18-2-322 for permit renewal and shall reset the five-year permit term.
  - b. Additional requirements, including excess emissions requirements, become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the Class I permit.
  - c. The Director or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
  - d. The Director or the Administrator determines that the permit needs to be revised or revoked to assure compliance with the applicable requirements.
2. Proceedings to reopen and issue a permit, including appeal of any final action relating to a permit reopening, shall follow the same procedures as apply to initial permit issuance and shall, except for reopenings under subsection (A)(1)(a), affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.
3. Reopenings under subsection (A)(1) shall not be initiated before a notice of such intent is provided to the source by the Director at least 30 days in advance of the date that the permit is to be reopened, except that the Director may provide a shorter time period in the case of an emergency.
4. When a permit is reopened and revised pursuant to this Section, the Director may make appropriate revisions to the permit shield established pursuant to R18-2-325.

- B. Within 10 days of receipt of notice from the Administrator that cause exists to reopen a Class I permit, the Director shall notify the source. The source shall have 30 days to respond to the Director. Within 90 days of receipt of notice from the Administrator that cause exists to reopen a permit, or within any extension to the 90 days granted by EPA, the Director shall forward to the Administrator and the source a proposed determination of termination, revision, or revocation and reissuance of the permit. Within 90 days of receipt of an EPA objection to the Director's proposal, the Director shall resolve the objection and act on the permit.
- C. The Director may issue a notice of termination of a permit or registration issued pursuant to this Chapter if:
  1. The Director has reasonable cause to believe that the permit or registration was obtained by fraud or misrepresentation.
  2. The person applying for the permit or registration failed to disclose a material fact required by the application form or the regulation applicable to the permit or registration, of which the applicant had or should have had knowledge at the time the application was submitted.
  3. The terms and conditions of the permit or registration have been or are being violated.
- D. If the Director issues a notice of termination under this Section, the notice shall be served on the permittee by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the revocation and a statement that the permittee is entitled to a hearing.

**Historical Note**

Adopted effective September 22, 1983 (Supp. 83-5). Former Section R9-3-321 renumbered without change as R18-2-321 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2).

**R18-2-322. Permit Renewal and Expiration**

- A. A permit being renewed is subject to the same procedural requirements, including any for public participation and affected states and Administrator review, that would apply to that permit's initial issuance.
- B. Except as provided in R18-2-303(A), permit expiration terminates the source's right to operate unless a timely application for renewal that is sufficient under A.R.S. § 41-1064 has been submitted in accordance with R18-2-304. Any testing that is required for renewal shall be completed before the proposed permit is issued by the Director.
- C. The Director shall act on an application for a permit renewal within the same time-frames as on an initial permit.

**Historical Note**

Adopted effective September 22, 1983 (Supp. 83-5). Former Section R9-3-322 renumbered without change as R18-2-322 (Supp. 87-3). Amended effective December 1, 1988 (Supp. 88-4). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4).

**R18-2-323. Permit Transfers**

- A. Except as provided in A.R.S. § 49-429 and subsection (B), a Class I or II permit may be transferred to another person if the person who holds the permit gives notice to the Director in writing at least 30 days before the proposed transfer. The notice shall contain the following:
  1. The permit number and expiration date;
  2. The name, address, and telephone number of the current permit holder;

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3. The name, address and telephone number of the person to receive the permit;
  4. The name and title of the individual within the organization who is accepting responsibility for the permit along with a signed statement by that person indicating such acceptance;
  5. A description of the equipment to be transferred;
  6. A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee;
  7. Provisions for the payment of any fees pursuant to R18-2-326 or R18-2-501 that will be due and payable before the effective date of transfer;
  8. Sufficient information about the source's technical and financial capabilities of operating the source to allow the Director to make the decision in subsection (B) including:
    - a. The qualifications of each person principally responsible for the operation of the source;
    - b. A statement by the chief financial officer of the new permittee that it is financially capable of operating the facility in compliance with the law, and the information that provides the basis for that statement;
    - c. A brief description of any action for the enforcement of any federal or state law, or any county, city, or local government ordinance relating to the protection of the environment, instituted against any person employed by the new permittee and principally responsible for operating the facility during the five years preceding the date of application. In lieu of this description, the new permittee may submit a copy of the certificate of disclosure or 10-K form required under A.R.S. § 49-109, or a statement that this information has been filed in compliance with A.R.S. § 49-109.
- B.** The Director shall deny the transfer if the Director determines that the organization receiving the permit is not capable of operating the source in compliance with A.R.S. Title 49, Chapter 3, Article 2, the provisions of this Chapter or the provisions of the permit. Notice of the denial shall be sent to the original permit holder by certified mail stating the reason for the denial within 10 working days of the Director's receipt of the application. If the transfer is not denied within 10 working days after receipt of the notice, it shall be deemed approved.
- C.** To appeal the transfer denial:
1. Both the transferor and transferee shall petition the Office of Administrative Hearings in writing for a public hearing; and
  2. All parties shall follow the appeal process for a permit.
- D.** The Director shall make available to the public monthly summaries of all notices received under this Section.
- Historical Note**
- Adopted effective September 22, 1983 (Supp. 83-5). Former Section R9-3-323 renumbered without change as R18-2-323 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 12 A.A.R. 4698, effective February 3, 2007 (Supp. 06-4).
- R18-2-324. Portable Sources**
- A.** A portable source that will operate for the duration of its permit solely in one county that has established a local air pollution control program pursuant to A.R.S. § 49-479 shall obtain a permit from that county. A portable source with a county permit shall not operate in any other county. A portable source that has a permit issued by the Director and obtains a county permit shall request that the Director terminate the permit. Upon issuance of the county permit, the permit issued by the Director is no longer valid.
- B.** A portable source which has a county permit but proposes to operate outside that county shall obtain a permit from the Director. A portable source that has a permit issued by a county and obtains a permit issued by the Director shall request that the county terminate the permit. Upon issuance of a permit by the Director, the county permit is no longer valid. Before commencing operation in the new county, the source shall notify the Director and the control officer who has jurisdiction in the county that includes the new location according to subsection (C).
- C.** A portable source may be transferred from one location to another provided that the owner or operator of such equipment notifies the Director and any control officer who has jurisdiction over the geographic area that includes the new location of the transfer prior to the transfer. The notification required under this subsection shall include:
1. A description of the equipment to be transferred including the permit number for such equipment;
  2. A description of the present location;
  3. A description of the new location;
  4. The date on which the equipment is to be moved; and
  5. The date on which operation of the equipment will begin at the new location.
- D.** Any permit for a portable source shall contain conditions that will assure compliance with all applicable requirements at all authorized locations.
- Historical Note**
- Adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).
- R18-2-325. Permit Shields**
- A.** Each Class I or II permit issued under this Chapter shall specifically identify all federal, state, and local air pollution control requirements applicable to the source at the time the permit is issued. The permit shall state that compliance with the conditions of the permit shall be deemed compliance with any applicable requirement as of the date of permit issuance, provided that such applicable requirements are included and expressly identified in the permit. The Director may include in a permit determinations that other requirements specifically identified are not applicable. Any permit under this Chapter that does not expressly state that a permit shield exists shall not provide such a shield.
- B.** Nothing in this Section or in any permit shall alter or affect the following:
1. The provisions of Section 303 of the Act (emergency orders), including the authority of the Administrator under that Section;
  2. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
  3. The applicable requirements of the acid rain program, consistent with Section 408(a) of the Act;
  4. The ability of the Administrator or the Director to obtain information from a source pursuant to Section 114 of the Act, or any provision of state law;
  5. The authority of the Director to require compliance with new applicable requirements adopted after the permit is issued.

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- C. In addition to the provisions of R18-2-321, a permit may be reopened by the Director and the permit shield revised when it is determined that standards or conditions in the permit are based on incorrect information provided by the applicant.

**Historical Note**

Emergency rule adopted effective September 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule re-adopted without change effective December 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency expired; text deleted (Supp. 93-1). New Section adopted effective November 15, 1993 (Supp. 93-4).

**R18-2-326. Fees Related to Individual Permits**

- A. Source Categories. The owner or operator of a source required to have an air quality permit from the Director shall pay the fees described in this Section unless authorized to operate under a general permit issued under Article 5. The fees are based on a source being classified in one of the following three categories:

1. Class I Title V sources are those required or that elect to have a permit under R18-2-302(B)(1).
2. Class II Title V sources are those required to have a permit under R18-2-302(B)(2) and that are subject to new source performance standards or national emission standards for hazardous air pollutants.
3. Class II Non-Title V sources are those required to have a permit under R18-2-302(B)(2) and that are not subject to new source performance standards or national emission standards for hazardous air pollutants.

- B. Fees for Permit Actions.

1. The owner or operator of a Class I Title V source, Class II Title V source, or Class II Non-Title V source shall pay to the Director the following:
  - a. \$133.50 per hour, adjusted annually under subsection (H), for all permit processing time required for a billable permit action; and
  - b. The actual costs of public notice conducted according to R18-2-330.
2. The Director may require periodic payment of permit processing fees based on the most recent accounting of time spent processing the permit including any fees for contractors.
3. Upon completion of permit processing activities other than issuance or denial of the permit or permit revision, the Director shall send notice of the decision to the applicant along with a final itemized bill. The maximum fee for any billable permit action for a non-Title V source is \$25,000. Except as provided in subsection (G), the Director shall not issue a permit or permit revision until the final bill is paid in full.

- C. Class I Title V Fees. The owner or operator of a Class I Title V source that has undergone initial startup by January 1 shall annually pay to the Director an administrative fee plus an emissions-based fee as follows:

1. The applicable administrative fee from the table below, as adjusted annually under subsection (H). The fee is due by February 1 or 60 days after the Director mails the invoice under subsection (F), whichever is later.

Class I Title V Source Category	Administrative Fee
Aerospace	\$20,800
Air Curtain Destructors	\$750
Cement Plants	\$63,690

Combustion/Boilers	\$15,480
Compressor Stations	\$12,730
Electronics	\$20,490
Expandable Foam	\$14,680
Foundries	\$19,520
Landfills	\$15,960
Lime Plants	\$60,160
Copper & Nickel Mines	\$15,000
Gold Mines	\$15,000
Mobile Home Manufacturing	\$14,830
Paper Mills	\$20,480
Paper Coaters	\$15,480
Petroleum Products Terminal Facilities	\$22,730
Polymeric Fabric Coaters	\$20,480
Reinforced Plastics	\$15,480
Semiconductor Fabrication	\$26,930
Copper Smelters	\$63,690
Utilities - Fossil Fuel Fired Except Coal	\$16,440
Utilities - Coal Fired	\$32,570
Vitamin/Pharmaceutical Manufacturing	\$15,800
Wood Furniture	\$15,480
Others	\$20,490
Others with Continuous Emissions Monitoring	\$20,490

2. An emissions-based fee of \$38.25 per ton of actual emissions of all regulated pollutants emitted during the previous calendar year ending 12 months earlier. The fee is adjusted annually under subsection (C)(2)(d) and due by February 1 or 60 days after the Director mails the invoice under subsection (F), whichever is later.
  - a. For purposes of this Section, "actual emissions" means the quantity of all regulated pollutants emitted during the calendar year, as determined by the annual emissions inventory under R18-2-327.
  - b. For purposes of this Section, regulated pollutants consist of the following:
    - i. Nitrogen oxides and any volatile organic compounds;
    - ii. Conventional air pollutants, except carbon monoxide and ozone;
    - iii. Any pollutant that is subject to any standard promulgated under Section 111 of the Act, including fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur, and reduced sulfur compounds; and
    - iv. Any federally listed hazardous air pollutant.
  - c. For purposes of this Section, the following emissions of regulated pollutants are excluded from a source's actual emissions:
    - i. Emissions of any regulated pollutant from the source in excess of 4,000 tons per year;
    - ii. Emissions of any regulated pollutant already included in the actual emissions for the source, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM<sub>10</sub>;
    - iii. Emissions from insignificant activities listed in the permit application for the source under R18-2-304(F)(8);

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- iv. Fugitive emissions of PM<sub>10</sub> from activities other than crushing, belt transfers, screening, or stacking; and
- v. Fugitive emissions of VOC from solution-extraction units.
- d. The Director shall adjust the rate for emission-based fees every November 1, after December 4, 2007, by multiplying \$38.25 by the Consumer Price Index (CPI) for the most recent year, and then dividing by the CPI for the year 2007. The Consumer Price Index for any year is the average of the Consumer Price Index for all-urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of that year.
- D. Class II Title V Fees.** The owner or operator of a Class II Title V source that has undergone initial startup by January 1 shall pay the applicable administrative fee from the table below, adjusted under subsection (H), for that calendar year, and annually thereafter. The fee is due by February 1 or 60 days after the Director mails the invoice under subsection (F), whichever is later.
- | Class II Title V Source Category                 | Administrative Fee   |
|--|--|
| Synthetic minor sources, except portable sources | Administrative fee from Class I Title V table for category |
| Stationary                                       | \$8,070  |
| Portables  | \$8,070  |
| Small Source                                     | \$750  |
- E. Class II Non-Title V Fees.** The owner or operator of a Class II Non-Title V source that has undergone initial startup by January 1 shall pay the applicable inspection fee from the table below, adjusted under subsection (H), for that calendar year, and annually thereafter. The fee is due by February 1 or 60 days after the Director mails the invoice under subsection (F), whichever is later.
- | Class II Non-Title V Source Category | Inspection Fee |
|--------------------------------------|----------------|
| Stationary                           | \$5,230        |
| Portables                            | \$5,230        |
| Gasoline Service Stations            | \$750          |
- F.** The Director shall mail the owner or operator of each source an invoice for all fees due under subsections (C), (D), or (E) by December 1.
- G.** Any person who receives a final itemized bill from the Director under this Section for a billable permit action may request an informal review of the hours billed and may pay the bill under protest as provided below:
- The request shall be made in writing, and received by the Director within 30 days of the date of the final bill. Unless the Director and person agree otherwise, the informal review shall take place within 30 days after the Director's receipt of the request. The Director shall arrange the date and location of the informal review with the person at least 10 business days before the informal review. The Director shall review whether the amounts of time billed are correct and reasonable for the tasks involved. The Director shall mail his or her decision on the informal review to the person within 10 business days after the informal review date.
  - The Director's decision after informal review shall become final unless, within 30 days after person's receipt of the informal review decision, the person requests a hearing under R18-1-202.
  - If the final itemized bill is paid under protest, the Director shall take final action on the permit or permit revision.
- H.** The Director shall adjust the hourly rate every November 1, to the nearest 10 cents per hour, after December 4, 2007, by multiplying \$133.50 by the Consumer Price Index (CPI) for the most recent year, and then dividing by the CPI for the year 2007. The Director shall adjust the administrative or inspection fees listed in subsections (C), (D), and (E) every November 1, to the nearest \$10, beginning December 4, 2007, by multiplying the administrative or inspection fee by the Consumer Price Index (CPI) for the most recent year, and then dividing by the CPI for the year 2007. The Consumer Price Index for any year is the average of the Consumer Price Index for all-urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of that year.
- I.** An applicant for a Class I or Class II permit or permit revision may request that the Director provide accelerated processing of the application by providing the Director written notice 60 days before filing the application. The request shall be accompanied by an initial fee of \$15,000. The fee is non-refundable to the extent of the Director's costs for accelerating the processing if the Director undertakes the accelerated processing described below:
- If an applicant requests accelerated permit processing, the Director may, to the extent practicable, undertake to process the permit or permit revision according to the following schedule:
    - For applications for initial Class I and II permits under R18-2-302 or significant permit revisions under R18-2-320, the Director shall issue or deny the proposed permit or permit revision within 120 days after the Director determines that the application is complete.
    - For minor permit revisions under R18-2-319, the Director shall issue or deny the permit revision within 60 days after receiving a complete application.
  - At any time after an applicant requests accelerated permit processing, the Director may require additional advance payments based on the most recent estimate of additional costs.
  - Upon completion of permit processing activities but before issuance or denial of the permit or permit revision, the Director shall send notice of the decision to the applicant along with a final bill. The maximum fee for any billable permit action for a non-Title V source is \$25,000. The final bill shall include all regular permit processing and other fees due, and, in addition, the difference between the cost of accelerating the permit application, including any costs incurred by the Director in contracting for, hiring, or supervising the work of outside consultants, and all advance payments submitted for accelerated processing. In the event all payments made exceed actual accelerated permit costs, the Director shall refund the excess advance payments. Nothing in this subsection affects the public participation requirements of R18-2-330, or EPA and affected state review as required under R18-2-307 or R18-2-319.
- J.** Inactive Sources. The owner or operator of a permitted source that has undergone initial startup but was shut down for the entire preceding year shall pay 50 percent of the administrative

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or inspection fee required under subsections (C), (D), or (E). The owner or operator of a source claiming inactive status under this subsection shall submit a letter to the Director by December 15 of the calendar year for which the source was inactive. Termination of a permit does not relieve a source of any past fees due.

- K. If an applicant uses the Tier 4 method for conducting a risk management analysis (RMA) according to R18-2-1708(B), the applicant shall pay any costs incurred by the Director in contracting for, hiring or supervising work of outside consultants.
- L. Transition.
  1. Subsections (A) through (J) of this Section are effective December 4, 2007. The first administrative or inspection fees are due on February 1, 2008.
  2. Except as provided in subsection (b), all fees incurred after December 4, 2007, are payable in accordance with the rates contained in this Section.
    - a. Emission-based fees for calendar year 2006 shall be billed at \$38.25 per ton and be due February 1, 2008.
    - b. The hourly rates and maximum fees for a new permit or permit revision are those in effect when the application for the permit or revision is determined to be complete.
    - c. Fees accrued but not yet paid before the effective date of this Section remain as obligations to be paid to the Department.

**Historical Note**

Emergency rule adopted effective September 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule re-adopted without change effective December 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency expired; text deleted (Supp. 93-1). New Section adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 7 A.A.R. 5670, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 10 A.A.R. 4767, effective November 4, 2004 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 4379, effective December 4, 2007 (Supp. 07-4). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-326.01. Expired****Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 844, effective July 1, 2010 (Supp. 10-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 613, effective February 14, 2017 (Supp. 17-1).

**R18-2-327. Emissions Inventory Questionnaire and Emissions Statement****A. Emissions Inventory Questionnaire Requirements**

1. Every source subject to permit requirements under this Chapter shall complete and submit to the Director an emissions inventory questionnaire as follows:
  - a. Sources Requiring a Class I Permit under R18-2-302(B). Sources requiring a Class I permit under R18-2-302(B) shall complete and submit to the Director an emissions inventory questionnaire no later than June 1 of each year.
  - b. Sources Requiring a Class II Permit under R18-2-302(B)
    - i. Sources requiring a Class II permit under R18-2-302(B) shall complete and submit to the Director an emissions inventory questionnaire

no later than June 1 every three years beginning June 1, 2021.

- ii. At the Director's request, sources requiring a Class II permit under R18-2-302(B) may be required to complete and submit emissions inventory questionnaires in addition to the triennial emissions inventory questionnaire required under subsection (A)(1)(b)(i). The Director shall notify the owner or operator of the source in writing of the decision to require additional emissions inventory questionnaires.

2. These requirements apply whether or not a permit has been issued and whether or not a permit application has been filed.
3. The emissions inventory questionnaire shall be on an electronic or paper form provided by the Director and shall include the following information for the previous calendar year:
  - a. The source's name, description, mailing address, contact person and contact person phone number, and physical address and location, if different than the mailing address.
  - b. Process information for the source, including design capacity, throughput, operations schedule, and emissions control devices, their description and efficiencies.
  - c. The actual quantity of emissions from permitted emission points and fugitive emissions as provided in the permit, including documentation of the method of measurement, calculation, or estimation, determined pursuant to subsection (C), of the following regulated air pollutants:
    - i. Any single regulated air pollutant in a quantity greater than 1 ton or the amount listed for the pollutant in the definition of "significant" in R18-2-101(131)(a) or (b), whichever is less.
    - ii. Any combination of regulated air pollutants in a quantity greater than 2 1/2 tons.
  - d. A certification by a responsible official of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
4. An amendment to an emissions inventory questionnaire, containing the documentation required by subsection (A)(3), shall be submitted to the Director by any source whenever it discovers or receives notice, within two years of the original submittal, that incorrect or insufficient information was submitted to the Director by a previous emissions inventory questionnaire. The amendment shall be submitted to the Director within 30 days of discovery or receipt of notice. If the incorrect or insufficient information resulted in an incorrect annual emissions fee, the Director shall require that additional payment be made or shall apply an amount as a credit to a future annual emissions fee. The submittal of an amendment under this subsection shall not subject the owner or operator to an enforcement action or a civil or criminal penalty if the original submittal of incorrect or insufficient information was not due to willful neglect.
5. The Director may require submittal of supplemental emissions inventory questionnaires for air contaminants pursuant to A.R.S. §§ 49-422, 49-424, and 49-426.03 through 49-426.08.

**B. Emissions Statement Requirements**



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1. Any stationary source located in an ozone nonattainment area that has actual emissions of 25 tons or more of nitrogen oxides (NO<sub>x</sub>) or volatile organic compounds (VOCs) during the calendar year shall complete and submit to the Director an emissions statement no later than June 1 of the following year, except as provided in subsection (B)(5).
  2. The emissions statement shall be on an electronic or paper form provided by the Director and shall require the following information for the previous calendar year:
    - a. The source's name, description, mailing address, contact person and contact person phone number, and physical address and location, if different than the mailing address.
    - b. Process information for the source, including design capacity, throughput, operations schedule, and emissions control devices, their description and efficiencies.
    - c. Actual emissions of NO<sub>x</sub> and VOC including documentation of the method of measurement, calculation, or estimation, determined pursuant to subsection (C).
    - d. A certification by a responsible official of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
  3. If either NO<sub>x</sub> or VOC annual emissions are greater than or equal to 25 tons, the other pollutant shall be included in the emissions statement even if less than 25 tons.
  4. An amendment to an emissions statement, containing the documentation required by subsection (B)(2), shall be submitted to the Director by any source whenever it discovers or receives notice, within two years of the original submittal, that incorrect or insufficient information was submitted to the Director by a previous emissions statement. The amendment shall be submitted to the Director within 30 days of discovery or receipt of notice. The submittal of an amendment under this subsection shall not subject the owner or operator to an enforcement action or a civil or criminal penalty if the original submittal of incorrect or insufficient information was not due to willful neglect.
  5. A source that submits an emissions inventory questionnaire under subsection (A) is exempt from subsection (B) requirements for that submission year.
- C. Emissions Estimation Methodology**
1. Actual quantities of emissions shall be determined using the following emission factors or data.
    - a. Whenever available, emissions estimates shall either be calculated from continuous emissions monitors certified pursuant to 40 CFR 75, Subpart C and referenced appendices, or data quality assured pursuant to Appendix F of 40 CFR 60.
    - b. When sufficient data pursuant to subsection (C)(1)(a) is not available, emissions estimates shall be calculated from data from source performance tests conducted pursuant to R18-2-312 in the calendar year being reported or, when not available, conducted in the most recent calendar year representing the operating conditions of the year being reported.
    - c. When sufficient data pursuant to subsections (C)(1)(a) or (b) is not available, emissions estimates shall be calculated using emissions factors from EPA Publication No. AP-42 "Compilation of Air Pollutant Emission Factors," Volume I: Stationary Point and Area Sources, Fifth Edition, 1995, U.S. Environmental Protection Agency, Research Triangle Park, NC, including Supplements A through F and all updates published through July 1, 2011 (and no future editions). AP-42 is incorporated by reference and is on file with the Department of Environmental Quality and can be obtained from the Government Printing Office, 732 North Capitol Street, NW, Washington, D.C. 20401, telephone (202) 512-1800, or by downloading the document from the website for the EPA Clearinghouse for Emission Inventories and Emission Factors.
    - d. When sufficient data pursuant to subsections (C)(1)(a) through (c) is not available, emissions estimates shall be calculated from material balance using engineering knowledge of process.
    - e. When sufficient data pursuant to subsections (C)(1)(a) through (d) is not available, emissions estimates shall be calculated by equivalent methods approved by the Director. The Director shall only approve methods that are demonstrated as accurate and reliable as one of the methods in subsections (C)(1)(a) through (d).
  2. Actual quantities of emissions calculated under subsection (C) shall be determined on the basis of actual operating hours, production rates, in-place process control equipment, operational process control data, and types of materials processed, stored, or combusted.

**Historical Note**

Emergency rule adopted effective September 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule re-adopted without change effective December 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency expired; text deleted (Supp. 93-1). New Section adopted effective November 15, 1993 (Supp. 93-4). Amended effective December 7, 1995 (Supp. 95-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1). Amended by final rulemaking at 26 A.A.R. 3092, effective January 19, 2021 (Supp. 20-4).

**R18-2-328. Conditional Orders**

- A.** The Director may grant to any person a conditional order for each air pollution source which allows such person to vary from any provision of A.R.S. Title 49, Chapter 3, Article 2, or this Chapter, for any non-federally enforceable requirement of a permit issued pursuant to this Chapter if the Director makes each of the following findings:
1. Issuance of the conditional order will not endanger public health or the environment, impede attainment or maintenance of the national ambient air quality standards, or constitute a violation of the Act; and
  2. Either of the following is true:
    - a. There has been a breakdown of equipment or upset of operations beyond the control of the petitioner which causes the source to be out of compliance with the requirements of this Chapter; the source was in compliance with the requirements of this Chapter before the breakdown or upset, and the breakdown or upset may be corrected within a reasonable time;

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- b. There is no reasonable relationship between the economic and social cost of, and benefits to be obtained from, achieving compliance.
- B. The following procedures shall apply to a person seeking a conditional order:
  - 1. The person shall file a petition for a conditional order with the Director. The petition shall contain at a minimum:
    - a. A description of the breakdown or upset;
    - b. A description of corrective action being undertaken to bring the source back into compliance;
    - c. An estimate of emissions related to the breakdown or upset;
    - d. A compliance schedule with a date of final compliance and interim dates as appropriate;
    - e. A detailed analysis of the economic and social costs and benefits of achieving compliance with the requirement for which the variance is sought, if the petition is based on subsection (A)(2)(b).
  - 2. If the issuance of the conditional order requires a public hearing pursuant to R18-2-330, the Director shall set the hearing date within 30 days after the filing of the petition and the hearing shall be held within 60 days after the filing of the petition.
  - 3. Notice of the filing of a petition for a conditional order and of the hearing date on said petition shall be published in the manner provided in A.R.S. § 49-444 and R18-2-330.
- C. Decisions on petitions for a conditional order shall be made as follows:
  - 1. For any conditional order that requires a revision to the SIP, the Director shall comply with the requirements contained in 40 CFR 51, Subpart F.
  - 2. For any other conditional order, the Director shall grant or deny the petition with such terms and conditions as are listed in subsection (E)(2) within 30 days after the conclusion of any required hearing, or, if no hearing is held, within 60 days after the filing of the petition.
- D. A fee to cover the costs of processing conditional orders may be charged by the Director prior to issuance consistent with R18-2-326(I) or (J). The fee shall be deposited in the permit administration fund established in A.R.S. § 49-455.
- E. The terms of a conditional order or its renewal shall conform to the following:
  - 1. A conditional order issued by the Director shall be valid for such period as the Director prescribes but in no event for more than one year in the case of a source that is required to obtain a permit pursuant to this Chapter and Title V of the Act, and three years in the case of any other source that is required to obtain a permit pursuant to this Chapter.
  - 2. The terms and conditions which are imposed as a condition to the granting or the continued existence of a conditional order shall include:
    - a. A detailed plan for completion of corrective steps needed to conform to the provisions of A.R.S. Title 49, Chapter 3, Article 2, this Chapter, and the requirements of any permit issued pursuant to this Chapter;
    - b. A requirement that necessary construction shall begin as expeditiously as practicable and proceed as specified in the compliance schedule;
    - c. Written reports, at least quarterly, of the status of the source and construction progress;
    - d. The right of the Director to make periodic inspection of the facilities for which the conditional order is granted;
    - e. Such additional terms and conditions as the Director finds necessary to meet the requirements of this Section and A.R.S. § 49-437.
- 3. A holder of a conditional order may petition the Director to renew the order. The total term of the initial period and all renewals shall not exceed three years from the date of initial issuance of the order. Petitions for renewal may be filed at any time not more than 60 days nor less than 30 days prior to the expiration of the order. The Director, within 30 days of receipt of a petition, shall renew the conditional order for one year if the petitioner is in compliance and conforming with the terms and conditions imposed. The Director may refuse to renew the conditional order if, after a public hearing held within 30 days of receipt of a petition, the Director finds that the petitioner is not in compliance and conforming with the terms and conditions of the conditional order. If, after a period of three years from the date of original issuance, the petitioner is not in compliance and conforming with the terms and conditions, the Director may renew a conditional order for a total term of two additional years only if the Director finds that failure to comply and conform is due to conditions beyond the control of such petitioner.
- 4. If the Director amends or adopts any rule imposing conditions on the operation of an air pollution source which have become effective as to the source by reason of the action of the Director or otherwise, and which require the implementation of control strategies necessitating the installation of additional or different air pollution control equipment, the Director may renew a conditional order for an additional term. The term of the renewal shall be governed by the preceding subsections of this Section, except that the total term of the renewal shall not exceed two years.
- 5. A conditional order issued by the Director shall be effective when issued unless:
  - a. The conditional order varies from the requirements of the applicable implementation plan, in which case the conditional order shall be submitted to the Administrator as a revision to the applicable implementation plan pursuant to Section 110(I) of the Act and shall become effective upon approval by the Administrator.
  - b. The conditional order varies from the requirements of a permit issued for a facility that is required to obtain a permit pursuant to Title V of the Act, in which case the conditional order shall be submitted to the Administrator if required by Section 505 of the Act and shall be effective at the end of the review period specified in such section, unless objected to within such period by the Administrator.
- F. Violation of the terms and conditions of the conditional order shall subject the source to suspension or revocation of the conditional order in accordance with A.R.S. § 49-441.

**Historical Note**

Adopted effective November 15, 1993 (Supp. 93-4).

**R18-2-329. Permits Containing the Terms and Conditions of Federal Delayed Compliance Orders (DCO) or Consent Decrees**

- A. The terms and conditions of either a delayed compliance order (DCO) or consent decree shall be incorporated into a permit through a permit revision. In the event the permit expires prior

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to the expiration of the DCO or consent decree, the DCO or consent decree shall be incorporated into any permit renewal.

- B. The owner or operator of a source subject to a DCO or consent decree shall submit to the Director a quarterly report of the status of the source and construction progress and copies of any reports to the Administrator required under the order or decree. The Director may require additional reporting requirements and conditions in permits issued under this Article.
- C. For the purpose of this Chapter, sources subject to a consent decree issued by a federal court shall meet the same requirements as those subject to a DCO.

**Historical Note**

Adopted effective November 15, 1993 (Supp. 93-4).

**R18-2-330. Public Participation**

- A. The Director shall provide public notice, an opportunity for public comment, and an opportunity for a hearing before taking any of the following actions:
  - 1. The issuance or denial of a permit or permit renewal,
  - 2. The issuance or denial of a significant permit revision,
  - 3. The revocation and reissuance or reopening of a permit,
  - 4. The grant of any conditional orders pursuant to R18-2-328,
  - 5. The issuance or denial of a registration for the construction of a source, except as provided in R18-2-302.01(B)(5).
- B. The Director shall provide public notice of receipt of complete applications for permits or permit revisions subject to Article 4 of this Chapter by publishing a notice in a newspaper of general circulation in the county where the source is or will be located.
- C. The Director shall provide the notice required pursuant to subsection (A) as follows:
  - 1. The Director shall publish the notice once each week for two consecutive weeks in two newspapers of general circulation in the county where the source is or will be located.
  - 2. The Director shall mail a copy of the notice to persons on a mailing list developed by the Director consisting of those persons who have requested in writing to be placed on such a mailing list.
  - 3. The notice shall include the following:
    - a. Identification of the affected facility;
    - b. Name and address of the permittee or applicant;
    - c. Name and address of the permitting authority processing the permit action;
    - d. The activity or activities involved in the permit action;
    - e. The emissions change involved in any permit revisions;
    - f. The air contaminants to be emitted;
    - g. If applicable, that a notice of confidentiality has been filed under R18-2-305;
    - h. If applicable, that the source has submitted a risk management analysis under R18-2-1708;
    - i. A statement that any person may submit written comments, or a written request for a public hearing, or both, on the proposed permit action, along with the deadline for such requests or comments;
    - j. The name, address, and telephone number of a person from the Department from whom additional information may be obtained;
    - k. Locations where the materials identified in subsection (D) may be reviewed and the times at which they shall be available for public inspection.

- 1. The Director shall include a statement in the public notice if the permit or permit revision would result in the generation of emission reduction credits under R18-2-1204, or the utilization of emission reduction credits under R18-2-1206.

- D. By no later than the date notice is first published under subsection (A), the Department shall make copies of the following materials available at a public location in the same county as the stationary source that is the subject of the application and at the closest Department office:
  - 1. The application;
  - 2. The proposed permit or permit revision, if applicable;
  - 3. The Department's analysis in support of the grant or denial of the permit or permit revision; and
  - 4. All other materials available to the Director that are relevant to the permit decision.
- E. The Director shall hold a public hearing to receive comments on petitions for conditional orders which would vary from requirements of the applicable implementation plan. For all other actions involving a proposed permit, the Director shall hold a public hearing only upon written request. If a public hearing is requested, the Director shall schedule the hearing and publish notice as described in A.R.S. § 49-444 and subsection (D). The Director shall give notice of any public hearing at least 30 days in advance of the hearing.
- F. At the time the Director publishes the first notice under subsection (C)(1), the applicant shall post a notice containing the information required in subsection (C)(3) at the site where the source is or may be located. Consistent with federal, state, and local law, the posting shall be prominently placed at a location under the applicant's legal control, adjacent to the nearest public roadway, and visible to the public using the public roadway. If a public hearing is to be held, the applicant shall place an additional posting providing notice of the hearing. Any posting shall be maintained until the public comment period is closed.
- G. The Director shall provide at least 30 days from the date of its first notice for public comment to receive comments and requests for a hearing. The Director shall keep a record of the commenters and of the issues raised during the public participation process and shall prepare written responses to all comments received. At the time a final proposed permit is submitted to EPA, in the case of a Class I permit, or a final decision is made, in the case of a Class II permit, the record and copies of the Director's responses shall be made available to the applicant and all commenters.

**Historical Note**

Adopted effective November 15, 1993 (Supp. 93-4).  
Amended by final rulemaking at 8 A.A.R. 1815, effective March 18, 2002 (Supp. 02-1). R18-2-330 has been corrected to include subsection (D)(12), which was omitted when the Section was amended in the 02-1 supplement (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-331. Material Permit Conditions**

- A. For the purposes of A.R.S. §§ 49-464(G) and 49-514(G), a "material permit condition" shall mean a condition which satisfies all of the following:
  - 1. The condition is in a permit or permit revision issued by the Director or a control officer after November 15, 1993.
  - 2. The condition is identified within the permit as a material permit condition.

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3. The condition is one of the following:
    - a. An enforceable emission standard imposed to avoid classification as a major modification or major source or to avoid triggering any other applicable requirement;
    - b. A requirement to install, operate, or maintain a maximum achievable control technology or hazardous air pollutant reasonably available control technology required under Article 17 of this Chapter;
    - c. A requirement for the installation or certification of a monitoring device;
    - d. A requirement for the installation of air pollution control equipment;
    - e. A requirement for the operation of air pollution control equipment;
    - f. An opacity standard required by Section 111 or Title I, Part C or D of the Act.
  4. Violation of the condition is not covered by A.R.S. § 49-464(A) through (F), or (H) through (J) or A.R.S. § 49-514(A) through (F), or (H) through (J).
  - B.** For the purposes of subsections (A)(3)(c), (d), and (e), a permit condition shall not be material where the failure to comply resulted from circumstances which were outside the control of the source. As used in this Section, "circumstances outside the control of the source" shall mean circumstances where the violation resulted from a sudden and unavoidable breakdown of the process or the control equipment, resulted from unavoidable conditions during a start up or shut down or resulted from upset of operations.
  - C.** For purposes of this Section, the term "emission standard" shall have the meaning specified in A.R.S. §§ 49-464(U) and 49-514(T).
- Historical Note**
- Adopted effective November 15, 1993 (Supp. 93-4).  
Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2).
- R18-2-332. Stack Height Limitation**
- A.** The degree of emission limitation required of any source for control of any pollutant shall not be affected by so much of the source's stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in subsection (B). This Section does not require the plan to restrict, in any manner, the actual stack height of any source.
  - B.** Subsection (A) shall not apply to:
    1. Stacks in existence, or dispersion techniques implemented, on or before December 31, 1970, unless the stationary source or emission unit emitting pollutants through the stack, or employing the dispersion technique, was constructed, reconstructed or underwent a major modification after December 31, 1970; or
    2. Coal-fired steam electric generating units, subject to the provisions of Section 118 of the Act which commenced operation before July 1, 1957, with stacks constructed under a construction contract awarded before February 8, 1974.
  - C.** Good engineering practice stack height is the greater of the following heights:
    1. 213.25 feet (65 meters) measured from the ground-level elevation at the base of the stack;
    2. The result of one of the following equations, where "Hg" = good engineering practice stack height measured from the ground-level elevation at the base of the stack; "H" = height of nearby structures measured from the ground-level elevation at the base of the stack; and "L" = lesser dimension (height or projected width) of nearby structures:
      - a. For stacks in existence on January 12, 1979, and for which the owner or operator had obtained all applicable preconstruction permits or approvals required under 40 CFR 51 and 52,  $H_g = 2.5H$ , provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitation; or
      - b. For all other stacks,  $H_g = H + 1.5L$ , provided that EPA, the Director, or local control agency may require the use of a field study or fluid model to verify good engineering practice stack height for the source;
- D.** As used in this Section:
1. For a specific structure or terrain feature, "nearby" means:
    - a. For purposes of applying the formulae in subsection (C)(2), that distance up to five times the lesser of the height or the width dimension of a structure but not greater than 0.8 km (1/2 mile).
    - b. For conducting demonstrations under subsection (C)(3), not greater than 0.8 km (1/2 mile). An exception is that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to 10 times the maximum height (Ht) of the feature, not to exceed 2 miles if such feature achieved a height (Ht) 0.8 km from the stack that is at least 40% of the good engineering practice stack height determined by the formula provided in subsection (C)(2)(b), or 85 feet (26 meters), whichever is greater, as measured from the ground-level elevation at the base of the stack.
  2. "Excessive concentrations" means:
    - a. For sources seeking credit for stack height exceeding that established under subsection (C)(2), a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least 40% in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and which contributes to a total concentration due to emissions from all sources that is greater than a national ambient air quality standard. For sources subject to R18-2-406, an excessive concentration alternatively means a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes or eddy effects produced by nearby structures or nearby terrain features which individually is at least 40% in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and greater than the applicable maximum allowable increase contained in R18-2-218. The allowable emission rate to be used in making demonstrations under subsection (C)(3) shall be prescribed by the new source performance standard which is applicable to the source category unless the owner or operator demonstrates that this

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emission rate is infeasible. Where such demonstrations are approved by the Director, an alternative emission rate shall be established in consultation with the source owner or operator;

- b. For sources seeking credit after October 11, 1983, for increases in existing stack heights up to the heights established under subsection (C)(2), either:
  - i. A maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects as provided in subsection (D)(2)(a), except that emission rate specified by any applicable SIP (or, in the absence of such a limit, the actual emission rate) shall be used; or
  - ii. The actual presence of a local nuisance caused by the existing stack, as determined by the Director; and
- c. For sources seeking credit after January 12, 1979, for a stack height determined under subsection (C)(2), where the Director requires the use of a field study or fluid model to verify good engineering practice stack height, for sources seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970, based on the aerodynamic influence of structures not adequately represented by the equations in subsection (C)(2), a maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects that is at least 40% in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

- E. Before the Director issues a permit or permit revision under R18-2-334 or Article 4 to a source based on a good engineering practice stack height that exceeds the height allowed by subsections (B)(1) or (2), the Director shall notify the public of the availability of the demonstration study and provide opportunity for a public hearing in accordance with the requirements of R18-2-330.

**Historical Note**

Adopted effective November 15, 1993 (Supp. 93-4).  
Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-333. Acid Rain**

- A. 40 CFR 72, 74, 75 and 76 and all accompanying appendices, adopted as of June 28, 2013, (and no future amendments) are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, bookstore.gpo.gov, Mail Stop: SSOP IDCC-SSOM, Washington, D.C. 20402-9328.
- B. When used in 40 CFR 72, 74, 75 or 76, "Permitting Authority" means the Arizona Department of Environmental Quality and "Administrator" means the Administrator of the United States Environmental Protection Agency.
- C. If the provisions or requirements of the regulations incorporated in this Section conflict with any of the remaining portions of this Title, the regulations incorporated in this Section apply and take precedence.

**Historical Note**

Adopted effective October 7, 1994 (Supp. 94-4).  
Amended effective December 7, 1995 (Supp. 95-4).  
Amended effective December 4, 1997 (Supp. 97-4).  
Amended by final rulemaking at 5 A.A.R. 3221, effective August 12, 1999 (Supp. 99-3). Amended by final

rulemaking at 6 A.A.R. 4170, effective October 11, 2000 (Supp. 00-4). Amended by final rulemaking at 8 A.A.R. 2543, effective May 24, 2002 (Supp. 02-2). Amended by final rulemaking at 10 A.A.R. 3281, effective September 27, 2004 (Supp. 04-3). Amended by final rulemaking at 11 A.A.R. 5504, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 4199, effective January 5, 2008 (Supp. 07-4). Amended by final expedited rulemaking at 21 A.A.R. 2747, effective December 13, 2015 (Supp. 15-4).

**R18-2-334. Minor New Source Review****A. Applicability.**

- 1. Except as provided in subsection (A)(4), this Section shall apply to the following activities:
  - a. Construction of any new Class I or Class II source, including the construction of any source requiring a Class II permit under R18-2-302.01(C)(4); or
  - b. Any minor NSR modification to a Class I or Class II source.
- 2. This Section shall apply to a regulated minor NSR pollutant emitted by a new stationary source subject to this Section, if the source will have the potential to emit that pollutant at an amount equal to or greater than the permitting exemption threshold.
- 3. This Section shall apply to an increase in emissions of a regulated minor NSR pollutant from a minor NSR modification, if the modification would increase the source's potential to emit that pollutant by an amount equal to or greater than the permitting exemption threshold.
- 4. This Section shall not apply to the emissions of a pollutant from any of the activities identified in this subsection, if the emissions of that pollutant are subject to Article 4 of this Chapter.

- B. No person shall begin actual construction of a new stationary source, or minor NSR modification, subject to this Section without first obtaining a permit, a permit revision, a proposed final permit, or a proposed final permit revision from the Director in accordance with R18-2-304.

- C. The Director shall not issue a proposed final Class I permit or permit revision or a Class II permit or permit revision subject to this Section to a person proposing to construct a new source or make a minor NSR modification unless the source or modification meets one of the following conditions for each regulated minor NSR pollutant subject to this Section:

- 1. The owner or operator elects to implement RACT.
  - a. In the case of a new source, the owner or operator shall implement RACT for each emissions unit that has the potential to emit a regulated minor NSR pollutant in an amount equal to or greater than 20% of the permitting exemption threshold.
  - b. In the case of a minor NSR modification, the owner or operator shall implement RACT for each emissions unit that will experience an increase in the potential to emit a regulated minor NSR pollutant equal to or greater than 20% of the permitting exemption threshold.
  - c. When it is technically feasible and otherwise consistent with the definition of RACT to apply the same devices, systems, process modifications, work practices or other apparatus or techniques to a group of emissions units, that group of emissions units shall be treated as a single emissions unit for purposes of subsections (C)(1)(a) and (b). The following are examples of situations to which this subsection (may) apply:

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- i. Emissions from a group of emissions units can be vented to a single control device.
  - ii. A low-VOC coating can be used in several spray-painting booths.
2. An ambient air quality assessment demonstrates that emissions from the source or minor NSR modification will not interfere with attainment or maintenance of a national ambient air quality standard in any area.
  - a. An owner or operator may elect to have the Director perform a screening model of its emissions. If the results of the screening model indicate that the source or minor NSR modification will interfere with attainment or maintenance of a national ambient air quality standard, the owner or operator may perform a more refined model to make the demonstration required by this subsection.
  - b. The requirements of this subsection shall be satisfied, if the results of the screening or more refined model conducted pursuant to subsection (B)(2)(a) demonstrate either of the following:
    - i. Ambient concentrations resulting from emissions from the source or modification combined with existing concentrations of regulated minor NSR pollutants will not interfere with attainment or maintenance of a national ambient air quality standard.
    - ii. Emissions from the source or minor modification will have an ambient impact below the significance levels as defined in R18-2-401.
  - c. The assessment required by this subsection shall take into account any limitations, controls or emissions decreases that are or will be enforceable in the permit or permit revision for the source.
- D. RACT Determinations.
  1. Except as otherwise provided in this subsection, the Director shall determine RACT on the basis of a case-by-case analysis performed by the permit applicant of the emission reduction methods available for each emission unit subject to the RACT requirement under subsection (C)(1).
  2. The Director shall accept a requirement proposed by a permit applicant as RACT under subsection (C)(1) if it complies with the most recently adopted of the following guidelines or standards in effect at the time of the application:
    - a. A control technique guideline issued by the Administrator under section 108(f)(1) of the Act.
    - b. An emissions standard established or revised by the Administrator for the same type of source under section 111 or 112 of the Act after November 15, 1990.
    - c. An applicable requirement of this Chapter or of air quality control regulations adopted by a County under A.R.S. § 49-479 that has been specifically identified as constituting RACT.
    - d. A RACT standard imposed on the same type of source by a general permit.
    - e. A RACT standard imposed on the same type of source under this Section no more than 10 years before submission of the application by the permit applicant. To facilitate identification of previously imposed RACT standards, the Director shall establish an online database of RACT determinations made under this Section.
- E. Notwithstanding an election to adopt RACT under subsection (C)(1), a permit applicant subject to this Section shall conduct an ambient air quality impact assessment under subsection (C)(2) upon the Director's request. The Director shall make such a request, if there is reason to believe that a source or minor NSR modification could interfere with attainment or maintenance of a national ambient air quality standards. In making that determination, the Director shall take into consideration:
  1. The source's emission rates.
  2. The location of emission units within the facility and their proximity to the ambient air.
  3. The terrain in which the source is or will be located.
  4. The source type.
  5. The location and emissions of nearby sources.
  6. Background concentrations of regulated minor NSR pollutants.
- F. The Director shall deny an application for a Class I permit or permit revision or a Class II permit or permit revision subject to this Section, if an assessment conducted pursuant to subsection (C)(2) demonstrates that the source or modification will interfere with attainment or maintenance of a national ambient air quality standard.
- G. A copy of the notice required by R18-2-330 for permits or significant permit revisions subject to this Section must also be sent to the Administrator through the appropriate regional office, and to all other state and local air pollution control agencies having jurisdiction in the region in which the source subject to the permit or permit revision will be located. The notice also must be sent to any other agency in the region having responsibility for implementing the procedures required under 40 CFR 51, Subpart I.
- H. All modeling required pursuant to this Section shall be conducted in accordance with 40 CFR 51, Appendix W as of June 30, 2017 (and no future amendments or additions).
- I. The Director shall specify those conditions in the permit that are implemented pursuant to this Section. The specified conditions shall be included in subsequent permit renewals unless modified pursuant to this Section or Article 4 of this Chapter.
- J. The issuance of a permit or permit revision under this Section shall not relieve the owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state, or federal law.

**Historical Note**

New Section made by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1). Amended by final rulemaking at 25 A.A.R. 3630, effective February 1, 2020 (Supp. 19-4).

## **ARTICLE 4. PERMIT REQUIREMENTS FOR NEW MAJOR SOURCES AND MAJOR MODIFICATIONS TO EXISTING MAJOR SOURCES**

### **R18-2-401. Definitions**

The following definitions apply to this Article:

1. "Adverse impact on visibility" means visibility impairment that interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of a federal Class I area, as determined according to R18-2-410. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and time of visibility impairments, and how these factors correlate with times of visitor use of the federal Class I area and the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.
2. "Baseline actual emissions" means the rate of emissions, in tons per year, of a regulated NSR pollutant, as determined in accordance with subsections (2)(a) through (d).

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- a. For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the five-year period immediately preceding when the owner or operator begins actual construction of the project. The Director shall allow the use of a different time period upon a determination that it is more representative of normal source operation.
    - i. The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.
    - ii. The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period.
    - iii. For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.
    - iv. The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by subsection (2)(a)(ii).
  - b. For any existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the Administrator for a permit required under 40 CFR 52.21 or by the Director for a permit required under the state implementation plan, whichever is earlier, except that the 10-year period shall not include any period earlier than November 15, 1990.
    - i. The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.
    - ii. The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period. This provision applies to excess emissions associated with a malfunction.
    - iii. The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major source must currently comply, had such major source been required to comply with such limitations during the consecutive 24-month period. However, if an emission limitation is part of a maximum achievable control technology standard that the Administrator proposed or promulgated under 40 CFR 63, the baseline actual emissions need only be adjusted if the state of Arizona has taken credit for such emissions reductions in an attainment demonstration or maintenance plan consistent with the requirements of 40 CFR 51.165(a)(3)(ii)(G).
  - iv. For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for all existing emissions units affected by the project. A different consecutive 24-month period may be used for each regulated NSR pollutant.
  - v. The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by subsection (2)(b)(ii) or (iii).
  - c. For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's potential to emit.
  - d. For a PAL for a stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures in subsection (2)(a), for other existing emissions units in accordance with the procedures contained in subsection (2)(b), and for new emissions units in accordance with the procedures contained in subsection (2)(c).
3. "Basic design parameter" means:
    - a. Except as provided in subsection (3)(c), for a process unit at a steam electric generating facility, the owner or operator may select as its basic design parameters either maximum hourly heat input and maximum hourly fuel consumption rate or maximum hourly electric output rate and maximum steam flow rate. When establishing fuel consumption specifications in terms of weight or volume, the minimum fuel quality based on Btu content shall be used for determining the basic design parameters for a coal-fired electric utility steam generating unit.
    - b. Except as provided in subsection (3)(c), the basic design parameters for any process unit that is not at a steam electric generating facility are maximum rate of fuel or heat input, maximum rate of material input, or maximum rate of product output. Combustion process units will typically use maximum rate of fuel input. For sources having multiple end products and raw materials, the owner or operator should consider the primary product or primary raw material when selecting a basic design parameter.
    - c. If the owner or operator believes the basic design parameters in subsections (3)(a) and (b) are not appropriate for a specific industry or type of process unit, the owner or operator may propose to the Director an alternative basic design parameters for the source's process unit. If the Director approves of the use of an alternative basic design parameters, the Director shall issue a permit that is legally enforceable that records such basic design parameters and requires the owner or operator to comply with such parameters.

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- d. The owner or operator shall use credible information, such as results of historic maximum capability tests, design information from the manufacturer, or engineering calculations, in establishing the magnitude of the basic design parameters specified in subsections (3)(a) and (b).
  - e. If design information is not available for a process unit, then the owner or operator shall determine the process unit's basic design parameters using the maximum value achieved by the process unit in the five-year period immediately preceding the planned activity.
  - f. Efficiency of a process unit is not a basic design parameter.
  - g. The replacement activity shall not cause the process unit to exceed any emission limitation, or operational limitation that has the effect of constraining emissions, that applies to the process unit and that is legally enforceable.
4. "Complete" means, in reference to an application for a permit or permit revision, that the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the Department from requesting or accepting any additional information.
  5. "Dispersion technique" means any technique that attempts to affect the concentration of a pollutant in the ambient air by any of the following:
    - a. Using that portion of a stack that exceeds good engineering practice stack height;
    - b. Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or
    - c. Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams that increases the exhaust gas plume rise. This shall not include any of the following:
      - i. The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream.
      - ii. The merging of exhaust gas streams under any of the following conditions:
        - (1) The source owner or operator demonstrates that the facility was originally designed and constructed with the merged gas streams;
        - (2) After July 8, 1985, the merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant, applying only to the emission limitation for that pollutant; or
        - (3) Before July 8, 1985, the merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation was in existence prior to the merging, an increase in the quantity of pollutants actually emitted prior to the merging, the Department shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source owner or operator that merging was not significantly motivated by such intent, the Department shall deny credit for the effects of the merging in calculating the allowable emissions for the source.
- iii. Smoke management in agricultural or silvicultural prescribed burning programs.
  - iv. Episodic restrictions on residential woodburning and open burning.
  - v. Techniques that increase final exhaust gas plume rise if the resulting allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.
6. "Existing emissions unit" is any emissions unit that is currently in existence and that is not a new emissions unit. A replacement unit is an existing emissions unit.
  7. "Federal Class I area" means an area designated as Class I under R18-2-217.
  8. "High terrain" means any area having an elevation of 900 feet or more above the base of the stack of a source.
  9. "Innovative control technology" means any system of air pollution control that has not been adequately demonstrated in practice but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice, or of achieving at least comparable reductions at lower cost in terms of energy, economics, or nonair quality environmental impacts.
  10. "Low terrain" means any area other than high terrain.
  11. "Lowest achievable emission rate" (LAER) means, for any source, the more stringent rate of emissions based on one of the following:
    - a. The most stringent emissions limitation that is contained in any implementation plan approved or promulgated under sections 110 or 172 of the Act for the class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that the limitation is not achievable; or
    - b. The most stringent emissions limitation that is achieved in practice by the class or category of stationary source. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within the stationary source. The application of this term shall not permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under the applicable new source performance standards.
  12. "Major emissions unit" means:
    - a. Any emissions unit that emits or has the potential to emit 100 tons per year or more of the PAL pollutant in an attainment area; or
    - b. Any emissions unit that emits or has the potential to emit the PAL pollutant in an amount that is equal to or greater than the major source threshold for the PAL pollutant for nonattainment areas. For example, in accordance with the definition of major stationary source in section 182(c) of the Act, an emissions unit would be a major emissions unit for VOC if the



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emissions unit is located in a serious ozone nonattainment area and it emits or has the potential to emit 50 or more tons of VOC per year.

13. "Major source" is defined as follows:
- For purposes of determining the applicability of R18-2-403 through R18-2-405 or R18-2-411, major source means any stationary source that emits, or has the potential to emit, 100 tons per year or more of any regulated NSR pollutant, except that the following thresholds shall apply in areas subject to subpart 2, subpart 3 or subpart 4 of part D, Title I of the Act:

Pollutant Emitted	Nonattainment Pollutant and Classification	Quantity Threshold tons/year or more
Carbon Monoxide (CO)	CO, Serious, if stationary sources contribute significantly to CO levels in the area as determined under rules issued by the Administrator	50
VOC	Ozone, Serious	50
VOC	Ozone, Severe	25
PM <sub>10</sub>	PM <sub>10</sub> , Serious	70
PM <sub>2.5</sub>	PM <sub>2.5</sub> , Serious	70
PM <sub>2.5</sub> precursors identified in R18-2-101(124)(a)	PM <sub>2.5</sub> , Serious	70
NO <sub>x</sub>	Ozone, Serious	50
NO <sub>x</sub>	Ozone, Severe	25

- For purposes of determining the applicability of R18-2-406 through R18-2-408 or R18-2-410, major source means any stationary source that emits, or has the potential to emit, 100 tons per year or more of any regulated NSR pollutant if the source is classified as a categorical source, or 250 tons per year or more of any regulated NSR pollutant if the source is not classified as a categorical source;
  - A major source includes a physical change that would occur at a stationary source, not otherwise qualifying under subsection (13)(a) or (b) as a major source, if the change would constitute a major source by itself.
  - A major source that is major for VOC or nitrogen oxides shall be considered major for ozone.
  - The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this Article whether it is a major source, unless the source belongs to a section 302(j) category.
14. "Mandatory federal Class I area" means an area identified in R18-2-217(B).
15. "New emissions unit" means any emissions unit which is (or will be) newly constructed and which has existed for less than two years from the date such emissions unit first operated.
- "Plantwide applicability limitation" or "PAL" means an emission limitation that is based on the baseline actual emissions of all emissions units at the stationary source that emit or have the potential to emit the PAL pollutant, expressed in tons per year, for a pollutant at a major source, that is enforceable as a practical matter and established source-wide in accordance with this Section.
  - "PAL allowable emissions" means "allowable emissions" as defined in R18-2-101, except that the allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit.
  - PAL effective date generally means the date of issuance of the PAL permit. However, the PAL effective date for an increased PAL is the date any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.
  - "PAL effective period" means the period beginning with the PAL effective date and ending 10 years later.
  - "PAL major modification" means any physical change in or change in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.
  - "PAL permit" means the permit issued by the Director that establishes a PAL for a major source under Article 3 or 4 of this Chapter.
  - "PAL pollutant" means the pollutant for which a PAL is established at a major source.
  - "Projected actual emissions" means:
    - The maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated NSR pollutant during any 12-month period in the 60 calendar months following the date the unit resumes regular operation after the project, or in any 12-month period in the 120 calendar months following that date if the project involves increasing the design capacity or potential to emit of any emissions unit for that regulated NSR pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major source.
    - In determining the projected actual emissions before beginning actual construction, the owner or operator of the major source:
      - Shall consider all relevant information, including but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with the county, state or federal regulatory authorities, and compliance plans under these regulations; and
      - Shall include fugitive emissions to the extent quantifiable;
      - Shall include emissions associated with start-ups, shutdowns, and malfunctions; and
      - Shall exclude, only for calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions and that are also unrelated to the particular project, including any increased utilization due to product demand growth; or

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- c. In lieu of using the method set out subsections 23(b)(i) through (iv), the owner or operator may elect to use the emissions unit's potential to emit, in tons per year.
24. "Replacement unit" means an emissions unit for which all the criteria listed in subsections (24)(a) through (d) are met. No creditable emission reductions shall be generated from shutting down the existing emissions unit that is replaced.
- The emissions unit is a reconstructed unit within the meaning of 40 CFR 60.15(b)(1), or the emissions unit completely takes the place of an existing emissions unit.
  - The emissions unit is identical to or functionally equivalent to the replaced emissions unit.
  - The replacement does not alter the basic design parameters of the process unit.
  - The replaced emissions unit is permanently removed from the major source, otherwise permanently disabled, or permanently barred from operation by a permit that is enforceable as a practical matter. If the replaced emissions unit is brought back into operation, it shall constitute a new emissions unit.
25. "Resource recovery project" means any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse. Only energy conversion facilities that utilize solid waste that provides more than 50% of the heat input shall be considered a resource recovery project under this Article.
26. "Significant emissions unit" means an emissions unit that emits or has the potential to emit a PAL pollutant in an amount that is equal to or greater than the significant level for that PAL pollutant, but less than the amount that would qualify the unit as a major emissions unit.
27. "Significance levels" means the following ambient concentrations for the enumerated pollutants:

Pollutant	Averaging Time				
	Annual	24-Hour	8-Hour	3-Hour	1-Hour
SO <sub>2</sub>	1 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>		25 µg/m <sup>3</sup>	
NO <sub>2</sub>	1 µg/m <sup>3</sup>				
CO			0.5 mg/m <sup>3</sup>		2 mg/m <sup>3</sup>
PM <sub>10</sub>	1 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>			
PM <sub>2.5</sub> federal Class I area	0.06 µg/m <sup>3</sup>	0.07 µg/m <sup>3</sup>			
PM <sub>2.5</sub> federal Class II area	0.3 µg/m <sup>3</sup>	1.2 µg/m <sup>3</sup>			
PM <sub>2.5</sub> federal Class III area	0.3 µg/m <sup>3</sup>	1.2 µg/m <sup>3</sup>			

Except for the annual pollutant concentrations, the Department shall deem that exceedance of significance levels has occurred when the ambient concentration of the above pollutant is exceeded more than once per year at any one location. If the concentration occurs at a specific location and at a time when the national ambient air quality standards for the pollutant are not violated, the significance level does not apply.

28. "Small emissions unit" means an emissions unit that emits or has the potential to emit the PAL pollutant in an amount less than the significant level for that PAL pollutant.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Former Section R9-3-401 renumbered without change as Section R18-2-401 (Supp. 87-3). Section R18-2-401 renumbered to R18-2-601. New Section R18-2-401 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 5 A.A.R. 4074, effective September 22, 1999 (Supp. 99-3). Typographical error corrected in R18-2-401(9)(a) (Supp. 00-4). Amended by final rulemaking at 13 A.A.R. 1134, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-402. General**

- The preconstruction review requirements of this Article shall apply to the construction of any new major source or any project at an existing major source.
- The requirements of R18-2-403 through R18-2-410 apply to the construction of any new major source or any major modification of any existing major source, except as this Article otherwise provides.
- No person shall begin actual construction of a new major source or a major modification subject to the requirements of R18-2-403 through R18-2-410 without first obtaining a proposed final permit from the Director, pursuant to R18-2-307(A)(2), stating that the major source or major modification shall meet those requirements.
- The requirements of this Article apply to projects at major sources in accordance with the following principles.
  - Except as otherwise provided in subsection (E), a project is a major modification for a regulated NSR pollutant if it causes both a significant emissions increase and a significant net emissions increase. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.
  - The procedure for calculating before beginning actual construction whether a significant emissions increase will occur depends upon the types of emissions units being modified as set forth in subsections (D)(3) through (6). The procedure for calculating before beginning actual construction whether a significant net emissions increase will occur at the major source is set forth in the definition of net emissions increase in R18-2-101. Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.
  - Actual-to-projected-actual applicability test for projects that only involve existing emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions, for each existing emissions unit, equals or exceeds the significant amount for that pollutant.
  - Actual-to-potential applicability test for projects that only involve new emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the potential to

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emit from each new emissions unit following completion of the project and the baseline actual emissions of these units before the project equals or exceeds the significant amount for that pollutant.

5. [Reserved.]
  6. Hybrid applicability test for projects that involve both new emissions units and existing emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in subsections (D)(3) through (D)(4), as applicable with respect to each emissions unit, equals or exceeds the significant amount for that pollutant.
- E. Any major source with a PAL for a regulated NSR pollutant shall comply with R18-2-412.
- F. This subsection applies with respect to any regulated NSR pollutant emitted from projects at existing emissions units at a major stationary source (other than projects at a source with a PAL) in circumstances where there is a reasonable possibility, within the meaning of subsection (F)(6), that a project that is not a part of a major modification may result in a significant emissions increase of such pollutant and the owner or operator elects to use the method specified in R18-2-401(23)(b)(i) through (iv) of the definition of projected actual emissions for calculating projected actual emissions.
1. Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:
    - a. A description of the project;
    - b. Identification of the emissions unit(s) with emissions of a regulated NSR pollutant that could be affected by the project;
    - c. A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions the amount of emissions excluded under R18-2-401(23)(b)(iv) of the definition of projected actual emissions, and an explanation for why such amount was excluded; and
    - d. Any netting calculations, if applicable.
  2. If the emissions unit is an existing electric utility steam generating unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in subsection (F)(1) to the Director. Nothing in this subsection shall be construed to require the owner or operator of such a unit to obtain any determination from the Director before beginning actual construction.
  3. The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in subsection (F)(1)(b); and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of five years following resumption of regular operations after the change, or for a period of 10 years following resumption of regular operations after the change if the project increases the design capacity or potential to emit of that regulated NSR pollutant at such emissions unit. For purposes of this subsection, fugitive emissions (to the extent quantifiable) shall be monitored if the emissions unit is part of a section 302(j) category or if the emissions unit is located at a major stationary source that belongs to a section 302(j) category.
  4. The owner or operator shall submit a report to the Director if for a calendar year the annual emissions, in tons per year, from the project identified in subsection (F)(1) exceed the sum of the baseline actual emissions, as documented and maintained under subsection (F)(1)(c), by a significant amount for that regulated NSR pollutant, and if the emissions differ from the preconstruction projection as documented and maintained under subsection (F)(1)(c). The owner or operator shall submit the report to the Director within 60 days after the end of the calendar year. The report shall contain the following:
    - a. The name, address and telephone number of the major source;
    - b. The annual emissions as calculated pursuant to subsection (F)(3); and
    - c. Any other information that the owner or operator wishes to include in the report, such as an explanation as to why the emissions differ from the preconstruction projection.
  5. Notwithstanding subsection (F)(4), if any existing emissions unit identified in subsection (F)(1)(b) is an electric utility steam generating unit, the owner or operator shall submit a report to the Director within 60 days after the end of each calendar year during which the owner or operator must generate records under subsection (F)(3). The report shall document the unit's post-project annual emissions during the calendar year that preceded submission of the report.
  6. A "reasonable possibility" under subsection (F) occurs when the owner or operator calculates the project to result in one of the following:
    - a. A projected actual emissions increase of at least 50% of the amount that is a significant emissions increase (without reference to the amount that is a significant net emissions increase) for the regulated NSR pollutant.
    - b. A projected actual emissions increase that, added to the amount of emissions excluded under subsection R18-2-401(23)(b)(iv) of the definition of projected actual emissions, sums to at least 50% of the amount that is a significant emissions increase (without reference to the amount that is a significant net emissions increase) for the regulated NSR pollutant. For a project for which a reasonable possibility occurs only within the meaning of subsection (F)(6)(b), and not also within the meaning of subsection (F)(6)(a), subsections (F)(2) through (5) do not apply to the project.
  7. The owner or operator of the source shall make the information required to be documented and maintained under subsection (F) available for review upon request for inspection by the Department or the general public.
- G. An application for a permit or permit revision under this Article, other than a PAL permit pursuant to R18-2-412, shall not be considered complete unless the application demonstrates that:
1. The requirements in subsection (H) are met;
  2. The more stringent of the applicable new source performance standards or the existing source performance standards in Article 7 of this Chapter are applied to the proposed new major source or major modification of a major source;
  3. The visibility requirements contained in R18-2-410 are satisfied;
  4. All applicable provisions of Article 3 of this Chapter are met;
  5. The new major source or major modification will be in compliance with whatever emission limitation, design,

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equipment, work practice or operational standard, or combination thereof is applicable to the source or modification. The degree of emission limitation required for control of any pollutant under this Article shall not be affected in any manner by:

- a. Stack height in excess of GEP stack height except as provided in R18-2-332; or
  - b. Any other dispersion technique, unless implemented prior to December 31, 1970;
6. The new major source or major modification will not exceed the applicable standards for hazardous air pollutants contained in this Chapter;
  7. The new major source or major modification will not exceed the limitations, if applicable, on emission from nonpoint sources contained in Article 6 of this Chapter;
  8. The new major source or major modification will not have an adverse impact on visibility, as determined according to R18-2-410.
- H.** Except for assessing air quality impacts within federal Class I areas, the air impact analysis required to be conducted as part of a permit application shall initially consider only the geographical area located within a 50 kilometer radius from the point of greatest emissions for the new major source or major modification. The Director, on his own initiative or upon receipt of written notice from any person shall have the right at any time to request an enlargement of the geographical area for which an air quality impact analysis is to be performed by giving the person applying for the permit or permit revision written notice thereof, specifying the enlarged radius to be so considered. In performing an air impact analysis for any geographical area with a radius of more than 50 kilometers, the person applying for the permit or permit revision may use monitoring or modeling data obtained from major sources having comparable emissions or having emissions which are capable of being accurately used in such demonstration, and which are subjected to terrain and atmospheric stability conditions which are comparable or which may be extrapolated with reasonable accuracy for use in such demonstration.
- I.** The Director shall comply with following requirements with respect to an application for a permit or permit revision subject to this Article:
1. Within 60 days after receipt of the application, or any addition to the application, the Director shall advise the applicant of any deficiency. The date of receipt of a complete application shall be, for the purpose of this Section, the date on which the Director receives all required information. The permit application shall not be deemed complete if the Director fails to meet the requirements of this subsection.
  2. Within one year after receipt of a complete application, the Director shall do all of the following:
    - a. Make a preliminary determination as to whether the permit or permit revision should be granted or denied.
    - b. Make the application, all materials the applicant submitted, the preliminary determination, and materials relating to the application available under R18-2-330(D).
    - c. Notify the public of the application, the preliminary determination and the opportunity for a public hearing and to submit written comments in accordance with R18-2-330(C). In the case of an application subject to R18-2-406, the notice shall include the degree of consumption of the maximum allowable increases allowed under R18-2-218 that is expected to occur as a result of emissions from the proposed source or modification.
- d. Take final action on the application by denying the permit or permit revision or issuing a proposed final permit or permit revision.
  - e. Notify the applicant in writing of the approval or denial and make the notification, comments on the proposed action, and materials supporting the final action available for public inspection at the location where materials relating to the proposed action were placed under R18-2-330(D).
3. A copy of any notice required by R18-2-330 and subsection (I)(2)(c) shall be sent to the permit applicant, to the Administrator, and to the following officials and agencies having cognizance over the location where the proposed major source or major modification would occur:
    - a. The air pollution control officer, if one exists, for the county wherein the proposed or existing source that is the subject of the permit or permit revision application is located;
    - b. The county manager for the county wherein the proposed or existing source that is the subject of the permit or permit revision application is located;
    - c. The city or town managers of the city or town which contains, and any city or town the boundaries of which are within 5 miles of, the location of the proposed or existing source that is the subject of the permit or permit revision application;
    - d. Any regional land use planning agency with authority for land use planning in the area where the proposed or existing source that is the subject of the permit or permit revision application is located; and
    - e. Any state, Federal Land Manager, or Indian governing body whose lands may be affected by emissions from the proposed source or modification.
  - J.** The authority to construct and operate a new major source or major modification under a permit or permit revision issued under this Article shall terminate if the owner or operator does not commence the proposed construction or major modification within 18 months of issuance or if, during the construction or major modification, the owner or operator suspends work for more than 18 months. The Director may extend the 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date.

**Historical Note**

Amended effective August 6, 1976 (Supp. 76-4). Former Section R9-3-402 repealed, new Section R9-3-402 adopted effective May 14, 1979 (Supp. 79-1). Amended and adopted by reference Open Burning Guidelines for Air Pollution Control effective September 22, 1983 (Supp. 83-5). Former Section R9-3-402 renumbered without change as Section R18-2-402 (Supp. 87-3). Section R18-2-402 renumbered to R18-2-602, new Section R18-2-402 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-403. Permits for Sources Located in Nonattainment Areas**

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- A. Except as provided in subsections (C) through (G) below, no permit or permit revision shall be issued under this Article to a person proposing to construct a new major source or make a major modification that is major for the pollutant for which the area is designated nonattainment unless:
1. The person demonstrates that the new major source or the major modification will meet an emission limitation which is the lowest achievable emission rate (LAER) for that source for that regulated NSR pollutant.
  2. The person demonstrates that all existing major sources owned or operated by that person (or any entity controlling, controlled by, or under common control with that person) in the state are in compliance with, or on a schedule of compliance for, all conditions contained in permits of each of the sources and all other applicable emission limitations and standards under the Act and this Chapter.
  3. The person demonstrates that emission reductions for the specific pollutant(s) from source(s) in existence in the allowable offset area of the new major source or major modification (whether or not under the same ownership) meet the offset requirements of R18-2-404.
  4. The Administrator has not determined that the applicable implementation plan is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified in accordance with the requirements in this Section.
- B. No permit or permit revision under this Article shall be issued to a person proposing to construct a new major source or make a major modification to a major source located in a nonattainment area unless:
1. The person performs an analysis of alternative sites, sizes, production processes, and environmental control techniques for such new major source or major modification; and
  2. The Director determines that the analysis demonstrates that the benefits of the new major source or major modification significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.
- C. At such time that a particular source or modification becomes a major source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as restriction on hours of operation, then the requirements of this Section shall apply to the source or modification as though construction had not yet commenced on the source or modification.
- D. Secondary emissions shall not be considered in determining the potential to emit of a new source or modification and therefore whether the new source or modification is major. However, if a new source or modification is subject to this Section on the basis of its direct emissions, a permit or permit revision under this Article to construct the new source or modification shall be denied unless the requirements of R18-2-403(A)(3) and R18-2-404 are met for reasonably quantifiable secondary emissions caused by the new source or modification.
- E. A permit to construct a new major source or major modification shall be denied unless the conditions specified in subsections (A)(1), (2), and (3) are met for fugitive emissions caused by the new source or modification. However, these conditions shall not apply to a new major source or major modification that would be a major source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential emissions of the source or modification, and the source does not belong to a section 302(j) category.
- F. The requirements of subsection (A)(3) shall not apply to temporary emissions units, such as pilot plants, portable facilities that will be relocated outside of the nonattainment area and the construction phase of a new source, if those units will operate for no more than 24 months in the nonattainment area, are otherwise in compliance with the requirement to obtain a permit under this Chapter and are in compliance with the conditions of that permit.
- G. A decrease in actual emissions shall be considered in determining the potential of a new source or modification to emit only to the extent that the Director has not relied on it in issuing any permit or permit revision under this Article or the state has not relied on it in demonstrating attainment or reasonable further progress.
- H. The Director shall transmit to the Administrator a copy of each permit application relating to a major stationary source or major modification under this Section. Within 30 days of the issuance of any permit under this Section, the Director shall also submit control technology information from the permit to the Administrator for the purposes listed in Section 173(d) of the Act.
- I. The issuance of a permit or permit revision under this Article in accordance with this Section shall not relieve the owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state, or federal law.

**Historical Note**

Former Section R9-3-403 repealed, new Section R9-3-403 adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-403 renumbered without change as Section R18-2-403 (Supp. 87-3). Section R18-2-403 renumbered to R18-2-603, new Section R18-2-403 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-404. Offset Standards**

- A. Increased emissions by a major source or major modification subject to R18-2-403 of each pollutant for which the area has been designated as nonattainment and for which the source or modification is classified as major shall be offset by real reductions in the actual emissions of the pollutant. Offsets shall be for the same regulated NSR Pollutant, except that emissions of the ozone precursors NO<sub>x</sub> and VOC may be offset by reductions in emissions of either of those pollutants, provided that all other applicable requirements of this Section and R18-2-405 are satisfied. Except as provided in R18-2-405 and subsection (J), the ratio of the total actual reductions to the emissions increase shall be at least 1 to 1.
- B. Except as provided in subsections (B)(1) or (2), for sources and modifications subject to this Section, the baseline for determining credit for emissions reductions is the emissions limit for the source generating the offset credit under the applicable implementation plan in effect at the time the application for a permit or permit revision is filed.
1. The offset baseline shall be the actual emissions of the source from which offset credit is obtained where either of the following conditions is satisfied:
    - a. The demonstration of reasonable further progress and attainment of ambient air quality standards is based upon the actual emissions of sources located within a designated nonattainment area for which the preconstruction review program was adopted.

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- b. The applicable implementation plan does not contain an emissions limitation for that source or source category.
  - 2. Where the emissions limit under the applicable implementation plan allows greater emissions than the potential to emit of the source, emissions offset credit will be allowed only for control below this potential.
- C. For an existing fuel combustion source, emissions offset credit shall be based on the allowable emissions under the applicable implementation plan for the type of fuel being burned at the time the application to construct is filed. If the existing source commits to switch to a cleaner fuel at some future date, emissions offset credit based on the allowable or actual emissions for the fuels involved is not acceptable, unless the permit for the existing source is conditioned to require the use of a specified alternative control measure which would achieve the same degree of emissions reduction should the source switch back to a fuel generating higher emissions. The owner or operator of the existing source must demonstrate that adequate long-term supplies of the new fuel are available before granting emissions offset credit for fuel switches.
- D. Offset Credit for Shutdowns.
  - 1. Emissions reductions achieved by shutting down an existing emission unit or curtailing production or operating hours may be credited for offsets if they meet both of the following conditions.
    - a. The reductions are surplus, permanent, quantifiable, and federally enforceable.
    - b. The shutdown or curtailment occurred after the last day of the base year for the SIP planning process. For purposes of this subsection, the Director may choose to consider a prior shutdown or curtailment to have occurred after the last day of the base year if the projected emissions inventory used to develop the attainment demonstration explicitly includes the emissions from such previously shutdown or curtailed emission units. However, in no event may credit be given for shutdowns that occurred before August 7, 1977.
  - 2. Emissions reductions achieved by shutting down an existing emissions unit or curtailing production or operating hours and that do not meet the requirements in subsection (D)(1)(b) may be credited only if one of the following conditions is satisfied:
    - a. The shutdown or curtailment occurred on or after the date the construction permit application is filed.
    - b. The applicant can establish that the proposed new emissions unit is a replacement for the shutdown or curtailed emissions unit, and the emissions reductions achieved by the shutdown or curtailment met the requirements of subsection (D)(1)(a).
- E. No emissions credit may be allowed for replacing one hydrocarbon compound with another of lesser reactivity, except for those compounds listed in Table 1 of EPA's "Recommended Policy on Control of Volatile Organic Compounds," 42 FR 35314 (July 8, 1977).
- F. All emission reductions claimed as offset credits shall be federally enforceable by the time a proposed final permit is issued to the owner or operator of the major source subject to this Section and shall be in effect by the time the new or modified source subject to the permit commences operation.
- G. The owner or operator of a major source or major modification subject to this Section must obtain offset credits from the same source or from other sources in the same nonattainment area, except that the Director may allow the owner or operator to obtain offset credits from another nonattainment area if both of the following conditions are satisfied:
  - 1. The other area has an equal or higher nonattainment classification than the area in which the source is located.
  - 2. Emissions from such other area contribute to a violation of the national ambient air quality standard in the nonattainment area in which the source is located.
- H. Credit for an emissions reduction can be claimed to the extent that the Director has not relied on it in issuing any permit under this Article, R18-2-334, or the state has not relied on it in a demonstration of attainment or reasonable further progress.
  - I. The total tonnage of increased emissions, in tons per year, resulting from a major modification that must be offset under this Section shall be determined by summing the difference between the allowable emissions after the modification and the actual emissions before the modification for each emissions unit.
  - J. In ozone nonattainment areas classified as marginal, total emissions of VOC and oxides of nitrogen from other sources shall offset those proposed or permitted from the major source or major modification by a ratio of at least 1.10 to 1. In ozone nonattainment areas classified as moderate, total emissions of VOC and oxides of nitrogen from other sources shall offset those proposed or permitted from the major source or major modification by a ratio of at least 1.15 to 1. New major sources and major modifications in serious and severe ozone nonattainment areas shall comply with this Section and R18-2-405.

**Historical Note**

Former Section R9-3-404 repealed, new Section R9-3-404 adopted effective May 14, 1979 (Supp. 79-1). Amended by adding subsection (C) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-404 renumbered without change as Section R18-2-404 (Supp. 87-3). Amended subsection (C) effective December 1, 1988 (Supp. 88-4). Section R18-2-404 renumbered to R18-2-604, new Section R18-2-404 adopted effective November 15, 1993 (Supp. 93-4). Amended effective February 28, 1995 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 4074, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 8 A.A.R. 1815, effective March 18, 2002 (Supp. 02-1). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-405. Special Rule for Major Sources of VOC or Nitrogen Oxides in Ozone Nonattainment Areas Classified as Serious or Severe**

- A. Applicability. The provisions of this Section only apply to stationary sources of VOC or nitrogen oxides in ozone nonattainment areas classified as serious or severe. Unless otherwise provided in this Section, all requirements of Articles 3 and 4 of this Chapter apply.
- B. "Significant" means, in reference to an emissions increase or a net emissions increase, any increase in actual emissions of volatile organic compounds or nitrogen oxides that would result from any physical change in, or change in the method of operation of, a major source, if the emissions increase of volatile organic compounds or nitrogen oxides exceeds 25 tons per year.
- C. For any major source that emits or has the potential to emit less than 100 tons of VOC or oxides of nitrogen per year, a physical or operational change that results in a significant increase in VOC or oxides of nitrogen, respectively, from any discrete operation, unit, or other pollutant emitting activity at

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the source shall constitute a major modification, except that the increase shall not constitute a major modification, if the owner or operator of the source elects to offset the increase by a greater reduction in emissions of VOC or oxides of nitrogen, as applicable, from other operations, units or activities at the source at an internal offset ratio of at least 1.3 to 1. If the owner or operator does not make such an election, the change shall constitute a major modification but BACT shall be substituted for LAER when applying R18-2-403(A)(1) to the major modification.

- D. For any stationary source that emits or has the potential to emit 100 tons or more of VOC or oxides of nitrogen per year, a physical or operational change that results in any significant increase in VOC from any discrete operation, unit or other pollutant emitting activity at the source or oxides of nitrogen, respectively, shall constitute a major modification except that if the owner or operator of the source elects to offset the increase by a greater reduction in emissions of VOC or oxides of nitrogen, as applicable, from other operations, units or activities within the source at an internal offset ratio of at least 1.3 to 1, R18-2-403(A)(1) shall not apply to the change.
- E. For any new major source or major modification that is classified as major because of emissions or potential to emit VOC or nitrogen oxides in an ozone nonattainment area classified as serious, the increase in emissions of these pollutants from the source or modification shall be offset at a ratio of 1.2 to 1. The offset shall be made in accordance with the provisions of R18-2-404.
- F. For any new major source or major modification that is classified as such because of emissions or potential to emit VOC or nitrogen oxides in an ozone nonattainment area classified as severe, the increase in emissions of these pollutants from the source or modification shall be offset at a ratio of 1.3 to 1. These offsets shall be made in accordance with the provisions of R18-2-404.

**Historical Note**

Former R9-3-405, Other industries, renumbered R9-3-406, new Section adopted effective September 17, 1975 (Supp. 75-1). Former Section R9-3-405 repealed, new Section R9-3-405 adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Former Section R9-3-405 renumbered without change as Section R18-2-405 (Supp. 87-3). Section R18-2-405 renumbered to R18-2-605, new Section R18-2-405 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 5 A.A.R. 4074, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-406. Permit Requirements for Sources Located in Attainment and Unclassifiable Areas**

- A. Except as provided in subsections (B) through (J) and R18-2-408 (Innovative control technology), no permit or permit revision under this Article shall be issued to a person proposing to construct a new major source or make a major modification to a major source that would be constructed in an area designated as attainment or unclassifiable for any regulated NSR pollutant unless the source or modification meets the following conditions:
  1. A new major source shall apply best available control technology (BACT) for each regulated NSR pollutant for which the potential to emit is significant.
  2. A major modification shall apply BACT for each regulated NSR pollutant for which the project would result in

a significant net emissions increase at the source. This requirement applies to each proposed emissions unit at which a net emissions increase in the pollutant would occur as a result of a physical change or change in the method of operation in the unit.

3. For phased construction projects, the determination of BACT shall be reviewed and modified as appropriate at the latest reasonable time which occurs no later than 18 months prior to commencement of construction of each independent phase of the project. At such time the owner or operator of the applicable stationary source may be required to demonstrate the adequacy of any previous determination of BACT for the source.
4. BACT shall be determined on a case-by-case basis and may constitute application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment, clean fuels, or innovative fuel combustion techniques, for control of such pollutant. In no event shall such application of BACT result in emissions of any pollutant, which would exceed the emissions allowed by any applicable new source performance standard or national emission standard for hazardous air pollutants or by the applicable implementation plan. If the Director determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice, or operation and shall provide for compliance by means which achieve equivalent results.
5. The person applying for the permit or permit revision under this Article performs an air impact analysis and monitoring as specified in R18-2-407, and the analysis demonstrates that allowable emission increases from the proposed new major source or major modification, in conjunction with all other applicable emission increases or reductions, including secondary emissions, would not cause or contribute to concentrations of conventional air pollutants in violation of:
  - a. Any national ambient air quality standard in any air quality control region; or
  - b. Any applicable maximum increase allowed under R18-2-218 over the baseline concentration in any area.
6. Air quality models:
  - a. All estimates of ambient concentrations required under this Section shall be based on the applicable air quality models, databases, and other requirements specified in 40 CFR 51, Appendix W, "Guideline On Air Quality Models," as of June 30, 2017 (and no future amendments or editions), which shall be referred to hereinafter as "Guideline" and is adopted by reference and is on file with the Department.
  - b. Where an air quality impact model specified in the "Guideline" is not applicable, the model may be modified or another model substituted. Such a change shall be subject to notice and opportunity for public comment under R18-2-330. Written approval of the EPA Administrator shall be obtained for any modification or substitution.

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- B.** This Section and R18-2-407 shall not apply to a new major source or major modification to a source with respect to a particular pollutant if the person applying for the permit or permit revision under this Article demonstrates that, as to that pollutant, the source or modification is located in an area designated as nonattainment for the pollutant. This exemption shall not apply to an area designated nonattainment for a revoked national ambient air quality standard in 40 CFR 81.
- C.** This Section, R18-2-407, and R18-2-410(B), (F), and (G) shall not apply to a new major source or a major modification if the source or modification would be a major source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential emissions of the source or modification, and the source does not belong to a section 302(j) category.
- D.** This Section, R18-2-407, and R18-2-410(B), (F), and (G) shall not apply to a new major source or major modification to a source when the owner or operator of the source is a nonprofit health or educational institution.
- E.** This Section, R18-2-407, and R18-2-410(B), (F) and (G) shall not apply to a portable source which would otherwise be a new major source or major modification to an existing source if all of the following conditions are satisfied:
1. The portable source proposes to relocate and will operate for no more than 24 months at its new location.
  2. The source is subject to a permit or permit revision issued under this Section or 40 CFR 52.21.
  3. The source is in compliance with the conditions of that permit or permit revision.
  4. Emissions from the source will not impact a federal Class I area or an area where an applicable maximum increase allowed under R18-2-218 is known to be violated.
  5. Reasonable notice is given to the Director prior to the relocation identifying the proposed new location and the probable duration of operation at the new location at least 10 calendar days in advance of the proposed relocation, unless a different time duration is previously approved by the Director.
- F.** Subsection (A)(5), R18-2-407, and R18-2-410(B) shall not apply to a proposed major source or major modification with respect to a particular pollutant, if the allowable emissions of that pollutant from the source, or the net emissions increase of that pollutant from the modification, would be temporary and impact no federal Class I area and no area where a maximum increase allowed under R18-2-218 is known to be violated.
- G.** Subsection (A)(5), R18-2-407, and R18-2-410(B) as they relate to any maximum allowable increase for a Class II area shall not apply to a modification of a major stationary source that was in existence on March 1, 1978, if the net increase in allowable emissions of each regulated NSR pollutant from the modification after the application of best available control technology would be less than 50 tons per year.
- H.** Subsection (A)(5)(b) shall not apply to a stationary source or modification with respect to any maximum increase allowed for nitrogen oxides under R18-2-218 if the owner or operator of the source or modification submitted an application for a permit under the applicable permit program approved or promulgated under the Act before the provisions embodying the maximum allowable increase took effect as part of the state implementation plan and the Director subsequently determined that the application as submitted before that date was complete.
- I.** Subsection (A)(5)(b) shall not apply to a stationary source or modification with respect to any maximum increase allowed for PM<sub>10</sub> under R18-2-218 if the owner or operator of the source or modification submitted an application for a permit under the applicable permit program approved under the Act before the provisions embodying the maximum allowable increases for PM<sub>10</sub> took effect as part of the state implementation plan and the Director subsequently determined that the application as submitted before that date was complete.
- J.** Subsection (A)(5)(a) shall not apply to a stationary source or modification with respect to the national ambient air quality standards for PM<sub>2.5</sub> in effect on March 18, 2013 if either of the following is true:
1. The Director determined a permit application subject to this Section was complete on or before December 14, 2012. Instead, subsection (A)(5)(a) shall apply with respect to the national ambient air quality standards for PM<sub>2.5</sub> in effect at the time the Director determined the permit application to be complete.
  2. The Director first published before March 18, 2013 a public notice of a proposed permit subject to this Section. Instead, subsection (A)(5)(a) shall apply with respect to the national ambient air quality standards for PM<sub>2.5</sub> in effect at the time of first publication of the public notice.
- K.** Subsection (A)(5)(a) shall not apply to a stationary source or modification with respect to the revised national ambient air quality standards for ozone published on October 26, 2015 if:
1. The Director has determined the permit application subject to this Section to be complete on or before October 1, 2015. Instead, subsection (A)(5)(a) shall apply with respect to the national ambient air quality standards for ozone in effect at the time the Director determined the permit application to be complete.
  2. The Director has first published, before December 25, 2015, a public notice of a preliminary determination or draft permit for the permit application subject to this Section. Instead, subsection (A)(5)(a) shall apply with respect to the national ambient air quality standards for ozone in effect at the time the Director determined the permit application to be complete.
- L.** The owner or operator of a proposed source or modification shall submit all information necessary to perform any analysis or make a determination required under this Section. The owner or operator shall also provide information regarding:
1. The air quality impact of the source or modification, including meteorological and topographical data necessary to estimate such impact, and
  2. The air quality impacts and the nature and extent of any or all general commercial, residential, industrial, and other growth which has occurred since August 7, 1977, in the area the source or modification would affect.
- M.** The issuance of a permit or permit revision under this Article in accordance with this Section shall not relieve the owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state, or federal law.
- N.** At such time that a particular source or modification becomes a major source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this Section shall apply to the source or modification as though construction had not yet commenced on the source or modification.

**Historical Note**

Former Section R9-3-405, renumbered effective September 17, 1975 (Supp. 75-1). Former Section R9-3-406 repealed, new Section R9-3-406 adopted effective May



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14, 1979 (Supp. 79-1). Former Section R9-3-406 renumbered without change as Section R18-2-406 (Supp. 87-3). Section R18-2-406 renumbered to R18-2-606, new Section R18-2-406 adopted effective November 15, 1993 (Supp. 93-4). Amended effective February 28, 1995 (Supp. 95-1). The references to R18-2-101(97)(a) in subsection (A)(1) and (2) amended to reference R18-2-101(104)(a) (Supp. 99-3). Amended by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1). Amended by final rulemaking at 25 A.A.R. 3630, effective February 1, 2020 (Supp. 19-4).

**R18-2-407. Air Quality Impact Analysis and Monitoring Requirements**

- A.** Any application for a permit or permit revision under R18-2-406 to construct a new major source or major modification to a major source shall contain an analysis of ambient air quality in the area that the new major source or major modification would affect for each of the following pollutants:
  1. For the new source, each pollutant that it would have the potential to emit in a significant amount;
  2. For the modification, each pollutant for which it would result in a significant net emissions increase.
- B.** With respect to any such pollutant for which no national ambient air quality standard exists, the analysis shall contain all air quality monitoring data as the Director determines is necessary to assess ambient air quality for that pollutant in any area that the emissions of the pollutant would affect.
- C.** With respect to any such pollutant (other than nonmethane hydrocarbons) for which such a standard does exist, the analysis shall contain continuous air quality monitoring data gathered for purposes of determining whether emissions of that pollutant would cause or contribute to a violation of the standard or any maximum allowable increase.
- D.** In general, the continuous air quality monitoring data that is required shall have been gathered over a period of at least one year and shall represent at least the year preceding receipt of the application, except that, if the Director determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter than one year (but not to be less than four months), the data that is required shall have been gathered over at least that shorter period.
- E.** The owner or operator of a proposed stationary source or modification to a source of volatile organic compounds who satisfies all conditions of 40 CFR 51, Appendix S, Section IV, may provide post-approval monitoring data for ozone in lieu of providing preconstruction data as required under subsections (B), (C), and (D) above.
- F.** Post-construction monitoring. The owner or operator of a new major source or major modification shall, after construction of the source or modification, conduct such ambient monitoring as the Director determines is necessary to determine the effect emissions from the new source or modification may have, or are having, on air quality in any area.
- G.** Operations of monitoring stations. The owner or operator of a new major source or major modification shall meet the requirements of 40 CFR 58, Appendix B, during the operation of monitoring stations for purposes of satisfying subsections (B) through (F) above.
- H.** The requirements of subsections (B) through (G) above shall not apply to a new major source or major modification to an existing source with respect to monitoring for a particular pollutant if:

1. The emissions increase of the pollutant from the new source or the net emissions increase of the pollutant from the modification would cause, in any area, air quality impacts less than the following amounts:
  - a. Carbon Monoxide - 575  $\mu\text{g}/\text{m}^3$ , eight-hour average;
  - b. Nitrogen dioxide - 14  $\mu\text{g}/\text{m}^3$ , annual average;
  - c.  $\text{PM}_{2.5}$  - 0  $\mu\text{g}/\text{m}^3$ , 24-hour average;
  - d.  $\text{PM}_{10}$  - 10  $\mu\text{g}/\text{m}^3$ , 24-hour average;
  - e. Sulfur dioxide - 13  $\mu\text{g}/\text{m}^3$ , 24-hour average;
  - f. Lead - 0.1  $\mu\text{g}/\text{m}^3$ , 3-month average;
  - g. Fluorides - 0.25  $\mu\text{g}/\text{m}^3$ , 24-hour average;
  - h. Total reduced sulfur - 10  $\mu\text{g}/\text{m}^3$ , one-hour average;
  - i. Hydrogen sulfide - 0.04  $\mu\text{g}/\text{m}^3$ , one-hour average;
  - j. Reduced sulfur compounds - 10  $\mu\text{g}/\text{m}^3$ , one-hour average;
  - k. Ozone - net emissions increases of less than 100 tons per year of volatile organic compounds or oxides of nitrogen;
2. The concentrations of the pollutant in the area that the new source or modification would affect are less than the concentrations listed in subsection (H)(1); or
3. The pollutant is not listed in subsection (H)(1).

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-407 renumbered without change as Section R18-2-407 (Supp. 87-3). Section R18-2-407 renumbered to R18-2-607, new Section R18-2-407 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-408. Innovative Control Technology**

- A.** Notwithstanding the provisions of R18-2-406(A)(1) through (3), the owner or operator of a proposed new major source or major modification may request that the Director approve a system of innovative control technology rather than the best available control technology requirements otherwise applicable to the new source or modification.
- B.** The Director shall approve the installation of a system of innovative control technology if the following conditions are met:
  1. The owner or operator of the proposed source or modification satisfactorily demonstrates that the proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function;
  2. The owner or operator agrees to achieve a level of continuous emissions reduction equivalent to that which would have been required under R18-2-406(A)(1) or (2) by a date specified in the permit or permit revision under this Article for the source. Such date shall not be later than four years from the time of start-up or seven years from the issuance of a permit or permit revision under this Article;
  3. The source or modification would meet requirements equivalent to those in R18-2-406(A) based on the emissions rate that the stationary source employing the system of innovative control technology would be required to meet on the date specified in the permit or permit revision under this Article.
  4. Before the date specified in the permit or permit revision under this Article, the source or modification would not:
    - a. Cause or contribute to any violation of an applicable national ambient air quality standard; or

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- b. Impact any area where an applicable maximum increase allowed under R18-2-208 is known to be violated.
- 5. All other applicable requirements including those for public participation have been met.
- 6. The Director receives the consent of the governors of other affected states.
- 7. The requirements of R18-2-410 for federal Class I areas will be met for all periods during the life of the source or modification.
- C. The Director shall withdraw any approval to employ a system of innovative control technology made under this Section if:
  - 1. The proposed system fails by the specified date to achieve the required continuous emissions reduction rate; or
  - 2. The proposed system fails before the specified date so as to contribute to an unreasonable risk to public health, welfare, or safety; or
  - 3. The Director decides at any time that the proposed system is unlikely to achieve the required level of control or to protect the public health, welfare, or safety.
- D. If the new source or major modification fails to meet the required level of continuous emissions reduction within the specified time period, or if the approval is withdrawn in accordance with subsection (C) above, the Director may allow the owner or operator of the source or modification up to an additional three years to meet the requirement for the application of best available control technology through use of a demonstrated system of control.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Former Section R9-3-408 renumbered without change as Section R18-2-408 (Supp. 87-3). Section R18-2-408 renumbered to R18-2-608, new Section R18-2-408 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-409. Air Quality Models**

- A. Where the Director requires a person requesting a permit or permit revision under this Article to perform air quality impact modeling to obtain such permit or permit revision under this Article, the modeling shall be performed in a manner consistent with the Guideline specified in R18-2-406(A)(6)(a).
- B. Where the person requesting a permit or permit revision under this Article can demonstrate that an air quality impact model specified in the Guideline is inappropriate, the model may be modified or another model substituted. However, before such modification or substitution can occur, the Director shall make a written finding that:
  - 1. No model in the Guideline is appropriate for a particular permit or permit revision under this Article under consideration, or
  - 2. The data base required for the appropriate model in the Guideline is not available, and
  - 3. The model proposed as a substitute or modification is likely to produce results equal or superior to those obtained by models in the Guideline, and
  - 4. The model proposed as a substitute or modification has been approved by the Administrator.
- C. The substitution or modification of an air quality model under this Section shall be included in the public notice under R18-2-330(C).

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-409 renumbered without change as Section

R18-2-409 (Supp. 87-3). Section R18-2-409 renumbered to R18-2-609, new Section R18-2-409 adopted effective November 15, 1993 (Supp. 93-4).

**R18-2-410. Visibility and Air Quality Related Value Protection**

- A. Applicability.
  - 1. All of the requirements of this Section apply to a new major source or major modification that would be constructed in an area that is designated attainment or unclassifiable.
  - 2. Subsections (B) to (D) apply to the following:
    - a. A new major source or major modification that may have an impact on any integral vista of a mandatory federal Class I area, if it is identified in accordance with 40 CFR 51.304 by the Federal Land Manager at least twelve months before submission of a complete permit application for the source or modification, except where the Federal Land Manager has provided notice and opportunity for public comment on the integral vista, in which case the review must include impacts on any integral vista identified at least six months before submission of a complete permit application. This subsection shall not apply if the Director determines under 40 CFR 51.304(d) that the identification was not in accordance with the identification criteria.
    - b. A new major source or major modification that proposes to locate in an area designated as nonattainment and that may have an impact on visibility in any mandatory federal Class I area.
- B. Application Requirements. Any application for a permit or permit revision to construct a major source or major modification subject to this Section shall contain:
  - 1. An analysis of the impairment to visibility, soils, and vegetation that would occur as a result of the new source or modification and general commercial, residential, industrial, and other growth associated with the new source or modification. The applicant need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.
  - 2. An analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the new source or modification.
- C. Notification Requirements.
  - 1. The Director shall provide written notice of the application for a permit or permit revision subject to this Section to the Administrator, the Federal Land Manager and the federal official charged with direct responsibility for management of any lands within any Class I area that may be affected by the source or modification. The notice shall be provided within 30 days of receipt of the application and at least 60 days before any public hearing on the application. The notice shall:
    - a. Include a copy of the application and all information relevant to the permit or permit revision under this Article;
    - b. Include an analysis of the anticipated impacts of the proposed source on visibility in any federal Class I area; and
    - c. Provide for no less than a 30-day period within which written comments may be submitted.
  - 2. The Director shall notify the individuals identified in subsection (C)(1) within 30 days of receipt of any advance notification of any such permit or permit revision.

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3. The Director shall notify the individuals identified in subsection (C)(1) of the preliminary determination for the application under R18-2-402(I)(2)(c) and shall make available any materials used in making that determination.
  4. The Director shall provide notice to the administrator of every action related to the consideration of such permit or permit revision.
- D. Consideration of Federal Land Manager Analysis.**
1. The Federal Land Manager and the federal official charged with direct responsibility for management of federal Class I areas have an affirmative responsibility to protect the air quality related values, including visibility, of any such areas and to consider, in consultation with the Administrator, whether a proposed source or modification would have an adverse impact on such values.
  2. The Director shall consider any analysis performed by the Federal Land Manager and provided within 30 days of the notification required by subsection (C)(1) that shows that a proposed new major stationary source or major modification may have an adverse impact on visibility in a federal Class I area or integral vista.
  3. In considering the analysis, the Director shall ensure that the source's emissions will be consistent with making reasonable progress toward the national visibility goal referred to in 40 CFR 51.300(a), taking into account the costs of compliance, the time necessary for compliance, the energy and nonair quality environmental impacts of compliance, and the useful life of the source.
  4. If the Director concurs with the analysis, the Director shall deny the permit or permit revision.
  5. If the Director finds that the analysis does not demonstrate to the satisfaction of the Director that an adverse impact on visibility will result in the federal Class I area or integral vista, the Director shall, in the notice required by R18-2-402(I)(2)(c), either explain that decision or give notice as to where the explanation can be obtained.
- E. Federal Land Manager Analysis Showing Adverse Impact Despite Compliance with Maximum Allowable Increases for Class I Area.**
1. Within 30 days after the notification required by subsection (C)(3), the Federal Land Manager may present to the Director a demonstration that the emissions attributed to a new major source or major modification would have an adverse impact on visibility or other specifically defined air quality related values of any mandatory federal Class I area, even though the change in air quality resulting from emissions attributable to the source or modification will not cause or contribute to concentrations that exceed the maximum increases allowed for the area in R18-2-218.
  2. If the Director concurs with the demonstration, the Director shall not issue a permit or permit revision for the major source or major modification.
- F. Class I Variance with Federal Land Manager Concurrence.**
1. The owner or operator of a proposed source or modification may demonstrate to the Federal Land Manager that emissions from the source will have no adverse impact on the air quality related values (including visibility) of federal Class I areas, even though the change in air quality resulting from emissions from the source or modification are projected to cause or contribute to concentrations that exceed the maximum increases allowed for a Class I area under R18-2-218.
  2. If the Federal land manager concurs with the demonstration and so certifies to the Director, the Director may issue the permit, provided that:
    - a. Applicable requirements are otherwise met; and
    - b. The permit contains emission limits necessary to assure that emissions of sulfur dioxide, PM<sub>2.5</sub>, PM<sub>10</sub>, and nitrogen oxides will not cause increases in ambient concentrations of those pollutants exceeding the following maximum allowable increases over minor source baseline concentrations:

Pollutant	Maximum allowable increase (micrograms per cubic meter)
PM <sub>2.5</sub> :	
Annual arithmetic mean	4
24-hr maximum	9
PM <sub>10</sub> :	
Annual arithmetic mean	17
24-hr maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24-hr maximum	91
3-hr maximum	325
Nitrogen dioxide	
Annual arithmetic mean	25

**G. Class I Sulfur Dioxide Variance by Governor with Concurrence by Federal Land Manager or President.**

1. The owner or operator of a proposed source or modification that cannot be approved under subsection (F) may demonstrate to the Governor that the source cannot be constructed by reason of any maximum allowable increase for sulfur dioxide for a period of twenty-four hours or less applicable to any Class I area and, in the case of mandatory federal Class I areas, that a variance under this clause would not adversely affect the air quality related values of the area (including visibility). The Governor, after consideration of the Federal Land Manager's recommendation (if any) and subject to his concurrence, may, after notice and public hearing, grant a variance from the maximum allowable increase. If the variance is granted, the Director shall issue a permit or permit to the source or modification pursuant to the requirements of subsection (G)(3), provided that the applicable requirements of R18-2-406 are otherwise met.
2. In any case where the Governor recommends a variance in which the Federal Land Manager does not concur, the recommendations of the Governor and the Federal Land Manager shall be transmitted to the President. The President may approve the Governor's recommendation if the President finds that the variance is in the national interest. If the variance is approved, the Director shall issue a permit pursuant to subsection (G)(3), provided that the applicable requirements of R18-2-406 are otherwise met.
3. In the case of a permit issued pursuant to subsections (G)(1) or (G)(2) the source or modification shall comply with emission limitations necessary to assure that emissions of sulfur dioxide from the source or modification will not (during any day on which the otherwise applicable maximum allowable increases are exceeded) cause or contribute to concentrations that would exceed the following maximum allowable increases over the baseline concentration and to assure that the emissions will not cause or contribute to concentrations that exceed the otherwise applicable maximum allowable increases for peri-

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ods of exposure of 24 hours or less for more than 18 days, not necessarily consecutive, during any annual period:

Maximum Allowable Increase [Micrograms per cubic meter]		
Period of exposure	Terrain areas	
	Low	High
24-hr maximum	36	62
3-hr maximum	130	221

- H. Visibility Monitoring.** The Director may require monitoring of visibility in any federal Class I area near a proposed major source or major modification for such purposes and by such means as the Director deems necessary and appropriate.

#### Historical Note

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-410 renumbered without change as Section R18-2-410 (Supp. 87-3). Section R18-2-410 renumbered to R18-2-610, new Section R18-2-410 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

#### R18-2-411. Permit Requirements for Sources that Locate in Attainment or Unclassifiable Areas and Cause or Contribute to a Violation of Any National Ambient Air Quality Standard

- A.** Except as provided in subsections (C) or (D), the Director shall deny a permit or permit revision to any major source or major modification that would locate in any attainment or unclassified area, if the source or modification would cause or contribute to a violation of any national ambient air quality standard.
- B.** A major source or major modification will be considered to cause or contribute to a violation of a national ambient air quality standard when the source or modification would, at a minimum, cause an increase in the concentrations of a regulated NSR pollutant that exceeds the significance level at any locality that does not, or as a result of the increase would not, meet the standard.
- C.** A proposed major source or major modification subject to subsection (A) may reduce the impact of its emissions upon air quality by obtaining sufficient emission reductions to, at a minimum, compensate for its adverse ambient impact where the major source or major modification would otherwise cause or contribute to a violation of any national ambient air quality standard.
- D.** Subsection (A) shall not apply to a major stationary source or major modification with respect to a particular pollutant if the owner or operator demonstrates that, as to that pollutant, the source or modification is located in an area designated as non-attainment pursuant to section 107 of the Act.

#### Historical Note

Adopted effective November 15, 1993 (Supp. 93-4). Section repealed by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). New Section made by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

#### R18-2-412. PALs

- A. Applicability.**
- The Director may approve the use of a PAL for any existing major source if the PAL meets the requirements of this Section.
  - Any physical change in or change in the method of operation of a major stationary source that maintains its total
- source-wide emissions below the PAL level, meets the requirements of this Section, and complies with the PAL permit:
- Is not a major modification for the PAL pollutant,
  - Does not have to be approved under R18-2-403 or R18-2-406, and
  - Is not subject to the provisions in R18-2-403(C) or R18-2-406(M).
- 3.** Except as provided under subsection (A)(2)(c), a major stationary source shall continue to comply with all applicable federal or state requirements, emission limitations, and work practice requirements that were established prior to the effective date of the PAL.
- B. Permit application requirements.** As part of a permit application requesting a PAL, the owner or operator of a major source shall submit the following information to the Director for approval:
- A list of all emissions units at the source designated as small, significant or major based on their potential to emit. In addition, the owner or operator of the source shall indicate which, if any, federal or state applicable requirements, emission limitations, or work practices apply to each unit.
  - Calculations of the baseline actual emissions (with supporting documentation). Baseline actual emissions shall include emissions associated not only with operation of the unit, but also emissions associated with the startup, shutdown and malfunction.
  - The calculation procedures that the major source owner or operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by subsection (L)(1).
- C. General requirements for establishing PALs.**
- The Director is allowed to establish a PAL at a major source, provided that at a minimum, the following requirements are met:
    - The PAL shall impose an annual emission limitation in tons per year, that is enforceable as a practical matter, for the entire major source. For each month during the PAL effective period after the first 12 months of establishing a PAL, the major source owner or operator shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous 12 consecutive months is less than the PAL (a 12-month sum, rolled monthly). For each month during the first 11 months from the PAL effective date, the major source owner or operator shall show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.
    - The PAL shall be established in a PAL permit that meets the requirements in subsection (D).
    - The PAL permit shall contain all the requirements of subsection (F).
    - The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major source.
    - Each PAL shall regulate emissions of only one pollutant.
    - Each PAL shall have a PAL effective period of 10 years.
    - The owner or operator of the major source with a PAL shall comply with the monitoring, recordkeep-

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- ing, and reporting requirements provided in subsections (K) through (M) for each emissions unit under the PAL through the PAL effective period.
2. At no time (during or after the PAL effective period) are emissions reductions of a PAL pollutant that occur during the PAL effective period creditable as decreases for purposes of offsets under R18-2-404 unless the level of the PAL is reduced by the amount of such emissions reductions and such reductions would be creditable in the absence of the PAL.
- D.** Action on PAL permit application. A PAL permit application shall be processed in accordance with one of the following:
1. As an initial Class I permit pursuant to R18-2-304.
  2. As a renewal of a Class I permit pursuant to R18-2-322.
  3. As a significant revision to a Class I permit pursuant to R18-2-320.
- E.** Setting the 10-year actuals PAL level.
1. Except as provided in subsection (E)(2), the PAL level for a major source shall be established as the sum of the baseline actual emissions of the PAL pollutant for each emissions unit at the source; plus an amount equal to the applicable significant level for the PAL pollutant. When establishing the PAL level, only one consecutive 24-month period must be used to determine the baseline actual emissions for all existing emissions units. However, a different consecutive 24-month period may be used for each different PAL pollutant. Emissions associated with units that were permanently shut down after this 24-month period must be subtracted from the PAL level. The Director shall specify a reduced PAL level(s) (in tons/yr) in the PAL permit to become effective on the future compliance date(s) of any applicable federal or state regulatory requirement(s) that the Director is aware of prior to issuance of the PAL permit. For instance, if the source owner or operator will be required to reduce emissions from industrial boilers in half from baseline emissions of 60 ppm NO<sub>x</sub> to a new rule limit of 30 ppm, then the permit shall contain a future effective PAL level that is equal to the current PAL level reduced by half of the original baseline emissions of such unit(s).
  2. For newly constructed units (which do not include modifications to existing units) on which actual construction began after the 24-month period, in lieu of adding the baseline actual emissions as specified in subsection (E)(1), the emissions must be added to the PAL level in an amount equal to the potential to emit of the units.
- F.** Contents of the PAL permit. The PAL permit must contain, at a minimum, the following information:
1. The PAL pollutant and the applicable source-wide emission limitation in tons per year.
  2. The PAL permit effective date and the expiration date of the PAL (PAL effective period).
  3. Specification in the PAL permit that if a major source owner or operator applies to renew a PAL in accordance with subsection (I) before the end of the PAL effective period, then the PAL shall not expire at the end of the PAL effective period. It shall remain in effect until a revised PAL permit is issued by the Director.
  4. A requirement that emission calculations for compliance purposes must include emissions from startups, shutdowns, and malfunctions.
  5. A requirement that, once the PAL expires, the major source is subject to the requirements of subsection (H).
  6. The calculation procedures that the major source owner or operator shall use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total as required by subsection (L)(1).
7. A requirement that the major source owner or operator monitor all emissions units in accordance with the provisions under subsection (K).
  8. A requirement to retain the records required under subsection (L) onsite. Such records may be retained in an electronic format.
  9. A requirement to submit the reports required under subsection (M) by the required deadlines.
  10. Any other requirements that the Director deems necessary to implement and enforce the PAL.
- G.** PAL effective period and reopening of the PAL permit.
1. PAL effective period. The Director shall specify a PAL effective period of 10 years.
  2. Reopening of the PAL permit.
    - a. During the PAL effective period, the Director must reopen the PAL permit to:
      - i. Correct typographical/calculation errors made in setting the PAL or reflect a more accurate determination of emissions used to establish the PAL,
      - ii. Reduce the PAL if the owner or operator of the major source creates creditable emissions reductions for use as offsets under R18-2-404, and
      - iii. Revise the PAL to reflect an increase in the PAL as provided under subsection (J).
    - b. The Director shall have discretion to reopen the PAL permit for the following:
      - i. Reduce the PAL to reflect new federal applicable requirements with compliance dates after the PAL effective date;
      - ii. Reduce the PAL consistent with any other requirement, that is enforceable as a practical matter, and that the state may impose on the major source under the State Implementation Plan; and
      - iii. Reduce the PAL if the Director determines that a reduction is necessary to avoid causing or contributing to a violation of a national ambient air quality standard or a maximum increase allowed under R18-2-208, or to an adverse impact on an air quality related value that has been identified for a federal Class I area by a Federal Land Manager and for which information is available to the general public.
    - c. Except for the permit reopening in subsection (G)(2)(a)(i) for the correction of typographical/calculation errors that do not increase the PAL level, all other reopenings shall be carried out in accordance with the public participation requirements of subsection (D).
- H.** Expiration of a PAL. Any PAL that is not renewed in accordance with the procedures in subsection (I) shall expire at the end of the PAL effective period, and the following requirements shall apply.
1. Each emissions unit (or each group of emissions units) that existed under the PAL shall comply with an allowable emission limitation under a revised permit established according to the following procedures.
    - a. Within the time-frame specified for PAL renewals in subsection (I)(2), the major source shall submit a proposed allowable emission limitation for each emissions unit (or each group of emissions units, if such a distribution is more appropriate) by distribut-

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- ing the PAL allowable emissions for the major source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as would be required under subsection (I)(5), such distribution shall be made as if the PAL had been adjusted.
- b. The Director shall decide how the PAL allowable emissions will be distributed and issue a revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the Director determines is appropriate.
2. Each emissions unit(s) shall comply with the allowable emission limitation on a 12-month rolling basis. The Director may approve the use of monitoring systems (source testing, emission factors, etc.) other than CEMS, CERMS, PEMS, or CPMS to demonstrate compliance with the allowable emission limitation.
  3. Until the Director issues the revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required under subsection (H)(1)(b), the source shall continue to comply with a source-wide, multi-unit emissions cap equivalent to the level of the PAL emission limitation.
  4. Any physical change or change in the method of operation at the major source will be subject to the nonattainment major NSR requirements if such change meets the definition of major modification.
  5. The major source owner or operator shall continue to comply with any applicable requirements that may have applied either during the PAL effective period or before the PAL effective period except for those emission limitations that had been established pursuant to R18-2-403(C) or R18-2-406(H), but were eliminated by the PAL in accordance with subsection (A)(2)(c).
- I. Renewal of a PAL.**
1. The Director shall follow the procedures specified in subsection (D) in approving any request to renew a PAL for a major source, and shall provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During such public review, any person may propose a PAL level for the source for consideration by the Director.
  2. Application deadline. A major source owner or operator shall submit a timely application to the Director to request renewal of a PAL. A timely application is one that is submitted at least six months prior to, but not earlier than 18 months from, the date of permit expiration. This deadline for application submittal is to ensure that the permit will not expire before the permit is renewed. If the owner or operator of a major source submits a complete application to renew the PAL within this time period, then the PAL shall continue to be effective until the revised permit with the renewed PAL is issued.
  3. Application requirements. The application to renew a PAL permit shall contain the following information.
    - a. The information required in subsections (B)(1) through (3).
    - b. A proposed PAL level.
    - c. The sum of the potential to emit of all emissions units under the PAL (with supporting documentation).
    - d. Any other information the owner or operator wishes the Director to consider in determining the appropriate level for renewing the PAL.
4. PAL adjustment. In determining whether and how to adjust the PAL, the Director shall consider the options outlined in subsections (I)(4)(a) and (b). However, in no case may any such adjustment fail to comply with subsection (I)(4)(c).
    - a. If the emissions level calculated in accordance with subsection (E) is equal to or greater than 80% of the PAL level, the Director may renew the PAL at the same level without considering the factors set forth in subsection (I)(4)(b); or
    - b. The Director may set the PAL at a level that the Director determines to be more representative of the source's baseline actual emissions, or that the Director determines to be more appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source's voluntary emissions reductions, or other factors as specifically identified by the Director in the Director's written rationale.
    - c. Notwithstanding subsections (I)(4)(a) and (b):
      - i. If the potential to emit of the major source is less than the PAL, the Director shall adjust the PAL to a level no greater than the potential to emit of the source; and
      - ii. The Director shall not approve a renewed PAL level higher than the current PAL, unless the PAL has been increased in accordance with subsection (J).
  5. If the compliance date for an applicable requirement that applies to the PAL source occurs during the PAL effective period, and if the Director has not already adjusted for such requirement, the PAL shall be adjusted at the time of PAL permit renewal or renewal of the source's Class I permit, whichever occurs first.
- J. Increasing a PAL during the PAL effective period.**
1. The Director may increase a PAL emission limitation only if the following requirements are met:
    - a. The owner or operator of the major source shall submit a complete application to request an increase in the PAL limit for a PAL major modification. Such application shall identify the emissions unit(s) contributing to the increase in emissions so as to cause the major source's emissions to equal or exceed its PAL.
    - b. As part of this application, the major source owner or operator shall demonstrate that the sum of the baseline actual emissions of the small emissions units, plus the sum of the baseline actual emissions of the significant and major emissions units assuming application of BACT or LAER equivalent controls, plus the sum of the PAL allowable emissions of the new or modified emissions unit(s) exceeds the PAL. The level of control that would result from BACT or LAER equivalent controls on each significant or major emissions unit shall be determined by conducting a new BACT or LAER analysis at the time the application is submitted, as applicable for the particular PAL pollutant, unless the emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding 10 years. In such a case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit must currently comply.

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- c. The owner or operator obtains a major NSR permit for all emissions unit(s) identified in subsection (J)(1)(a), regardless of the magnitude of the emissions increase resulting from them (that is, no significant levels apply). These emissions unit(s) shall comply with any emissions requirements resulting from the major NSR process (for example, BACT), even though they have also become subject to the PAL or continue to be subject to the PAL.
    - d. The PAL permit shall require that the increased PAL level shall be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.
  - 2. The Director shall calculate the new PAL level as the sum of the PAL allowable emissions for each modified or new emissions unit, plus the sum of the baseline actual emissions of the significant and major emissions units (assuming application of BACT or LAER equivalent controls as determined in accordance with subsection (J)(1)(b), plus the sum of the baseline actual emissions of the small emissions units.
  - 3. The PAL permit shall be revised to reflect the increased PAL level pursuant to the public notice requirements of subsection (D).
- K. Monitoring requirements for PALs.
  - 1. General requirements.
    - a. Each PAL permit must contain enforceable requirements for the monitoring system that accurately determines plantwide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL permit must be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by such system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL permit.
    - b. The PAL monitoring system must employ one or more of the four general monitoring approaches meeting the minimum requirements set forth in subsections (K)(2)(a) through (d) and must be approved by the Director.
    - c. Notwithstanding subsection (K)(1)(b), the owner or operator may also employ an alternative monitoring approach if approved by the Director as meeting the requirements of subsection (K)(1)(a).
    - d. Failure to use a monitoring system that meets the requirements of this Section renders the PAL invalid.
  - 2. Minimum performance requirements for approved monitoring approaches. The following are acceptable general monitoring approaches when conducted in accordance with the minimum requirements in subsections (K)(3) through (9):
    - a. Mass balance calculations for activities using coatings or solvents,
    - b. CEMS,
    - c. CPMS or PEMS, and
    - d. Emission factors.
  - 3. Mass balance calculations. An owner or operator using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents shall meet the following requirements:
    - a. Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the emissions unit;
  - b. Assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit, if it cannot otherwise be accounted for in the process; and
    - c. Where the vendor of a material or fuel, which is used in or at the emissions unit, publishes a range of pollutant content from such material, the owner or operator must use the highest value of the range to calculate the PAL pollutant emissions unless the Director determines there is site-specific data or a site-specific monitoring program to support another content within the range.
  - 4. CEMS. An owner or operator using CEMS to monitor PAL pollutant emissions shall meet the following requirements:
    - a. CEMS must comply with applicable Performance Specifications found in 40 CFR 60, Appendix B; and
    - b. CEMS must sample, analyze and record data at least every 15 minutes while the emissions unit is operating.
  - 5. CPMS or PEMS. An owner or operator using CPMS or PEMS to monitor PAL pollutant emissions shall meet the following requirements:
    - a. The CPMS or the PEMS must be based on current site-specific data demonstrating a correlation between the monitored parameter(s) and the PAL pollutant emissions across the range of operation of the emissions unit; and
    - b. Each CPMS or PEMS must sample, analyze, and record data at least every 15 minutes, or at another less frequent interval approved by the Director, while the emissions unit is operating.
  - 6. Emission factors. An owner or operator using emission factors to monitor PAL pollutant emissions shall meet the following requirements:
    - a. All emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development;
    - b. The emissions unit shall operate within the designated range of use for the emission factor, if applicable; and
    - c. If technically practicable, the owner or operator of a significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within six months of PAL permit issuance, unless the Director determines that testing is not required.
  - 7. A source owner or operator must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data, unless another method for determining emissions during such periods is specified in the PAL permit.
  - 8. Notwithstanding the requirements in subsections (K)(3) through (7), where an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameter(s) and the PAL pollutant emissions rate at all operating points of the emissions unit, the Director shall, at the time of permit issuance:

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- a. Establish default value(s) for determining compliance with the PAL based on the highest potential emissions reasonably estimated at such operating point(s), or
  - b. Determine that operation of the emissions unit during operating conditions when there is no correlation between monitored parameter(s) and the PAL pollutant emissions is a violation of the PAL.
9. Re-validation. All data used to establish the PAL pollutant must be re-validated through performance testing or other scientifically valid means approved by the Director. Such testing must occur at least once every five years after issuance of the PAL.
- L. Recordkeeping requirements.
  1. The PAL permit shall require an owner or operator to retain a copy of all records necessary to determine compliance with any requirement of this Section and with the PAL, including a determination of each emissions unit's 12-month rolling total emissions, for five years from the date of such record.
  2. The PAL permit shall require an owner or operator to retain a copy of the following records for the duration of the PAL effective period plus five years:
    - a. A copy of the PAL permit application and any applications for revisions to the PAL, and
    - b. Each annual certification of compliance pursuant to R18-2-309(2) and the data relied on in certifying compliance.
- M. Reporting and notification requirements. The owner or operator shall submit semi-annual monitoring reports and prompt deviation reports to the Director in accordance with R18-2-306(A)(5). The reports shall meet the following requirements:
  1. Semi-annual report. The semi-annual report shall be submitted to the Director within 30 days of the end of each reporting period. This report shall contain the following information:
    - a. The identification of owner and operator and the permit number.
    - b. Total annual emissions (tons/year) based on a 12-month rolling total for each month in the reporting period recorded pursuant to subsection (L)(1).
    - c. All data relied upon, including, but not limited to, any Quality Assurance or Quality Control data, in calculating the monthly and annual PAL pollutant emissions.
    - d. A list of any emissions units modified or added to the major source during the preceding six-month period.
    - e. The number, duration, and cause of any deviations or monitoring malfunctions (other than the time associated with zero and span calibration checks), and any corrective action taken.
    - f. A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, and whether the emissions unit monitored by the monitoring system continued to operate, and the calculation of the emissions of the pollutant or the number determined by method included in the permit, as provided by subsection (K)(7).
    - g. A certification by the responsible official consistent with R18-2-304(I).
  2. Deviation report. The major source owner or operator shall promptly submit reports of any deviations or exceedance of the PAL permit requirements, including periods where no monitoring is available, in accordance with R18-2-306(A)(5). The reports shall contain the following information:
    - a. The identification of owner and operator and the permit number,
    - b. The PAL permit requirement that experienced the deviation or that was exceeded,
    - c. Emissions resulting from the deviation or the exceedance, and
    - d. A certification by the responsible official consistent with R18-2-304(I).
3. Re-validation results. The owner or operator shall submit to the Director the results of any re-validation test or method within three months after completion of such test or method.

**Historical Note**

New Section made by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**ARTICLE 5. GENERAL PERMITS****R18-2-501. Applicability**

- A. The Director may issue general permits for a facility class that contains 10 or more facilities that are similar in nature, have substantially similar emissions, and would be subject to the same or substantially similar requirements governing operations, emissions, monitoring, reporting, or recordkeeping. "Similar in nature" refers to facility size, processes, and operating conditions.
- B. The Director may issue general permits, in accordance with subsection (A), with emission limitations, controls, or other requirements that meet the requirements of R18-2-306.01. A source that seeks to vary from such a general permit, and obtain an emission limitation, control, or other requirement not contained in that general permit, shall apply for a permit pursuant to Article 3 of this Chapter.
- C. General permits shall not be issued for affected sources except as provided in regulations promulgated by the Administrator under Title IV of the Act.
- D. Unless otherwise stated, the provisions of Article 3 shall apply to general permits.

**Historical Note**

Former Section R18-2-501 renumbered to R18-2-502, new Section R18-2-501 adopted effective September 26, 1990 (Supp. 90-3). Former Section R18-2-501 renumbered to R18-2-701; new Section adopted effective November 15, 1993 (Supp. 93-4). Amended effective August 1, 1995 (Supp. 95-3).

**R18-2-502. General Permit Development**

- A. The Director may issue a general permit on the Director's own initiative or in response to a petition.
- B. Any person may submit a petition to the Director requesting the issuance of a general permit for a defined class of facilities. The petition shall propose a particular class of facilities, and list the approximate number of facilities in the proposed class along with their size, processes, and operating conditions, and demonstrate how the class meets the criteria for a general permit as specified in R18-2-501 and A.R.S. § 49-426(H). The Director shall provide a written response to the petition within 120 days of receipt.
- C. General permits shall be issued for classes of facilities using the same engineering principles that applies to permits for



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individual sources and following the public notice requirements of R18-2-504.

- D. General permits shall include all of the following:
  1. All elements required by R18-2-306(A) except R18-2-306(A)(2)(b) and (6).
  2. The process for individual sources to apply for coverage under the general permit.
- E. General permits may include conditions imposed under R18-2-515.

**Historical Note**

Former Section R9-3-501 repealed, new Section R9-3-501 adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (D) effective June 19, 1981 (Supp. 81-3). Amended subsections (C) and (D) effective February 2, 1982 (Supp. 82-1). Amended subsection (D) effective May 25, 1982 (Supp. 82-3). Former Section R9-3-501 renumbered without change as Section R18-2-501 (Supp. 87-3). Former Section R18-2-502 repealed, new Section R18-2-502 renumbered from R18-2-501 and amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-502 renumbered to R18-2-702; new Section R18-2-502 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-503. Application for Coverage under General Permit**

- A. Once the Director has issued a general permit, any source which is a member of the class of facilities covered by the general permit may apply to the Director for authority to operate under the general permit. At the time the Director issues a general permit, the Director may also establish a specific application form with filing instructions for sources in the category covered by the general permit. Applicants shall complete the specific application form or, if a specific form has not been adopted, the standard application form provided under R18-2-304(B). The specific application form shall, at a minimum, require the applicant to submit the following information:
  1. Information identifying and describing the source, its processes, and operating conditions in sufficient detail to allow the Director to determine qualification for, and to assure compliance with, the general permit.
  2. A compliance plan that meets the requirements of R18-2-514.
- B. For sources required to obtain a permit under Title V of the Act, the Director shall provide the Administrator with a permit application summary form and any relevant portion of the permit application and compliance plan. To the extent possible, this information shall be provided in computer-readable format compatible with the Administrator's national database management system.
- C. The Director shall act on the application for coverage under a general permit as expeditiously as possible. The source may operate under the terms of the applicable general permit during that time. The Director may defer acting on an application under this subsection (if) the Director has provided notice of intent to renew or not renew the permit.
- D. The Director shall deny an application for coverage from any Class I source that is subject to case-by-case standards or requirements.
- E. Upon notification from the Director of the availability of a web portal to apply for and obtain a general permit, an appli-

cant shall file all applications and conduct all transactions related to the general permit through the portal.

**Historical Note**

Former Section R9-3-503 repealed, new Section R9-3-503 adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (C), paragraph (6) effective June 19, 1981 (Supp. 81-3). Amended subsection (C) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-503 renumbered without change as Section R18-2-503 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-503 renumbered to R18-2-703; new Section R18-2-503 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-504. Public Notice**

- A. This Section applies to issuance, revision, or renewal of a general permit.
- B. The Director shall provide public notice for any proposed new general permit, for any revision of an existing general permit, and for renewal of an existing general permit.
- C. The Director shall publish notice of the proposed general permit once each week for two consecutive weeks in a newspaper of general circulation in each county and shall provide at least 30 days from the date of the first notice for public comment. The notice shall describe the following:
  1. The proposed permit;
  2. The category of sources that would be affected;
  3. The air contaminants which the Director expects to be emitted by a typical facility in the class and the class as a whole;
  4. The Director's proposed actions and effective date for the actions;
  5. Locations where documents relevant to the proposed permit will be available during normal business hours;
  6. The name, address, and telephone number of a person within the Department who may be contacted for further information;
  7. The address where any person may submit comments or request a public hearing and the date and time by which comments or a public hearing request are required to be received;
  8. The process by which sources may obtain authorization to operate under the general permit.
- D. A copy of the notice required by subsection (C), shall be sent to the Administrator through the appropriate regional office, and to all other state and local air pollution control agencies in the state. The notice shall also be sent to any other agency in the state having responsibility for implementing the procedures required under 40 CFR 51, I. For general permits under which operation may be authorized in lieu of Class I permits, the Director shall provide the proposed final permit to the Administrator after public and affected state review. No Class I permit shall be issued if the Administrator properly objects to its issuance in writing within 45 days from receipt of the proposed final permit and any necessary supporting information from the Director.
- E. By no later than the date notice is first published under subsection (A), the Department shall make copies of the following materials available at a public location in each county and at each Department office:
  1. The proposed general permit;

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2. The Department's analysis in support of the grant of the general permit;
3. All other materials available to the Director that are relevant to the permit decision.

- F.** Written comments to the Director shall include the name of the person and the person's agent or attorney and shall clearly set forth reasons why the general permit should or should not be issued pursuant to the criteria for issuance in A.R.S. §§ 49-426 and 49-427 and this Chapter.
- G.** At the time a general permit is issued, the Director shall make available a response to all relevant comments on the proposed permit raised during the public comment period and during any requested public hearing. The response shall specify which provisions, if any, of the proposed permit have been changed and the reason for the changes. The Director shall also notify in writing any petitioner and each person who has submitted written comments on the proposed general permit or requested notice of the final permit decision.

**Historical Note**

Former Section R9-3-504 repealed, new Section R9-3-504 adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective July 9, 1980 (Supp. 80-4). Former Section R9-3-504 renumbered without change as Section R18-2-504 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-504 renumbered to R18-2-704; new Section R18-2-504 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-505. General Permit Renewal**

- A.** The Director shall review and may renew general permits every five years. A source's authorization to operate under a general permit shall coincide with the term of the general permit regardless of when the authorization began during the five-year period, except as provided in R18-2-510(C). In addition to the public notice required to issue a proposed permit under R18-2-504, the Director shall notify in writing all sources who have been granted, or who have applications pending for, authorization to operate under the permit. The written notice shall describe the source's duty to reapply and may include requests for information required under the proposed permit.
- B.** At the time a general permit is renewed, the Director shall notify in writing all sources who were granted coverage under the previous permit and shall require them to submit a timely renewal application. For purposes of general permits, a timely application is one that is submitted within the time-frame specified by the Director in the written notification. Until such time that a timely application is submitted, the source shall continue to comply with the previously issued general permit coverage. Upon submittal of a timely application, the source shall comply with the renewed permit. Failure to submit a timely application terminates the source's right to operate.

**Historical Note**

Former Section R9-3-1007 renumbered effective January 13, 1976 (Supp. 76-1). Former Section R9-3-505 repealed, new Section R9-3-505 adopted effective May 14, 1979 (Supp. 79-1). Editorial corrections, subsection (B), paragraph (5), and subsection (D), paragraph (1), subparagraph (d) (Supp. 80-2). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (B) effective May 28, 1982 (Supp. 82-3). Amended subsection (B) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-505 renumbered without change as Section R18-2-505 (Supp. 87-3). Amended effective September

26, 1990 (Supp. 90-3). Former Section R18-2-505 renumbered to R18-2-705; new Section R18-2-505 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2).

**R18-2-506. Relationship to Individual Permits**

Any source covered under a general permit may request to be excluded from coverage by applying for an individual source permit. Coverage under the general permit shall terminate on the date the individual permit is issued.

**Historical Note**

Former Section R9-3-1008 renumbered effective January 13, 1976 (Supp. 76-1). Former Section R9-3-506 repealed, new Section R9-3-506 adopted effective May 14, 1979 (Supp. 79-1). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (C), paragraph (1) effective June 19, 1981 (Supp. 81-3). Former Section R9-3-506 renumbered without change as Section R18-2-506 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-506 renumbered to R18-2-706; new Section R18-2-506 adopted effective November 15, 1993 (Supp. 93-4).

**R18-2-507. Repealed****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective July 9, 1980 (Supp. 80-4). Former Section R9-3-507 renumbered without change as Section R18-2-507 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-507 renumbered to R18-2-707; new Section R18-2-507 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Repealed by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-508. Repealed****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (B) effective May 28, 1982 (Supp. 82-3). Amended subsection (B) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-508 renumbered without change as Section R18-2-508 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-508 renumbered to R18-2-708; new Section R18-2-508 adopted effective November 15, 1993 (Supp. 93-4). Repealed by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-509. General Permit Appeals**

Any person who filed a comment on a proposed general permit as provided in R18-2-504 may appeal the terms and conditions of the general permit, as they apply to the facility class covered under a general permit, by filing an appeal with the Office of Administrative Hearings within 30 days after receipt of notice that the general permit has been issued.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective July 9, 1980 (Supp. 80-4). Former Section R9-3-509 renumbered without change as Section R18-2-509 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-509 renumbered to R18-2-709; new Section R18-2-509 adopted effective

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November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 12 A.A.R. 4698, effective February 3, 2007 (Supp. 06-4).

**R18-2-510. Terminations of General Permits and Revocations of Authority to Operate under a General Permit**

- A. The Director may terminate a general permit at any time if:
1. The Director has determined that the emissions from the sources in the facility class cause or contribute to ambient air quality standard violations which are not adequately addressed by the requirements in the general permit, or
  2. The Director has determined that the terms and conditions of the general permit no longer meet the requirements of A.R.S. §§ 49-426 and 49-427.
- B. The Director shall provide written notice to all sources operating under a general permit prior to termination of a general permit. Such notice shall include an explanation of the basis for the proposed action. Within 180 days of receipt of the notice of the expiration, termination or cancellation of any general permit, sources notified shall submit an application to the Director for an individual permit.
- C. The Director may require a source authorized to operate under a general permit to apply for and obtain an individual source permit at any time if the source is not in compliance with the terms and conditions of the general permit.
- D. If the Director revokes a source's authority to operate under a general permit pursuant to subsection (C), the Director shall notify the permittee by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the revocation of authority and a statement that the permittee is entitled to a hearing. A source previously authorized to operate under a general permit may operate under the terms of the general permit until the earlier of the date it submits a complete application for an individual permit, at which time it may operate under that application, or 180 days after receipt of the notice of revocation of authority to operate under the general permit.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective July 9, 1980 (Supp. 80-4). Amended subsections (E)(3) and (E)(4) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-510 renumbered without change as Section R18-2-510 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-510 renumbered to R18-2-710; new Section R18-2-510 adopted effective November 15, 1993 (Supp. 93-4).

**R18-2-511. Fees Related to General Permits**

- A. Permit Processing Fee. The owner or operator of a source that applies for authority to operate under a general permit shall pay to the Director \$500 with the submittal of each application. This fee applies to the owner or operator of any source who intends to continue operating under the authority of a general permit that has been proposed for renewal. This fee also applies to requests for new Authorizations to Operate (ATOs) for new equipment.
- B. Administrative or Inspection Fee. The owner or operator of a source required to have a general permit, that has undergone initial startup by January 1, shall pay, for each calendar year, the applicable administrative or inspection fee from the table

below, by February 1 or 60 days after the Director mails the invoice, whichever is later.

General Permit Source Category	Administrative Fee
Class I Title V General Permits	Administrative fee for category from R18-2-326(C)
Class II Title V Small Source	\$750
Other Class II Title V General Permits	\$4,520
	<b>Inspection Fee</b>
Class II Non-Title V Crematories	\$1,500
Other Class II Non-Title V General Permits	\$3,020

**Historical Note**

Former Section R18-2-511 renumbered to R18-2-711; new Section R18-2-511 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 7 A.A.R. 5670, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 10 A.A.R. 4767, effective November 4, 2004 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 4379, effective December 4, 2007 (Supp. 07-4).

**R18-2-512. Changes to Facilities Granted Coverage under General Permits**

- A. This Section applies to changes made at a facility that has been granted coverage under a general permit.
- B. Facility Changes that Require New Authorization to Operate. The following changes at a source that has been granted coverage under a general permit shall be made only after the source requests new authorization to operate from the Director:
1. Adding new emissions units that require new authorization to operate,
  2. Installing replacement emissions units that require authorization to operate.
- C. Facility Changes that Do Not Require Authorization to Operate. The following changes at a source that has been granted coverage under a general permit shall be made only after the source provides notification to the Department:
1. Adding new emissions units that do not require authorization to operate,
  2. Installing a replacement emissions unit with a higher capacity that does not require authorization to operate,
  3. Adding or replacing air pollution control equipment.
- D. A source that has been granted coverage under a general permit shall keep a record of any physical change or change in the method of operation that could affect emissions. The record shall include a description of the change and the date the change occurred.
- E. For sources that submit a request or notification under subsections (B) or (C), the applicant shall provide information identifying and describing the source, its processes, and operating conditions in sufficient detail to allow the Director to determine continued qualification for, and to assure compliance with, the general permit. The Director shall act on a request for new authority to operate under a general permit as expeditiously as possible. The source may operate under the terms of the applicable general permit during that time.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (A) effective September 22, 1983 (Supp. 83-5). Former Sec-

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tion R9-3-512 renumbered without change as Section R18-2-512 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-712 effective November 15, 1993 (Supp. 93-4). New Section made by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-513. Portable Sources Covered under a General Permit**

- A. This Section applies to sources that have been granted coverage under a general permit that allows for the operation of a source at more than one location.
- B. General permits developed by the Director for portable sources shall contain conditions that assure compliance with all applicable requirements at all authorized locations.
- C. Owners and operators that hold multiple coverages under the same general permit:
  1. Shall have separate coverage under the general permit for each location at which each portable source operates.
  2. Until the Director notifies permittees of the availability of a web portal under R18-2-503(E), may move equipment between portable sources without obtaining a new authorization to operate. At no time shall an owner or operator move equipment to a portable source if the move would cause emissions from the portable source to exceed emission limitations in the general permit. Equipment from a portable source covered by one general permit shall not be moved to a portable source covered by a different general permit, unless the owner or operator obtains a new authorization to operate under the general permit covering the new location.
  3. After the Director notifies permittees of the availability of a web portal under R18-2-503(E), must use the portal to obtain authorizations to operate for each location at which the equipment will operate.
- D. A portable source that will operate for the duration of its permit solely in one county that has established a local air pollution control program pursuant to A.R.S. § 49-479 shall obtain a permit from that county. A portable source with a county permit shall not operate in any other county. A portable source that has been granted coverage under a general permit that subsequently obtains a county permit shall request that the Director terminate the coverage under the general permit. Upon issuance of the county permit, the coverage under the general permit issued by the Director is no longer valid.
- E. A portable source which has a county permit but proposes to operate outside that county may obtain coverage under a general permit from the Director. A portable source that has a permit issued by a county and obtains coverage under a general permit issued by the Director shall request that the county terminate the permit. Upon issuance of coverage under a general permit by the Director, the county permit is no longer valid. Before commencing operation in the new county, the source shall notify the Director and the control officer who has jurisdiction in the county that includes the new location according to subsection (F).
- F. A portable source granted coverage under a general permit may be transferred from one location to another provided that the owner or operator of the portable source notifies the Director and any control officer who has jurisdiction over the geographic area that includes the new location of the transfer prior to the transfer. The notification required under this subsection (shall) include:
  1. A description of the equipment to be transferred including the permit number and as appropriate the Authorization-to-Operate number for each piece of equipment;

2. A description of the present location;
3. A description of the new location;
4. The date on which the equipment is to be moved;
5. The date on which operation of the equipment will begin at the new location;
6. A complete list of all equipment requiring authorization to operate that may be located at the new location; and
7. Revised emissions calculations demonstrating that the equipment at the new location continues to qualify for the general permit under which the portable source has coverage.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Editorial correction, subsection (A), paragraph (2) (Supp. 80-2). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (A) effective May 28, 1982 (Supp. 82-3). Amended subsection (A) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-513 renumbered without change as Section R18-2-513 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-713 effective November 15, 1993 (Supp. 93-4). New Section made by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-514. General Permit Compliance Certification**

- A. A compliance certification submitted by the owner or operator of a stationary source covered by a general permit shall be on a form provided by the Director and shall include the following information:
  1. The source's name, mailing address, contact person and contact person phone number, permit number, compliance reporting period, and physical address and location, if different than the mailing address.
  2. A certification of truth, accuracy, and completeness signed by the facility's responsible officer.
  3. Process information for the source, including design capacity, operations schedule, hours of operation, and total production.
  4. Method of documenting compliance and the status of compliance with all recordkeeping, reporting, monitoring, and testing requirements and all emission limitations and standards imposed in the permit.
- B. Upon notification from the Director of the availability of a web portal to complete and submit a compliance certification, the owner or operator shall complete and submit all compliance certifications through the portal.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective July 9, 1980 (Supp. 80-4). Former Section R9-3-514 renumbered without change as Section R18-2-514 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-714 effective November 14, 1993 (Supp. 93-4). New Section made by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-515. Minor NSR in General Permits**

- A. A general permit may include emission standards designed to assure that a stationary source covered by the permit will comply with minor new source review under R18-2-334(C). The emission standards may consist of any combination of the following:

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1. Limits designed to assure that emissions from a stationary source that is a member of the class of facilities covered by the permit will not interfere with attainment or maintenance of a NAAQS.
2. Limits imposing reasonably available control technology.
- B. Except as provided in subsection (C), if a general permit includes emission standards under subsection (A), then any stationary source that is a member of the class of facilities covered by the permit or any minor NSR modification to such a source may comply with R18-2-334 by obtaining coverage under the permit.
- C. An owner or operator seeking coverage under a general permit in order to obtain authorization to construct or make a minor NSR modification to a stationary source shall instead apply for an individual permit, if the Department determines there is reason to believe the source or modification could interfere with attainment or maintenance of any national ambient air quality standard. In making this determination, the Department:
  1. Shall consider the factors in R18-2-334(E)(1) to (6).
  2. Shall consider whether the dispersion characteristics of the source are likely to result in higher ambient concentrations of a conventional pollutant than the modeling assumptions used to establish an emission standard under subsection (A)(1).
  3. May apply a screening model to the source's emissions.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Section R9-3-515 will be repealed and new Section R9-3-515 adopted effective following the adoption of Article 7. Nonferrous Smelter Orders, filed September 18, 1979 for public hearing (Supp. 79-5). Section R9-3-515 adopted effective May 14, 1979, amended effective October 2, 1979 (Supp. 79-5). Article 7. Nonferrous Smelter Orders adopted effective January 8, 1980. Section R9-3-515 filed September 18, 1979 for public hearing and effective following the adoption of Article 7 now amended and effective January 8, 1980 (Supp. 80-1). Amended as an emergency effective March 6, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-2). Emergency adoption effective March 6, 1980 now adopted and amended effective July 9, 1980. Amended subsection (C), paragraph (1) effective August 29, 1980 (Supp. 80-4). Amended as an emergency effective October 9, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former emergency adoption effective October 9, 1980, now adopted and amended effective June 19, 1981 (Supp. 81-3). Amended subsection (B), paragraph (1) effective February 2, 1982 (Supp. 82-1). Amended effective May 25, 1982 (Supp. 82-3). Amended subsections ((C)(3) and (C)(5) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-515 renumbered without change as Section R18-2-515 (Supp. 87-3). Section amended and subsections (C)(1)(h) through (C)(7) renumbered to R18-2-515.01 and subsections (C)(8) through (C)(9) renumbered to R18-2-515.02 effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-715 effective November 15, 1993 (Supp. 93-4). New Section made by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-515.01. Renumbered****Historical Note**

Section R18-2-515.01 renumbered from R18-2-515(C)(1)(h) through (C)(7) and amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-

715.01 effective November 15, 1993 (Supp. 93-4).

**R18-2-515.02. Renumbered****Historical Note**

R18-2-515.02 renumbered from R18-2-515(C)(8) through (C)(9) and amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-715.02 effective November 15, 1993 (Supp. 93-4).

**R18-2-516. Renumbered****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective July 9, 1980 (Supp. 80-4) Amended subsection (A) effective May 28, 1982 (Supp. 82-3). Amended subsection (A) effective September 22, 1983 (Supp. 83-4). Former Section R9-3-516 renumbered without change as Section R18-2-516 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-716 effective November 15, 1993 (Supp. 93-4).

**R18-2-517. Renumbered****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Editorial correction, subsection (C), paragraph (1) (Supp. 80-1). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (A) effective May 28, 1982 (Supp. 82-3). Amended subsection (A) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-517 renumbered without change as Section R18-2-517 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-2). Renumbered to R18-2-717 effective November 15, 1993 (Supp. 93-4).

**R18-2-518. Renumbered****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (A) effective May 28, 1982 (Supp. 82-3). Amended effective September 22, 1983 (Supp. 83-4). Former Section R9-3-518 renumbered without change as Section R18-2-518 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-718 effective November 15, 1993 (Supp. 93-4).

**R18-2-519. Renumbered****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Editorial correction, subsection (A), paragraph (1) (Supp. 80-1). Amended effective July 9, 1980 (Supp. 80-4). Former Section R9-3-519 renumbered without change as Section R18-2-519 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-719 effective November 15, 1993 (Supp. 93-4).

**R18-2-520. Renumbered****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Editorial correction, subsection (A), paragraph (1) (Supp. 80-2). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (A) effective May 28, 1982 (Supp. 82-3). Amended subsection (A) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-520 renumbered

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without change as Section R18-2-520 (Supp. 87-3).  
Amended effective September 26, 1990 (Supp. 90-3).  
Renumbered to R18-2-720 effective November 15, 1993 (Supp. 93-4).

**R18-2-521. Renumbered****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (A) effective May 28, 1982 (Supp. 82-3). Amended subsection (A) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-521 renumbered without change as Section R18-2-521 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-721 effective November 15, 1993 (Supp. 93-4).

**R18-2-522. Renumbered****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (A) effective May 28, 1982 (Supp. 82-3). Amended subsection (A) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-522 renumbered without change as Section R18-2-522 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-722 effective November 15, 1993 (Supp. 93-4).

**R18-2-523. Renumbered****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective July 9, 1980 (Supp. 80-4). Former Section R9-3-523 renumbered without change as Section R18-2-523 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-2). Renumbered to R18-2-723 effective November 15, 1993 (Supp. 93-4).

**R18-2-524. Renumbered****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (A) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-524 renumbered without change as Section R18-2-524 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-724 effective November 15, 1993 (Supp. 93-4).

**R18-2-525. Renumbered****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Editorial correction, subsection (B) (Supp. 79-6). Amended effective July 9, 1980 (Supp. 80-4). Former Section R9-3-525 renumbered without change as Section R18-2-525 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-725 effective November 15, 1993 (Supp. 93-4).

**R18-2-526. Renumbered****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-526 renumbered without change as Section R18-2-526 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-726 effective November 15, 1993 (Supp. 93-4).

**R18-2-527. Renumbered****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-527 renumbered without change as Section R18-2-527 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-727 effective November 15, 1993 (Supp. 93-4).

**R18-2-528. Renumbered****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective July 9, 1980 (Supp. 80-4). Former Section R9-3-528 renumbered without change as Section R18-2-528 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-728 effective November 15, 1993 (Supp. 93-4).

**R18-2-529. Renumbered****Historical Note**

Adopted effective September 22, 1983 (Supp. 83-5). Former Section R9-3-529 renumbered without change as Section R18-2-529 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-729 effective November 15, 1993 (Supp. 93-4).

**R18-2-530. Renumbered****Historical Note**

Adopted effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-730 effective November 15, 1993 (Supp. 93-4).

**ARTICLE 6. EMISSIONS FROM EXISTING AND NEW NONPOINT SOURCES****R18-2-601. General**

For purposes of this Article, any source of air contaminants which due to lack of an identifiable emission point or plume cannot be considered a point source, shall be classified as a nonpoint source. In applying this criteria, such items as air-curtain destructors, heater-planners, and conveyor transfer points shall be considered to have identifiable plumes. Any affected facility subject to regulation under Article 7 of this Chapter or Title 18, Chapter 2, Article 9, shall not be subject to regulation under this Article.

**Historical Note**

Former Section R9-3-601 repealed, new Section R9-3-601 adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-601 renumbered without change as Section R18-2-601 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-601 renumbered to R18-2-801, new Section R18-2-601 renumbered from R18-2-401 and amended effective November 15, 1993 (Supp. 93-4). Section updated to reflect corrected citation reference (Supp. 08-1).

**R18-2-602. Unlawful Open Burning**

A. In addition to the definitions contained in A.R.S. § 49-501, in this Section:

1. "Agricultural burning" means burning vegetative materials related to producing and harvesting crops and raising animals for the purpose of marketing for profit, or providing a livelihood, but does not include burning of household waste or prohibited materials. A person may conduct agricultural burns in fields, piles, ditch banks, fence rows, or canal laterals for purposes such as weed control, waste disposal, disease and pest prevention, or site preparation.
2. "Approved waste burner" means an incinerator constructed of fire resistant material with a cover or screen

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- that is closed when in use, and has openings in the sides or top no greater than 1 inch in diameter.
3. "Class I Area" means any one of the Arizona mandatory federal Class I areas defined in A.R.S. § 49-401.01.
  4. "Construction burning" means burning wood or vegetative material from land clearing, site preparation, or fabrication, erection, installation, demolition, or modification of any buildings or other land improvements, but does not include burning household waste or prohibited material.
  5. "Dangerous material" means any substance or combination of substances that is capable of causing bodily harm or property loss unless neutralized, consumed, or otherwise disposed of in a controlled and safe manner.
  6. "Delegated authority" means any of the following:
    - a. A county, city, town, air pollution control district, or fire district that has been delegated authority to issue open burning permits by the Director under A.R.S. § 49-501(E); or
    - b. A private fire protection service provider that has been assigned authority to issue open burning permits by one of the authorities in subsection (A)(6)(a).
  7. "Director" means the Director of the Department of Environmental Quality, or designee.
  8. "Emission reduction techniques" means methods for controlling emissions from open outdoor fires to minimize the amount of emissions output per unit of area burned.
  9. "Flue," as used in this Section, means any duct or passage for air or combustion gases, such as a stack or chimney.
  10. "Household waste" means any solid waste including garbage, rubbish, and sanitary waste from a septic tank that is generated from households including single and multiple family residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas, but does not include construction debris, landscaping rubble, or demolition debris.
  11. "Independent authority to permit fires" means the authority of a county to permit fires by a rule adopted under Arizona Revised Statutes, Title 49, Chapter 3, Article 3, and includes only Maricopa, Pima, and Pinal counties.
  12. "Open outdoor fire or open burning" means the combustion of material of any type, outdoors and in the open, where the products of combustion are not directed through a flue. Open outdoor fires include agricultural, residential, prescribed, and construction burning, and fires using air curtain destructors.
  13. "Prohibited materials" means nonpaper garbage from the processing, storage, service, or consumption of food; chemically treated wood; lead-painted wood; linoleum flooring, and composite counter-tops; tires; explosives or ammunition; oleanders; asphalt shingles; tar paper; plastic and rubber products, including bottles for household chemicals; plastic grocery and retail bags; waste petroleum products, such as waste crankcase oil, transmission oil, and oil filters; transformer oils; asbestos; batteries; anti-freeze; aerosol spray cans; electrical wire insulation; thermal insulation; polyester products; hazardous waste products such as paints, pesticides, cleaners and solvents, stains and varnishes, and other flammable liquids; plastic pesticide bags and containers; and hazardous material containers including those that contained lead, cadmium, mercury, or arsenic compounds.
  14. "Residential burning" means open burning of vegetative materials conducted by or for the occupants of residential dwellings, but does not include burning household waste or prohibited material.
  15. "Prescribed burning" has the same meaning as in R18-2-1501.
- B.** Unlawful open burning. Notwithstanding any other rule in this Chapter, a person shall not ignite, cause to be ignited, permit to be ignited, allow, or maintain any open outdoor fire in a county without independent authority to permit fires except as provided in A.R.S. § 49-501 and this Section.
- C.** Open outdoor fires exempt from a permit. The following fires do not require an open burning permit from the Director or a delegated authority:
1. Fires used only for:
    - a. Cooking of food,
    - b. Providing warmth for human beings,
    - c. Recreational purposes,
    - d. Branding of animals,
    - e. Orchard heaters for the purpose of frost protection in farming or nursery operations, and
    - f. The proper disposal of flags under 4 U.S.C. 1, § 8.
  2. Any fire set or permitted by any public officer in the performance of official duty, if the fire is set or permission given for the following purpose:
    - a. Control of an active wildfire; or
    - b. Instruction in the method of fighting fires, except that the person setting these fires must comply with the reporting requirements of subsection (D)(3)(f).
  3. Fire set by or permitted by the Director of Department of Agriculture for the purpose of disease and pest prevention in an organized, area-wide control of an epidemic or infestation affecting livestock or crops.
  4. Prescribed burns set by or assisted by the federal government or any of its departments, agencies, or agents, or the state or any of its agencies, departments, or political subdivisions, regulated under Article 15 of this Chapter.
- D.** Open outdoor fires requiring a permit.
1. The following open outdoor fires are allowed with an open burning permit from the Director or a delegated authority:
    - a. Construction burning;
    - b. Agricultural burning;
    - c. Residential burning;
    - d. Prescribed burns conducted on private lands without the assistance of a federal or state land manager as defined under R18-2-1501;
    - e. Any fire set or permitted by a public officer in the performance of official duty, if the fire is set or permission given for the purpose of weed abatement, or the prevention of a fire hazard, unless the fire is exempt from the permit requirement under subsection (C)(3);
    - f. Open outdoor fires of dangerous material under subsection (E);
    - g. Open outdoor fires of household waste under subsection (F); and
    - h. Open outdoor fires that use an air curtain destructor, as defined in R18-2-101.
  2. A person conducting an open outdoor fire in a county without independent authority to permit fires shall obtain a permit from the Director or a delegated authority unless exempted under subsection (C). Permits may be issued for a period not to exceed one year. A person shall obtain a permit by completing an ADEQ-approved application form.
  3. Open outdoor fire permits issued under this Section shall include:

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- a. A list of the materials that the permittee may burn under the permit;
  - b. A means of contacting the permittee authorized by the permit to set an open fire in the event that an order to extinguish the open outdoor fire is issued by the Director or the delegated authority;
  - c. A requirement that burns be conducted during the following periods, unless otherwise waived or directed by the Director on a specific day basis:
    - i. Year-round: ignite fire no earlier than one hour after sunrise; and
    - ii. Year-round: extinguish fire no later than two hours before sunset;
  - d. A requirement that the permittee conduct all open burning only during atmospheric conditions that:
    - i. Prevent dispersion of smoke into populated areas;
    - ii. Prevent visibility impairment on traveled roads or at airports that result in a safety hazard;
    - iii. Do not create a public nuisance or adversely affect public safety;
    - iv. Do not cause an adverse impact to visibility in a Class I area; and
    - v. Do not cause uncontrollable spreading of the fire;
  - e. A list of the types of emission reduction techniques that the permittee shall use to minimize fire emissions.;
  - f. A reporting requirement that the permittee shall meet by providing the following information in a format provided by the Director for each date open burning occurred, on either a daily basis on the day of the fire, or an annual basis in a report to the Director or delegated authority due on March 31 for the previous calendar year:
    - i. The date of each burn;
    - ii. The type and quantity of fuel burned for each date open burning occurred;
    - iii. The fire type, such as pile or pit, for each date open burning occurred; and
    - iv. For each date open burning occurred, the legal location, to the nearest section, or latitude and longitude, to the nearest degree minute, or street address for residential burns;
  - g. A requirement that the person conducting the open burn notify the local fire-fighting agency or private fire protection service provider, if the service provider is a delegated authority, before burning. If neither is in existence, the person conducting the burn shall notify the state forester.;
  - h. A requirement that the permittee start each open outdoor fire using items that do not cause the production of black smoke;
    - i. A requirement that the permittee attend the fire at all times until it is completely extinguished;
  - j. A requirement that the permittee provide fire extinguishing equipment on-site for the duration of the burn;
  - k. A requirement that the permittee ensure that a burning pit, burning pile, or approved waste burner be at least 50 feet from any structure;
  - l. A requirement that the permittee have a copy of the burn permit on-site during open burning;
  - m. A requirement that the permittee not conduct open burning when an air stagnation advisory, as issued by the National Weather Service, is in effect in the area of the burn or during periods when smoke can be expected to accumulate to the extent that it will significantly impair visibility in Class I areas;
  - n. A requirement that the permittee not conduct open burning when any stage air pollution episode is declared under R18-2-220;
  - o. A statement that the Director, or any other public officer, may order that the burn be extinguished or prohibit burning during periods of inadequate smoke dispersion, excessive visibility impairment, or extreme fire danger; and
  - p. A list of the activities prohibited and the criminal penalties provided under A.R.S. § 13-1706.
4. The Director or a delegated authority shall not issue an open burning permit under this Section:
- a. That would allow burning prohibited materials other than under a permit for the burning of dangerous materials;
  - b. If the applicant has applied for a permit under this Section to burn a dangerous material which is also hazardous waste under 40 CFR 261, but does not have a permit to burn hazardous waste under 40 CFR 264, or is not an interim status facility allowed to burn hazardous waste under 40 CFR 265; or
  - c. If the burning would occur at a solid waste facility in violation of 40 CFR 258.24 and the Director has not issued a variance under A.R.S. § 49-763.01.
- E. Open outdoor fires of dangerous material. A fire set for the disposal of a dangerous material is allowed by the provisions of this Section, when the material is too dangerous to store and transport, and the Director has issued a permit for the fire. A permit issued under this subsection shall contain all provisions in subsection (D)(3) except for subsections (D)(3)(e) and (D)(3)(f). The Director shall permit fires for the disposal of dangerous materials only when no safe alternative method of disposal exists, and burning the materials does not result in the emission of hazardous or toxic substances either directly or as a product of combustion in amounts that will endanger health or safety.
- F. Open outdoor fires of household waste. An open outdoor fire for the disposal of household waste is allowed by provisions of this Section when permitted in writing by the Director or a delegated authority. A permit issued under this subsection shall contain all provisions in subsection (D)(3) except for subsections (D)(3)(e) and (D)(3)(f). The permittee shall conduct open outdoor fires of household waste in an approved waste burner and shall either:
- 1. Burn household waste generated on-site on farms or ranches of 40 acres or more where no household waste collection or disposal service is available; or
  - 2. Burn household waste generated on-site where no household waste collection and disposal service is available and where the nearest other dwelling unit is at least 500 feet away.
- G. Permits issued by a delegated authority. The Director may delegate authority for the issuance of open burning permits to a county, city, town, air pollution control district, or fire district. A delegated authority may not issue a permit for its own open burning activity. The Director shall not delegate authority to issue permits to burn dangerous material under subsection (E). A county, city, town, air pollution control district, or fire district with delegated authority from the Director may assign that authority to one or more private fire protection service providers that perform fire protection services within the county, city, town, air pollution control district, or fire district. A private fire protection provider shall not directly or indi-



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rectly condition the issuance of open burning permits on the applicant being a customer. Permits issued under this subsection shall comply with the requirements in subsection (D)(3) and be in a format prescribed by the Director. Each delegated authority shall:

1. Maintain a copy of each permit issued for the previous five years available for inspection by the Director;
2. For each permit currently issued, have a means of contacting the person authorized by the permit to set an open fire if an order to extinguish open burning is issued; and
3. Annually submit to the Director by May 15 a record of daily burn activity, excluding household waste burn permits, on a form provided by the Director for the previous calendar year containing the information required in subsections (D)(3)(e) and (D)(3)(f).

- H. The Director shall hold an annual public meeting for interested parties to review operations of the open outdoor fire program and discuss emission reduction techniques.
- I. Nothing in this Section is intended to permit any practice that is a violation of any statute, ordinance, rule, or regulation.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Correction, subsection (C) repealed effective October 2, 1979, not shown (Supp. 80-1). Former Section R9-3-602 renumbered without change as Section R18-2-602 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-602 renumbered to R18-2-802, new Section R18-2-602 renumbered from R18-2-401 effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1).

**R18-2-603. Repealed****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-603 renumbered without change as Section R18-2-603 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-603 renumbered to R18-2-803, new Section R18-2-603 renumbered from R18-2-403 effective November 15, 1993 (Supp. 93-4). Repealed effective October 8, 1996 (Supp. 96-4).

**R18-2-604. Open Areas, Dry Washes, or Riverbeds**

- A. No person shall cause, suffer, allow, or permit a building or its appurtenances, or a building or subdivision site, or a driveway, or a parking area, or a vacant lot or sales lot, or an urban or suburban open area to be constructed, used, altered, repaired, demolished, cleared, or leveled, or the earth to be moved or excavated, without taking reasonable precautions to limit excessive amounts of particulate matter from becoming airborne. Dust and other types of air contaminants shall be kept to a minimum by good modern practices such as using an approved dust suppressant or adhesive soil stabilizer, paving, covering, landscaping, continuous wetting, detouring, barring access, or other acceptable means.
- B. No person shall cause, suffer, allow, or permit a vacant lot, or an urban or suburban open area, to be driven over or used by motor vehicles, trucks, cars, cycles, bikes, or buggies, or by animals such as horses, without taking reasonable precautions to limit excessive amounts of particulates from becoming airborne. Dust shall be kept to a minimum by using an approved dust suppressant, or adhesive soil stabilizer, or by paving, or by barring access to the property, or by other acceptable means.

- C. No person shall operate a motor vehicle for recreational purposes in a dry wash, riverbed or open area in such a way as to cause or contribute to visible dust emissions which then cross property lines into a residential, recreational, institutional, educational, retail sales, hotel or business premises. For purposes of this subsection "motor vehicles" shall include, but not be limited to trucks, cars, cycles, bikes, buggies and 3-wheelers. Any person who violates the provisions of this subsection shall be subject to prosecution under A.R.S. § 49-463.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-604 renumbered without change as Section R18-2-604 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-604 renumbered to R18-2-804, new Section R18-2-604 renumbered from R18-2-404 and amended effective November 15, 1993 (Supp. 93-4).

**R18-2-605. Roadways and Streets**

- A. No person shall cause, suffer, allow or permit the use, repair, construction or reconstruction of a roadway or alley without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne. Dust and other particulates shall be kept to a minimum by employing temporary paving, dust suppressants, wetting down, detouring or by other reasonable means.
- B. No person shall cause, suffer, allow or permit transportation of materials likely to give rise to airborne dust without taking reasonable precautions, such as wetting, applying dust suppressants, or covering the load, to prevent particulate matter from becoming airborne. Earth or other material that is deposited by trucking or earth moving equipment shall be removed from paved streets by the person responsible for such deposits.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-605 renumbered without change as Section R18-2-605 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-605 renumbered to R18-2-805, new Section R18-2-605 renumbered from R18-2-405 effective November 15, 1993 (Supp. 93-4).

**R18-2-606. Material Handling**

No person shall cause, suffer, allow or permit crushing, screening, handling, transporting or conveying of materials or other operations likely to result in significant amounts of airborne dust without taking reasonable precautions, such as the use of spray bars, wetting agents, dust suppressants, covering the load, and hoods to prevent excessive amounts of particulate matter from becoming airborne.

**Historical Note**

Section R18-2-606 renumbered from R18-2-406 effective November 15, 1993 (Supp. 93-4).

**R18-2-607. Storage Piles**

- A. No person shall cause, suffer, allow, or permit organic or inorganic dust producing material to be stacked, piled, or otherwise stored without taking reasonable precautions such as chemical stabilization, wetting, or covering to prevent excessive amounts of particulate matter from becoming airborne.
- B. Stacking and reclaiming machinery utilized at storage piles shall be operated at all times with a minimum fall of material and in such manner, or with the use of spray bars and wetting agents, as to prevent excessive amounts of particulate matter from becoming airborne.

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**Historical Note**

Section R18-2-607 renumbered from R18-2-407 effective November 15, 1993 (Supp. 93-4).

**R18-2-608. Mineral Tailings**

No person shall cause, suffer, allow, permit construction of, or otherwise own or operate, mineral tailing piles without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne. Reasonable precautions shall mean wetting, chemical stabilization, revegetation or such other measures as are approved by the Director.

**Historical Note**

Section R18-2-608 renumbered from R18-2-408, new Section R18-2-408 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 15 A.A.R. 228, effective March 7, 2009 (Supp. 09-1).

**R18-2-609. Agricultural Practices**

A person shall not cause, suffer, allow, or permit the performance of agricultural practices outside the Phoenix and Yuma planning areas, as defined in 40 CFR 81.303, which is incorporated by reference in R18-2-210, including tilling of land and application of fertilizers without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne.

**Historical Note**

Section R18-2-609 renumbered from R18-2-409 effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 6 A.A.R. 2009, effective May 12, 2000 (Supp. 00-2). Amended by final rulemaking at 11 A.A.R. 2210, effective July 18, 2005 (Supp. 05-2).

**R18-2-610. Definitions for R18-2-610.01, R18-2-610.02, and R18-2-610.03**

The definitions in R18-2-101 and the following definitions apply to R18-2-610.01, R18-2-610.02, and R18-2-610.03:

1. "Access restriction" means reducing PM emissions by reducing the number of trips driven on agricultural aprons and access roads by restricting or eliminating public access to noncropland or commercial farm roads with signs or physical obstruction at locations that effectively control access to the area.
2. "Aggregate cover" means reducing PM emissions and wind erosion and stabilizing soil by applying and maintaining gravel, concrete, recycled road base, caliche, or other similar material to noncropland or commercial farm roads. The aggregate should be clean, hard and durable, and should be applied and maintained to a depth sufficient to reduce PM emissions.
3. "Area A" means the area delineated according to A.R.S. § 49-541(1).
4. "Best management practice" (BMP) means a technique verified by scientific research, that on a case-by-case basis is practical, economically feasible, and effective in reducing PM emissions from a regulated agricultural activity.
5. "Cessation of Night Tilling" means the discontinuation of tillage from sunset to sunrise on a day identified by the Maricopa or Pinal County Dust Control Forecast as being high risk of dust generation.
6. "Chemical irrigation" means reducing a minimum of one ground operation across a commercial farm by applying a fertilizer, pesticide, or other agricultural chemical to cropland through an irrigation system, which reduces soil disturbance and increases efficiency of application.
7. "Chips/ mulches" means reducing PM emissions and soil movement and preserving soil moisture by applying and

maintaining nontoxic chemical or organic dust suppressants to a depth sufficient to reduce PM emissions. Materials shall meet all specifications required by federal, state, or local water agencies, and is not prohibited for use by any applicable regulations.

8. "Combining tractor operations" means reducing soil compaction and a minimum of one tillage or ground operation across a commercial farm by using a tractor, implement, harvester, or other farming support vehicle to perform two or more tillage, cultivation, planting, or harvesting operations at the same time. If Equipment modification is also chosen as a BMP, and uses the same practices as described in this BMP, this action is considered one BMP.
9. "Commercial farm" means 10 or more contiguous acres of land used for agricultural purposes within the boundary of the Maricopa PM nonattainment area and Maricopa County portion of Area A, a PM nonattainment area designated after June 1, 2009 as stated in A.R.S. § 49-457(O)(1)(f), or the Pinal County PM Nonattainment Area.
10. "Commercial farm road" means a road that is unpaved, owned by a commercial farmer, and is used exclusively to service a commercial farm.
11. "Commercial farmer" means an individual, entity, or joint operation in general control of a commercial farm.
12. "Committee" means the Governor's Agricultural Best Management Practices Committee as established by A.R.S. § 49-457.
13. "Conservation Tillage" means a tillage system that reduces a minimum of three tillage operations. This system reduces soil and water loss by planting into existing plant stubble on the field after harvest as well as managing the stubble so that it remains intact during the planting season.
14. "Cover crop" means establishing cover crops that maintain a minimum of 60 percent ground cover. Native or volunteer vegetation that meets the minimum ground cover requirement is acceptable. Compliance shall be determined by the Line Transect Test Method, NRCS National Agronomy Manual, Subpart 503.51, Estimating Crop Residue Cover, amended through February 2011 (and no future editions).
15. "Critical area planting" means reducing PM<sub>10</sub> emissions and wind erosion by planting trees, shrubs, vines, grasses, or other vegetative cover on noncropland in order to maintain at least 60 percent ground cover. Compliance shall be determined by the Line Transect Test Method, NRCS National Agronomy Manual, Subpart 503.51, Estimating Crop Residue Cover, amended through February 2011 (and no future editions).
16. "Cropland" means land on a commercial farm that:
  - a. Is within the time-frame of final harvest to plant emergence, but does not include tillage activities;
  - b. Has been tilled in a prior year and is suitable for crop production, but is currently fallow; or
  - c. Is a turn-row.
17. "Cross-wind ridges" means stabilizing soil and reducing PM emissions and wind erosion by creating soil ridges in a commercial farm by tillage or planting operations. Ridges should be at least four inches in height, and be aligned as perpendicular as possible to the prevailing wind direction.
18. "Dust Control Forecast" means a forecast, which shall identify a low, moderate or high risk of dust generation for the next five consecutive days and shall be issued by

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- noon on each day the forecast is generated. When developing these forecasts, the Department shall consider all of the following:
- a. Projected meteorological conditions, including:
    - i. Wind speed and direction,
    - ii. Stagnation,
    - iii. Recent precipitation, and
    - iv. Potential for precipitation;
  - b. Existing concentrations of air pollution at the time of the forecast; and
  - c. Historic air pollution concentrations that have been observed during meteorological conditions similar to those that are predicted to occur in the forecast.
19. "Equipment modification" means reducing PM emissions and soil erosion during tillage or ground operations by modifying and maintaining an existing piece of agricultural equipment, installing shielding equipment, modifying land planting and land leveling, matching the equipment to row spacing, or grafting to new varieties or technological improvements. If combining tractor operations is also chosen as a BMP, and uses the same practices as described in this BMP, this action is considered one BMP.
  20. "Fallow Field" means an area of land that is routinely cultivated, planted and harvested and is unplanted for one or more growing seasons or planting cycles, but is intended to be placed back in agricultural production.
  21. "Field Capacity" means the amount of water remaining in the soil two days after having been saturated and after free drainage has ceased.
  22. "Forage Crop" means a product grown for consumption by any domestic animal.
  23. "Genetically Modified" (GMO) means a living organism whose genetic material has been altered, changing one or more of its characteristics.
  24. "GPS: Global Position Satellite System" means using a satellite navigation system on farm equipment to calculate position in the field.
  25. "Green chop" means reducing soil compaction, soil disturbance and a minimum of one ground operation across a commercial farm by harvesting a Forage Crop without allowing it to dry in the field.
  26. "Ground operation" means an agricultural operation that is not a tillage operation, which involves equipment passing across the field. A ground operation includes harvest activities. A pass through the field may be a subset of a ground operation.
  27. "Harvest" means the time after planting up through harvest, including gathering mature crops from a commercial farm, as well as all actions taken immediately after crop removal, such as cooling, sorting, cleaning, and packing.
  28. "Integrated Pest Management" means reducing soil compaction and a minimum of one ground operation across a commercial farm for spraying by using a combination of techniques including organic, conventional, and biological farming practices to suppress pest problems.
  29. "Limited harvest activity" means performing no ground operations on a day identified by the Maricopa or Pinal County Dust Control Forecast to be high risk for dust generation.
  30. "Limited tillage activity" means performing no tillage operations on a day identified by the Maricopa or Pinal County Dust Control Forecast to be high risk for dust generation.
  31. "Maricopa PM nonattainment area" means the Phoenix planning area as defined in 40 CFR 81.303, which is incorporated by reference in R18-2-210.
  32. "Multi-year crop" means reducing PM emissions from wind erosion and a minimum of one tillage and ground operation across a commercial farm, by protecting the soil surface by growing a crop, pasture, or orchard that is grown, or will be grown, on a continuous basis for more than one year.
  33. "Noncropland" means any commercial farm land that:
    - a. Is no longer used for agricultural production;
    - b. Is no longer suitable for production of crops;
    - c. Is subject to a restrictive easement or contract that prohibits use for the production of crops; or
    - d. Includes a ditch, or ditch bank, equipment yard, storage yard, or well head.
  34. "NRCS" means the Natural Resource Conservation Service.
  35. "Organic material cover" means reducing PM emissions and wind erosion and preserving soil moisture by applying and maintaining cover material such as animal waste or plant residue, to a soil surface to reduce soil movement. Material shall be evenly applied and maintained to a depth sufficient to reduce PM emissions and coverage should be a minimum of 70 percent.
  36. "Permanent cover" means reducing PM emissions and wind erosion by maintaining a long-term perennial vegetative cover on cropland that is temporarily not producing a major crop. Perennial species such as grasses and/or legumes shall be used to establish at least 60 percent cover. Compliance shall be determined by the Line Transect Test Method, NRCS National Agronomy Manual, Subpart 503.51, Estimating Crop Residue Cover, amended through February 2011 (and no future editions).
  37. "Pinal County PM Nonattainment Area" means the West Pinal PM<sub>10</sub> planning area and the West Central PM<sub>2.5</sub> planning area, as defined in 40 CFR 81.303, and incorporated by reference in R18-2-210.
  38. "Plant stubble" means stubble on the soil surface, which insulates soil to reduce evaporation of moisture, and also protects the soil from wind and water erosion.
  39. "Planting based on soil moisture" means reducing PM emissions and wind erosion by applying water or having enough moisture in the soil to germinate the seed prior to planting. Soil must have a minimum soil moisture content of 60% of field capacity at planting depth. Compliance shall be determined by NRCS Estimating Soil Moisture by Feel and Appearance Method, amended through April 1998 (and no future editions).
  40. "PM" includes both particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR 50 Appendix L, or by an equivalent method designated according to 40 CFR 53; and particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method contained within 40 CFR 50 Appendix J or by an equivalent method designated in accordance with 40 CFR 53, as incorporated by reference in Appendix 2.
  41. "Precision Farming" means reducing the number of passes across a commercial farm by at least 12 inches per pass by using GPS to precisely guide farm equipment in the field.
  42. "Reduce vehicle speed" means reducing PM emissions and soil erosion from the operation of farm vehicles or farm equipment on noncropland or commercial farm

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- roads at speeds not to exceed 15 mph. This can be achieved through installation of engine speed governors, signage, or speed control devices.
43. "Reduced harvest activity" means reducing soil disturbance, soil and water loss, and the number of mechanical harvest passes by a minimum of one ground operation across a commercial farm, by means other than equipment modification or combining tractor operations.
  44. "Reduced tillage system" means reducing soil disturbance, soil and water loss, by using a single piece of equipment that reduces a minimum of three tillage operations, by means other than equipment modification or combining tractor operations.
  45. "Regulated agricultural activity" means a regulated agricultural activity as defined in A.R.S. § 49-457(O)(1)(a) through (O)(1)(d).
  46. "Regulated area" means the regulated area as defined in A.R.S. § 49-457(O)(6).
  47. "Residue management" means reducing PM emissions and wind erosion by maintaining a minimum of 60 percent ground cover of crop and other plant residues on a soil surface between the time of harvest of one crop and the commencement of tillage for a new crop. Compliance shall be determined by the Line Transect Test Method, NRCS National Agronomy Manual, Subpart 503.51, Estimating Crop Residue Cover, amended through February 2011 (and no future editions).
  48. "Sequential cropping" means reducing PM emissions and wind erosion by growing crops in a sequence or close rotation that limits the amount of time bare soil is exposed on a commercial farm to 30 days or less.
  49. "Shuttle System/Larger Carrier" means reducing one out of every four trips across a commercial farm by using multiple or larger bins/trailers to haul commodity from the field.
  50. "Significant Agricultural Earth Moving Activities" means either leveling activities conducted on a commercial farm that disturb the soil more than 4 inches below the surface, or the creation, maintenance and relocation of: ditches, canals, ponds, irrigation lines, tailwater recovery systems (agricultural sumps) and other water conveyances, not to include activities performed on cropland for tillage, ground operations or harvest.
  51. "Silt content test method" means the test method as described in Appendix 2.
  52. "Stabilization of soil prior to plant emergence" means reducing PM emissions by applying water to soil prior to crop emergence in order to cause the soil to form a visible crust.
  53. "Surface roughening" means reducing PM emissions or wind erosion by manipulating a soil surface by means such as rough discing or tillage in order to produce or maintain clods on the land surface. Compliance shall be determined by NRCS Practice Code 609, Surface Roughening, amended through November 2008 (and no future editions).
  54. "Synthetic particulate suppressant" means reducing PM emissions and wind erosion by providing a stabilized soil surface on noncropland or commercial farm roads with a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, an emulsion of a petroleum product, an enzyme product, or polyacrylamide that is used to control particulate matter.
  55. "Tillage" means any mechanical practice that physically disturbs the soil, and includes preparation for planting, such as plowing, ripping, or discing.
  56. "Tillage based on soil moisture" means reducing PM emissions by irrigating fields to the depth of the proposed cut prior to soil disturbances or conducting tillage to coincide with precipitation. Soil must have a minimum soil moisture content of 40-60% of field capacity at planting depth. Compliance shall be determined by NRCS Estimating Soil Moisture by Feel and Appearance Method, amended through April 1998 (and no future editions).
  57. "Timing of a tillage operation" means reducing wind erosion and PM emissions by performing tillage operations that minimize the amount of time within 45 days.
  58. "Tillage operation" means an agricultural operation that mechanically manipulates the soil for the enhancement of crop production. Examples include discing or bedding. A pass through the field may be a subset of a tillage operation.
  59. "Track-out control system" means minimizing any and all material that adheres to and agglomerates on all vehicles and equipment from noncropland or commercial farm roads or and falls onto paved public roads or shoulders to paved public roads by using a device or system to remove mud or soil from a vehicle or equipment before the vehicle enters a paved public road. Devices such as a grizzly, a gravel pad or a wheel wash system can be used.
  60. "Transgenic Crops" means reducing a minimum of one tillage or ground operation, the number of chemical spray applications, or soil disturbances by using plants that are genetically modified.
  61. "Transplanting" means reducing a minimum of one ground operation across a commercial farm and minimizing soil disturbance by utilizing plants already in a growth state as compared to seeding.
  62. "Unpaved vehicle or equipment traffic area" means any area of noncropland that is used for the fueling, servicing, receiving, transfer, parking or storing of equipment or vehicles.
  63. "VDT" (Vehicle trips per day) means trips per day made by one vehicle, in one direction.
  64. "Watering" means reducing PM emissions and wind erosion by applying water to noncropland or commercial farm road bare soil surfaces during periods of high traffic until the surfaces are visibly moist.
  65. "Watering on a high risk day" means reducing PM emissions and wind erosion by applying water to commercial farm road bare soil surfaces until the surfaces are visibly moist, on a day forecast to be high risk for dust generation by the Maricopa or Pinal County Dust Control Forecast.
  66. "Wind barrier" means reducing PM emissions and wind erosion by constructing a fence or structure, or providing a woody vegetative barrier by planting a row of trees or shrubs, perpendicular or across the prevailing wind direction to reduce wind speed by changing the pattern of air flow over the land surface. For fences and structures, the wind barrier shall have a density of no less than 50% and the height of the wind barrier must be proportionate to the downwind protected area. The downwind protected area is considered ten times the height of the wind barrier. For vegetative barriers, compliance shall be determined by NRCS Conservation Practice Standard, Code 380, Windbreak/Shelterbelt Establishment, amended through August 21, 2009 (and no future editions).

**Historical Note**

Former Section R18-2-610 renumbered to R18-2-612;  
new Section R18-2-610 adopted by final rulemaking at 6  
A.A.R. 2009, effective May 12, 2000 (Supp. 00-2).

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Amended by exempt rulemaking at 13 A.A.R. 4326, effective November 14, 2007 (Supp. 07-4). Amended by exempt rulemaking at 18 A.A.R. 137, effective December 29, 2011 (Supp. 11-4). Subsection (A) corrected at the request of the Department, Office File No. M12-133, filed April 5, 2012 (Supp. 11-4). Amended by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3). Amended by final exempt rulemaking at 27 A.A.R. 2747 (November 26, 2021), with an immediate effective date of November 3, 2021 (Supp. 21-4).

**R18-2-610.01. Agricultural PM General Permit for Crop Operations; Maricopa County PM Nonattainment Area**

- A.** A commercial farmer within the Maricopa County PM Nonattainment Area shall implement at least two best management practices from each category to reduce PM emissions.
- B.** A commercial farmer shall implement from the following best management practices, as described in subsection (A), to reduce PM emissions during tillage, harvest or ground operation activities:
  - 1. Chemical irrigation,
  - 2. Combining tractor operations,
  - 3. Equipment modification,
  - 4. Green Chop,
  - 5. Integrated Pest Management,
  - 6. Limited harvest activity,
  - 7. Limited tillage activity,
  - 8. Multi-year crop,
  - 9. Cessation of Night Tilling,
  - 10. Planting based on soil moisture,
  - 11. Precision Farming,
  - 12. Reduced harvest activity,
  - 13. Reduced tillage system,
  - 14. Tillage based on soil moisture,
  - 15. Timing of a tillage operation,
  - 16. Transgenic Crops,
  - 17. Transplanting,
  - 18. Shuttle System/Larger Carrier, or
  - 19. Conservation Tillage.
- C.** A commercial farmer shall implement from the following best management practices, as described in subsection (A), to reduce PM emissions from noncropland and commercial farm roads:
  - 1. Access restriction,
  - 2. Aggregate cover,
  - 3. Wind barrier,
  - 4. Critical area planting,
  - 5. Organic material cover,
  - 6. Reduce vehicle speed,
  - 7. Synthetic particulate suppressant,
  - 8. Track-out control system, or
  - 9. Watering.
- D.** A commercial farmer shall implement from the following best management practices, as described in subsection (A), to reduce PM emissions from cropland:
  - 1. Wind barrier,
  - 2. Cover crop,
  - 3. Cross-wind ridges,
  - 4. Chips/mulches,
  - 5. Multi-year crop,
  - 6. Permanent cover,
  - 7. Stabilization of soil prior to plant emergence,
  - 8. Residue management,
  - 9. Sequential cropping, or
  - 10. Surface roughening.
- E.** A commercial farmer shall implement from the following best management practices, as described in subsection (A), to reduce PM emissions when conducting Significant Agricultural Earth Moving Activities as defined in R18-2-610:
  - 1. Apply water prior to conducting Significant Agricultural Earth Moving Activities and/or time Significant Agricultural Earth Moving Activities to coincide with precipitation. Soil must have a minimum soil moisture content of 50% of field capacity. Compliance shall be determined by NRCS Estimating Soil Moisture by Feel and Appearance Method, amended through April 1998 (and no future editions);
  - 2. Apply water during Significant Agricultural Earth Moving Activities. Soil must have a minimum soil moisture content of 30% of field capacity. Compliance shall be determined by NRCS Estimating Soil Moisture by Feel and Appearance Method, amended through April 1998 (and no future editions);
  - 3. Limit activities on a day identified by the Maricopa or Pinal County Dust Control Forecast to be high risk for dust generation; or
  - 4. Conduct Significant Agricultural Earth Moving Activities in a manner to reduce a minimum of one ground operation across a commercial farm by using equipment that is the most efficient means of moving the soil.
- F.** From and after December 31, 2015, a commercial farmer who engages in a regulated agricultural activity shall complete and maintain a Best Management Practices Program General Permit Record Form demonstrating compliance with this Section. Thereafter, a new Best Management Practices Program General Permit Record Form shall be completed every year by March 31. The Form shall be provided to the Director within two business days of notice to the commercial farmer. The Best Management Practice Program General Permit Record Form shall include the following information:
  - 1. The name of the commercial farmer, signature, and date signed;
  - 2. The mailing address or physical address of the commercial farm; and
  - 3. The best management practices selected for tillage, harvest, and ground operation activities, cropland, noncropland and commercial farm roads, and significant earth moving activities (if applicable).
- G.** Records of any changes to the Best Management Practices identified in the most recently submitted Best Management Practices Program General Permit Record Form shall be kept by the commercial farmer onsite and made available for review by the Director within two business days of notice to the commercial farmer.
- H.** A person may develop different practices to control PM emissions not contained in subsections (B), (C), (D), or (E) and may submit such practices that are proven effective through on-farm demonstration trials to the Committee. The proposed new practices shall not become effective unless submitted as described in A.R.S. § 49-457(L).
- I.** A commercial farmer shall maintain a record demonstrating compliance with this Section for three years. Records shall include a copy of the complete Best Management Practice Program General Permit Record Form to confirm implementation of each best management practice.
- J.** The Director shall not assess a fee to a commercial farmer for coverage under the agricultural PM<sub>10</sub> general permit.
- K.** A commercial farmer shall ensure that the implementation of all selected best management practices does not violate any other local, state, or federal law.

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- L. The Director shall document noncompliance with this Section before issuing a compliance order.
- M. A commercial farmer who is not in compliance with this Section is subject to the provisions in A.R.S. § 49-457(I), (J), and (K).

**Historical Note**

New Section made by exempt rulemaking at 18 A.A.R. 137, effective December 29, 2011 (Supp. 11-4).  
 Amended by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3).

**R18-2-610.02. Agricultural PM General Permit for Crop Operations; Moderate PM Nonattainment Areas, Designated After June 1, 2009**

- A. A commercial farmer within a PM Moderate Nonattainment Area, designated after June 1, 2009, shall implement at least one best management practice from each category to reduce PM emissions.
- B. A commercial farmer shall implement from the following best management practices, as described in subsection (A), to reduce PM emissions during tillage, harvest and ground operation activities:
  1. Chemical irrigation,
  2. Combining tractor operations,
  3. Equipment modification,
  4. Green Chop,
  5. Integrated Pest Management,
  6. Limited harvest activity,
  7. Limited tillage activity,
  8. Multi-year crop,
  9. Cessation of Night Tilling,
  10. Planting based on soil moisture,
  11. Precision Farming,
  12. Reduced harvest activity,
  13. Reduced tillage system,
  14. Tillage based on soil moisture,
  15. Timing of a tillage operation,
  16. Transgenic Crops,
  17. Transplanting, or
  18. Shuttle System/Larger Carrier, or
  19. Conservation Tillage.
- C. A commercial farmer shall implement from the following best management practices, as described in subsection (A), to reduce PM emissions from noncropland and commercial farm roads:
  1. Access restriction,
  2. Aggregate cover,
  3. Wind barrier,
  4. Critical area planting,
  5. Organic material cover,
  6. Reduce vehicle speed,
  7. Synthetic particulate suppressant,
  8. Track-out control system, or
  9. Watering.
- D. A commercial farmer shall implement from the following best management practices, as described in subsection (A), to reduce PM emissions from cropland:
  1. Wind barrier,
  2. Cover crop,
  3. Cross-wind ridges,
  4. Chips/mulches,
  5. Multi-year crop,
  6. Permanent cover,
  7. Stabilization of soil prior to plant emergence,
  8. Residue management,
  9. Sequential cropping, or
  10. Surface roughening.
- E. A commercial farmer shall implement from the following best management practices, as described in subsection (A), when conducting Significant Agricultural Earth Moving Activities as defined in R18-2-610:
  1. Apply water prior to conducting Significant Agricultural Earth Moving Activities and/or time Significant Agricultural Earth Moving Activities to coincide with precipitation. Soil must have a minimum soil moisture content of 50% of field capacity. Compliance shall be determined by NRCS Estimating Soil Moisture by Feel and Appearance Method, amended through April 1998 (and no future editions);
  2. Apply water during Significant Agricultural Earth Moving Activities. Soil must have a minimum soil moisture content of 30% of field capacity. Compliance shall be determined by NRCS Estimating Soil Moisture by Feel and Appearance Method, amended through April 1998 (and no future editions);
  3. Limit activities on a day identified by the Maricopa or Pinal County Dust Control Forecast to be high risk for dust generation; or
  4. Conduct Significant Agricultural Earth Moving Activities in a manner to reduce a minimum of one ground operation across a commercial farm by using equipment that is the most efficient means of moving the soil.
- F. From and after December 31, 2015, a commercial farmer who engages in a regulated agricultural activity shall complete and maintain a Best Management Practices Program General Permit Record Form demonstrating compliance with this Section. Thereafter, a new Best Management Practices Program General Permit Record Form shall be completed every year by March 31. The Form shall be provided to the Director within two business days of notice to the commercial farmer. The Best Management Practice Program General Permit Record Form shall include the following information:
  1. The name of the commercial farmer, signature, and date signed;
  2. The mailing address or physical address of the commercial farm; and
  3. The best management practice selected for tillage, harvest and ground operation activities, cropland, noncropland and commercial farm roads, and significant earth moving activities (if applicable).
- G. Records of any changes to the Best Management Practices shall be noted on the Best Management Practices Program General Permit Record Form and shall be kept by the commercial farmer onsite and made available for review by the Director within two business days of notice to the commercial farmer.
- H. A person may develop different practices to control PM emissions not contained in subsections (B), (C), (D), or (E) and may submit such practices that are proven effective through on-farm demonstration trials to the Committee. The proposed new practices shall not become effective unless submitted as described in A.R.S. § 49-457(L).
- I. A commercial farmer shall maintain a record demonstrating compliance with this Section for three years. Records shall include a copy of the complete Best Management Practice Program General Permit Record Form to confirm implementation of each best management practice.
- J. The Director shall not assess a fee to a commercial farmer for coverage under the agricultural PM general permit.

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- K. A commercial farmer shall ensure that the implementation of all selected best management practices does not violate any other local, state, or federal law.
- L. The Director shall document noncompliance with this Section before issuing a compliance order.
- M. A commercial farmer who is not in compliance with this Section is subject to the provisions in A.R.S. § 49-457(I), (J), and (K).

**Historical Note**

New Section made by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3).

**R18-2-610.03. Agricultural PM General Permit for Crop Operations; Pinal County PM Nonattainment Area**

- A. On the day before and during the day that is forecast to be high risk for dust generation by the Pinal County Dust Control Forecast, a commercial farmer shall ensure implementation of best management practices as described in subsections (B)(1)(b), (B)(2)(b), (B)(3)(b), (B)(4)(b), and (B)(5)(b).
- B. On all days, a commercial farmer shall implement at least two best management practices from each category to reduce PM emissions, as described in subsections (1)(a), (2)(a), (3)(a), (4)(a), (5)(a), and (6). If a commercial farmer implements the Conservation tillage or Reduced tillage system best management practice for the tillage category, they do not have to implement a best management practice from the subsections (2)(a), (2)(b), (5)(a) and (5)(b).
  - 1. Tillage:
    - a. A commercial farmer shall implement at least two of the following:
      - i. Combining tractor operations,
      - ii. Equipment modification,
      - iii. Multi-year crop,
      - iv. Cessation of night tilling,
      - v. Planting based on soil moisture,
      - vi. Precision farming,
      - vii. Tillage based on soil moisture,
      - viii. Timing of a tillage operation,
      - ix. Transgenic crops,
      - x. Transplanting,
      - xi. Reduced tillage system, or
      - xii. Conservation tillage.
    - b. Unless choosing limited tillage activity (subsection iv, below), on the day before and during the day that is forecast to be high risk for dust generation by the Pinal County Dust Control Forecast, a commercial farmer shall ensure implementation of at least one of the following:
      - i. Multi-year crop,
      - ii. Planting based on soil moisture,
      - iii. Tillage based on soil moisture,
      - iv. Limited tillage activity,
      - v. Reduced tillage system, or
      - vi. Conservation tillage.
  - 2. Ground Operations and Harvest:
    - a. A commercial farmer shall implement at least two of the following:
      - i. Combining tractor operations,
      - ii. Equipment modification,
      - iii. Chemical irrigation,
      - iv. Green chop,
      - v. Integrated pest management,
      - vi. Multi-year crop,
      - vii. Precision farming,
      - viii. Reduced harvest activity,
      - ix. Transgenic crops, or
      - x. Shuttle System/Larger Carrier.
    - b. Unless choosing limited harvest activity in subsection (iv), on the day before and during the day that is forecast to be high risk for dust generation by the Pinal County Dust Control Forecast, a commercial farmer shall ensure implementation of at least one of the following:
      - i. Green chop,
      - ii. Integrated pest management,
      - iii. Multi-year crop, or
      - iv. Limited harvest activity.
- 3. Noncropland:
  - a. A commercial farmer shall implement at least two of the following best management practices:
    - i. Access restriction,
    - ii. Aggregate cover,
    - iii. Wind barrier,
    - iv. Critical area planting,
    - v. Organic material cover,
    - vi. Reduce vehicle speed,
    - vii. Synthetic particulate suppressant, or
    - viii. Watering.
  - b. Unless choosing watering on a high risk day in subsection (vi), on the day before and during a day forecast to be high risk for dust generation by the Pinal County Dust Control Forecast, on a noncropland area that experiences more than 20 VDT from two or more axle vehicles, commercial farmer shall ensure implementation of at least one of the following best management practices:
    - i. Aggregate cover,
    - ii. Wind barrier,
    - iii. Critical area planting,
    - iv. Organic material cover,
    - v. Synthetic particulate suppressant, or
    - vi. Watering on a high risk day.
  - c. On each day that traffic accounts for 50 or more vehicle daily trips, or 20 or more vehicle daily trips with three or more axels, within an unpaved vehicle or equipment traffic area, the opacity of emissions shall be limited to no more than 20% measured according to 40 CFR 60, Appendix A, Reference Method 9.
- 4. Commercial farm roads:
  - a. A commercial farmer shall implement at least two of the following best management practices:
    - i. Access restriction,
    - ii. Reduce vehicle speed,
    - iii. Track-out control system,
    - iv. Aggregate cover,
    - v. Synthetic particulate suppressant,
    - vi. Watering, or
    - vii. Organic material cover.
  - b. Unless choosing watering on a high risk day in subsection (vi), on the day before and during a day forecast to be high risk for dust generation by the Pinal County Dust Control Forecast, on a road that experiences more than 20 VDT from two or more axle vehicles, a commercial farmer shall ensure implementation of at least one of the following best management practices:
    - i. Aggregate cover,
    - ii. Synthetic particulate suppressant,
    - iii. Wind barrier,
    - iv. Organic material cover,

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- v. Roads are stabilized as determined by the silt content test method,
  - vi. Watering on a high risk day.
- 5. Cropland:
  - a. A commercial farmer shall implement at least two of the following best management practices, one from subsections (i) through (vii), and one from subsections (viii) through (xi), to reduce PM emissions from cropland:
    - i. Wind barrier,
    - ii. Cover crop,
    - iii. Cross-wind ridges,
    - iv. Chips/mulches,
    - v. Sequential cropping,
    - vi. Residue management,
    - vii. Surface roughening,
    - viii. Multi-year crop,
    - ix. Permanent cover, or
    - x. Stabilization of soil prior to plant emergence.
  - b. On the day before and during the day that is forecast to be high risk for dust generation by the Pinal County Dust Control Forecast, a commercial farmer shall ensure implementation of at least one of the following:
    - i. Wind barrier,
    - ii. Cover crop,
    - iii. Cross-wind ridges,
    - iv. Chips/mulches,
    - v. Surface roughening,
    - vi. Multi-year crop,
    - vii. Permanent cover,
    - viii. Stabilization of soil prior to plant emergence, or
    - ix. Residue management.
- 6. Significant Agricultural Earth Moving Activities:
  - a. Apply water prior to conducting Significant Agricultural Earth Moving Activities and/or time Significant Agricultural Earth Moving Activities to coincide with precipitation. Soil must have a minimum soil moisture content of 50% of field capacity. Compliance shall be determined by NRCS Estimating Soil Moisture by Feel and Appearance Method, amended through April 1998 (and no future editions);
  - b. Apply water during Significant Agricultural Earth Moving Activities. Soil must have a minimum soil moisture content of 30% of field capacity. Compliance shall be determined by NRCS Estimating Soil Moisture by Feel and Appearance Method, amended through April 1998 (and no future editions);
  - c. Limit activities on a day identified by the Maricopa or Pinal County Dust Control Forecast to be high risk for dust generation; or
  - d. Conduct Significant Agricultural Earth Moving Activities in a manner to reduce a minimum of one ground operation across a commercial farm by using equipment that is the most efficient means of moving the soil.
- C. From and after December 31, 2015, a commercial farmer who engages in a regulated agricultural activity shall complete a Best Management Practices Program General Permit Record Form demonstrating compliance with this rule. Thereafter, a new Best Management Practices Program General Permit Record Form shall be completed every year by March 31. The Form shall be provided to the Director within two business days of notice to the commercial farmer. The Best Management Practice Program General Permit Record Form shall include the following information:
  - 1. The name of the commercial farmer, signature, and date signed.
  - 2. The mailing address or physical address of the commercial farm; and
  - 3. The following information for each best management practice selected for tillage, ground operations and harvest, cropland, noncropland, commercial farm roads, and significant earth moving activities (if applicable); and
  - 4. Any additional best management practices selected for high risk days as predicted by the Pinal County Dust Control Forecast.
- D. Beginning in calendar year 2017, and no more than once every subsequent three calendar years, the Director, in conjunction with the Arizona Department of Agriculture, shall provide the commercial farmer with a Best Management Practices Program Three-year Survey. The commercial farmer shall complete the Survey with data from the preceding calendar year and submit the Survey to the Arizona Department of Agriculture (ADA) by January 31, 2018, and every three years thereafter. The Survey information submitted to the ADA shall be compiled by the ADA without reference to a commercial farmer's name, shall aggregate the data from the Surveys received, and be submitted to the Department. The Three-year Survey shall include the following information:
  - 1. The name, business address, and phone number of the commercial farmer responsible for the preparation and implementation of the best management practices;
  - 2. The signature of the commercial farmer and the date the form was signed;
  - 3. The acreage of each crop type planted/growing during the calendar year that the survey is conducted;
  - 4. The total miles of commercial farm roads at the commercial farm;
  - 5. The total acreage of the noncropland at the commercial farm;
  - 6. The best management practices selected for tillage, ground operations and harvest, cropland, noncropland, commercial farm roads, and significant earth moving activities (if applicable); and
  - 7. Any additional best management practices selected for high risk days as predicted by the Pinal County Dust Control Forecast.
- E. Records of any changes to the Best Management Practices shall be noted on the Best Management Practices Program General Permit Record Form and shall be kept by the commercial farmer onsite and made available for review by the Director within two business days of notice to the commercial farmer.
- F. A person may develop different practices to control PM emissions not contained in subsections (B)(1) through (B)(6) and may submit such practices that are proven effective through on-farm demonstration trials to the Committee.
- G. A commercial farmer shall maintain a record demonstrating compliance with this Section for three years. Records shall include a copy of the complete Best Management Practice Program General Permit Record Form to confirm implementation of each best management practice.
- H. The Director shall not assess a fee to a commercial farmer for coverage under the agricultural PM general permit.
- I. A commercial farmer shall ensure that the implementation of all selected best management practices does not violate any other local, state, or federal law.
- J. The Director shall document noncompliance with this Section before issuing a compliance order.



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- K. A commercial farmer who is not in compliance with this Section is subject to the provisions in A.R.S. § 49-457(J), (K), and (L).

**Historical Note**

New Section made by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3). Amended by final exempt rulemaking at 27 A.A.R. 2747 (November 26, 2021), with an immediate effective date of November 3, 2021 (Supp. 21-4).

**R18-2-611. Definitions for R18-2-611.01, R18-2-611.02, and R18-2-611.03**

The definitions in R18-2-101 and the following definitions apply to R18-2-611.01, R18-2-611.02, and R18-611.03:

1. The following definitions apply to a commercial dairy operation, a commercial beef feedlot, a commercial poultry facility, and commercial swine facility:
  - a. "Animal waste handling and transporting" means the processes by which any animal excretions and mixtures containing animal excretions are collected and transported.
  - b. "Arenas, corrals and pens" means areas where animals are confined for the purposes of, but not limited to, feeding, displaying, safety, racing, exercising, or husbandry.
  - c. "Commercial animal operation" means a commercial dairy operation, a commercial beef feedlot, a commercial poultry facility, and a commercial swine facility, as defined in this Section.
  - d. "Commercial animal operator" means an individual, entity, or joint operation in general control of a commercial animal operation.
  - e. "Dust Control Forecast" means a forecast, which shall identify a low, moderate or high risk of dust generation for the next five consecutive days and shall be issued by noon on each day the forecast is generated. When developing these forecasts, the Department shall consider all of the following:
    - i. Projected meteorological conditions, including:
      - (1) Wind speed and direction,
      - (2) Stagnation,
      - (3) Recent precipitation, and
      - (4) Potential for precipitation;
    - ii. Existing concentrations of air pollution at the time of the forecast; and
    - iii. Historic air pollution concentrations that have been observed during meteorological conditions similar to those that are predicted to occur in the forecast.
  - f. "High traffic areas" means areas that experience more than 20 VDT from two or more axle vehicles.
  - g. "Maricopa PM nonattainment area" means the Phoenix planning area as defined in 40 CFR 81.303, which is incorporated by reference in R18-2-210.
  - h. "Paved Public Road" means any paved roadways that are open to public travel and maintained by a City, County, State, or Federal entities.
  - i. "Pinal County PM Nonattainment Area" means the West Pinal PM<sub>10</sub> planning area and the West Central PM<sub>2.5</sub> planning area, as defined in 40 CFR 81.303, and incorporated by reference in R18-2-210.
  - j. "PM" includes both particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR 50 Appendix L, or by an equivalent method designated according to 40 CFR 53; and particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method contained within 40 CFR 50, Appendix J or by an equivalent method designated in accordance with 40 CFR 53, as incorporated by reference in Appendix 2.
  - k. "Regulated agricultural activity" means a regulated agricultural activity as defined in A.R.S. § 49-457(O)(5).
  - l. "Regulated area" means the regulated area as defined in A.R.S. § 49-457(O)(6).
  - m. "Track-out control device" means minimizing any and all material that adheres to and agglomerates on all vehicles and equipment from unpaved access connections and falls onto paved public roads or shoulders to paved public roads by using a device or system to remove mud or soil from a vehicle or equipment before the vehicle enters a paved public road. Devices such as a grizzly, a gravel pad or a wheel wash system can be used.
  - n. "Unpaved access connections" means any unpaved road connection which connects to a paved public road.
  - o. "Unpaved roads or feed lanes" means roads and feed lanes that are unpaved, owned by a commercial animal operator, and used exclusively to service a commercial animal operation.
  - p. "Unpaved vehicle or equipment traffic area" means any area that is used for the fueling, servicing, receiving, transfer, parking or storing of equipment or vehicles.
  - q. "VDT" (Vehicle trips per day) means trips per day made by one vehicle, in one direction.
2. The following definitions apply to a commercial dairy operation:
  - a. "Aggregate cover" means reducing PM emissions, wind erosion and stabilizing soil by applying and maintaining gravel, concrete, recycled road base, caliche, or other similar material to unpaved roads or feed lanes. The aggregate should be clean, hard and durable, and should be applied and maintained to a minimum of three inches deep.
  - b. "Apply a fibrous layer" means reducing PM emissions and soil movement, and preserving soil moisture by spreading shredded or deconstructed plant materials to cover loose soil in high animal traffic areas. Material shall be consistently applied to a minimum depth of two inches above the soil surface and coverage should be a minimum of 70 percent.
  - c. "Bunkers" means below ground level storage systems for storing large amount of silage, which is covered with a plastic tarp.
  - d. "Calves" means young dairy stock under two months of age.
  - e. "Cement cattle walkways to milk barn" means reducing PM emissions by fencing pathways from the corrals to the milking barn, restricting dairy cattle to surfaces with concrete floors.
  - f. "Commercial dairy operation" means a dairy operation:
    - i. With more than 150 dairy cattle within the boundary of the Maricopa PM nonattainment area and Maricopa County portion of Area A or a PM nonattainment area designated after June 1, 2009, or

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- ii. With more than 50 dairy cattle within the boundary of the Pinal County PM Nonattainment Area.
  - g. "Cover manure hauling trucks" means reducing PM emissions by completely covering the top of the loaded area.
  - h. "Covers for silage" means reducing PM emissions and wind erosion by using large plastic tarps to completely cover silage.
  - i. "Do not run cattle" means reducing PM emissions by walking dairy cattle to the milking barn.
  - j. "Feed higher moisture feed to dairy cattle" means reducing PM emissions by feeding dairy cattle one or any combination of the following:
    - i. Add water to ration mix to achieve a 20% minimum moisture level,
    - ii. Add molasses or tallow to ration mix at a minimum of 1%,
    - iii. Add silage, or
    - iv. Add green chop.
  - k. "Feed green chop" means feeding high moisture feed that contains at least 30% moisture directly to dairy cattle.
  - l. "Groom manure surface" means reducing PM emissions and wind erosion by:
    - i. Flushing or vacuuming lanes daily,
    - ii. Scraping and harrowing pens on a weekly basis, and
    - iii. Removing manure every four months with equipment that leaves an even corral surface of compacted manure on top of the soil.
  - m. "Hutches" means raised, roofed enclosures that protect the calves from the elements.
  - n. "Pile manure between cleanings" means reducing PM emissions by collecting loose surface materials within the confines of the surface area of the occupied feed pen every two weeks.
  - o. "Provide cooling in corral" means reducing PM emissions by using cooling systems under the corral shades to reduce the ambient air temperature, thereby increasing stocking density in the cool areas of the corrals.
  - p. "Provide shade in corral" means reducing PM emissions by increasing stocking density and reducing animal movement by using a permanent structure, which provides at least 16 square feet per animal of shaded pen surface.
  - q. "Push equipment" means manure harvesting equipment pushed in front of a tractor.
  - r. "Silage" means fermented, high-moisture fodder that can be fed to ruminants, such as cattle and sheep; usually made from grass crops including corn, sorghum or other cereals, by using the entire green plant.
  - s. "Store and maintain feed stock" means reducing PM emissions and wind erosion by storing feed stock in a covered area where the commodity is surrounded on at least three sides by a structure.
  - t. "Synthetic particulate suppressant" means reducing PM emissions and wind erosion by providing a stabilized soil surface on a commercial dairy operation with a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, an emulsion of a petroleum product, an enzyme product, or polyacrylamide that is used to control particulate matter.
    - u. "Use drag equipment to maintain pens" means reducing PM emissions by using manure equipment pulled behind a tractor instead of using push equipment, which avoids dust accumulation in floor depressions.
    - v. "Use free stall housing" means reducing PM emissions by enclosing one cow per stall, which are outfitted with concrete floors.
    - w. "Water misting systems" means reducing PM emissions from dry manure by using systems that project a cloud of very small water particles onto the manure surface, keeping the surface visibly moist.
    - x. "Wind barrier" means reducing PM<sub>10</sub> emissions and wind erosion by constructing a fence or structure, or providing a woody vegetative barrier by planting a row of trees or shrubs, perpendicular or across the prevailing wind direction to reduce wind speed by changing the pattern of air flow over the land surface. For fences and structures, the wind barrier shall have a density of no less than 50% and the height of the wind barrier must be proportionate to the downwind protected area. The downwind protected area is considered ten times the height of the wind barrier. For vegetative barriers, compliance shall be determined by NRCS Conservation Practice Standard, Code 380, Windbreak/Shelterbelt Establishment, amended through August 21, 2009 (and no future editions).
3. The following definitions apply to a commercial beef cattle feedlot:
- a. "Add moisture to pen surface" means reducing PM emissions and wind erosion by applying at least three to six gallons of water per head/per day in pens occupied by beef cattle.
  - b. "Add molasses or tallow to feed" means reducing PM emissions by adding molasses or tallow so that it equals three percent of the total ration.
  - c. "Aggregate cover" means reducing PM emissions, wind erosion and stabilizing soil by applying and maintaining gravel, concrete, recycled road base, caliche, or other similar material to unpaved roads or feed lanes. The aggregate should be clean, hard and durable, and should be applied and maintained to a minimum of three inches deep.
  - d. "Apply a fibrous layer in working areas" means reducing PM emissions and soil movement, and preserving soil moisture by spreading shredded or deconstructed plant materials to cover loose soil in high animal traffic areas. Material shall be consistently applied to a minimum depth of two inches above the soil surface and coverage should be a minimum of 70%.
  - e. "Bulk materials" means reducing PM emissions by using a closed conveyor system instead of vehicular means to move grain or other.
  - f. "Commercial beef cattle feedlot" means a beef cattle feedlot:
    - i. With more than 500 beef cattle within the boundary of the Maricopa PM nonattainment area and Maricopa County portion of Area A or a PM nonattainment area designated after June 1, 2009, or
    - ii. With more than 50 beef cattle within the Pinal County PM Nonattainment Area.
  - g. "Concrete apron" means reducing PM emissions by using solidly formed concrete surface, at least 4

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- inches thick on top of the soil surface, inside the feed pen for 8 feet approaching the feed bunk or water trough.
- h. "Control cattle during movements" means reducing PM emissions by suppressing the animal's ability to run by driving them forward while intruding on their "flight zones" or restraining the animal's movement.
  - i. "Cover manure hauling trucks" means reducing PM emissions by completely covering the top of the loaded area.
  - j. "Feed higher moisture feed to beef cattle" means reducing PM emissions by feeding beef cattle feed that contains at least 30% moisture.
  - k. "Frequent manure removal" means reducing PM emissions and wind erosion by harvesting loose manure on top of the pen surface at least once every six months.
  - l. "Pile manure between cleanings" means reducing PM emissions by collecting loose manure surface materials, by scraping or pushing, within the confines of the surface area of the occupied feed pen at least four times per year.
  - m. "Provide shade in corral" means reducing PM emissions by increasing stocking density and reducing animal movement by using a permanent structure, which provides at least 16 square feet per animal of shaded pen surface.
  - n. "Push equipment" means manure harvesting equipment pushed in front of a tractor.
  - o. "Store and maintain feed stock" means reducing PM emissions and wind erosion by storing feed stock in a covered area where the commodity is surrounded on at least three sides by a structure.
  - p. "Synthetic particulate suppressant" means reducing PM emissions and wind erosion by providing a stabilized soil surface on a commercial beef feedlot with a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, an emulsion of a petroleum product, an enzyme product, or polyacrylamide that is used to control particulate matter.
  - q. "Use drag equipment to maintain pens" means reducing PM emissions by using manure harvesting equipment pulled behind a tractor instead of using push equipment, which avoids dust accumulation in floor depressions.
  - r. "Wind barrier" means reducing PM<sub>10</sub> emissions and wind erosion by constructing a fence or structure, or providing a woody vegetative barrier by planting a row of trees or shrubs, perpendicular or across the prevailing wind direction to reduce wind speed by changing the pattern of air flow over the land surface. For fences and structures, the wind barrier shall have a density of no less than 50% and the height of the wind barrier must be proportionate to the downwind protected area. The downwind protected area is considered ten times the height of the wind barrier. For vegetative barriers, compliance shall be determined by NRCS Conservation Practice Standard, Code 380, Windbreak/Shelterbelt Establishment, amended through August 21, 2009 (and no future editions).
4. The following definitions apply to a commercial poultry facility:
    - a. "Add moisture through ventilation systems" means reducing PM emissions by using a ventilation system that is designed to allow stock to maintain their normal body temperature without difficulty while maintaining a minimum of 20% moisture in the air within the housing system to bind small particles to larger particles.
    - b. "Add oil and/or moisture to the feed" means reducing PM emissions by adding a minimum of 1% edible oil and/or moisture to feed rations to bind small particles to larger particles.
    - c. "Aggregate cover" means reducing PM emissions, wind erosion and stabilizing soil by applying and maintaining gravel, concrete, recycled road base, caliche, or other similar material to unpaved roads or feed lanes. The aggregate should be clean, hard and durable, and should be applied and maintained to a minimum of 3 inches deep.
    - d. "Clean aisles between cage rows" means reducing PM emissions by cleaning the aisles between cage rows at least twice every 14 days to prevent dried manure, spilled feed, and debris accumulation.
    - e. "Clean fans, louvers, and soffit inlets in a commercial poultry facility" means reducing PM emissions by cleaning fans, louvers, and soffit inlets when the facility is empty between depopulating and populating the facility.
    - f. "Clean floors and walls in a commercial poultry facility" means reducing PM emissions by cleaning floors and walls to prevent dried manure, spilled feed, and debris accumulation when the facility is empty between depopulating and populating the facility.
    - g. "Commercial poultry facility" means a poultry operation with more than 25,000 egg laying hens within the boundary of the Maricopa PM nonattainment area and Maricopa County portion of Area A, a PM nonattainment area designated after June 1, 2009, as stated in A.R.S. § 49-457(O)(1)(f), or the Pinal County PM Nonattainment Area.
    - h. "Control vegetation on building exteriors" means reducing PM emissions by removing, cutting, or trimming vegetation that accumulates PM and restricts ventilation of the building, so as to leave approximately 3 feet between the vegetation and building.
    - i. "Enclose transfer points" means reducing PM emissions by enclosing the points of transfer between the enclosed, weatherproof storage structure and the enclosed feed distribution system, which reduce air contact with the feed rations during feed conveyance.
    - j. "House in fully enclosed ventilated buildings" means reducing PM emissions by utilizing fully enclosed buildings with sufficient ventilation.
    - k. "Maintain moisture in manure solids" means reducing PM emissions by maintaining a moisture content of a minimum of 15% in the solids sufficient to bind small particles to larger particles.
    - l. "Minimize drop distance" means reducing PM emissions by designing the feed distribution system so that the distance the feed ration drops from the feed distribution system into feeders is approximately 1 foot or less, which reduces air contact with the feed rations during feed conveyance.
    - m. "Poultry" means any domesticated bird including chickens, turkeys, ducks, geese, guineas, ratites and squabs.

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- n. "Remove spilled feed" means reducing PM emissions by removing spilled feed from the housing facility at least once every 14 days.
  - o. "Stack separated manure solids" means reducing PM emissions and wind erosion by reducing the amount of exposed surface area of manure solids.
  - p. "Store feed" means reducing PM emissions by storing feed in a structure that is enclosed and weather-proof, which reduces air contact with the feed rations during feed storage.
  - q. "Synthetic particulate suppressant" means reducing PM emissions and wind erosion by providing a stabilized soil surface on a commercial poultry operation with a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, an emulsion of a petroleum product, an enzyme product, or polyacrylamide that is used to control particulate matter.
  - r. "Use enclosed feed distribution system" means reducing PM emissions by using an enclosed feed conveyance system that distributes feed rations throughout the housing facility, which reduces air contact with the feed rations during feed conveyance.
  - s. "Use a flexible discharge spout" means reducing PM emissions and wind erosion at the time of bulk feed deliveries to the housing units by using a flexible discharge spout on the end of the feed truck transfer auger.
  - t. "Use no bedding in the production facility" means reducing PM emissions by not using bedding such as wood shavings, sawdust, peanut hulls, straw, or other organic material.
  - u. "Use of a rotary dryer to dry manure waste" means reducing PM<sub>10</sub> emissions by drying the manure waste in a rotary dryer fitted with a baghouse or wet scrubber. A commercial poultry facility using a rotary dryer must comply with all of the following:
    - i. Install, maintain, and operate the baghouse or wet scrubber in a manner consistent with the manufacturer's specifications at all times the rotary dryer is operated. The manufacturer specifications must be available on site upon request.
    - ii. Conduct monthly observations using EPA Method 22 on the control equipment to ensure proper operation. If improper operation is observed through EPA Method 22, the dryer must stop immediately and the equipment repaired before resuming operations.
    - iii. For baghouses, conduct an annual black light inspection of the bags to detect broken or leaking bags. If broken or leaking bags are detected it must be repaired or replaced immediately.
    - iv. Maintain a record of all repair activity required under (ii) and (ii) that must be made available within two days of Director's request for inspection.
5. The following definitions apply to a commercial swine facility:
- a. "Add oil and/or moisture to the feed" means reducing PM emissions by adding a minimum of 0.5% edible oil and/or moisture to feed rations to bind small particles to larger particles.
  - b. "Add moisture through ventilation systems" means reducing PM emissions by using a ventilation system that is designed to allow stock to maintain their normal body temperature without difficulty while maintaining minimum of 15% moisture in the air within the housing system to bind small particles to larger particles.
  - c. "Aggregate cover" means reducing PM emissions, wind erosion and stabilizing soil by applying and maintaining gravel, concrete, recycled road base, caliche, or other similar material to unpaved roads or feed lanes. The aggregate should be clean, hard and durable, and should be applied and maintained to a minimum of three inches deep.
  - d. "Clean aisles between pens and stalls" means reducing PM emissions by cleaning the aisles between pens and stalls at least twice every 14 days to prevent dried manure, spilled feed, and debris accumulation.
  - e. "Clean fans, louvers, and soffit inlets in a commercial swine facility" means reducing PM emissions by cleaning fans, louvers, and soffit inlets between transfer of animal groups, but in any case, at least every six months.
  - f. "Clean pens, floors and walls in a commercial swine facility" means reducing PM emissions by cleaning pens, floors, and walls between transfer of animal groups to prevent dried manure, spilled feed, and debris accumulation, but in any case, at least every six months.
  - g. "Commercial swine facility" means a swine operation with more than 50 animal units for more than 30 consecutive days within the boundary of the Maricopa PM nonattainment area and Maricopa County portion of Area A, a PM nonattainment area designated after June 1, 2009 as stated in A.R.S. § 49-457(O)(1)(f), or the Pinal County PM Nonattainment Area. One thousand pounds equals one animal unit.
  - h. "Control vegetation on building exteriors" means reducing PM emissions by removing, cutting, or trimming vegetation that accumulates PM and restricts ventilation of the building, so as to leave approximately 3 feet between the vegetation and the building.
  - i. "Enclose transfer points" means reducing PM emissions by enclosing the points of transfer between the enclosed, weatherproof storage structure and the enclosed feed distribution system, which reduces air contact with the feed rations during feed conveyance.
  - j. "House in fully enclosed ventilated buildings" means reducing PM emissions by utilizing fully enclosed buildings with sufficient ventilation.
  - k. "Lagoon" means a liquid manure storage and treatment pond.
  - l. "Maintain moisture in manure solids" means reducing PM<sub>10</sub> emissions by maintaining a minimum moisture content of 10% in the solids sufficient to bind small particles to larger particles.
  - m. "Minimize drop distance" means reducing PM emissions by designing the feed distribution system so that the distance the feed ration drops from the feed distribution system into feeders is 3 feet or less, which reduces air contact with the feed rations during feed conveyance.

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- n. "Remove spilled feed" means reducing PM emissions by removing spilled feed from the housing facility at least once every 14 days.
- o. "Slatted flooring" means reducing PM emissions by using flooring that is a slotted concrete or wire-mesh floor set above a liquid manure collection pit, which allows the excrement to fall through the flooring into the liquid pit below, which prevents solids build-up. Slats 4 to 8 inches wide with spacing of about 1 inch in between are recommended.
- p. "Sloped concrete flooring" means reducing PM emissions by pouring concrete with a minimum of 0.25% grade inside of the barns which provides drainage and easier cleaning of floor areas.
- q. "Stack separated manure solids" means reducing PM emissions and wind erosion by reducing the amount of exposed surface area of manure solids.
- r. "Store feed" means reducing PM emissions by storing feed in a structure that is enclosed and weather-proof, which reduces air contact with the feed rations during feed storage.
- s. "Store separated manure solids" means reducing PM emissions by storing manure solids in a wind-blocked area behind a wall, structure, or area with natural wind protection to minimize blowing air movement over the manure stack.
- t. "Synthetic particulate suppressant" means reducing PM emissions and wind erosion by providing a stabilized soil surface on a commercial swine operation with a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, an emulsion of a petroleum product, an enzyme product, or polyacrylamide that is used to control particulate matter.
- u. "Use a flexible discharge spout" means reducing PM emissions and wind erosion at the time of bulk feed deliveries to the housing units by using a flexible discharge spout on the end of the feed truck transfer auger.
- v. "Use enclosed feed distribution system" means reducing PM emissions by using an enclosed feed conveyance system that distributes feed rations throughout the housing facility, which reduces air contact with the feed rations during the feed conveyance.
- w. "Use no bedding in the production facility" means reducing PM emissions by not using bedding such as wood shavings, sawdust, peanut hulls, straw, or other organic material.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 2009, effective May 12, 2000 (Supp. 00-2). Amended by exempt rulemaking at 13 A.A.R. 4326, effective November 14, 2007 (Supp. 07-4). Section repealed; new Section made by exempt rulemaking at 18 A.A.R. 137, effective December 29, 2011 (Supp. 11-4). Subsection (2)(a) corrected at request of the Department, Office File No. M12-133, filed April 5, 2012 (Supp. 11-4). Amended by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3). Amended by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 22 A.A.R. 987, effective April 5, 2016 (Supp. 16-2). Amended by final exempt rulemaking at 27 A.A.R. 2747 (November 26, 2021), with an immediate effective date of November 3, 2021 (Supp. 21-4).

**R18-2-611.01. Agricultural PM General Permit for Animal****Operations; Maricopa County Serious PM Nonattainment Areas**

- A. A commercial animal operator within a Serious PM Nonattainment Area shall implement at least two best management practices from each category to reduce PM emissions.
- B. A commercial dairy operation shall implement the following best management practices, as described in subsection (A), from each of the following categories:
  - 1. Arenas, Corrals, and Pens:
    - a. Use free stall housing,
    - b. Provide shade in corral,
    - c. Provide cooling in corral,
    - d. Cement cattle walkways to milk barn,
    - e. Groom manure surface,
    - f. Water misting systems,
    - g. Use drag equipment to maintain pens,
    - h. Pile manure between cleanings,
    - i. Feed green chop,
    - j. Keep calves in barns or hutches,
    - k. Do not run cattle,
    - l. Apply a fibrous layer, or
    - m. Wind barrier.
  - 2. Animal Waste (and Feed) Handling and Transporting:
    - a. Feed higher moisture feed to dairy cattle,
    - b. Store and maintain feed stock,
    - c. Covers for silage,
    - d. Store silage in bunkers,
    - e. Cover manure hauling trucks, or
    - f. Do not load manure trucks with dry manure when wind exceeds 15 mph.
  - 3. Unpaved Access Connections:
    - a. Install signage to limit vehicle speed to 15 mph,
    - b. Install speed control devices,
    - c. Restrict access to through traffic,
    - d. Install and maintain a track-out control device,
    - e. Apply and maintain pavement in high traffic areas,
    - f. Apply and maintain aggregate cover,
    - g. Apply and maintain synthetic particulate suppressant, or
    - h. Apply and maintain water as a dust suppressant.
  - 4. Unpaved Roads or Feed Lanes:
    - a. Install engine speed governors on feed truck to 15 mph,
    - b. Install signage to limit vehicle speed to 15 mph,
    - c. Install speed control devices,
    - d. Restrict access to through traffic,
    - e. Apply and maintain pavement in high traffic areas,
    - f. Apply and maintain aggregate cover,
    - g. Apply and maintain synthetic particulate suppressant,
    - h. Apply and maintain water as a dust suppressant,
    - i. Use appropriate vehicles such as electric carts or small utility vehicles instead of trucks, or
    - j. Apply and maintain pavement or cement feed lanes.
- C. A commercial beef cattle feedlot shall implement the following best management practices, as described in subsection (A), from each of the following categories:
  - 1. Arenas, Corrals, and Pens:
    - a. Concrete aprons,
    - b. Provide shade in corral,
    - c. Add moisture to pen surface,
    - d. Manure removal,
    - e. Pile manure between cleanings,
    - f. Feed higher moisture feed to beef cattle,
    - g. Control cattle during movements,
    - h. Use drag equipment to maintain pens,

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- i. Apply a fibrous layer, or
  - j. Wind barrier.
- 2. Animal Waste (and Feed) Handling and Transporting:
  - a. Feed higher moisture feed to beef cattle,
  - b. Add molasses or tallow to feed,
  - c. Store and maintain feed stock,
  - d. Bulk materials,
  - e. Use drag equipment to maintain pens,
  - f. Cover manure hauling trucks, or
  - g. Do not load manure when wind exceeds 15 mph.
- 3. Unpaved Access Connections:
  - a. Install and maintain a track-out control device,
  - b. Apply and maintain pavement in high traffic areas,
  - c. Apply and maintain aggregate cover,
  - d. Apply and maintain synthetic particulate suppressant, or
  - e. Apply and maintain water as a dust suppressant.
- 4. Unpaved Roads or Feed Lanes:
  - a. Install engine speed governors on feed truck to 15 mph,
  - b. Install signage to limit vehicle speed to 15 mph,
  - c. Install speed control devices,
  - d. Restrict access to through traffic,
  - e. Apply and maintain pavement in high traffic areas,
  - f. Apply and maintain aggregate cover,
  - g. Apply and maintain synthetic particulate suppressant,
  - h. Apply and maintain water as a dust suppressant, or
  - i. Apply and maintain oil on roads or feed lanes.
- D. A commercial poultry facility shall implement the following best management practices, as described in subsection (A), from each of the following categories:
  - 1. Arenas, Corrals, and Pens (Housing):
    - a. Clean fans, louvers, and soffit inlets in a commercial poultry facility,
    - b. Use no bedding,
    - c. Control vegetation on building exteriors,
    - d. Add moisture through ventilation systems, or
    - e. House in fully enclosed ventilated buildings.
  - 2. Animal Waste (and Feed) Handling and Transporting:
    - a. Remove spilled feed,
    - b. Store feed,
    - c. Add oil and/or moisture to the feed,
    - d. Use enclosed feed distribution system,
    - e. Use flexible discharge spout,
    - f. Minimize drop distance,
    - g. Enclose transfer points,
    - h. Clean floors and walls in a commercial poultry facility,
    - i. Clean aisles between cage rows,
    - j. Stack separated manure solids,
    - k. Maintain moisture in manure solids, or
    - l. Use of a rotary dryer to dry manure waste.
  - 3. Unpaved Access Connections:
    - a. Install speed control devices,
    - b. Restrict traffic access,
    - c. Install and maintain a track-out control system, or
    - d. Install signage to limit vehicle speed to 15 mph.
  - 4. Unpaved Roads or Feed Lanes:
    - a. Install engine speed governors on feed trucks to 15 mph,
    - b. Install signage to limit vehicle speed to 15 mph,
    - c. Install speed control devices,
    - d. Restrict traffic access,
    - e. Apply and maintain aggregate cover,
- f. Apply and maintain synthetic particulate suppressant,
  - g. Apply and maintain water, or
  - h. Apply and maintain oil on roads or feed lanes.
- E. A commercial swine facility shall implement the following best management practices, as described in subsection (A), from each of the following categories:
  - 1. Arenas, Corrals, and Pens (Housing):
    - a. House in fully enclosed ventilated buildings,
    - b. Use no bedding,
    - c. Use a slatted floor system,
    - d. Use sloped concrete flooring,
    - e. Clean fans, louvers, and soffit inlets in a commercial swine facility,
    - f. Control vegetation on building exteriors, or
    - g. Add moisture through ventilation systems.
  - 2. Animal Waste (and Feed) Handling and Transporting:
    - a. Remove spilled feed,
    - b. Store feed,
    - c. Add oil and/or moisture to feed,
    - d. Use enclosed feed distribution system,
    - e. Use flexible discharge spout,
    - f. Minimize drop distance,
    - g. Enclose transfer points,
    - h. Clean pens, floors, and walls in a commercial swine facility,
    - i. Clean aisles between pens and stalls,
    - j. Store separated manure solids in a wind-blocked area,
    - k. Stack separated manure solids,
    - l. Maintain moisture in manure solids, or
    - m. Maintain liquid lagoon level.
  - 3. Unpaved Access Connections:
    - a. Install speed control devices,
    - b. Restrict traffic access,
    - c. Install and maintain a track-out control system,
    - d. Install signage to limit vehicle speed to 15 mph.
  - 4. Unpaved Roads or Feed Lanes:
    - a. Install engine speed governors on feed trucks to 15 mph,
    - b. Install signage to limit vehicle speed to 15 mph,
    - c. Install speed control devices,
    - d. Restrict traffic access,
    - e. Apply and maintain aggregate cover,
    - f. Apply and maintain synthetic particulate suppressant,
    - g. Apply and maintain water,
    - h. Apply and maintain oil on roads or feed lanes, or
    - i. Wind barrier.
- F. From and after December 31, 2015, a commercial animal operator who engages in a regulated agricultural activity shall complete a Best Management Practices Program General Permit Record Form. Thereafter, a new Best Management Practices Program General Permit Record Form shall be completed every year by March 31. The Form shall be provided to the Director within two business days of notice to the commercial animal operator. The Best Management Practice Program General Permit Record form shall include the following information:
  - 1. The name of the commercial animal operator, signature, and date signed,
  - 2. The mailing address or physical address of the commercial animal operation, and
  - 3. The best management practices selected for Arenas, Corrals, and Pens, Animal Waste Handling and Transporting,

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Unpaved Access Connections, and Unpaved Roads or Feed Lanes.

- G. Beginning January 1, 2016, a commercial animal operator shall maintain records demonstrating compliance with this Section for three years. Records shall include a copy of the complete Best Management Practice Program General Permit Record Form to confirm implementation of each best management practice and any changes to the best management practices. Records shall be kept by the commercial animal operator onsite and made available for review by the Director within two business days of notice to the commercial animal operator.
- H. A person may develop different practices not contained in subsection (B), (C), (D), or (E), that reduce PM and may submit such practices that are proven effective through on-operation demonstration trials to the Committee.
- I. The Director shall not assess a fee to a commercial animal operator for coverage under the Best Management Practice Program General Permit Record Form.
- J. A commercial animal operator shall ensure that the implementation of all selected best management practices does not violate any other local, state, or federal law.
- K. The Director shall document noncompliance with this Section before issuing a compliance order.
- L. A commercial animal operator who is not in compliance with this Section is subject to the provisions in A.R.S. § 49-457(I), (J), and (K).

**Historical Note**

New Section made by exempt rulemaking at 18 A.A.R. 137, effective December 29, 2011 (Supp. 11-4).  
 Amended by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3). Amended by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 22 A.A.R. 987, effective April 5, 2016 (Supp. 16-2).

**R18-2-611.02. Agricultural PM General Permit for Animal Operations; Moderate PM Nonattainment Areas Designated After June 1, 2009, Except Pinal County PM Nonattainment Area**

- A. A commercial animal operator within a Moderate PM Nonattainment Area, designated after June 1, 2009, shall implement at least one best management practice from each category to reduce PM emissions.
- B. A commercial dairy operation shall implement the following best management practices, as described in subsection (A), from each of the following categories:
  - 1. Arenas, Corrals, and Pens:
    - a. Use free stall housing,
    - b. Provide shade in corral,
    - c. Provide cooling in corral,
    - d. Cement cattle walkways to milk barn,
    - e. Groom manure surface,
    - f. Water misting systems,
    - g. Use drag equipment to maintain pens,
    - h. Pile manure between cleanings,
    - i. Feed green chop,
    - j. Keep calves in barns or hutches,
    - k. Do not run cattle,
    - l. Apply a fibrous layer, or
    - m. Wind barrier.
  - 2. Animal Waste (and Feed) Handling and Transporting:
    - a. Feed higher moisture feed to dairy cattle,
    - b. Store and maintain feed stock,
    - c. Covers for silage,
    - d. Store silage in bunkers,
    - e. Cover manure hauling trucks, or

- f. Do not load manure trucks with dry manure when wind exceeds 15 mph.
- 3. Unpaved Access Connections:
  - a. Install signage to limit vehicle speed to 15 mph,
  - b. Install speed control devices,
  - c. Restrict access to through traffic,
  - d. Install and maintain a track-out control device,
  - e. Apply and maintain pavement in high traffic areas,
  - f. Apply and maintain aggregate cover,
  - g. Apply and maintain synthetic particulate suppressant, or
  - h. Apply and maintain water as a dust suppressant.
- 4. Unpaved Roads or Feed Lanes:
  - a. Install engine speed governors on feed truck to 15 mph,
  - b. Install signage to limit vehicle speed to 15 mph,
  - c. Install speed control devices,
  - d. Restrict access to through traffic,
  - e. Apply and maintain pavement in high traffic areas,
  - f. Apply and maintain aggregate cover,
  - g. Apply and maintain synthetic particulate suppressant,
  - h. Apply and maintain water as a dust suppressant,
  - i. Use appropriate vehicles such as electric carts or small utility vehicles instead of trucks, or
  - j. Apply and maintain pavement or cement feed lanes.
- C. A commercial beef cattle feedlot shall implement the following best management practices, as described in subsection (A), from each of the following categories:
  - 1. Arenas, Corrals, and Pens:
    - a. Concrete aprons,
    - b. Provide shade in corral,
    - c. Add moisture to pen surface,
    - d. Manure removal,
    - e. Pile manure between cleanings,
    - f. Feed higher moisture feed to beef cattle,
    - g. Control cattle during movements,
    - h. Use drag equipment to maintain pens,
    - i. Apply a fibrous layer, or
    - j. Wind barrier.
  - 2. Animal Waste (and Feed) Handling and Transporting:
    - a. Feed higher moisture feed to beef cattle,
    - b. Add molasses or tallow to feed,
    - c. Store and maintain feed stock,
    - d. Bulk materials,
    - e. Use drag equipment to maintain pens,
    - f. Cover manure hauling trucks, or
    - g. Do not load manure when wind exceeds 15 mph.
  - 3. Unpaved Access Connections:
    - a. Install and maintain a track-out control device,
    - b. Apply and maintain pavement in high traffic areas,
    - c. Apply and maintain aggregate cover,
    - d. Apply and maintain synthetic particulate suppressant, or
    - e. Apply and maintain water as a dust suppressant.
  - 4. Unpaved Roads or Feed Lanes:
    - a. Install engine speed governors on feed truck to 15 mph,
    - b. Install signage to limit vehicle speed to 15 mph,
    - c. Install speed control devices,
    - d. Restrict access to through traffic,
    - e. Apply and maintain pavement in high traffic areas,
    - f. Apply and maintain aggregate cover,
    - g. Apply and maintain synthetic particulate suppressant,
    - h. Apply and maintain water as a dust suppressant, or

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- i. Apply and maintain oil on roads or feed lanes.
- D.** A commercial poultry facility shall implement the following best management practices, as described in subsection (A), from each of the following categories:
1. Arenas, Corrals, and Pens (Housing):
    - a. Clean fans, louvers, and soffit inlets in a commercial poultry facility,
    - b. Use no bedding,
    - c. Control vegetation on building exteriors;
    - d. Add moisture through ventilation systems, or
    - e. House in fully enclosed ventilated buildings.
  2. Animal Waste (and Feed) Handling and Transporting:
    - a. Remove spilled feed,
    - b. Store feed,
    - c. Add oil and/or moisture to the feed,
    - d. Use enclosed feed distribution system,
    - e. Use flexible discharge spout,
    - f. Minimize drop distance,
    - g. Enclose transfer points,
    - h. Clean floors and walls in a commercial poultry facility,
    - i. Clean aisles between cage rows,
    - j. Stack separated manure solids, or
    - k. Maintain moisture in manure solids.
  3. Unpaved Access Connections:
    - a. Install speed control devices,
    - b. Restrict traffic access,
    - c. Install and maintain a track-out control system, or
    - d. Install signage to limit vehicle speed to 15 mph.
  4. Unpaved Roads or Feed Lanes:
    - a. Install engine speed governors on feed trucks to 15 mph,
    - b. Install signage to limit vehicle speed to 15 mph,
    - c. Install speed control devices,
    - d. Restrict traffic access,
    - e. Apply and maintain aggregate cover,
    - f. Apply and maintain synthetic particulate suppressant,
    - g. Apply and maintain water, or
    - h. Apply and maintain oil on roads or feed lanes.
- E.** A commercial swine facility shall implement the following best management practices, as described in subsection (A), from each of the following categories:
1. Arenas, Corrals, and Pens (Housing):
    - a. House in fully enclosed ventilated buildings,
    - b. Use no bedding,
    - c. Use a slatted floor system,
    - d. Use sloped concrete flooring,
    - e. Clean fans, louvers, and soffit inlets in a commercial swine facility,
    - f. Control vegetation on building exteriors, or
    - g. Add moisture through ventilation systems.
  2. Animal Waste (and Feed) Handling and Transporting:
    - a. Remove spilled feed,
    - b. Store feed,
    - c. Add oil and/or moisture to feed,
    - d. Use enclosed feed distribution system,
    - e. Use flexible discharge spout,
    - f. Minimize drop distance,
    - g. Enclose transfer points,
    - h. Clean pens, floors, and walls in a commercial swine facility,
    - i. Clean aisles between pens and stalls,
    - j. Store separated manure solids in a wind-blocked area,
    - k. Stack separated manure solids,
    - l. Maintain moisture in manure solids, or
    - m. Maintain liquid lagoon level.
  3. Unpaved Access Connections:
    - a. Install speed control devices,
    - b. Restrict traffic access,
    - c. Install and maintain a track-out control system,
    - d. Install signage to limit vehicle speed to 15 mph.
  4. Unpaved Roads or Feed Lanes:
    - a. Install engine speed governors on feed trucks to 15 mph,
    - b. Install signage to limit vehicle speed to 15 mph,
    - c. Install speed control devices,
    - d. Restrict traffic access,
    - e. Apply and maintain aggregate cover,
    - f. Apply and maintain synthetic particulate suppressant,
    - g. Apply and maintain water,
    - h. Apply and maintain oil on roads or feed lanes, or
    - i. Wind barrier.
- F.** From and after December 31, 2015, a commercial animal operator who engages in a regulated agricultural activity shall complete a Best Management Practices Program General Permit Record Form. Thereafter, a new Best Management Practices Program General Permit Record Form shall be completed every year by March 31. The Form shall be provided to the Director within two business days of notice to the commercial animal operator. The Best Management Practices Program General Permit Record Form shall include the following information:
1. The name of the commercial animal operator, signature, and date signed,
  2. The mailing address or physical address of the commercial animal operation, and
  3. The best management practices selected for Arenas, Corrals, and Pens, Animal Waste Handling and Transporting, Unpaved Access Connections, and Unpaved Roads or Feed Lanes.
- G.** Beginning January 1, 2016, a commercial animal operator shall maintain records demonstrating compliance with this Section for three years. Records shall include a copy of the complete Best Management Practice Program General Permit Record Form to confirm implementation of each best management practice and any changes to the best management practices. Records shall be kept by the commercial animal operator onsite and made available for review by the Director within two business days of notice to the commercial animal operator.
- H.** A person may develop different practices not contained in subsection (B), (C), (D), or (F) that reduce PM and may submit such practices that are proven effective through on-operation demonstration trials to the Committee. The new best management practices shall not become effective unless submitted as described in A.R.S. § 49-457(L).
- I.** The Director shall not assess a fee to a commercial animal operator for coverage under the agricultural PM general permit.
- J.** A commercial animal operator shall ensure that the implementation of all selected best management practices does not violate any other local, state, or federal law.
- K.** The Director shall document noncompliance with this Section before issuing a compliance order.
- L.** A commercial animal operator who is not in compliance with this Section is subject to the provisions in A.R.S. § 49-457(I), (J), and (K).

**Historical Note**

New Section made by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective



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July 2, 2015 (Supp. 15-3).

**R18-2-611.03. Agricultural PM General Permit for Animal Operations; Pinal County PM Nonattainment Area**

- A.** A commercial animal operator within the Pinal County PM Nonattainment Area shall implement at least one best management practice from each of the categories identified in subsection (D)(5) and (E)(5) and two best management practices from each of the other categories to reduce PM emissions.
- B.** In addition to subsection (A), on the day that is forecast to be high risk for dust generation by the Pinal County Dust Control Forecast, commercial dairy operations within the Pinal County PM Nonattainment Area shall apply and maintain one of the four following BMPs on unpaved roads that experience more than 20 VDT from two or more axle vehicles:
1. Apply and maintain pavement in high traffic areas,
  2. Apply and maintain aggregate cover,
  3. Apply and maintain synthetic particulate suppressant, or
  4. Apply and maintain water as a dust suppressant.
- C.** In addition to subsection (A), commercial beef feedlots within the Pinal County PM Nonattainment Area, shall add water to pen surface, as defined in R18-2-611(3)(a), on the day that is forecast to be high risk for dust generation by the Pinal County Dust Control Forecast.
- D.** A commercial dairy operation shall implement the following best management practices, as described in subsection (A), from each of the following categories:
1. Arenas, Corrals, and Pens:
    - a. Use free stall housing,
    - b. Provide shade in corral,
    - c. Provide cooling in corral,
    - d. Cement cattle walkways to milk barn,
    - e. Groom manure surface,
    - f. Water misting systems,
    - g. Use drag equipment to maintain pens,
    - h. Pile manure between cleanings,
    - i. Feed green chop,
    - j. Keep calves in barns or hutches,
    - k. Do not run cattle,
    - l. Apply a fibrous layer, or
    - m. Wind barrier.
  2. Animal Waste (and Feed) Handling and Transporting:
    - a. Feed higher moisture feed to dairy cattle,
    - b. Store and maintain feed stock,
    - c. Covers for silage,
    - d. Store silage in bunkers,
    - e. Cover manure hauling trucks, or
    - f. Do not load manure trucks with dry manure when wind exceeds 15 mph.
  3. Unpaved Access Connections:
    - a. Install signage to limit vehicle speed to 15 mph,
    - b. Install speed control devices,
    - c. Restrict access to through traffic,
    - d. Install and maintain a track-out control device,
    - e. Apply and maintain pavement in high traffic areas,
    - f. Apply and maintain aggregate cover,
    - g. Apply and maintain synthetic particulate suppressant, or
    - h. Apply and maintain water as a dust suppressant.
  4. Unpaved Roads or Feed Lanes:
    - a. Install engine speed governors on feed truck to 15 mph,
    - b. Install signage to limit vehicle speed to 15 mph,
    - c. Install speed control devices,
    - d. Restrict access to through traffic,
    - e. Apply and maintain pavement in high traffic areas,
    - f. Apply and maintain aggregate cover,
- E.** A commercial beef cattle feedlot shall implement the following best management practices, as described in subsection (A), from each of the following categories:
1. Arenas, Corrals, and Pens:
    - a. Concrete aprons,
    - b. Provide shade in corral,
    - c. Add water to pen surface,
    - d. Manure removal,
    - e. Pile manure between cleanings,
    - f. Feed higher moisture feed to beef cattle,
    - g. Control cattle during movements,
    - h. Use drag equipment to maintain pens,
    - i. Apply a fibrous layer, or
    - j. Wind barrier.
  2. Animal Waste (and Feed) Handling and Transporting:
    - a. Feed higher moisture feed to beef cattle;
    - b. Add molasses or tallow to feed,
    - c. Store and maintain feed stock,
    - d. Bulk materials,
    - e. Use drag equipment to maintain pens,
    - f. Cover manure hauling trucks, or
    - g. Do not load manure when wind exceeds 15 mph.
  3. Unpaved Access Connections:
    - a. Install and maintain a track-out control device,
    - b. Apply and maintain pavement in high traffic areas,
    - c. Apply and maintain aggregate cover,
    - d. Apply and maintain synthetic particulate suppressant, or
    - e. Apply and maintain water as a dust suppressant.
  4. Unpaved Roads or Feed Lanes:
    - a. Install engine speed governors on feed truck to 15 mph,
    - b. Install signage to limit vehicle speed to 15 mph,
    - c. Install speed control devices,
    - d. Restrict access to through traffic,
    - e. Apply and maintain pavement in high traffic areas,
    - f. Apply and maintain aggregate cover,
    - g. Apply and maintain synthetic particulate suppressant,
    - h. Apply and maintain water as a dust suppressant, or
    - i. Apply and maintain oil on roads or feed lanes.
  5. Unpaved Vehicle or Equipment Traffic Area:
    - a. Apply and maintain aggregate cover,
    - b. Apply and maintain synthetic particulate suppressant,
    - c. Apply and maintain water as a dust suppressant, or
    - d. Use appropriate vehicles such as electric carts or small utility vehicles instead of trucks.
- F.** A commercial poultry facility shall implement the following best management practices, as described in subsection (A), from each of the following categories:
1. Arenas, Corrals, and Pens (Housing):
    - a. Apply and maintain synthetic particulate suppressant,
    - b. Apply and maintain water as a dust suppressant,
    - c. Use appropriate vehicles such as electric carts or small utility vehicles instead of trucks, or
    - d. Apply and maintain pavement or cement feed lanes.
  5. Unpaved Vehicle or Equipment Traffic Area:
    - a. Apply and maintain aggregate cover,
    - b. Apply and maintain synthetic particulate suppressant,
    - c. Apply and maintain water as a dust suppressant, or
    - d. Use appropriate vehicles such as electric carts or small utility vehicles instead of trucks.

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- a. Clean fans, louvers, and soffit inlets in a commercial poultry facility,
  - b. Use no bedding,
  - c. Control vegetation on building exteriors,
  - d. Add moisture through ventilation systems, or
  - e. House in fully enclosed ventilated buildings.
- 2. Animal Waste (and Feed) Handling and Transporting:
  - a. Remove spilled feed,
  - b. Store feed,
  - c. Add oil and/or moisture to the feed,
  - d. Use enclosed feed distribution system,
  - e. Use flexible discharge spout,
  - f. Minimize drop distance,
  - g. Enclose transfer points,
  - h. Clean floors and walls in a commercial poultry facility,
  - i. Clean aisles between cage rows,
  - j. Stack separated manure solids, or
  - k. Maintain moisture in manure solids.
- 3. Unpaved Access Connections:
  - a. Install speed control devices,
  - b. Restrict traffic access,
  - c. Install and maintain a track-out control system, or
  - d. Install signage to limit vehicle speed to 15 mph.
- 4. Unpaved Roads or Feed Lanes:
  - a. Install engine speed governors on feed trucks to 15 mph,
  - b. Install signage to limit vehicle speed to 15 mph,
  - c. Install speed control devices,
  - d. Restrict traffic access,
  - e. Apply and maintain aggregate cover,
  - f. Apply and maintain synthetic particulate suppressant,
  - g. Apply and maintain water, or
  - h. Apply and maintain oil on roads or feed lanes.
- G. A commercial swine facility shall implement the following best management practices, as described in subsection (A), from each of the following categories:
  - 1. Arenas, Corrals, and Pens (Housing):
    - a. House in fully enclosed ventilated buildings,
    - b. Use no bedding,
    - c. Use a slatted floor system,
    - d. Use sloped concrete flooring,
    - e. Clean fans, louvers, and soffit inlets in a commercial swine facility,
    - f. Control vegetation on building exteriors, or
    - g. Add moisture through ventilation systems.
  - 2. Animal Waste (and Feed) Handling and Transporting:
    - a. Remove spilled feed,
    - b. Store feed,
    - c. Add oil and/or moisture to feed,
    - d. Use enclosed feed distribution system,
    - e. Use flexible discharge spout,
    - f. Minimize drop distance,
    - g. Enclose transfer points,
    - h. Clean pens, floors, and walls in a commercial swine facility,
    - i. Clean aisles between pens and stalls,
    - j. Store separated manure solids in a wind-blocked area,
    - k. Stack separated manure solids,
    - l. Maintain moisture in manure solids, or
    - m. Maintain liquid lagoon level.
  - 3. Unpaved Access Connections:
    - a. Install speed control devices,
    - b. Restrict traffic access,
    - c. Install and maintain a track-out control system,
    - d. Install signage to limit vehicle speed to 15 mph.
  - 4. Unpaved Roads or Feed Lanes:
    - a. Install engine speed governors on feed trucks to 15 mph,
    - b. Install signage to limit vehicle speed to 15 mph,
    - c. Install speed control devices,
    - d. Restrict traffic access,
    - e. Apply and maintain aggregate cover,
    - f. Apply and maintain synthetic particulate suppressant,
    - g. Apply and maintain water,
    - h. Apply and maintain oil on roads or feed lanes, or
    - i. Wind barrier.
- H. From and after December 31, 2015, a commercial animal operator who engages in a regulated agricultural activity shall complete a Best Management Practices Program General Permit Record Form. Thereafter, a new Best Management Practices Program General Permit Record Form shall be completed every year by March 31. The Form shall be provided to the Director within two business days of notice to the commercial animal operator. The Best Management Practices Program General Permit Record Form shall include the following information:
  - 1. The name of the commercial animal operator, signature, and date signed,
  - 2. The mailing address or physical address of the commercial animal operation, and
  - 3. The best management practices selected for Arenas, Corrals, and Pens, Animal Waste Handling and Transporting, Unpaved Access Connections, and Unpaved Roads or Feed Lanes.
- I. Beginning in calendar year 2017, and no more than once every subsequent three calendar years, the Director shall provide the commercial animal operator with a Best Management Practices Program Three-year Survey. The commercial animal operator shall complete the Survey with data from the preceding calendar year and submit the Survey to the Arizona Department of Agriculture (ADA) by January 31, 2018, and every three years thereafter. The Survey information submitted to the ADA shall be compiled by the ADA in a format that does not refer to a commercial animal operator's name, shall aggregate the data from the Surveys received, and be submitted to the Department. The Three-year Survey shall include the following information:
  - 1. The name, business address, and phone number of the commercial farmer responsible for the preparation and implementation of the best management practices;
  - 2. The signature of the commercial farmer and the date the form was signed;
  - 3. The number of animals in a commercial dairy operation, beef cattle feed lot, poultry facility or swine facility;
  - 4. The total miles of unpaved roads at the commercial dairy operation, beef cattle feed lot, poultry facility or swine facility;
  - 5. The total acreage of the unpaved access connections and equipment areas at the commercial dairy operation, beef cattle feed lot, poultry facility or swine facility;
  - 6. The best management practices selected for each category; and
  - 7. For commercial dairy operations and beef cattle feedlots, an acknowledgment that water was applied on the day of a high risk day as predicted by the Pinal County Dust Control Forecast.
- J. Beginning January 1, 2016, a commercial animal operator shall maintain records demonstrating compliance with this

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Section for three years. Records shall include a copy of the complete Best Management Practice Program General Permit Record Form to confirm implementation of each best management practice and any changes to the best management practices. Records shall be kept by the commercial animal operator onsite and made available for review by the Director within two business days of notice to the commercial animal operator.

- K. A person may develop different practices not contained in subsections (D), (E), (F), or (G) that reduce PM and may submit such practices that are proven effective through on-operation demonstration trials to the Committee.
- L. The Director shall not assess a fee to a commercial animal operator for coverage under the agricultural PM general permit.
- M. A commercial animal operator shall ensure that the implementation of all selected best management practices does not violate any other local, state, or federal law.
- N. The Director shall document noncompliance with this Section before issuing a compliance order.
- O. A commercial animal operator who is not in compliance with this Section is subject to the provisions in A.R.S. § 49-457(J), (K), and (L).

**Historical Note**

New Section made by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3). Amended by final exempt rulemaking at 27 A.A.R. 2747 (November 26, 2021), with an immediate effective date of November 3, 2021 (Supp. 21-4).

**R18-2-612. Definitions for R18-2-612.01**

The definitions in R18-2-101 and the following definitions apply to R18-2-612.01:

1. "Access restriction" means reducing PM emission by reducing the number of trips driven on unpaved operation and maintenance and unpaved utility roads by restricting or eliminating public access by the use of signs or physical obstruction at locations that effectively control access to roads.
2. "Aggregate cover" means reducing PM emissions, wind erosion and stabilizing soil by applying and maintaining gravel, concrete, recycled road base, caliche, or other similar material to unpaved roads. The aggregate should be clean, hard and durable, and should be applied a depth sufficient to create soil stabilization in accordance with material specifications. A minimum depth of three inches is the standard in the absence of such specifications.
3. "Apply and maintain water" means reducing PM emissions and wind erosion by applying water to bare soil surfaces until the surfaces are visibly moist.
4. "Best management practice" means a technique verified by scientific research, that on a case-by-case basis is practical, economically feasible, and effective in reducing PM emissions from a regulated agricultural activity.
5. "Biological control of aquatic weeds" means reducing at least one trip, or to one trip if only one trip is needed, per treatment, made by vehicles for the purposes of removing aquatic weeds from canals by using fish, and other biologic means, within the canal through the use of to control the growth of aquatic weeds that reduce operating capacities and create debris that causes other operational issues.
6. "Canals" means facilities constructed for the sole purpose of the control, conveyance, and delivery of water. These facilities may be either open earthen channels, lined or unlined, or buried pipelines, which are used to convey water uphill and under obstructions, such as roadways and wash and river channels. These facilities include, but are not limited to, gate, inlet, outlet, safety, and measuring structures required to control water along the canals and deliver water to irrigation district customers, as well as compacted earthen banks constructed to protect these facilities from storm runoff events.
7. "Committee" means the Governor's Agricultural Best Management Practices Committee.
8. "Debris" means trash, rubble, and other non-soil materials.
9. "Dredge canals" means reducing PM emissions by mechanically removing muck, debris, and other foreign objects from canals while material is still wet or damp.
10. "Dust Control Forecast" means a forecast, which shall identify a low, moderate or high risk of dust generation for the next five consecutive days and shall be issued by noon on each day the forecast is generated. When developing these forecasts, the Department shall consider all of the following:
  - a. Projected meteorological conditions, including:
    - i. Wind speed and direction,
    - ii. Stagnation,
    - iii. Recent precipitation, and
    - iv. Potential for precipitation;
  - b. Existing concentrations of air pollution at the time of the forecast; and
  - c. Historic air pollution concentrations that have been observed during meteorological conditions similar to those that are predicted to occur in the forecast.
11. "Earth materials" means natural materials covering the ground surface, which includes, but are not limited to, dirt, rocks, or soil.
12. "Grading roadways" means mechanically smoothing and compacting the roadway surface.
13. "Irrigation District" means a political subdivision, governed by A.R.S. Title 48, Chapter 19.
14. "Limit activity" means performing only critical operational or emergency activity on a day forecast to be high risk for dust generation as forecasted by the Pinal County Dust Control Forecast.
15. "Major earth moving activities" means the mechanical movement of earth materials to reconstruct, relocate, reshape, reconfigure canals, including operation and maintenance roads and utility access roads.
16. "Maricopa PM nonattainment area" means the Phoenix planning area as defined in 40 CFR 81.303, which is incorporated by reference in R18-2-210.
17. "Minor earth moving activities" means the mechanical movement of earth materials to repair and maintain the existing configuration, location, bank slopes, or inclines of canals.
18. "Muck" means water that is saturated with mud, dirt, and soil, which accumulates over time along the bottom of canals.
19. "Paved Public Road" means any paved roadways that are open to public travel and maintained by a City, County, or the State.
20. "Pinal County PM Nonattainment Area" means the West Pinal PM<sub>10</sub> planning area and the West Central PM<sub>2.5</sub> planning area, as defined in 40 CFR 81.303, and incorporated by reference in R18-2-210.
21. "PM" includes both particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR 50 Appendix L, or by an equivalent method des-

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- ignated according to 40 CFR 53; and particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method contained within 40 CFR 50, Appendix J or by an equivalent method designated in accordance with 40 CFR 53, as incorporated by reference in Appendix 2.
22. "Reduce vehicle speed" means reducing PM emissions and soil erosion from the use of vehicles owned or operated by the irrigation district on unpaved operation, maintenance, and utility access roads, at speeds not to exceed 25 mph. This can be achieved through worker behavior modifications, signage, or any other necessary means.
  23. "Regulated agricultural activity" means activities of an irrigation district, which affects those lands and facilities that are under the jurisdiction and control of an irrigation district, as described in A.R.S. §§ 49-457(P)(1)(f) and 49-457(P)(5)(b).
  24. "Regulated area" means a regulated area as defined in A.R.S. § 49-457(P)(6)(c).
  25. "Sediment" means muck that has dried after removal from canals.
  26. "Supervisory control system" means a system that allows the irrigation district to control operational structures from a remote computer location in order to reduce at least one trip made by vehicles to access structures for operational purposes.
  27. "Synthetic or natural particulate suppressant" means reducing PM emissions and wind erosion by providing a stabilized soil surface with organic material, such as muck, animal waste or biosolids, or with a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, an emulsion of a petroleum product, an enzyme product, or polyacrylamide.
  28. "Track-out control system" means minimizing any and all material that adheres to and agglomerates on all vehicles and equipment and falls onto paved public roads or shoulders to paved public roads by using a device or system to remove mud or soil from a vehicle or equipment before the vehicle enters a paved public road. Devices such as a grizzly, a gravel pad or a wheel wash system can be used.
  29. "Unauthorized use" means any travel or access by non-district personnel in non-district vehicles along roadways under the control of an irrigation district without the permission of the irrigation district.
  30. "Unpaved operation and maintenance roads" means unpaved roadways that lay adjacent to canals, which provide access for irrigation district personnel and equipment for direct operation and maintenance of canals, and are under the control of the irrigation district.
  31. "Unpaved utility access roads" means unpaved roadways used to provide access to canals, and also includes office and shop facilities, equipment yards, staging areas and other lands under the control of the irrigation district.
  32. "Weed management" means reducing at least one trip made by vehicles for the purposes of removing weeds by using a combination of techniques, including organic, chemical, or biological means, to control weeds along canal banks and land surfaces not used for conveying water, excluding unpaved roadways.
  33. "Wind barrier" means reducing PM<sub>10</sub> emissions and wind erosion by constructing a fence or structure, or providing a woody vegetative barrier by planting a row of trees or shrubs, perpendicular or across the prevailing wind direction to reduce wind speed by changing the pattern of air flow over the land surface. For fences and structures, the wind barrier shall have a density of no less than 50% and the height of the wind barrier must be proportionate to the downwind protected area. The downwind protected area is considered ten times the height of the wind barrier. For vegetative barriers, compliance shall be determined by NRCS Conservation Practice Standard, Code 380, Windbreak/Shelterbelt Establishment, amended through August 21, 2009 (and no future editions).
- Historical Note**
- New Section R18-2-612 renumbered from R18-2-610 at 6 A.A.R. 2009, effective May 12, 2000 (Supp. 00-2). Former Section R18-2-612 renumbered to R18-2-614; new Section R18-2-612 made by final rulemaking at 11 A.A.R. 2210, effective July 18, 2005 (Supp. 05-2). Amended by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3).
- R18-2-612.01. Agricultural PM General Permit For Irrigation Districts; PM Nonattainment Areas Designated After June 1, 2009**
- A. An irrigation district within a PM Nonattainment Area, designated after June 1, 2009, shall implement at least one best management practice from each of the following categories to reduce PM emissions:
1. Unpaved operation and maintenance roads:
    - a. Access restriction,
    - b. Apply and maintain aggregate cover,
    - c. Install supervisory control system to limit vehicle travel,
    - d. Limit activity,
    - e. Install signage to limit vehicle speed to 25 mph,
    - f. Post warning signs for unauthorized use at point of entry to roads,
    - g. Reduce vehicle speed,
    - h. Install and maintain a track-out control system,
    - i. Apply and maintain synthetic or natural particulate suppressant,
    - j. Apply and maintain water before, during, and after major and minor earth moving activities,
    - k. Apply and maintain water when grading roadways,
    - l. Use paved non-district or paved public roads to access structures, or
    - m. Install wind barriers.
  2. Canals:
    - a. Dredge canals while muck or debris is still wet,
    - b. Dispose of muck or debris while still damp,
    - c. Weed management,
    - d. Biological control of aquatic weeds, or
    - e. Apply and maintain water before, during and after major and minor earth moving activities.
  3. Unpaved utility access roads:
    - a. Access restriction,
    - b. Apply and maintain aggregate cover,
    - c. Limit activity,
    - d. Install signage to limit vehicle speed to 25 mph,
    - e. Post warning signs for unauthorized use at points of entry to roads,
    - f. Reduce vehicle speed,
    - g. Install and maintain a track-out control system,
    - h. Apply and maintain pavement,
    - i. Apply and maintain synthetic or natural particulate suppressant,
    - j. Apply and maintain water before, during and after major and minor earth moving activities,
    - k. Apply and maintain water when grading roadways,

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- l. Use paved non-district or paved public roads to access structures, or
  - m. Install wind barriers.
- B.** From and after December 31, 2015, an irrigation district engaged in a regulated agricultural activity shall complete a Best Management Practices Program General Permit Record Form. Thereafter, a new Best Management Practices Program General Permit Record Form shall be completed every year by March 31. The Form shall be provided to the Director within two business days of notice to the irrigation district. The Best Management Practice Program General Permit Record form shall include the following information:
1. The name, business address, and the irrigation district representative responsible for the preparation and implementation of the best management practices;
  2. The signature of the irrigation district representative and the date the form was signed; and
  3. The best management practice selected for unpaved operation and utility roads, canals, and unpaved utility access roads.
- C.** Beginning in calendar year 2017, and no more than once every subsequent three calendar years, the Director, in conjunction with the Arizona Department of Agriculture, shall provide the irrigation district with a Best Management Practices Program Three-year Survey. The irrigation district shall complete the Survey with data from the preceding calendar year and submit the Survey to the Arizona Department of Agriculture (ADA) by January 31, 2018, and every three years thereafter. The Survey information submitted to the ADA shall be compiled by the ADA then be submitted to the Department. The Three-year Survey shall include the following information:
1. The name, business address, and phone number of the irrigation district representative responsible for the preparation and implementation of the best management practices;
  2. The signature of the irrigation district representative and the date the form was signed;
  3. The total miles of canals that the irrigation district controls;
  4. The total miles of unpaved operation and maintenance roads;
  5. The total miles of the unpaved utility access roads; and
  6. The best management practices selected for unpaved operation and utility roads, canals, and unpaved utility access roads.
- D.** Records of any changes to those Best Management Practices shall be noted on the Best Management Practices Program General Permit Record Form and shall be kept by the irrigation district onsite and made available for review by the Director within two business days of notice to the irrigation district by the Department.
- E.** An irrigation district may develop different practices not contained in either of the categories of subsections (A)(1), (A)(2), or (A)(3) that reduce PM and may submit such practices that are proven effective through in-district trials. The proposed new practices shall not become effective unless submitted as described in A.R.S. § 49-457(L).
- F.** An irrigation district shall maintain a record demonstrating compliance with this Section for three years. Records shall include a copy of the complete Best Management Practice Program General Permit Record Form to confirm implementation of each best management practice.
- G.** The Director shall not assess a fee to an irrigation district for coverage under the agricultural PM general permit.
- H.** An irrigation district shall ensure that the implementation of all selected best management practices does not violate any other local, state, or federal law.
- I.** The Director shall document noncompliance with this Section before issuing a compliance order.
- J.** An irrigation district that is not in compliance with this Section is subject to the provisions in A.R.S. § 49-457(I), (J), and (K).

**Historical Note**

New Section made by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3).

**R18-2-613. Definitions for R18-2-613.01**

1. "Access restriction" means restricting or eliminating public access to noncropland with signs or physical obstruction.
2. "Aggregate cover" means gravel, concrete, recycled road base, caliche, or other similar material applied to non-cropland.
3. "Artificial wind barrier" means a physical barrier to the wind.
4. "Bed row spacing" means increasing or decreasing the size of a planting bed area to reduce the number of passes and soil disturbance by increasing plant density.
5. "Best management practice" means a technique verified by scientific research, that on a case-by-case basis is practical, economically feasible, and effective in reducing PM<sub>10</sub> emissions from a regulated agricultural activity.
6. "Chemical irrigation" means applying a fertilizer, pesticide, or other agricultural chemical to cropland through an irrigation system.
7. "Combining tractor operations" means performing two or more tillage, cultivation, planting, or harvesting operations with a single tractor or harvester pass.
8. "Commercial farm" means 10 or more contiguous acres of land used for agricultural purposes within the boundary of the Yuma PM<sub>10</sub> nonattainment area.
9. "Commercial farmer" means an individual, entity, or joint operation in general control of a commercial farm.
10. "Conservation irrigation" means the use of drips, sprinklers, or underground lines to conserve water, and to reduce the weed population, the need for tillage, and soil compaction.
11. "Conservation tillage" means types of tillage that reduce the number of passes and the amount of soil disturbance.
12. "Cover crop" means plants or a green manure crop grown for seasonal soil protection or soil improvement.
13. "Critical area planting" means using trees, shrubs, vines, grasses, or other vegetative cover on noncropland.
14. "Cropland" means land on a commercial farm that:
  - a. Is within the time-frame of final harvest to plant emergence;
  - b. Has been tilled in a prior year and is suitable for crop production, but is currently fallow; or
  - c. Is a turn-row.
15. "Cross-wind ridges" means soil ridges formed by a tillage operation.
16. "Cross-wind strip-cropping" means planting strips of alternating crops within the same field.
17. "Cross-wind vegetative strips" means herbaceous cover established in one or more strips within the same field.
18. "Equipment modification" means modifying agricultural equipment to prevent or reduce particulate matter generation from cropland.
19. "Limited activity during a high-wind event" means performing no tillage or soil preparation activity when the

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- measured wind speed at 6 feet in height is more than 25 mph at the commercial farm site.
20. "Manure application" means applying animal waste or biosolids to a soil surface.
  21. "Mulching" means applying plant residue or other material that is not produced onsite to a soil surface.
  22. "Multi-year crop" means a crop, pasture, or orchard that is grown, or will be grown, on a continuous basis for more than one year.
  23. "Night farming" means performing regulated agricultural activities at night when moisture levels are higher and winds are lighter.
  24. "Noncropland" means any commercial farmland that:
    - a. Is no longer used for agricultural production;
    - b. Is no longer suitable for production of crops;
    - c. Is subject to a restrictive easement or contract that prohibits use for the production of crops; or
    - d. Includes a private farm road, ditch, ditch bank, equipment yard, storage yard, or well head.
  25. "Permanent cover" means a perennial vegetative cover on cropland.
  26. "Planting based on soil moisture" means applying water to soil before performing planting operations.
  27. "Precision farming" means use of satellite navigation to calculate position in the field, to reduce overlap during field operations, and allow operations to occur during nighttime and inclement weather, thus generating less PM<sub>10</sub>.
  28. "Reduce vehicle speed" means operating farm vehicles or farm equipment on unpaved farm roads at speeds not to exceed 20 mph.
  29. "Reduced harvest activity" means reducing the number of harvest passes using a mechanized method to cut and remove crops from a field.
  30. "Regulated agricultural activity" means a commercial farming practice that may produce PM<sub>10</sub> within the Yuma PM<sub>10</sub> nonattainment area.
  31. "Residue management" means managing the amount and distribution of crop and other plant residues on a soil surface.
  32. "Sequential cropping" means growing crops in a sequence that minimizes the amount of time bare soil is exposed on a field.
  33. "Surface roughening" means manipulating a soil surface to produce or maintain clods.
  34. "Synthetic particulate suppressant" means a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, and polyacrylamide, an emulsion of a petroleum product, and an enzyme product that is used to control particulate matter.
  35. "Tillage and harvest" means any mechanical practice that physically disturbs cropland or crops on a commercial farm.
  36. "Tillage based on soil moisture" means applying water to soil before or during tillage, or delaying tillage to coincide with precipitation.
  37. "Timing of a tillage operation" means performing tillage operations at a time that will minimize the soil's susceptibility to generate PM<sub>10</sub>.
  38. "Transgenic crops" means the use of genetically modified crops such as "herbicide ready" crops, which reduces the need for tillage or cultivation operations, and reduces soil disturbance.
  39. "Track-out control system" means a device to remove mud or soil from a vehicle before the vehicle enters a paved public road.
  40. "Tree, shrub, or windbreak planting" means providing a woody vegetative barrier to the wind.
  41. "Watering" means applying water to noncropland.
  42. "Yuma PM<sub>10</sub> nonattainment area" means the Yuma PM<sub>10</sub> planning area as defined in 40 CFR 81.303, which is incorporated by reference in R18-2-210.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 2210, effective July 18, 2005 (Supp. 05-2). Section R18-2-313 renumbered to R18-2-313.01; new Section made by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3).

**R18-2-613.01. Yuma PM<sub>10</sub> Nonattainment Area; Agricultural Best Management Practices**

- A. A commercial farmer shall comply with this Section by August 1, 2005.
- B. A commercial farmer who begins a regulated agricultural activity after August 1, 2005, shall comply with this Section within 60 days after beginning the regulated agricultural activity.
- C. A commercial farmer shall implement at least one of the best management practices from each of the following categories at each commercial farm:
  1. Tillage and harvest, subsection (E);
  2. Noncropland, subsection (F); and
  3. Cropland, subsection (G).
- D. A commercial farmer shall ensure that the implementation of each selected best management practice does not violate any other local, state, or federal law.
- E. A commercial farmer shall implement at least one of the following best management practices to reduce PM<sub>10</sub> emissions from tillage and harvest:
  1. Bed row spacing,
  2. Chemical irrigation,
  3. Combining tractor operations,
  4. Conservation irrigation,
  5. Conservation tillage,
  6. Equipment modification,
  7. Limited activity during a high-wind event,
  8. Multi-year crop,
  9. Night farming,
  10. Planting based on soil moisture,
  11. Precision farming,
  12. Reduced harvest activity,
  13. Tillage based on soil moisture,
  14. Timing of a tillage operation, or
  15. Transgenic crops.
- F. A commercial farmer shall implement at least one of the following best management practices to reduce PM<sub>10</sub> emissions from noncropland:
  1. Access restriction;
  2. Aggregate cover;
  3. Artificial wind barrier;
  4. Critical area planting;
  5. Manure application;
  6. Reduce vehicle speed;
  7. Synthetic particulate suppressant;
  8. Track-out control system;
  9. Tree, shrub, or windbreak planting; or
  10. Watering.
- G. A commercial farmer shall implement at least one of the following best management practices to reduce PM<sub>10</sub> emissions from cropland:
  1. Artificial wind barrier;
  2. Cover crop;

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3. Cross-wind ridges;
  4. Cross-wind strip-cropping;
  5. Cross-wind vegetative strips;
  6. Manure application;
  7. Mulching;
  8. Multi-year crop;
  9. Permanent cover;
  10. Planting based on soil moisture;
  11. Precision farming;
  12. Residue management;
  13. Sequential cropping;
  14. Surface roughening; or
  15. Tree, shrub, or windbreak planting.
- H.** A person may develop different practices not contained in subsections (E), (F), or (G) that reduce  $PM_{10}$ . A person may submit practices that are proven effective through demonstration trials to the Director. The Director shall review the submitted practices.
- I.** A commercial farmer shall maintain records demonstrating compliance with this Section. The commercial farmer shall provide the records to the Director within two business days of written notice to the commercial farmer. The records shall contain:
1. The name of the commercial farmer,
  2. The mailing address or physical location of the commercial farm, and
  3. The best management practices selected for tillage and harvest, noncropland, and cropland by the commercial farmer, and the date each best management practice was implemented.

**Historical Note**

New Section R18-2-313.01 renumbered from Section R18-2-313 by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3).

**R18-2-614. Evaluation of Nonpoint Source Emissions**

Opacity of an emission from any nonpoint source shall not be greater than 40% measured according to the 40 CFR 60, Appendix A, Reference Method 9. An open fire permitted under R18-2-602 or regulated under Article 15 is exempt from this requirement.

**Historical Note**

Section R18-2-614 renumbered from R18-2-612; amended by final rulemaking at 11 A.A.R. 2210, effective July 18, 2005 (Supp. 05-2). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2).

**ARTICLE 7. EXISTING STATIONARY SOURCE PERFORMANCE STANDARDS****R18-2-701. Definitions**

For purposes of this Article:

1. "Acid mist" means sulfuric acid mist as measured in the Arizona Testing Manual and 40 CFR 60, Appendix A.
2. "Architectural coating" means a coating used commercially or industrially for residential, commercial or industrial buildings and their appurtenances, structural steel, and other fabrications such as storage tanks, bridges, beams and girders.
3. "Asphalt concrete plant" means any facility used to manufacture asphalt concrete by heating and drying aggregate and mixing with asphalt cements. This is limited to facilities, including drum dryer plants that introduce asphalt into the dryer, which employ two or more of the following processes:
  - a. A dryer.
  - b. Systems for screening, handling, storing, and weighing hot aggregate.
  - c. Systems for loading, transferring, and storing mineral filler.
  - d. Systems for mixing asphalt concrete.
  - e. The loading, transferring, and storage systems associated with emission control systems.
4. "Black liquor" means waste liquor from the brown stock washer and spent cooking liquor which have been concentrated in the multiple-effect evaporator system.
5. "Calcine" means the solid materials produced by a lime plant.
6. "Coal" means any solid fuel classified as anthracite, bituminous, subbituminous, or lignite by the ASTM Method D388-05 "Standard Classification of Coals by Rank" and coal refuse. Synthetic fuels derived from coal for the purpose of creating useful heat including but not limited to, coal derived gases (not meeting the definition of natural gas), solvent-refined coal, coal-oil mixtures, and coal-water mixtures, are considered "coal" for the purposes of this subpart.
7. "Coal refuse" means any by-product of coal mining, physical coal cleaning, and coal preparation operations (e.g., culm, gob, etc.) containing coal, matrix material, clay, and other organic and inorganic material with an ash content greater than 50 percent (by weight) and a heating value less than 13,900 kilojoules per kilogram (6,000 Btu per pound) on a dry basis.
8. "Concentrate" means enriched copper ore recovered from the froth flotation process.
9. "Concentrate dryer" means any facility in which a copper sulfide ore concentrate charge is heated in the presence of air to eliminate a portion of the moisture from the charge, provided less than 5% of the sulfur contained in the charge is eliminated in the facility.
10. "Concentrate roaster" means any facility in which a copper sulfide ore concentrate is heated in the presence of air to eliminate 5% or more of the sulfur contained in the charge.
11. "Condensate stripper system" means a column, and associated condensers, used to strip, with air or steam, TRS compounds from condensate streams from various processes within a kraft pulp mill.
12. "Control device" means the air pollution control equipment used to remove particulate matter or gases generated by a process source from the effluent gas stream.
13. "Converter" means any vessel to which copper matte is charged and oxidized to copper.
14. "Electric generating plant" means all electric generating units located at a stationary source.
15. "Electric generating unit" means a combustion unit of more than 25 megawatts electric that serves a generator that produces electricity for sale and that burns coal for more than 10.0 percent of the average annual heat input during any three consecutive calendar years or for more than 15.0 percent of the annual heat input during any one calendar year. A unit that cogenerates steam and electricity and supplies more than one-third of its potential electric output capacity and more than 25 megawatts electric output to any utility power distribution system for sale is considered an electric generating unit.
16. "Existing source" means any source which does not have an applicable new source performance standard under Article 9 of this Chapter.

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17. "Facility" means an identifiable piece of stationary process equipment along with all associated air pollution equipment.
18. "Federal mercury standards" means the emissions limits, monitoring, testing, recordkeeping, reporting and notification requirements applicable or relating to emissions of mercury from electric generating units under 40 CFR Part 63, Subpart UUUUU.
19. "Fugitive dust" means fugitive emissions of particulate matter.
20. "High sulfur oil" means fuel oil containing 0.90% or more by weight of sulfur.
21. "Inlet mercury" means the average concentration of mercury in the coal burned at an electric generating unit, as determined by ASTM methods, EPA-approved methods or alternative methods approved by the Director.
22. "Lime kiln" means a unit used to calcinate lime rock or kraft pulp mill lime mud, which consists primarily of calcium carbonate, into quicklime, which is calcium oxide.
23. "Low sulfur oil" means fuel oil containing less than 0.90% by weight of sulfur.
24. "Matte" means a metallic sulfide made by smelting copper sulfide ore concentrate or the roasted product of copper sulfide ores.
25. "Mercury" means mercury or mercury compounds in either a gaseous or particulate form.
26. "Miscellaneous metal parts and products" for purposes of industrial coating include all of the following:
  - a. Large farm machinery, such as harvesting, fertilizing and planting machines, tractors, and combines;
  - b. Small farm machinery, such as lawn and garden tractors, lawn mowers, and rototillers;
  - c. Small appliances, such as fans, mixers, blenders, crock pots, dehumidifiers, and vacuum cleaners;
  - d. Commercial machinery, such as office equipment, computers and auxiliary equipment, typewriters, calculators, and vending machines;
  - e. Industrial machinery, such as pumps, compressors, conveyor components, fans, blowers, and transformers;
  - f. Fabricated metal products, such as metal-covered doors and frames;
  - g. Any other industrial category which coats metal parts or products under the Code in the "Standard Industrial Classification Manual, 1987" of Major Group 33 (primary metal industries), Major Group 34 (fabricated metal products), Major Group 35 (non-electric machinery), Major Group 36 (electrical machinery), Major Group 37 (transportation equipment), Major Group 38 (miscellaneous instruments), and Major Group 39 (miscellaneous manufacturing industries), except all of the following:
    - i. Automobiles and light-duty trucks;
    - ii. Metal cans;
    - iii. Flat metal sheets and strips in the form of rolls or coils;
    - iv. Magnet wire for use in electrical machinery;
    - v. Metal furniture;
    - vi. Large appliances;
    - vii. Exterior of airplanes;
    - viii. Automobile refinishing;
    - ix. Customized top coating of automobiles and trucks, if production is less than 35 vehicles per day;
    - x. Exterior of marine vessels.
27. "Multiple-effect evaporator system" means the multiple-effect evaporators and associated condenser and hotwell used to concentrate the spent cooking liquid that is separated from the pulp.
28. "Neutral sulfite semichemical pulping" means any operation in which pulp is produced from wood by cooking or digesting wood chips in a solution of sodium sulfite and sodium bicarbonate, followed by mechanical defibrating or grinding.
29. "Petroleum liquids" means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Number 2 through Number 6 fuel oils as specified in ASTM D396-90a (Specification for Fuel Oils), gas turbine fuel oils Numbers 2-GT through 4-GT as specified in ASTM D2880-90a (Specification for Gas Turbine Fuel Oils), or diesel fuel oils Numbers 2-D and 4-D as specified in ASTM D975-90 (Specification for Diesel Fuel Oils).
30. "Potential electric output capacity" means 33% of a unit's maximum design heat input, divided by 3,413 Btu per kilowatt-hour, divided by 1,000 kilowatt-hours/per megawatt-hour, and multiplied by 8,760 hours per year.
31. "Process source" means the last operation or process which produces an air contaminant resulting from either:
  - a. The separation of the air contaminants from the process material, or
  - b. The conversion of constituents of the process materials into air contaminants which is not an air pollution abatement operation.
32. "Process weight" means the total weight of all materials introduced into a process source, including fuels, where these contribute to pollution generated by the process.
33. "Process weight rate" means a rate established pursuant to R18-2-702(E).
34. "Recovery furnace" means the unit, including the direct-contact evaporator for a conventional furnace, used for burning black liquor to recover chemicals consisting primarily of sodium carbonate and sodium sulfide.
35. "Reid vapor pressure" means the absolute vapor pressure of volatile crude oil and volatile non-viscous petroleum liquids, except liquified petroleum gases, as determined by ASTM D-323-90 (Test Method for Vapor Pressure of Petroleum Products) (Reid Method).
36. "Reveratory smelting furnace" means any vessel in which the smelting of copper sulfide ore concentrates or calcines is performed and in which the heat necessary for smelting is provided primarily by combustion of a fossil fuel.
37. "Rotary lime kiln" means a unit with an included rotary drum which is used to produce a lime product from limestone by calcination.
38. "Slag" means fused and vitrified matter separated during the reduction of a metal from its ore.
39. "Smelt dissolving tank" means a vessel used for dissolving the smelt collected from the kraft mill recovery furnace.
40. "Smelter feed" means all materials utilized in the operation of a copper smelter, including metals or concentrates, fuels and chemical reagents, calculated as the aggregate sulfur content of all fuels and other feed materials whose products of combustion and gaseous by-products are emitted to the atmosphere.
41. "Smelting" means processing techniques for the smelting of a copper sulfide ore concentrate or calcine charge leading to the formation of separate layers of molten slag, molten copper, or copper matte.



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42. "Smelting furnace" means any vessel in which the smelting of copper sulfide ore concentrates or calcines is performed and in which the heat necessary for smelting is provided by an electric current, rapid oxidation of a portion of the sulfur contained in the concentrate as it passes through an oxidizing atmosphere, or the combustion of a fossil fuel.
43. "Standard conditions" means a temperature of 293K (68°F or 20°C) and a pressure of 101.3 kilopascals (29.92 in. Hg or 1013.25 mb).
44. "Supplementary control system" (SCS) means a system by which sulfur dioxide emissions are curtailed during periods when meteorological conditions conducive to ground-level concentrations in excess of ambient air quality standards for sulfur dioxide either exist or are anticipated.
45. "Vapor pressure" means the pressure exerted by the gaseous form of a substance in equilibrium with its liquid or solid form.

**Historical Note**

Former Section R18-2-701 repealed effective September 26, 1990 (Supp. 90-3). New Section R18-2-701 renumbered from R18-2-501 and amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 12 A.A.R. 4701, effective January 29, 2007 (Supp. 06-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 21 A.A.R. 711, effective June 30, 2015 (Supp. 15-2).

**R18-2-702. General Provisions**

- A. The provisions of this Article shall only apply to a source that is all of the following:
  1. An existing source, as defined in R18-2-101;
  2. A point source. For the purposes of this Section, "point source" means a source of air contaminants that has an identifiable plume or emissions point; and
  3. A stationary source, as defined in R18-2-101.
- B. Except as otherwise provided in this Chapter relating to specific types of sources, the opacity of any plume or effluent, from a source described in subsection (A), as determined by Reference Method 9 in 40 CFR 60, Appendix A, shall not be:
  1. Greater than 20% in an area that is nonattainment or maintenance for any particulate matter standard, unless an alternative opacity limit is approved by the Director and the Administrator as provided in subsections (D) and (E), after February 2, 2004;
  2. Greater than 40% in an area that is attainment or unclassifiable for each particulate matter standard; and
  3. After April 23, 2006, greater than 20% in any area that is attainment or unclassifiable for each particulate matter standard except as provided in subsections (D) and (E).
- C. If the presence of uncombined water is the only reason for an exceedance of any visible emissions requirement in this Article, the exceedance shall not constitute a violation of the applicable opacity limit.
- D. A person owning or operating a source may petition the Director for an alternative applicable opacity limit. The petition shall be submitted to ADEQ by May 15, 2004.
  1. The petition shall contain:
    - a. Documentation that the affected facility and any associated air pollution control equipment are incapable of being adjusted or operated to meet the applicable opacity standard. This includes:
      - i. Relevant information on the process operating conditions and the control devices operating conditions during the opacity or stack tests;
      - ii. A detailed statement or report demonstrating that the source investigated all practicable means of reducing opacity and utilized control technology that is reasonably available considering technical and economic feasibility; and
      - iii. An explanation why the source cannot meet the present opacity limit although it is in compliance with the applicable particulate mass emission rule.
    - b. If there is an opacity monitor, any certification and audit reports required by all applicable subparts in 40 CFR 60 and in Appendix B, Performance Specification 1.
    - c. A verification by a responsible official of the source of the truth, accuracy, and completeness of the petition. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
2. If the unit for which the alternative opacity standard is being applied is subject to a stack test, the petition shall also include:
  - a. Documentation that the source conducted concurrent EPA Reference Method stack testing and visible emissions readings or is utilizing a continuous opacity monitor. The particulate mass emission test results shall clearly demonstrate compliance with the applicable particulate mass emission limitation by being at least 10% below that limit. For multiple units that are normally operated together and whose emissions vent through a single stack, the source shall conduct simultaneous particulate testing of each unit. Each control device shall be in good operating condition and operated consistent with good practices for minimizing emissions.
  - b. Evidence that the source conducted the stack tests according to R18-2-312, and that they were witnessed by the Director or the Director's agent or representative.
  - c. Evidence that the affected facility and any associated air pollution control equipment were operated and maintained to the maximum extent practicable to minimize the opacity of emissions during the stack tests.
3. If the source for which the alternative opacity standard is being applied is located in a nonattainment area, the petitioner shall include all the information listed in subsections (D)(1) and (D)(2), and in addition:
  - a. In subsection (D)(1)(a)(ii), the detailed statement or report shall demonstrate that the alternative opacity limit fulfills the Clean Air Act requirement for reasonably available control technology; and
  - b. In subsection (D)(2)(b), the stack tests shall be conducted with an opportunity for the Administrator or the Administrator's agent or representative to be present.
- E. If the Director receives a petition under subsection (D) the Director shall approve or deny the petition as provided below by October 15, 2004:
  1. If the petition is approved under subsection (D)(1) or (D)(2), the Director shall include an alternative opacity limit in a proposed significant permit revision for the source under R18-2-320 and R18-2-330. The proposed

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alternative opacity limit shall be set at a value that has been demonstrated during, and not extrapolated from, testing, except that an alternative opacity limit under this Section shall not be greater than 40%. For multiple units that are normally operated together and whose emissions vent through a single stack, any new alternative opacity limit shall reflect the opacity level at the common stack exit, and not individual in-duct opacity levels.

2. If the petition is approved under subsection (D)(3), the Director shall include an alternative opacity limit in a proposed revision to the applicable implementation plan, and submit the proposed revision to EPA for review and approval. The proposed alternative opacity limit shall be set at a value that has been demonstrated during, and not extrapolated from, testing, except that the alternative opacity limit shall not be greater than 40%.
  3. If the petition is denied, the source shall either comply with the 20% opacity limit or apply for a significant permit revision to incorporate a compliance schedule under R18-2-309(5)(c)(iii) by April 23, 2006.
  4. A source does not have to petition for an alternative opacity limit under subsection (D) to enter into a revised compliance schedule under R18-2-309(5)(c).
- F. The Director, Administrator, source owner or operator, inspector or other interested party shall determine the process weight rate, as used in this Article, as follows:
1. For continuous or long run, steady-state process sources, the process weight rate is the total process weight for the entire period of continuous operation, or for a typical portion of that period, divided by the number of hours of the period, or portion of hours of that period.
  2. For cyclical or batch process sources, the process weight rate is the total process weight for a period which covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during the period.

**Historical Note**

Former Section R18-2-702 repealed effective September 26, 1990 (Supp. 90-3). New Section R18-2-702 renumbered from R18-2-502 and amended effective November 15, 1993 (Supp. 93-4). Amended by exempt rulemaking at 9 A.A.R. 5550, effective February 3, 2004 (Supp. 03-4).

**R18-2-703. Standards of Performance for Existing Fossil-fuel Fired Steam Generators and General Fuel-burning Equipment****A.** This Section applies to the following:

1. Installations in which fuel is burned for the primary purpose of producing power, steam, hot water, hot air or other liquids, gases or solids and in the course of doing so the products of combustion do not come into direct contact with process materials. When any products or by-products of a manufacturing process are burned for the same purpose or in conjunction with any fuel, the same maximum emission limitation shall apply, except for wood waste burners as regulated under R18-2-704.
2. All fossil-fuel fired steam generating units or general fuel burning equipment which are greater than or equal to 73 megawatts capacity.

**B.** For purposes of this Section, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or other outlet. The heat content of solid fuel shall be determined in accordance with R18-2-311. Compliance tests shall be conducted during operation at the nominal rated capacity of each unit.**C.** No person shall cause, allow or permit the emission of particulate matter in excess of the amounts calculated by one of the following equations:

1. For equipment having a heat input rate of 4200 million Btu per hour or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 1.02Q^{0.769}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

Q = the heat input in million Btu per hour.

2. For equipment having a heat input rate greater than 4200 million Btu per hour, the maximum allowable emissions shall be determined by the following equation:

$$E = 17.0Q^{0.432}$$

where "E" and "Q" have the same meaning as in subsection (C)(1).

**D.** Actual values shall be calculated from the applicable equations and rounded off to two decimal places.**E.** When low sulfur oil is fired:

1. Existing fuel-burning equipment or steam-power generating installations which commenced construction or a major modification prior to May 30, 1972, shall not emit more than 1.0 pounds sulfur dioxide maximum three-hour average, per million Btu (430 nanograms per joule) heat input.
2. Existing fuel-burning equipment or steam-power generating installations which commenced construction or a major modification after May 30, 1972, shall not emit more than 0.80 pounds of sulfur dioxide maximum three-hour average per million Btu (340 nanograms per joule) heat input.

**F.** When high sulfur oil is fired, all existing steam-power generating and general fuel-burning installations which are subject to the provisions of this Section shall not emit more than 2.2 pounds of sulfur dioxide maximum three-hour average per million Btu (946 nanograms per joule) heat input.**G.** When solid fuel is fired:

1. Existing general fuel-burning equipment and steam-power generating installations which commenced construction or a major modification prior to May 30, 1972, shall not emit more than 1.0 pounds of sulfur dioxide maximum three-hour average, per million Btu (430 nanograms per joule) heat input.
2. Existing general fuel-burning equipment and steam-power generating installations which commenced construction or a major modification after May 30, 1972, shall not emit more than 0.80 pounds of sulfur dioxide, maximum three-hour average, per million Btu (340 nanograms per joule) heat input.

**H.** Any permit issued for the operation of an existing source, or any renewal or modification of such a permit, shall include a condition prohibiting the use of high sulfur oil by the permittee, unless the applicant demonstrates to the satisfaction of the Director that sufficient quantities of low sulfur oil are not available for use by the source and that it has adequate facilities and contingency plans to ensure that the sulfur dioxide ambient air quality standards set forth in R18-2-202 will not be violated.

1. The terms of the permit may authorize the use of high sulfur oil under such conditions as are justified.
2. In cases where the permittee is authorized to use high sulfur oil, it shall submit to the Department monthly reports detailing its efforts to obtain low sulfur oil.

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3. When the conditions justifying the use of high sulfur oil no longer exists, the permit shall be modified accordingly.
4. Nothing in this Section shall be construed as allowing the use of a supplementary control system or other form of dispersion technology.
- I. Existing steam-power generating installations which commenced construction or a major modification after May 30, 1972, shall not emit nitrogen oxides in excess of the following amounts:
  1. 0.20 pounds of nitrogen oxides, maximum three-hour average, calculated as nitrogen dioxide, per million Btu heat input when gaseous fossil fuel is fired.
  2. 0.30 pounds of nitrogen oxides, maximum three-hour average, calculated as nitrogen dioxide, per million Btu heat input when liquid fossil fuel is fired.
  3. 0.70 pounds of nitrogen oxides, maximum three-hour average, calculated as nitrogen dioxide, per million Btu heat input when solid fossil fuel is fired.
- J. Emission and fuel monitoring systems, where deemed necessary by the Director for sources subject to the provisions of this Section shall, conform to the requirements of R18-2-313.
- K. The applicable reference methods given in the Appendices to 40 CFR 60 shall be used to determine compliance with the standards as prescribed in subsections (C) through (G) and (I). All tests shall be run at the heat input calculated under subsection (B).
  - a. For a period once each day for the purpose of building a new fire but not to exceed 60 minutes, and
  - b. For an upset of operations not to exceed three minutes in any 60-minute period.
- E. The owner or operator of any incinerator subject to the provisions of this Section shall record the daily charging rates and hours of operation.
- F. The test methods and procedures required by this Section are as follows:
  1. The reference methods in 40 CFR 60, Appendix A, shall be used to determine compliance with the standards prescribed in subsection (B) as follows:
    - a. Method 5 for the concentration of particulate matter and the associated moisture content;
    - b. Method 1 for sample and velocity traverses;
    - c. Method 2 for velocity and volumetric flow rate;
    - d. Method 3 for gas analysis and calculation of excess air, using the integrated sampling technique.
  2. For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 0.85 dscm (30.0 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the Director.

**Historical Note**

Former Section R18-2-703 repealed effective September 26, 1990 (Supp. 90-3). New Section R18-2-703 renumbered from R18-2-503 and amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 13 A.A.R. 2157, effective August 4, 2007 (Supp. 07-2). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1).

**R18-2-704. Standards of Performance for Incinerators**

- A. No person shall cause, allow or permit to be emitted into the atmosphere, from any type of incinerator, smoke, fumes, gases, particulate matter or other gas-borne material which exceeds 20% opacity except during the times specified in subsection (D).
- B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any incinerator, in excess of the following limits:
  1. For multiple chamber incinerators, controlled atmosphere incinerators, fume incinerators, afterburners or other unspecified types of incinerators, emissions shall not exceed 0.1 grain per cubic foot, based on dry flue gas at standard conditions, corrected to 12% carbon dioxide.
  2. For wood waste burners other than air curtain destructors, emissions discharged from the stack or burner top opening shall not exceed 0.2 grain per cubic foot, based on dry flue gas at standard conditions, corrected to 12% carbon dioxide.
- C. Air curtain destructors shall not be used within 500 feet of the nearest dwelling.
- D. Incinerators shall be exempt from the opacity and emission requirements described in subsections (A) and (B) as follows:
  1. For multiple chamber incinerators, controlled atmosphere incinerators, fume incinerators, afterburners or other unspecified types of incinerators, such exemption shall be for not more than 30 seconds in any 60-minute period.
  2. Wood waste burners shall be exempt both:
    - a. For a period once each day for the purpose of building a new fire but not to exceed 60 minutes, and
    - b. For an upset of operations not to exceed three minutes in any 60-minute period.

**Historical Note**

Former Section R18-2-704 repealed effective September 26, 1990 (Supp. 90-3). New Section R18-2-704 renumbered from R18-2-504 effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 13 A.A.R. 2157, effective August 4, 2007 (Supp. 07-2).

**R18-2-705. Standards of Performance for Existing Portland Cement Plants**

- A. The provisions of this Section are applicable to the following affected facilities in portland cement plants: kiln, clinker cooler, raw mill system, finish mill system, raw mill dryer, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems.
- B. No person shall cause, allow or permit the discharge of particulate matter from any identifiable process source within any existing cement plant subject to the provisions of this Section which exceeds the amounts calculated by one of the following equations:
  1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:
 
$$E = 4.10P^{0.67}$$
 where:  
 E = the maximum allowable particulate emissions rate in pounds-mass per hour.  
 P = the process weight rate in tons-mass per hour.
  2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:
 
$$E = 55.0P^{0.11-40}$$
 where "E" and "P" are defined as indicated in subsection (B)(1).
- C. No process source within any portland cement plant shall exceed 20% opacity.
- D. No person shall cause, allow or permit discharge into the atmosphere of an amount in excess of 6 pounds of sulfur

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oxides, calculated as sulfur dioxide, per ton cement kiln feed from cement plants subject to the provisions of this Section.

- E. The owner or operator of any portland cement plant subject to the provisions of this Section shall record the daily production rates and the kiln feed rates.
- F. The test methods and procedures required by this Section are as follows:
  1. The reference methods in 40 CFR 60, Appendix A, except as provided for in R18-2-312 shall be used to determine compliance with the standards prescribed in subsection (B) as follows:
    - a. Method 5 for the concentration of particulate matter and the associated moisture content;
    - b. Method 1 for sample and velocity traverses;
    - c. Method 2 for velocity and volumetric flow rate;
    - d. Method 3 for gas analysis.
  2. For Method 5, the minimum sampling time and minimum sample volume for each run except when process variables or other factors justifying otherwise to the satisfaction of the Director, shall be as follows:
    - a. 60 minutes and 0.85 dscm (30.0 dscf) for the kiln,
    - b. 60 minutes and 1.15 dscm (40.6 dscf) for the clinker cooler.
  3. Total kiln feed rate, except fuels, expressed in metric tons per hour on a dry basis, shall be both:
    - a. Determined during each testing period by suitable methods; and
    - b. Confirmed by a material balance over the production system.
  4. For each run, particulate matter emissions, expressed in g/metric ton of kiln feed, shall be determined by dividing the emission rate in g/hr by the kiln feed rate. The emission rate shall be determined by the equation,  $g/hr = Q_s \times c$ , where  $Q_s$  = volumetric flow rate of the total effluent in dscm/hr as determined in accordance with subsection (F)(1)(c), and  $c$  = particulate concentration in g/dscm as determined in accordance with subsection (F)(1)(a).

**Historical Note**

Former Section R18-2-705 repealed effective September 26, 1990 (Supp. 90-3). New Section R18-2-705 renumbered from R18-2-505 effective November 15, 1993 (Supp. 93-4).

**R18-2-706. Standards of Performance for Existing Nitric Acid Plants**

- A. No person shall cause, allow or permit discharge from any nitric acid plant producing weak nitric acid, which is either:
  1. 30 to 70% in strength by either the increased pressure or atmospheric pressure process, or
  2. More than 1.5 kg of total oxides of nitrogen per metric ton (3.0 lbs/ton) of acid produced expressed as nitrogen dioxide.
- B. The opacity of any plume subject to the provisions of this Section shall not exceed 10%.
- C. A continuous monitoring system for the measurement of nitrogen oxides shall be installed, calibrated, maintained and operated by the owner or operator, in accordance with Section R18-2-313.
- D. The test methods and procedures required by this Section are as follows:
  1. The reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with the standard prescribed in subsection (A) as follows:
    - a. Method 7 for the concentration of  $NO_x$ ;
    - b. Method 1 for sample and velocity traverses;
    - c. Method 2 for velocity and volumetric flow rate;

- d. Method 3 for gas analysis.
- 2. For Method 7, the sample site shall be selected according to Method 1 and the sampling point shall be the centroid of the stack or duct or at a point no closer to the walls than 1 m (3.28 ft.). Each run shall consist of at least four grab samples taken at approximately 15-minute intervals. The arithmetic mean of the samples shall constitute the run value. A velocity traverse shall be performed once per run.
- 3. Acid production rate, expressed in metric tons per hour of 100% nitric acid, shall be both:
  - a. Determined during each testing period by suitable methods, and
  - b. Confirmed by a material balance over the production system.
- 4. For each run, nitrogen oxides, expressed in g/metric ton of 100% nitric acid, shall be determined by dividing the emission rate in g/hr by the acid production rate. The emission rate shall be determined by the equation:
 
$$g/hr = Q_s \times c$$
 where  $Q_s$  = volumetric flow rate of the effluent in dscm/hr, as determined in accordance with subsection (D)(1)(c), and  $c = NO_x$  concentration in g/dscm, as determined in accordance with subsection (D)(1)(a).

**Historical Note**

Former Section R18-2-706 repealed effective September 26, 1990 (Supp. 90-3). New Section R18-2-706 renumbered from R18-2-506 effective November 15, 1993 (Supp. 93-4).

**R18-2-707. Standards of Performance for Existing Sulfuric Acid Plants**

- A. Facilities that produce sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfide and mercaptans or acid sludge shall not discharge into the atmosphere:
  1. Greater than 2 kg of sulfur dioxide per metric ton (4 lbs/ton) of sulfuric acid produced (calculated as 100%  $H_2SO_4$ ), or
  2. Greater than 0.075 kg of sulfuric acid mist per metric ton (0.15 lbs/ton) or sulfuric acid produced (calculated as 100%  $H_2SO_4$ ).
- B. This Section shall not apply to metallurgical plants or other facilities where conversion to sulfuric acid is utilized as a means of controlling emissions to the atmosphere of sulfur dioxide or other sulfur compounds.
- C. A continuous monitoring system for the measurement of sulfur dioxide shall be installed, calibrated, maintained and operated by the owner or operator, in accordance with R18-2-313.
- D. The test methods and procedures required by this Section are as follows:
  1. The reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with standards prescribed in subsection (A) as follows:
    - a. Method 8 for concentration of  $SO_2$  and acid mist;
    - b. Method 1 for sample and velocity traverses;
    - c. Method 2 for velocity and volumetric flow rate;
    - d. Method 3 for gas analysis.
  2. The moisture content can be considered to be zero. For Method 8 the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 1.15 dscm (40.6 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the Director.

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3. Acid production rate, expressed in metric tons per hour of 100% H<sub>2</sub>SO<sub>4</sub>, shall be both:
  - a. Determined during each testing period by suitable methods, and
  - b. Confirmed by a material balance over the production system.
4. Acid mist and sulfur dioxide emissions, expressed in g/metric ton of 100% H<sub>2</sub>SO<sub>4</sub>, shall be determined by dividing the emission rate in g/hr by the acid production rate. The emission rate shall be determined by the equation, g/hr-Q<sub>s</sub> x c, where Q<sub>s</sub> = volumetric flow rate of the effluent in dscm/hr as determined in accordance with subsection (D)(1)(c), and c = acid mist and SO<sub>2</sub> concentrations in g/dscm as determined in accordance with subsection (D)(1)(a).

**Historical Note**

Former Section R18-2-707 repealed effective September 26, 1990 (Supp. 90-3). New Section R18-2-707 renumbered from R18-2-507 effective November 15, 1993 (Supp. 93-4).

**R18-2-708. Standards of Performance for Existing Asphalt Concrete Plants**

- A. Fixed asphalt concrete plants and portable asphalt concrete plants shall meet the standards set forth in this Section.
- B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any existing asphalt concrete plant in total quantities in excess of the amounts calculated by one of the following equations:
  1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:  

$$E = 4.10P^{0.67}$$
 where:  
 E = the maximum allowable particulate emission rate in pounds-mass per hour.  
 P = the process weight rate in tons-mass per hour.
  2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:  

$$E = 55.0P^{0.11-40}$$
 where "E" and "P" are defined as indicated in subsection (B)(1).
- C. Actual values shall be calculated from the applicable equations and rounded off to two decimal places.
- D. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.
- E. Liquid fuel containing greater than 0.9% sulfur by weight shall not be utilized for asphalt concrete plants subject to this Section.
- F. Solid fuel containing greater than 0.5% sulfur by weight shall not be utilized for asphalt concrete plants subject to this Section.
- G. The test methods and procedures required under this Section are:
  1. The referenced methods given in 40 CFR 60, Appendix A, as incorporated by reference in Appendix 2 of this Chapter, shall be used to determine compliance with the standards prescribed in subsection (B).
    - a. Method 5 for the concentration of particulate matter and the associated moisture content,
    - b. Method 1 for sample and velocity traverses,

- c. Method 2 for velocity and volumetric flow rate,
- d. Method 3 for gas analysis.
2. For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.9 dscm/hr (0.53 dscf/min) except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the Director.
3. Percent sulfur in liquid fuel shall be determined by ASTM method D-129-91 (Test Method for Sulfur in Petroleum Products) (General Bomb Method), and the percent sulfur in solid fuel shall be determined by ASTM method D-3177-89 (Test Method for Total Sulfur in the Analysis Sample of Coal and Coke).

**Historical Note**

Former Section R18-2-708 repealed effective September 26, 1990 (Supp. 90-3). New Section R18-2-708 renumbered from R18-2-508 and amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1).

**R18-2-709. Expired****Historical Note**

Former Section R18-2-709 repealed effective September 26, 1990 (Supp. 90-3). New Section R18-2-709 renumbered from R18-2-509 and amended effective November 15, 1993 (Supp. 93-4). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 15, effective September 30, 2015 (Supp. 15-4).

**R18-2-710. Standards of Performance for Existing Storage Vessels for Petroleum Liquids**

- A. No person shall place, store or hold in any reservoir, stationary tank or other container having a capacity of 40,000 (151,400 liters) or more gallons any petroleum liquid having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:
  1. A floating roof consisting of a pontoon type double-deck type roof resting on the surface of the liquid contents and equipped with a closure seal to close the space between the roof eave and tank wall and a vapor balloon or vapor dome, designed in accordance with accepted standards of the petroleum industry. The control equipment shall not be used if the petroleum liquid has a vapor pressure of 12 pounds per square inch absolute or greater under actual storage conditions.
    - a. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.
    - b. There shall be no visible holes, tears, or other openings in the seal or any seal fabric. Where applicable, all openings except drains shall be equipped with a cover, seal, or lid. The cover, seal, or lid shall be in a closed position at all times, except when the device is in actual use.
    - c. Automatic bleeder vents shall be closed at all times, except when the roof is floated off or landed on the roof leg supports.
    - d. Rim vents, if provided, shall be set to open when the roof is being floated off the roof leg supports, or at the manufacturer's recommended setting.

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2. Other equipment proven to be of equal efficiency for preventing discharge of hydrocarbon gases and vapors to the atmosphere.
- B. Any other petroleum liquid storage tank shall be equipped with a submerged filling device, or acceptable equivalent, for the control of hydrocarbon emissions.
- C. All facilities for dock loading of petroleum products, having a vapor pressure of 1.5 pounds per square inch absolute or greater at loading pressure, shall provide for submerged filling or acceptable equivalent for control of hydrocarbon emissions.
- D. All pumps and compressors which handle volatile organic compounds shall be equipped with mechanical seals or other equipment of equal efficiency to prevent the release of organic contaminants into the atmosphere.
- E. The monitoring of operations required by this Section is as follows:
  1. The owner or operator of any petroleum liquid storage vessel to which this Section applies shall for each such storage vessel maintain a file of each type of petroleum liquid stored, of the typical Reid vapor pressure of each type of petroleum liquid stored and of dates of storage. Dates on which the storage vessel is empty shall be shown.
  2. The owner or operator of any petroleum liquid storage vessel to which this Section applies shall for such storage vessel determine and record the average monthly storage temperature and true vapor pressure of the petroleum liquid stored at such temperature if either:
    - a. The petroleum liquid has a true vapor pressure, as stored, greater than 26 mm Hg (0.5 psia) but less than 78 mm Hg (1.5 psia) and is stored in a storage vessel other than one equipped with a floating roof, a vapor recovery system or their equivalents; or
    - b. The petroleum liquid has a true vapor pressure, as stored, greater than 470 mm Hg (9.1 psia) and is stored in a storage vessel other than one equipped with a vapor recovery system or its equivalent.
  3. The average monthly storage temperature shall be an arithmetic average calculated for each calendar month, or portion thereof, if storage is for less than a month, from bulk liquid storage temperatures determined at least once every seven days.
  4. The true vapor pressure shall be determined by the procedures in American Petroleum Institute Bulletin 2517, amended as of February 1980 (and no future editions), which is incorporated herein by reference and on file with the Office of the Secretary of State. This procedure is dependent upon determination of the storage temperature and the Reid vapor pressure, which requires sampling of the petroleum liquids in the storage vessels. Unless the Director requires in specific cases that the stored petroleum liquid be sampled, the true vapor pressure may be determined by using the average monthly storage temperature and the typical Reid vapor pressure. For those liquids for which certified specifications limiting the Reid vapor pressure exist, the Reid vapor pressure may be used. For other liquids, supporting analytical data must be made available upon request to the Director when typical Reid vapor pressure is used.

**Historical Note**

Section R18-2-710 renumbered from R18-2-510 effective November 15, 1993 (Supp. 93-4).

**R18-2-711. Expired****Historical Note**

Section R18-2-711 renumbered from R18-2-511 effective

November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 15, effective September 30, 2015 (Supp. 15-4).

**R18-2-712. Expired****Historical Note**

Section R18-2-712 renumbered from R18-2-512 effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 15, effective September 30, 2015 (Supp. 15-4).

**R18-2-713. Expired****Historical Note**

Section R18-2-713 renumbered from R18-2-513 effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 15, effective September 30, 2015 (Supp. 15-4).

**R18-2-714. Standards of Performance for Existing Sewage Treatment Plants**

- A. No person shall cause, allow or permit to be emitted into the atmosphere, from any municipal sewage treatment plant sludge incinerator:
  1. Smoke, fumes, gases, particulate matter or other gas-borne material which exceeds 20% opacity for more than 30 seconds in any 60-minute period.
  2. Particulate matter in concentrations in excess of 0.1 grain per cubic foot, based on dry flue gas at standard conditions, corrected to 12% carbon dioxide.
- B. The owner or operator of any sludge incinerator subject to the provisions of this Section shall monitor operations by doing all of the following:
  1. Install, calibrate, maintain and operate a flow measuring device which can be used to determine either the mass or volume of sludge charged to the incinerator. The flow measuring device shall have an accuracy of  $\pm 5\%$  over its operating range.
  2. Provide access to the sludge charged so that a well-mixed representative grab sample of the sludge can be obtained.
  3. Install, calibrate, maintain and operate a weighing device for determining the mass of any municipal solid waste charged to the incinerator when sewage sludge and municipal solid wastes are incinerated together. The weighing device shall have an accuracy of  $\pm 5\%$  over its operating range.
- C. The test methods and procedures required by this Section are as follows:
  1. The reference methods set forth in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in subsection (A) as follows:
    - a. Method 5 for concentration of particulate matter and associated moisture content;
    - b. Method 1 for sample and velocity traverses;
    - c. Method 2 for volumetric flow rate; and
    - d. Method 3 for gas analysis.
  2. For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.015 dscm/min (0.53 dscf/min), except that shorter sam-

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pling times, when necessitated by process variables or other factors, may be approved by the Director.

**Historical Note**

Section R18-2-714 renumbered from R18-2-514 effective November 15, 1993 (Supp. 93-4).

**R18-2-715. Standards of Performance for Existing Primary Copper Smelters; Site-specific Requirements**

A. No owner or operator of a primary copper smelter shall cause, allow or permit the discharge of particulate matter into the atmosphere from any process in total quantities in excess of the amount calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 4.10P^{0.67}$$

where

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 55.0P^{0.11-40}$$

where "E" and "P" are defined as indicated in subsection (A)(1).

B. Actual values shall be calculated from the applicable equations and rounded off to two decimal places.

C. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter for that process.

D. The opacity of emissions subject to the provisions of this Section shall not exceed 20%.

E. The reference methods set forth in the Arizona Testing Manual and 40 CFR 60, Appendix A, as incorporated by reference in Appendix 2 of this Chapter, shall be used to determine compliance with the standards prescribed in this Section as follows:

1. Method A1 or Reference Method 5 for concentration of particulate matter and associated moisture content,
2. Reference Method 1 for sample and velocity traverses,
3. Reference Method 2 for volumetric flow rate,
4. Reference Method 3 for gas analysis.

F. Except as provided in a consent decree or a delayed compliance order, the owner or operator of any primary copper smelter shall not discharge or cause the discharge of sulfur dioxide into the atmosphere from any stack required to be monitored by R18-2-715.01(K) in excess of the following:

1. For the copper smelter located near Hayden, Arizona at latitude 33°0'29"N and longitude 110°47'17" W:
  - a. Annual average emissions, as calculated under R18-2-715.01(C), shall not exceed 6,882 pounds per hour.
  - b. The number of three-hour average emissions, as calculated under R18-2-715.01(C), shall not exceed n cumulative occurrences in excess of E, the emission level, shown in the following table in any compliance period as defined in R18-2-715.01(J):

n, Cumulative Occurrences	E, (lb/hr)
0	24,641
1	22,971

2	21,705
4	20,322
7	19,387
12	18,739
20	17,656
32	16,988
48	16,358
68	15,808
94	15,090
130	14,423
180	13,777
245	13,212
330	12,664
435	12,129
560	11,621
710	11,165
890	10,660
1100	10,205
1340	9,748
1610	9,319
1910	8,953
2240	8,556

2. For the copper smelter located near Miami, Arizona at latitude 33°24'50"N and longitude 110°51'25"W:

- a. Annual average emissions, as calculated under R18-2-715.01(C), shall not exceed 604 pounds per hour.
- b. The number of three-hour average emissions, as calculated under R18-2-715.01(C), shall not exceed n cumulative occurrences in excess of E, the emission level, shown in the following table in any compliance period as defined in R18-2-715.01(J):

n, Cumulative Occurrences	E, (lb/hr)
0	8678
1	7158
2	5903
4	4575
7	4074
12	3479
20	3017
32	2573
48	2111
68	1703
94	1461
130	1274
180	1145
245	1064
330	1015
435	968
560	933
710	896

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890	862
1100	828
1340	797
1610	765
1910	739
2240	712

- G.** Except as provided in a consent decree or a delayed compliance order, for the copper smelter located near Hayden, Arizona at latitude 33°0'29"N and longitude 110°47'17"W, annual average fugitive emissions calculated under R18-2-715.01(T) shall not exceed 295 pounds per hour.
- H.** In addition to the limits in subsection (F)(3), except as provided in a consent decree or a delayed compliance order, the owner or operator of the copper smelter located near Miami, Arizona at latitude 33°24'50"N and longitude 110°51'25"W shall not discharge or cause the discharge of sulfur dioxide into the atmosphere from combined stack and fugitive emissions units in excess of the 2420 pounds per hour annual average calculated under R18-2-715.01(U).
- I.** The owner and operator of the copper smelter located near Hayden, Arizona at the latitude and longitude provided in R18-2-715(F)(1) shall comply with Section R18-2-715(F)(1) and R18-2-715(G) until the effective date of R18-2-B1302 as determined by R18-2-B1302(A)(2). The owner and operator of the copper smelter located near Miami, Arizona at the latitude and longitude provided in R18-2-715(F)(2) shall comply with Section R18-2-715(F)(2) and R18-2-715(H) until the effective date of R18-2-C1302 as determined by R18-2-C1302(A)(2).

**Historical Note**

Section R18-2-715 renumbered from R18-2-515 and amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 8 A.A.R. 575, effective January 15, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 3365, effective July 18, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 2157, effective August 4, 2007 (Supp. 07-2). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1). Amended by final rulemaking at 23 A.A.R. 767, effective May 7, 2017, (Supp. 17-1).

**R18-2-715.01. Standards of Performance for Existing Primary Copper Smelters; Compliance and Monitoring**

- A.** The cumulative occurrence and emission limits in R18-2-715(F) apply to the total of sulfur dioxide emissions from the smelter processing units and sulfur dioxide control and removal equipment, but not uncaptured fugitive emissions or emissions due solely to the use of fuel for space heating or steam generation.
- B.** The owner or operator shall include periods of malfunction, startup, shutdown or other upset conditions when determining compliance with the cumulative occurrence or annual average emission limits in R18-2-715(F), (G), or (H).
- C.** The owner or operator shall determine compliance with the cumulative occurrence and emission limits contained in R18-2-715(F) as follows:
1. The owner or operator shall calculate annual average emissions at the end of each day by averaging the emissions for all hours measured during the compliance period defined in subsection (J) ending on that day. An annual emissions average in excess of the allowable annual average emission limit is a violation of R18-2-715(F) if either:
    - a. The annual average is greater than the annual average computed for the preceding day; or
    - b. The annual averages computed for the five preceding days all exceed the allowable annual average emission limit.
  2. The owner or operator shall calculate a three-hour emissions average at the end of each clock hour by averaging the hourly emissions for the preceding three consecutive hours provided each hour was measured according to the requirements in subsection (K).
- D.** For purposes of this Section, the compliance date, unless otherwise provided in a consent decree or a delayed compliance order, shall be January 14, 1986, except that:
1. The compliance date for the cumulative occurrence and emissions limits in R18-2-715(F)(1) and R18-2-715(G) is January 15, 2002, and
  2. The compliance date for the cumulative occurrence and emissions limits in R18-2-715(F)(2), (F)(3), (G), and (H) is the effective date of this rule.
- E.** For purposes of subsection (C), a three-hour emissions average in excess of an emission level E violates the associated cumulative occurrence limit n listed in R18-2-715(F) if:
1. The number of all three-hour emissions averages calculated during the compliance period in excess of that emission level exceeds the cumulative occurrence limit associated with the emission level; and
  2. The average is calculated during the last operating day of the compliance period being reported.
- F.** A three-hour emissions average only violates the cumulative occurrence limit n of an emission level E on the day containing the last hour in the average.
- G.** Multiple violations of the same cumulative occurrence limit on the same day and violations of different cumulative occurrence limits on the same day constitute a single violation of R18-2-715(F).
- H.** The violation of any cumulative occurrence limit and an annual average emission limit on the same day constitutes only a single violation of the requirements of R18-2-715(F).
- I.** Multiple violations of a cumulative occurrence limit by different three-hour emissions averages containing any common hour constitutes a single violation of R18-2-715(F).
- J.** To determine compliance with subsections (C) through (I), the compliance period consists of the 365 calendar days immediately preceding the end of each day of the month being reported unless that period includes less than 300 operating days, in which case the number of days preceding the last day of the compliance period shall be increased until the compliance period contains 300 operating days. For purposes of this Section, an operating day is any day on which sulfur-containing feed is introduced into the smelting process.
- K.** To determine compliance with R18-2-715(F) or (H), the owner or operator of any smelter subject to R18-2-715(F) or (H) shall install, calibrate, maintain, and operate a measurement system for continuously monitoring sulfur dioxide concentrations and stack gas volumetric flow rates in each stack that could emit five percent or more of the allowable annual average sulfur dioxide emissions from the smelter.
1. The owner or operator shall continuously monitor sulfur dioxide concentrations and stack gas volumetric flow rates in the outlet of each piece of sulfur dioxide control equipment.
  2. The owner or operator shall continuously monitor captured fugitive emissions for sulfur dioxide concentrations and stack gas volumetric flow rates and include these emissions as part of total plant emissions when determin-



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- ing compliance with the cumulative occurrence and emission limits in R18-2-715(F) and (H).
3. If the owner or operator demonstrates to the Director that measurement of stack gas volumetric flow in the outlet of any particular piece of sulfur dioxide control equipment would yield inaccurate results once operational or would be technologically infeasible, then the Director may allow measurement of the flow rate at an alternative sampling point.
  4. For purposes of this subsection, continuous monitoring means the taking and recording of at least one measurement of sulfur dioxide concentration and stack gas flow rate reading from the effluent of each affected stack, outlet, or other approved measurement location in each 15-minute period. Fifteen-minute periods start at the beginning of each clock hour, and run consecutively. An hour of smelter emissions is considered continuously monitored if the emissions from all monitored stacks, outlets, or other approved measurement locations are measured for at least 45 minutes of any hour according to the requirements of this subsection.
  5. The owner or operator shall demonstrate that the continuous monitoring system meets all of the following requirements:
    - a. The sulfur dioxide continuous emission monitoring system installed and operated under this Section meets the requirements of 40 CFR 60, Appendix B, Performance Specification 6.
    - b. The sulfur dioxide continuous emission monitoring system installed and operated under this Section meets the quality assurance requirements of 40 CFR 60, Appendix F.
    - c. The owner or operator shall notify the Director in writing at least 30 days in advance of the start of relative accuracy test audit (RATA) procedures performed on the continuous monitoring system.
    - d. The Director shall approve the location of all sampling points for monitoring sulfur dioxide concentrations and stack gas volumetric flow rates in writing before installation and operation of measurement instruments.
    - e. The measurement system installed and used under this subsection is subject to the manufacturer's recommended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer specifies or recommends calibration at shorter intervals, in which case specifications or recommendations shall be followed. The owner or operator shall make available a record of these procedures that clearly shows instrument readings before and after zero adjustment and calibration.
  - L. The owner or operator of a smelter subject to this Section shall measure at least 95 percent of the hours during which emissions occurred in any month.
  - M. Failure of the owner or operator of a smelter subject to this Section to measure any 12 consecutive hours of emissions according to the requirements of subsection (K) or (S) is a violation of this Section.
  - N. The owner or operator of any smelter subject to this Section shall maintain on hand and ready for immediate installation sufficient spare parts or duplicate systems for the continuous monitoring equipment required by this Section to allow for the replacement within six hours of any monitoring equipment part that fails or malfunctions during operation.
  - O. To determine total overall emissions, the owner or operator of any smelter subject to this Section shall perform material balances for sulfur according to the procedures prescribed by Appendix 8 of this Chapter.
  - P. The owner or operator of any smelter subject to this Section shall maintain a record of all average hourly emissions measurements and all calculated average monthly emissions required by this Section. The record of the emissions shall be retained for at least five years following the date of measurement or calculation. The owner or operator shall record the measurement or calculation results as pounds per hour of sulfur dioxide. The owner or operator shall summarize the following data monthly and submit the summary to the Director within 20 days after the end of each month:
    1. For all periods described in subsection (C) and (R), the annual average emissions as calculated at the end of each day of the month;
    2. The total number of hourly periods during the month in which measurements were not taken and the reason for loss of measurement for each period;
    3. The number of three-hour emissions averages that exceeded each of the applicable emissions levels listed in R18-2-715(F) and (G) for the compliance periods ending on each day of the month being reported;
    4. The date on which a cumulative occurrence limit listed in R18-2-715(F) or (G) was exceeded if the exceedance occurred during the month being reported; and
    5. For all periods described in subsection (T) and (U), the annual average emissions as calculated at the end of the last day of each month.
  - Q. An owner or operator shall install instrumentation to monitor each point in the smelter facility where a means exists to bypass the sulfur removal equipment, to detect and record all periods that the bypass is in operation. An owner or operator of a copper smelter shall report to the Director, not later than the 15th day of each month, the recorded information required by this Section, including an explanation for the necessity of the use of the bypass.
  - R. The owner or operator shall determine compliance with the cumulative occurrence and fugitive emission limits contained in R18-2-715(G) as follows:
    1. The owner or operator shall calculate annual average emissions at the end of each day by averaging the emissions for all hours measured during the compliance period, as defined in subsection (R)(8), ending on that day. An annual emissions average in excess of the allowable annual average emission limit is a violation of R18-2-715(G) if either:
      - a. The annual average is greater than the annual average computed for the preceding day; or
      - b. The annual averages computed for the five preceding days all exceed the allowable annual average emission limit.
    2. The owner or operator shall calculate a three-hour emissions average at the end of each clock hour by averaging the hourly emissions for the preceding three consecutive hours provided each hour was measured according to the requirements contained in subsection (S).
    3. For purposes of subsection (R)(2), a three-hour emissions average in excess of an emission level  $E_f$  violates the associated cumulative occurrence limit listed in R18-2-715(G) if:
      - a. The number of all three-hour emissions averages calculated during the compliance period in excess of that emission level exceeds the cumulative occurrence limit associated with the emission level; and

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- b. The average is calculated during the last operating day of the compliance period being reported.
4. A three-hour emissions average only violates the cumulative occurrence limit  $n$  of an emission level  $E_f$  on the day containing the last hour in the average.
  5. Multiple violations of the same cumulative occurrence limit on the same day and violations of different cumulative occurrence limits on the same day constitute a single violation of R18-2-715(G).
  6. The violation of any cumulative occurrence limit and an annual average emission limit on the same day constitutes only a single violation of the requirements of R18-2-715(G).
  7. Multiple violations of a cumulative occurrence limit by different three-hour emissions averages containing any common hour constitutes a single violation of R18-2-715(G).
  8. To determine compliance with subsections (R)(1) through (7), the compliance period consists of the 365 calendar days immediately preceding the end of each day of the month being reported unless that period includes less than 300 operating days, in which case the number of days preceding the last day of the compliance period shall be increased until the compliance period contains 300 operating days. For purposes of this Section, an operating day is any day on which sulfur-containing feed is introduced into the smelting process.
- S. To determine compliance with R18-2-715(G), the owner or operator of the smelter subject to R18-2-715(G) shall install, calibrate, maintain, and operate a measurement system for continuously monitoring sulfur dioxide concentrations of the converter roof fugitive emissions.
1. For purposes of this subsection, continuous monitoring means the taking and recording of at least one measurement of sulfur dioxide concentration from an approved measurement location in each 15-minute period. Fifteen-minute periods start at the beginning of each clock hour, and run consecutively. An hour of smelter emissions is considered continuously monitored if the emissions from all approved measurement locations are measured for at least 45 minutes of any hour according to the requirements of this subsection.
  2. The owner or operator of a smelter subject to the requirements of this subsection shall conduct quality assurance procedures on the continuous monitoring system according to the methods in 40 CFR 60, Appendix F, except that an annual relative accuracy test audit (RATA) is not required.
- T. The emission limit in R18-2-715(G) applies to the total of uncaptured fugitive sulfur dioxide emissions from the smelter processing units and sulfur dioxide control and removal equipment, but not emissions due solely to the use of fuel for space heating or steam generation. The owner or operator shall determine compliance with the emission limit contained in R18-2-715(G) as follows:
1. The owner or operator shall calculate annual average fugitive emissions at the end of the last day of each month by averaging the monthly emissions for the previous 12-month period ending on that day. To determine monthly fugitive emissions, the owner or operator shall perform material balances for sulfur according to the sulfur balance procedures prescribed in Appendix 8 of this Chapter.
  2. An annual emissions average in excess of the allowable annual average emission limit violates R18-2-715(G) if the fugitive annual average computed at the end of each month exceeds the allowable annual average emission limit.
- U. The emission limit in R18-2-715(H) applies to the total of stack and uncaptured fugitive sulfur dioxide emissions from the smelter processing units and sulfur dioxide control and removal equipment, but not emissions due solely to the use of fuel for space heating or steam generation. The owner or operator shall determine compliance with the emission limit contained in R18-2-715(H) as follows:
1. The owner or operator shall calculate annual average stack emissions at the end of the last day of each month by averaging the emissions for all hours measured during the previous 12-month period ending on that day according to the requirements contained in subsection (K).
  2. The owner or operator shall calculate annual average fugitive emissions at the end of the last day of each month by averaging the monthly emissions for the previous 12-month period ending on that day. To determine monthly fugitive emissions, the owner or operator shall perform material balances for sulfur according to the sulfur balance procedures prescribed in Appendix 8 of this Chapter.
  3. An annual emissions average in excess of the allowable annual average emission limit violates R18-2-715(H) if the total of the stack and fugitive annual averages computed at the end of each month exceeds the allowable annual average emission limit.
- V. The owner and operator of the copper smelter located near Hayden, Arizona at the latitude and longitude provided in R18-2-715(F)(1) shall comply with Section R18-2-715.01 until the effective date of R18-2-B1302 as determined by R18-2-B1302(A)(2). The owner and operator of the copper smelter located near Miami, Arizona at the latitude and longitude provided in R18-2-715(F)(2) shall comply with Section R18-2-715.01 until the effective date of R18-2-C1302 as determined by R18-2-C1302(A)(2).

**Historical Note**

Section R18-2-715.01 renumbered from R18-2-515.01 and amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 8 A.A.R. 575, effective January 15, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 3365, effective July 18, 2002 (Supp. 02-3). Amended by final rulemaking at 23 A.A.R. 767, effective May 7, 2017, (Supp. 17-1).

**R18-2-715.02. Standards of Performance for Existing Primary Copper Smelters; Fugitive Emissions**

- A. For purposes of this Section, the compliance date, unless otherwise provided in a consent decree or a delayed compliance order, shall be January 14, 1986.
- B. No later than 24 months before the compliance date, the owner or operator of a smelter subject to R18-2-715 shall submit to the Director the results of an evaluation of the fugitive emissions from the smelter. The evaluation results shall contain all of the following information:
1. A measurement or accurate estimate of total fugitive emissions from the smelter during typical operations, including planned start-up and shutdown. The measurement or estimate shall contain the amount of both average short-term (24 hours) and average long-term (monthly) fugitive emissions from the smelter. The evaluation plan shall be approved in advance by the Department and shall specify the method used to determine the fugitive emission amounts, including the conditions determined to be "typical operations" for the smelter.

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2. A measurement or accurate estimate of the relative proportion, expressed as a percentage, of total fugitive emissions during typical operations, including planned start-up and shutdown, produced by any of the following smelter processes:
    - a. Roaster or dryer operation;
    - b. Calcine or dried concentrate transfer;
    - c. Reverberatory furnace operations, including feeding, slag return, matte and slag tapping;
    - d. Matte transfer; and
    - e. Converter operations.
  3. The measurement technique or method of estimation used to fulfill the requirement in subsection (B)(2) shall be approved in advance by the Department.
  4. The results of at least a six-month fugitive emission impact analysis conducted during that part of the year when fugitive emissions are expected to have the greatest ambient air quality impact. The study shall utilize sufficient measurements of fugitive emissions, meteorological conditions and ambient sulfur dioxide concentrations to associate fugitive emissions with specific measured ambient concentrations of sulfur dioxide. The study shall describe in detail the techniques used to make the required determinations. The design of the study shall be approved in advance by the Department.
- C.** On the basis of the results of the evaluation as well as other data and information contained in the records of the Department, the Director shall determine whether fugitive emissions from a particular smelter have the potential to cause or significantly contribute to violations of the ambient sulfur dioxide standards in the vicinity of the smelter. If the Director finds that fugitive emissions from a particular smelter have the potential to cause or significantly contribute to violations of ambient sulfur dioxide standards in the vicinity of a smelter, then the Director shall adopt rules specifying the emission limits and undertake other appropriate measures necessary to maintain ambient sulfur dioxide standards.
- D.** The requirements of subsection (B) shall not apply to a smelter subject to this Section if the owner or operator of that smelter can demonstrate to the Director both that:
1. Compliance with the applicable cumulative occurrence and emission limits listed in R18-2-715(F) will require the smelter to undergo major modifications to its physical configuration or work practices prior to the compliance date, and
  2. That the modification will reduce fugitive emissions to such an extent that such emissions will not cause or significantly contribute to violations of ambient sulfur dioxide standards in the vicinity of the smelter.
- E.** In order to assess the sufficiency of the cumulative occurrence and emission limits contained in R18-2-715(F) to maintain the ambient air quality standards for sulfur dioxide set forth in R18-2-202, an owner or operator of a smelter subject to this Section shall continue to calibrate, maintain and operate any ambient sulfur dioxide monitoring equipment owned by the smelter owner or operator and in operation within the area of the smelter enclosed by a circle with 10-mile radius as calculated from a center point which shall be the point of the smelter's greatest sulfur dioxide emissions, for a period of at least three years after the compliance date.
1. Such monitors shall be operated and maintained in accordance with 40 CFR 50 and 58 and such other conditions as the Director deems necessary.
  2. The location of ambient sulfur dioxide monitors and length of time such monitors remain at a location shall be determined by the Director.
- F.** The owner and operator of the copper smelter located near Hayden, Arizona at the latitude and longitude provided in R18-2-715(F)(1) shall comply with Section R18-2-715.02 until the effective date of R18-2-B1302 as determined by R18-2-B1302(A)(2). The owner and operator of the copper smelter located near Miami, Arizona at the latitude and longitude provided in R18-2-715(F)(2) shall comply with Section R18-2-715.02 until the effective date of R18-2-C1302 as determined by R18-2-C1302(A)(2).

**Historical Note**

Section R18-2-715.02 renumbered from R18-2-515.02 and amended effective November 15, 1993 (Supp. 93-4).  
Amended by final rulemaking at 23 A.A.R. 767, effective May 7, 2017, (Supp. 17-1).

**R18-2-716. Standards of Performance for Existing Coal Preparation Plants**

- A.** The provisions of this Section are applicable to any of the following affected facilities in coal preparation plants: thermal dryers, pneumatic coal-cleaning equipment, coal processing and conveying equipment including breakers and crushers, coal storage systems, and coal transfer and loading systems. For purposes of this Section, the definitions contained in 40 CFR 60.251 are adopted by reference and incorporated herein.
- B.** No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any existing coal preparation plant in total quantities in excess of the amounts calculated by one of the following equations:
1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:  

$$E = 4.10P^{0.67}$$
 where:  
 E = the maximum allowable particulate emissions rate in pounds-mass per hour.  
 P = the process weight rate in tons-mass per hour.
  2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:  

$$E = 55.0P^{0.11} - 40$$
 where "E" and "P" are defined as indicated in subsection (B)(1).
- C.** Actual values shall be calculated from the applicable equations and rounded off to two decimal places.
- D.** For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.
- E.** Fugitive emissions from coal preparation plants shall be controlled in accordance with R18-2-604 through R18-2-607.
- F.** The test methods and procedures required by this Section are as follows:
1. The reference methods in the 40 CFR 60, Appendix A, as incorporated by reference in Appendix 2 of this Chapter, are used to determine compliance with standards prescribed in subsection (B) as follows:
    - a. Method 5 for the concentration of particulate matter and associated moisture content,
    - b. Method 1 for sample and velocity traverses,
    - c. Method 2 for velocity and volumetric flow rate,
    - d. Method 3 for gas analysis.
  2. For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume is 0.85 dscm (30 dscf) except that short sampling times or

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smaller volumes, when necessitated by process variables or other factors, may be approved by the Director. Sampling shall not be started until 30 minutes after start-up and shall be terminated before shutdown procedures commence. The owner or operator of the affected facility shall eliminate cyclonic flow during performance tests in a manner acceptable to the Director.

3. The owner or operator shall construct the facility so that particulate emissions from thermal dryers or pneumatic coal cleaning equipment can be accurately determined by applicable test methods and procedures under subsection (F)(1).

**Historical Note**

Section R18-2-716 renumbered from R18-2-516 and amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1).

**R18-2-717. Expired****Historical Note**

Section R18-2-717 renumbered from R18-2-517 effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 15, effective September 30, 2015 (Supp. 15-4).

**R18-2-718. Repealed****Historical Note**

Section R18-2-718 renumbered from R18-2-518 effective November 15, 1993 (Supp. 93-4). Section repealed by final rulemaking at 13 A.A.R. 2157, effective August 4, 2007 (Supp. 07-2).

**R18-2-719. Standards of Performance for Existing Stationary Rotating Machinery**

- A. The provisions of this Section are applicable to the following affected facilities: all stationary gas turbines, oil-fired turbines, or internal combustion engines. This Section also applies to an installation operated for the purpose of producing electric or mechanical power with a resulting discharge of sulfur dioxide in the installation's effluent gases.
- B. For purposes of this Section, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or other outlet. Compliance tests shall be conducted during operation at the normal rated capacity of each unit. The total heat input of all operating fuel-burning units on a plant or premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.
- C. No person shall cause, allow or permit the emission of particulate matter, caused by combustion of fuel, from any stationary rotating machinery in excess of the amounts calculated by one of the following equations:
  1. For equipment having a heat input rate of 4200 million Btu per hour or less, the maximum allowable emissions shall be determined by the following equation:  

$$E = 1.02Q^{0.769}$$
 where:  
 E = the maximum allowable particulate emissions rate in pounds-mass per hour.  
 Q = the heat input in million Btu per hour.
  2. For equipment having a heat input rate greater than 4200 million Btu per hour, the maximum allowable emissions shall be determined by the following equation:  

$$E = 17.0Q^{0.432}$$

where "E" and "Q" have the same meaning as in subsection (C)(1).

- D. Actual values shall be calculated from the applicable equations and rounded off to two decimal places.
- E. No person shall cause, allow or permit to be emitted into the atmosphere from any stationary rotating machinery, smoke for any period greater than 10 consecutive seconds which exceeds 40% opacity. Visible emissions when starting cold equipment shall be exempt from this requirement for the first 10 minutes.
- F. When low sulfur oil is fired, stationary rotating machinery installations shall burn fuel which limits the emission of sulfur dioxide to 1.0 pound per million Btu heat input.
- G. When high sulfur oil is fired, stationary rotating machinery installations shall not emit more than 2.2 pounds of sulfur dioxide per million Btu heat input.
- H. Any permit issued for the operation of an existing source, or any renewal or modification of such a permit, shall include a condition prohibiting the use of high sulfur oil by the permittee. This condition may not be included in the permit if the applicant demonstrates to the satisfaction of the Director both that sufficient quantities of low sulfur oil are not available for use by the source and that it has adequate facilities and contingency plans to ensure that the sulfur dioxide ambient air quality standards set forth in R18-2-202 will not be violated.
  1. The terms of the permit may authorize the use of high sulfur oil under such conditions as are justified.
  2. In cases where the permittee is authorized to use high sulfur oil, it shall submit to the Department monthly reports detailing its efforts to obtain low sulfur oil.
  3. When the conditions justifying the use of high sulfur oil no longer exist, the permit shall be modified accordingly.
  4. Nothing in this Section shall be construed as allowing the use of a supplementary control system or other form of dispersion technology.
- I. The owner or operator of any stationary rotating machinery subject to the provisions of this Section shall record daily the sulfur content and lower heating value of the fuel being fired in the machine.
- J. The owner or operator of any stationary rotating machinery subject to the provisions of this Section shall report to the Director any daily period during which the sulfur content of the fuel being fired in the machine exceeds 0.8%.
- K. The test methods and procedures required by this Section are as follows:
  1. To determine compliance with the standards prescribed in subsections (C) through (H), the following reference methods shall be used:
    - a. Reference Method 20 in 40 CFR 60, Appendix A, as incorporated by reference in Appendix 2 of this Chapter, for the concentration of sulfur dioxide and oxygen.
    - b. ASTM Method D129-91 (Test Method for Sulfur in Petroleum Products) (General Bomb Method) for the sulfur content of liquid fuels.
    - c. ASTM Method D1072-90 (Test Method for Total Sulfur in Fuel Gases for the sulfur content of gaseous fuels).
  2. To determine compliance with the standards prescribed in subsection (J), the following reference methods shall be used:
    - a. ASTM Method D129-91 (Test Method for Sulfur in Petroleum Products) (General Bomb Method) for the sulfur content of liquid fuels.
    - b. ASTM Method D1072-90 (Test Method for Total Sulfur in Fuel Gases) for the sulfur content of gaseous fuels.

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**Historical Note**

Section R18-2-719 renumbered from R18-2-519 and amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2).

**R18-2-720. Standards of Performance for Existing Lime Manufacturing Plants**

- A. The provisions of this Section are applicable to the following affected facilities used in the manufacture of lime: rotary lime kilns, vertical lime kilns, lime hydrators, and limestone crushing facilities. This Section is also applicable to limestone crushing equipment which exists apart from other lime manufacturing facilities.
- B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any lime manufacturing or limestone crushing facility in total quantities in excess of the amounts calculated by one of the following equations:
  1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:  

$$E = 4.10P^{0.67}$$
 where:  
 E = the maximum allowable particulate emissions rate in pounds-mass per hour.  
 P = the process weight rate in tons-mass per hour.
  2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:  

$$E = 55.0P^{0.11-40}$$
 where "E" and "P" are defined as indicated in subsection (B)(1).
- C. Actual values shall be calculated from the applicable equations and rounded off to two decimal places.
- D. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.
- E. Fugitive emissions from lime plants shall be controlled in accordance with R18-2-604 through R18-2-607.
- F. The owner or operator subject to the provisions of this Section shall install, calibrate, maintain, and operate a continuous monitoring system, except as provided in subsection (G), to monitor and record the opacity of the gases discharged into the atmosphere from any rotary lime kiln. The span of this system shall be set at 70% opacity.
- G. The owner or operator of any rotary lime kiln using a wet scrubbing emission control device subject to the provisions of this Section shall not be required to monitor the opacity of the gases discharged as required in subsection (F).
- H. The test methods and procedures required by this Section are as follows:
  1. The reference methods in 40 CFR 60, Appendix A, as incorporated by reference in Appendix 2 of this Chapter, shall be used to determine compliance with this Section as follows:
    - a. Method 5 for the measurement of particulate matter,
    - b. Method 1 for sample and velocity traverses,
    - c. Method 2 for velocity and volumetric flow rate,
    - d. Method 3 for gas analysis,
    - e. Method 4 for stack gas moisture,
    - f. Method 9 for visible emissions.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.85 dscm/hr (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the Director.
3. Because of the high moisture content of the exhaust gases from the hydrators, in the range of 40 to 85% by volume, the Method 5 sample train may be modified to include a calibrated orifice immediately following the sample nozzle when testing lime hydrators. In this configuration, the sampling rate necessary for maintaining isokinetic conditions can be directly related to exhaust gas velocity without a correction for moisture content.

**Historical Note**

Section R18-2-720 renumbered from R18-2-520 and amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1).

**R18-2-721. Standards of Performance for Existing Nonferrous Metals Industry Sources**

- A. The provisions of this Section are applicable to the following affected facilities:
  1. Mines,
  2. Mills,
  3. Concentrators,
  4. Crushers,
  5. Screens,
  6. Material handling facilities,
  7. Fine ore storage,
  8. Dryers,
  9. Roasters, and
  10. Loaders.
- B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any process source subject to the provisions of this Section in total quantities in excess of the amounts calculated by one of the following equations:
  1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:  

$$E = 4.10P^{0.67}$$
 where:  
 E = the maximum allowable particulate emissions rate in pounds-mass per hour.  
 P = the process weight rate in tons-mass per hour.
  2. For process sources having a process weight greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:  

$$E = 55.0P^{0.11-40}$$
 where "E" and "P" are defined as indicated in subsection (B)(1).
- C. Actual values shall be calculated from the applicable equations and rounded off to two decimal places.
- D. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.
- E. No person shall cause, allow or permit to be discharged into the atmosphere from any dryer or roaster the operating temperature of which exceeds 700°F, reduced sulfur in excess of 10% of the sulfur entering the process as feed. Reduced sulfur includes sulfur equivalent from all sulfur emissions including sulfur dioxide, sulfur trioxide, and sulfuric acid.

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- F. The owner or operator of any mining property subject to the provisions of this Section shall record the daily process rates and hours of operation of all material handling facilities.
- G. A continuous monitoring system for measuring sulfur dioxide emissions shall be installed, calibrated, maintained and operated by the owner or operator where dryers or roasters are not expected to achieve compliance with the standard under subsection (E).
- H. The test methods and procedures required by this Section are as follows:
1. The reference methods in 40 CFR 60, Appendix A, as incorporated by reference in Appendix 2 of this Chapter, shall be used to determine compliance with the standard prescribed in this Section as follows:
    - a. Method 5 for the concentration of particulate matter and the associated moisture content;
    - b. Method 1 for sample and velocity traverses;
    - c. Method 2 for velocity and volumetric flow rate;
    - d. Method 3 for gas analysis and calculation of excess air, using the integrated sample technique;
    - e. Method 6 for concentration of SO<sub>2</sub>.
  2. For Method 5, Method 1 shall be used to select the sampling site and the number of traverse sampling points. The sampling time for each run shall be at least 60 minutes and the minimum sampling volume shall be 0.85 dscm (30 dscf), except that smaller sampling times or volumes, when necessitated by process variables or other factors, may be approved by the Director. The probe and filter holder heating systems in the sampling train shall be set to provide a gas temperature no greater than 160°C. (320°F.).
  3. For Method 6, the sampling site shall be the same as that selected for Method 5. The sampling point in the duct shall be at the centroid of the cross section or at a point no closer to the walls than 1 m (3.28 ft.). For Method 6, the sample shall be extracted at a rate proportional to the gas velocity at the sampling point.
  4. For Method 6, the minimum sampling time shall be 20 minutes and the minimum sampling volume 0.02 dscm (0.71 dscf) for each sample. The arithmetic mean of two samples shall constitute one run. Samples shall be taken at approximately 30-minute intervals.
- E = the maximum allowable particulate emissions rate in pounds-mass per hour.  
P = the process weight rate in tons-mass per hour.
2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:  

$$E = 55.0P^{0.11-40}$$
 where "E" and "P" are defined as indicated in subsection (B)(1).
- C. Actual values shall be calculated from the applicable equations and rounded off to two decimal places.
- D. Spray bar pollution controls shall be utilized in accordance with "EPA Control of Air Emissions From Process Operations In The Rock Crushing Industry" (EPA 340/1-79-002), "Wet Suppression System" (pages 15-34, amended as of January 1979 (and no future amendments or editions)), as incorporated herein by reference and on file with the Office of the Secretary of State, with placement of spray bars and nozzles as required by the Director to minimize air pollution.
- E. Fugitive emissions from gravel or crushed stone processing plants shall be controlled in accordance with R18-2-604 through R18-2-607.
- F. The owner or operator of any affected facility subject to the provisions of this Section shall install, calibrate, maintain, and operate monitoring devices which can be used to determine daily the process weight of gravel or crushed stone produced. The weighing devices shall have an accuracy of ± 5% over their operating range.
- G. The owner or operator of any affected facility shall maintain a record of daily production rates of gravel or crushed stone produced.
- H. The test methods and procedures required by this Section are as follows:
1. The reference methods in 40 CFR 60, Appendix A, as incorporated by reference in Appendix 2 of this Chapter, shall be used to determine compliance with the standards prescribed in this Section as follows:
    - a. Method 5 for concentration of particulate matter and moisture content,
    - b. Method 1 for sample and velocity traverses,
    - c. Method 2 for velocity and volumetric flow rate,
    - d. Method 3 for gas analysis.
  2. For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume is 0.85 dscm (30 dscf), except that shorter sampling times or smaller volumes, when necessitated by process variables or other factors, may be approved by the Director. Sampling shall not be started until 30 minutes after start-up and shall be terminated before shutdown procedures commence. The owner or operator of the affected facility shall eliminate cyclonic flow during performance tests in a manner acceptable to the Director.

**Historical Note**

Section R18-2-721 renumbered from R18-2-521 effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1).

**R18-2-722. Standards of Performance for Existing Gravel or Crushed Stone Processing Plants**

- A. The provisions of this Section are applicable to the following affected facilities: primary rock crushers, secondary rock crushers, tertiary rock crushers, screens, conveyors and conveyor transfer points, stackers, reclaimers, and all gravel or crushed stone processing plants and rock storage piles.
- B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere except as fugitive emissions in any one hour from any gravel or crushed stone processing plant in total quantities in excess of the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:  

$$E = 4.10P^{0.67}$$
 where:

**Historical Note**

Section R18-2-722 renumbered from R18-2-522 and amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1).

**R18-2-723. Standards of Performance for Existing Concrete Batch Plants**

Fugitive dust emitted from concrete batch plants shall be controlled in accordance with R18-2-604 through R18-2-607.

**Historical Note**

Section R18-2-723 renumbered from R18-2-523 and

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amended effective November 15, 1993 (Supp. 93-4).

**R18-2-724. Standards of Performance for Fossil-fuel Fired Industrial and Commercial Equipment**

- A.** This Section applies to industrial and commercial installations which are less than 73 megawatts capacity (250 million Btu per hour), but in the aggregate on any premises are rated at greater than 500,000 Btu per hour (0.146 megawatts), and in which fuel is burned for the primary purpose of producing steam, hot water, hot air or other liquids, gases or solids and in the course of doing so the products of combustion do not come into direct contact with process materials. When any products or by-products of a manufacturing process are burned for the same purpose or in conjunction with any fuel, the same maximum emission limitations shall apply.
- B.** For purposes of this Section, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or other outlet. The heat content of solid fuel shall be determined in accordance with R18-2-311. Compliance tests shall be conducted during operation at the nominal rated capacity of each unit. The total heat input of all fuel-burning units on a plant or premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.
- C.** No person shall cause, allow or permit the emission of particulate matter, caused by combustion of fuel, from any fuel-burning operation in excess of the amounts calculated by one of the following equations:
- For equipment having a heat input rate of 4200 million Btu per hour or less, the maximum allowable emissions shall be determined by the following equation:  

$$E = 1.02Q^{0.769}$$
 where:  
 E = the maximum allowable particulate emissions rate in pounds-mass per hour.  
 Q = the heat input in million Btu per hour.
  - For equipment having a heat input rate greater than 4200 million Btu per hour, the maximum allowable emissions shall be determined by the following equation:  

$$E = 17.0Q^{0.432}$$
 where "E" and "Q" have the same meanings as in subsection (C)(1).
- D.** Actual values shall be calculated from the applicable equations and rounded off to two decimal places.
- E.** Fossil-fuel fired industrial and commercial equipment installations shall not emit more than 1.0 pounds of sulfur dioxide per million Btu heat input when low sulfur oil is fired.
- F.** Fossil-fuel fired industrial and commercial equipment installations shall not emit more than 2.2 pounds of sulfur dioxide per million Btu heat input when high sulfur oil is fired.
- G.** Any permit issued for the operation of an existing source, or any renewal or modification of such a permit, shall include a condition prohibiting the use of high sulfur oil by the permittee. This condition may be omitted from the permit if the applicant demonstrates to the satisfaction of the Director both that sufficient quantities of low sulfur oil are not available for use by the source and that it has adequate facilities and contingency plans to ensure that the sulfur dioxide ambient air quality standards set forth in R18-2-202 will not be violated.
- The terms of the permit may authorize the use of high sulfur oil under such conditions as are justified.
  - In cases where the permittee is authorized to use high sulfur oil, it shall submit to the Department monthly reports detailing its efforts to obtain low sulfur oil.
  - When the conditions justifying the use of high sulfur oil no longer exist, the permit shall be modified accordingly.

- Nothing in this Section shall be construed as allowing the use of a supplementary control system or other form of dispersion technology.
- H.** When coal is fired, fossil-fuel fired industrial and commercial equipment installations shall not emit more than 1.0 pounds of sulfur dioxide per million Btu heat input.
- I.** The owner or operator subject to the provisions of this Section shall install, calibrate, maintain and operate a continuous monitoring system for measurement of the opacity of emissions discharged into the atmosphere from the control device.
- J.** For the purpose of reports required under excess emissions reporting required by R18-2-310.01, the owner or operator shall report all six-minute periods in which the opacity of any plume or effluent exceeds 15%.
- K.** The test methods and procedures required by this Section are as follows:
- The reference methods in 40 CFR 60, Appendix A, as incorporated by reference in Appendix 2 of this Chapter, shall be used to determine compliance with the standards as prescribed in this Section.
    - Method 1 for selection of sampling site and sample traverses,
    - Method 3 for gas analysis to be used when applying Reference Methods 5 and 6,
    - Method 5 for concentration of particulate matter and the associated moisture content,
    - Method 6 for concentration of SO<sub>2</sub>.
  - For Method 5, Method 1 shall be used to select the sampling site and the number of traverse sampling points. The sampling time for each run shall be at least 60 minutes and the minimum sampling volume shall be 0.85 dscm (30 dscf), except that smaller sampling times or volumes, when necessitated by process variables or other factors, may be approved by the Director. The probe and filter holder heating systems in the sampling train shall be set to provide a gas temperature no greater than 160°C. (320°F).
  - For Method 6, the sampling site shall be the same as that selected for Method 5. The sampling point in the duct shall be at the centroid of the cross section or at a point no closer to the walls than 1 m (3.28 ft). For Method 6, the sample shall be extracted at a rate proportional to the gas velocity at the sampling point.
  - For Method 6, the minimum sampling time shall be 20 minutes and the minimum sampling volume 0.02 dscm (0.71 dscf) for each sample. The arithmetic mean of two samples shall constitute one run. Samples shall be taken at approximately 30-minute intervals.
  - Gross calorific value shall be determined in accordance with the applicable ASTM methods: D-2015-91 (Test for Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter) for solid fuels; D-240-87 (Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter) for liquid fuels; and D-1826-88 (Test Method for Calorific Value of Gases in Natural Gas Range by Continuous Recording Calorimeter) for gaseous fuels. The rate of fuels burned during each testing period shall be determined by suitable methods and shall be confirmed by a material balance over the fossil-fuel fired system.

**Historical Note**

Section R18-2-724 renumbered from R18-2-524 and amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 7 A.A.R. 1164, effective February 15, 2001 (Supp. 01-1). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009

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(Supp. 09-1).

**R18-2-725. Standards of Performance for Existing Dry Cleaning Plants**

- A. No person shall conduct any dry cleaning operation using chlorinated synthetic solvents without minimizing organic solvent emissions by good modern practices including but not limited to the use of an adequately sized and properly maintained activated carbon absorber or other equally effective control device.
- B. No person shall operate any dry cleaning establishment using petroleum solvents other than non-photochemically reactive solvents without reducing solvent emissions by at least 90%. For purposes of this subsection, a photochemically reactive solvent shall be any solvent with an aggregate of more than 20% of its total volume composed of the chemical compounds classified in subsections (B)(1) through (3), or which exceeds any of the following percentage composition limitations, referred to the total volume of solvent:
1. A combination of the following types of compounds having an olefinic or cyclo-olefinic type of unsaturation -- hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones: 5%.
  2. A combination of aromatic compounds with 8 or more carbon atoms to the molecule except ethylbenzene: 8%.
  3. A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichlorethylene or toluene: 20%.
- C. Where a stack, vent or other outlet is at such a level that fumes, gas mist, odor, smoke, vapor or any combination thereof constituting air pollution is discharged to adjoining property, the Director may require the installation of abatement equipment or the alteration of such stack, vent, or other outlet by the owner or operator thereof to a degree that will adequately dilute, reduce or eliminate the discharge of air pollution to the adjoining property.

**Historical Note**

Section R18-2-725 renumbered from R18-2-525 effective November 15, 1993 (Supp. 93-4).

**R18-2-726. Standards of Performance for Sandblasting Operations**

No person shall cause or permit sandblasting or other abrasive blasting without minimizing dust emissions to the atmosphere through the use of good modern practices. Examples of good modern practices include wet blasting and the use of effective enclosures with necessary dust collecting equipment.

**Historical Note**

Section R18-2-726 renumbered from R18-2-526 effective November 15, 1993 (Supp. 93-4).

**R18-2-727. Standards of Performance for Spray Painting Operations**

- A. No person shall conduct any spray paint operation without minimizing organic solvent emissions. Such operations other than architectural coating and spot painting, shall be conducted in an enclosed area equipped with controls containing no less than 96% of the overspray.
- B. No person shall either:
1. Employ, apply, evaporate or dry any architectural coating containing photochemically reactive solvents for industrial or commercial purposes; or
  2. Thin or dilute any architectural coating with a photochemically reactive solvent.
- C. For purposes of subsection (B), a photochemically reactive solvent shall be any solvent with an aggregate of more than 20% of its total volume composed of the chemical compounds

classified in subsections (1) through (3), or which exceeds any of the following percentage composition limitations, referred to the total volume of solvent:

1. A combination of the following types of compounds having an olefinic or cyclo-olefinic type of unsaturation -- hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones: 5%.
  2. A combination of aromatic compounds with 8 or more carbon atoms to the molecule except ethylbenzene: 8%.
  3. A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichlorethylene or toluene: 20%.
- D. Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the groups or organic compounds described in subsection (C)(1) through (3), it shall be considered to be a member of the group having the least allowable percent of the total volume of solvents.

**Historical Note**

Section R18-2-727 renumbered from R18-2-527 effective November 15, 1993 (Supp. 93-4).

**R18-2-728. Standards of Performance for Existing Ammonium Sulfide Manufacturing Plants**

- A. The provisions of this Section are applicable to the following affected facilities in ammonium sulfide manufacturing plants: sulfide unloading facilities, reactor-absorbers, bubble cap scrubbers, and fume incinerators.
- B. No person shall cause, allow or permit to be emitted into the atmosphere, from any type of incinerator or other outlet smoke, fumes, gases, particulate matter or other gas-borne material, the opacity of which exceeds 20%.
- C. No person shall cause, allow or permit to be emitted into the atmosphere from any emission point from any incinerator, or to pass a convenient measuring point near such emission point, particulate matter of concentrations in excess of 0.1 grain per cubic foot, based on dry flue gas at standard conditions, corrected to 12% carbon dioxide.
- D. No person shall allow hydrogen sulfide to be emitted from any location in such manner and amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 0.03 parts per million by volume for any averaging period of 30 minutes or more.
- E. Where a stack, vent or other outlet is at such a level that fumes, gas mist, odor, smoke, vapor or any combination thereof constituting air pollution are discharged to adjoining property, the Director may require the installation of abatement equipment or the alteration of such stack, vent, or other outlet by the owner or operator thereof to a degree that will adequately dilute, reduce or eliminate the discharge of air pollution to adjoining property.
- F. The owner or operator of any ammonium sulfide tailgas incinerator subject to the provisions of this Section shall do both of the following:
1. Install, calibrate, maintain, and operate a flow measuring device which can be used to determine either the mass or volume of tailgas charged to the incinerator. The flow measuring device shall have an accuracy of  $\pm 5\%$  over its operating range.
  2. Provide access to the tailgas charged so that a well-mixed representative grab sample can be obtained.
- G. The test methods and procedures required by this Section are as follows:
1. The reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in this Section as follows:



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- a. Method 5 for the concentration of particulate matter and the associated moisture content;
  - b. Method 1 for sample and velocity traverse;
  - c. Method 2 for velocity and volumetric flow rate;
  - d. Method 3 for gas analysis and calculation of excess air, using the integrated sample technique;
  - e. Method 11 shall be used to determine the concentration of H<sub>2</sub>S and Method 6 shall be used to determine the concentration of SO<sub>2</sub>.
2. For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 0.85 dscm (30.0 dscf) except that shorter sampling times and smaller sample volumes, when necessitated by process variables or other factors, may be approved by the Director.
3. Particulate matter emissions, expressed in g/dscm, shall be corrected to 12% CO<sub>2</sub> by using the following formula:
 
$$C_{12} = \frac{12c}{\%CO_2}$$
 where:  
 $C_{12}$  = the concentration of particulate matter corrected to 12% CO<sub>2</sub>,  
 $c$  = the concentration of particulate matter as measured by Method 5, and  
 $\%CO_2$  = the percentage of CO<sub>2</sub> as measured by Method 3, or, when applicable, the adjusted outlet CO<sub>2</sub> percentage.
4. If Method 11 is used, the gases sampled shall be introduced into the sampling train at approximately atmospheric pressure. Where fuel gas lines are operating at pressures substantially above atmosphere, this may be accomplished with a flow control valve. If the line pressure is high enough to operate the sampling train without a vacuum pump, the pump may be eliminated from the sampling train. The sample shall be drawn from a point near the centroid of the fuel gas line. The minimum sampling time shall be 10 minutes and the minimum sampling volume 0.01 dscm (0.35 dscf) for each sample. The arithmetic average of two samples of equal sampling time shall constitute one run. Samples shall be taken at approximately one-hour intervals. For most fuel gases, sample times exceeding 20 minutes may result in depletion of the collecting solution, although fuel gases containing low concentrations of hydrogen sulfide may necessitate sampling for longer periods of time.
5. If Method 5 is used, Method 1 shall be used for velocity traverses and Method 2 for determining velocity and volumetric flow rate. The sampling site for determining CO<sub>2</sub> concentration by Method 3 shall be the same as for determining volumetric flow rate by Method 2. The sampling point in the duct for determining SO<sub>2</sub> concentration by Method 3 shall be at the centroid of the cross section if the cross sectional area is less than 5 m<sup>2</sup> (54 ft<sup>2</sup>) or at a point no closer to the walls than 1 m (3.28 feet) if the cross sectional area is 5 m<sup>2</sup> or more and the centroid is more than 1 meter from the wall. The sample shall be extracted at a rate proportional to the gas velocity at the sampling point. The minimum sampling time shall be 10 minutes and the minimum sampling volume 0.01 dscm (0.36 dscf) for each sample. The arithmetic average of two samples of equal sampling time shall constitute one run. Samples shall be taken at approximately one-hour intervals.

**Historical Note**

Section R18-2-728 renumbered from R18-2-528 effective

November 15, 1993 (Supp. 93-4).

**R18-2-729. Standards of Performance for Cotton Gins**

- A. Fugitive dust, lint, bolls, cotton seed or other material emitted from a cotton gin or lying loose in a yard shall be collected and disposed of in an efficient manner or shall be treated in accordance with R18-2-604 through R18-2-607.
- B. No person shall cause, allow or permit to be emitted into the atmosphere, from any type of incinerator, smoke, fumes, gases, particulate matter or other gas-borne material which exceeds 40% opacity.
- C. No person shall cause, allow, or permit the discharge of particulate matter into the atmosphere in any one hour from any cotton gin in total quantities in excess of the amounts calculated by one of the following equations:
  1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:
 
$$E = 4.10P^{0.67}$$
 where:  
 $E$  = the maximum allowable particulate emissions rate in pounds-mass per hour.  
 $P$  = the process weight rate in tons-mass per hour.
  2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:
 
$$E = 55.0P^{0.11-40}$$
 where "E" and "P" are defined as indicated in subsection (C)(1).
- D. The test methods and procedures required by this Section are as follows:
  1. The reference methods in the Arizona Testing Manual and 40 CFR 60, Appendix A shall be used to determine compliance with this Section as follows:
    - a. Method A-2 for the measurement of particulate matter,
    - b. Method 1 for sample and velocity traverses,
    - c. Method 2 for velocity and volumetric flow rate,
    - d. Method 3 for gas analysis,
    - e. Method 9 for visible emissions.
  2. For Method A-2, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.85 dry standard cubic meters per hour (0.53 dry standard cubic feet per minute), except that shorter sampling times, when necessitated by progress variables or other factors, may be approved by the Director.

**Historical Note**

Section R18-2-729 renumbered from R18-2-529 and amended effective November 15, 1993 (Supp. 93-4).

Amended by final rulemaking at 13 A.A.R. 2157, effective August 4, 2007 (Supp. 07-2).

**R18-2-730. Standards of Performance for Unclassified Sources**

- A. No existing source which is not otherwise subject to standards of performance under this Article or Article 9 or 11 of this Chapter, shall cause or permit the emission of pollutants at rates greater than the following:
  1. For particulate matter discharged into the atmosphere in any one hour from any unclassified process source in total quantities in excess of the amounts calculated by one of the following equations:
    - a. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less,

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the maximum allowable emissions shall be determined by the following equation:

$$E = 4.10P^{0.67}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

- b. For process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 55.0P^{0.11-40}$$

where "E" and "P" are defined as indicated in subsection (A)(1)(a).

2. Sulfur dioxide – 600 parts per million.

3. Nitrogen oxides expressed as NO<sub>2</sub> – 500 parts per million.

- B. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

- C. Actual values shall be calculated from the applicable equations and rounded off to two decimal places.

- D. No person shall emit gaseous or odorous materials from equipment, operations or premises under the person's control in such quantities or concentrations as to cause air pollution.

- E. No person shall operate or use any machine, equipment, or other contrivance for the treatment or processing of animal or vegetable matter, separately or in combination, unless all gaseous vapors and gas entrained effluents from such operations, equipment, or contrivance have been either:

1. Incinerated to destruction, as indicated by a temperature measuring device, at not less than 1,200°F if constructed or reconstructed prior to January 1, 1989, or 1,600°F with a minimum residence time of 0.5 seconds if constructed or reconstructed thereafter; or
2. Passed through such other device which is designed, installed and maintained to prevent the emission of odors or other air contaminants and which is approved by the Director.

- F. Materials including solvents or other volatile compounds, paints, acids, alkalies, pesticides, fertilizers and manure shall be processed, stored, used and transported in such a manner and by such means that they will not evaporate, leak, escape or be otherwise discharged into the ambient air so as to cause or contribute to air pollution. Where means are available to reduce effectively the contribution to air pollution from evaporation, leakage or discharge, the installation and use of such control methods, devices, or equipment shall be mandatory.

- G. Where a stack, vent or other outlet is at such a level that fumes, gas mist, odor, smoke, vapor or any combination thereof constituting air pollution is discharged to adjoining property, the Director may require the installation of abatement equipment or the alteration of such stack, vent, or other outlet by the owner or operator thereof to a degree that will adequately dilute, reduce or eliminate the discharge of air pollution to adjoining property.

- H. No person shall allow hydrogen sulfide to be emitted from any location in such manner and amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 0.03 parts per million by volume for any averaging period of 30 minutes or more.

- I. No person shall cause, allow or permit discharge from any stationary source carbon monoxide emissions without the use of

complete secondary combustion of waste gases generated by any process source.

- J. No person shall allow hydrogen cyanide to be emitted from any location in such manner and amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 0.3 parts per million by volume for any averaging period of eight hours.
- K. No person shall allow sodium cyanide dust or dust from any other solid cyanide to be emitted from any location in such manner and amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 140 micrograms per cubic meter for any averaging period of eight hours.
- L. No owner or operator of a facility engaged in the surface coating of miscellaneous metal parts and products may operate a coating application system subject to this Section that emits volatile organic compounds in excess of any of the following:
1. 4.3 pounds per gallon (0.5 kilograms per liter) of coating, excluding water, delivered to a coating applicator that applies clear coatings.
  2. 3.5 pounds per gallon (0.42 kilograms per liter) of coating, excluding water delivered to a coating applicator in a coating application system that is air dried or forced warm air dried at temperatures up to 194°F (90°C).
  3. 3.5 pounds per gallon (0.42 kilograms per liter) of coating, excluding water, delivered to a coating applicator that applies extreme performance coatings.
  4. 3.0 pounds per gallon (0.36 kilograms per liter) of coating, excluding water, delivered to a coating applicator for all other coatings and application systems.
- M. If more than one emission limitation in subsection (L) applies to a specific coating, then the least stringent emission limitation shall be applied.
- N. All VOC emissions from solvent washings shall be considered in the emission limitations in subsection (L), unless the solvent is directed into containers that prevent evaporation into the atmosphere.

#### Historical Note

Renumbered from R18-2-530 and amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1).

#### R18-2-731. Standards of Performance for Existing Municipal Solid Waste Landfills

- A. This Section applies to each municipal solid waste landfill (MSW landfill) at which:
1. Construction, reconstruction, or modification began on or before July 17, 2014; and
  2. Waste was accepted at any time since November 8, 1987, or additional design capacity is available for future waste deposition.
- B. For the purposes of this Section, "Municipal solid waste landfill or MSW landfill" means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. An MSW landfill may also receive other types of RCRA (Resource Conservation and Recovery Act) Subtitle D wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of an MSW landfill may be separated by access roads. An MSW landfill may be publicly or privately owned.
- C. MSW landfills covered by this Section shall comply with 40 CFR 60, Subpart Cf, effective as of the date of EPA approval of the state plan under section 111(d) of the Act. 40 CFR 60,

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Subpart WWW, “Standards of Performance for Municipal Solid Waste Landfills,” will remain in effect until Arizona’s state plan implementing Subpart Cf is approved by EPA. 40 CFR 60, Subpart Cf “Emissions Guidelines and Compliance Times for Municipal Solid Waste Landfills,” as adopted on August 29, 2016 (and no future amendments) is hereby incorporated by reference as applicable requirements. MSW landfills may meet the requirements of Subpart Cf by complying with 40 CFR 60, Subpart XXX. 40 CFR 60, Subpart XXX “Standards of Performance for Municipal Solid Waste Landfills that Commenced Construction, Reconstruction or Modification After July 17, 2014,” is incorporated by reference in R18-2-901.

**Historical Note**

Adopted effective April 4, 1997; filed with the Office of the Secretary of State March 14, 1997 (Supp. 97-1). Amended by final rulemaking at 24 A.A.R. 1864, effective August 10, 2018 (Supp. 18-2).

**R18-2-732. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3058, effective August 10, 1999 (Supp. 99-3). Amended by final rulemaking at 13 A.A.R. 2157, effective August 4, 2007 (Supp. 07-2). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 15, effective September 30, 2015 (Supp. 15-4).

**R18-2-733. Repealed****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 4701, effective January 29, 2007 (Supp. 06-4). Section repealed by final rulemaking at 21 A.A.R. 711, effective June 30, 2015 (Supp. 15-2).

**R18-2-733.01. Repealed****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 4701, effective January 29, 2007 (Supp. 06-4). Section repealed by final rulemaking at 21 A.A.R. 711, effective June 30, 2015 (Supp. 15-2).

**R18-2-734. Standards of Performance for Mercury Emissions from Electric Generating Units**

- A.** Applicability and Purpose. The requirements of this Section apply to owners and operators of electric generating units. The purpose of this Section is to establish:
1. Interim standards for mercury emissions from electric generating units that shall apply until compliance with the emissions limits in the federal mercury standards is required.
  2. State standards for mercury emissions from electric generating units that shall apply if the federal mercury standards are vacated by a federal court or repealed by the administrator.
- B.** Interim Standards. The following requirements shall apply until the date that compliance with the federal mercury standards or subsection (G) is required:
1. The owners and operators shall comply with the mercury control strategy operations and maintenance plan approved as part of the permit for the electric generating plant.
  2. The owners and operators shall operate and maintain the electric generating plant, including any associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing mer-

cury emissions. This requirement shall apply to any air pollution control equipment installed pursuant to subsection (B)(1) or to any new air pollution control equipment installed to comply with the federal mercury standards if such equipment replaces equipment installed pursuant to subsection (B)(1).

- C.** Incorporation of Federal Mercury Standards. The federal mercury standards in 40 CFR Part 63, Subpart UUUUU, as of July 1, 2013 (and no future amendments or editions) are incorporated by reference and shall remain effective to the extent specified in this Section regardless of whether they are vacated by a federal court or repealed by the administrator. Subpart UUUU of 40 C.F.R. Part 63 is published by the United States Government Printing Office, 732 North Capital Street, NW, Washington, DC 20401-0001, is on file with the Department of Environmental Quality, 1110 West Washington Street, Phoenix, Arizona 85007, and is available at the Arizona State Library, Archives & Public Records, 1700 West Washington Street, Phoenix, Arizona 85007 and at other Federal depository libraries in the state (see [http://catalog.gpo.gov/fdlpdir/FDLP-dir.jsp?st\\_12=AZ&flag=searchp](http://catalog.gpo.gov/fdlpdir/FDLP-dir.jsp?st_12=AZ&flag=searchp)). It is also available online at <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>. The owners and operators shall provide to the director a copy of all notices and reports submitted to the Administrator under the federal mercury standards, except for any reports or data submitted to the Administrator through electronic systems (for example, Compliance and Emissions Data Reporting Interface (CEDRI), Emission Collection Monitoring Plan System Client Tool (ECMPS) or the Emissions Reporting Tool (ERT)).
- D.** Notice of State Standard Applicability. The director shall provide notice to the responsible official for each electric generating plant of any repeal or federal court vacatur of the federal mercury standards. If the repeal or vacatur occurred after the date the electric generating plant was required to comply with the emission limits in the federal mercury standards, the plant shall continue to comply with the federal mercury standards until the date that compliance with subsection (G) is required.
- E.** Application for Permit Revision. Within 120 days of receipt of written notice from the director under subsection (D), the owners and operators shall submit an application for a permit revision that proposes:
1. The mercury emission limit or limits in subsection (G) that shall apply to the electric generating plant.
  2. A date for demonstrating compliance with the mercury emission limit consistent with subsection (F)(2).
  3. A mercury monitoring plan consistent with subsection (H)(2).
- F.** Permit Revision Setting State Standard. A permit revision granted in response to the application submitted under subsection (E) shall contain the following conditions:
1. The mercury emission limit or limits in subsection (G) that shall apply to the electric generating plant.
  2. The date compliance with the emission limit or limits shall be required. Unless the application requests an earlier date, the compliance date shall be the later of December 31, 2016 or the end of the first averaging period commencing no later than 180 days after permit issuance.
  3. The date for demonstrating initial compliance with the emission limit or limits, which shall be 45 days after completion of the first full averaging period after the compliance date established under subsection (F)(2).
  4. The date on which compliance with subsection (B), or the obligation to comply with the federal mercury standards in subsection (D), as applicable, shall no longer be required.

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5. A mercury monitoring plan consistent with subsection (H).
  6. Compliance reporting requirements consistent with subsection (I).
- G.** State Mercury Emission Limits. Emissions from an electric generating unit shall comply with one or more of the emission limits specified in the following table, as selected by the owners and operators under subsection (F).

No.	Limit	Averaging Period	Applicable To
1.	10 % of inlet mercury	Rolling 12-month	Electric generating plant
2.	0.0087 pounds per gigawatt-hour	Rolling 12-month	Electric generating plant
3.	0.011 pounds per gigawatt-hour	Rolling 90-boiler operating days	EGUs identified in averaging group
4.	1.0 pounds per Trillion Btu	Rolling 90-boiler operating days	EGUs identified in averaging group
5.	0.013 pounds per gigawatt-hour	Rolling 30-boiler operating days	Individual electric generating unit
6.	1.2 pounds per Trillion Btu	Rolling 30-boiler operating days	Individual electric generating unit

- H.** Compliance Monitoring and Recordkeeping.
1. Compliance with subsection (G) shall be determined using a mercury CEMS or sorbent trap monitoring system pursuant to Appendix A of the federal mercury standards and in accordance with an approved mercury monitoring plan.
  2. The mercury monitoring plan shall include the following elements:
    - a. Identification of the emission limit or limits in subsection (G) for which compliance will be demonstrated.
    - b. Identification of whether a mercury CEMS or sorbent trap monitoring system will be used as the primary compliance method. Backup methods may be identified and approved in the plan.
    - c. Description of the parameters that will be monitored, including mercury concentration, stack flow, fuel mercury content, fuel rate, electricity generation rate, moisture percent, and any diluent or other gas or process parameters necessary to calculate compliance in terms of the applicable emission limit.
    - d. Description and example of the calculations required to convert monitored parameters to mercury emissions in terms of the emission limit.
    - e. Establishment of CEMS analyzer data availability, and QA/QC requirements.
    - f. Procedures for completing an initial demonstration of compliance, except as otherwise provided in subsection (I)(1).
  2. At least once per month, the mercury emissions data shall be compiled into a record demonstrating compliance with the emission limit or limits established in the permit revision issued under subsection (F). This record shall be

completed no later than the 15th day of the following month.

3. Records shall be maintained as follows:
  - a. Records demonstrating compliance with the emissions limits shall be maintained for five years.
  - b. If a mercury CEMS is used, daily CEMS data, QA/QC data identified in the mercury monitoring plan, any maintenance work conducted on the CEMS or data logging system, and a calculation of all mercury CEMS downtime shall be maintained for five years.
  - c. If a sorbent trap monitoring system is used, all sorbent monitoring data and any maintenance work conducted on the system shall be maintained for five years.
- I.** Reporting. The owners and operators shall submit to the director the following reports:
  1. An initial demonstration of compliance, which must be submitted to the director within 180 days after completion of the first full averaging period. This requirement shall not apply to an electric generating unit if an initial demonstration of compliance has been completed for that unit under 40 C.F.R. 63.10005(d)(3) and the demonstration shows compliance with subsection (G) for that unit. The report shall include:
    - a. The name of the electric generating plant and electric generating units.
    - b. The applicable emission limit or limits for the plant or the electric generating units.
    - c. The mercury emissions for the plant, group of averaged units, or each unit, as applicable, during the initial compliance demonstration in terms of the applicable standard.
    - d. A certification by a responsible official.
  2. Semiannual compliance reports, which must be submitted to the director on the dates established in the electric generating plant's air quality permit. The report shall include:
    - a. The name of the electric generating plant and electric generating units;
    - b. The applicable emission limit or limits for the plant or the electric generating units.
    - c. The mercury emissions for the plant, or each unit, as applicable, for each month during the six month period ending the month prior to the semiannual report in terms of the applicable standard.
    - d. An explanation of any excess emissions, the duration of the excess emissions, and corrective actions taken, if any, to resolve those excess emissions.
    - e. A certification by a responsible official.
- J.** Exemption. After receipt of notice under subsection (D), in lieu of submitting the permit revision application required by subsection (E), the owners and operators may notify the director in writing that they elect to comply with the vacated or repealed federal mercury standards at an electric generating plant. If the owners and operators for an electric generating plant make this election, the plant shall be exempt from subsections (E) through (I). If the owners and operators of an electric plant elect this option:
  1. "Administrator" shall mean "Director" whenever it appears in the federal mercury standards or regulations referenced therein.
  2. "EPA" shall mean "ADEQ, Air Quality Division" whenever it appears in the federal mercury standards or regulations referenced therein.
3. In lieu of reports submitted to the Administrator through electronic systems (for example, Compliance and Emissions Data Reporting Interface (CEDRI), Emission Collection Monitor-

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ing Plan System Client Tool (ECMPS) or Emissions Reporting Tool (ERT)) pursuant to the federal mercury standards, the owners or operators shall submit to the Director, semiannually at the time required by permit, the RATA or the rolling 30-day or rolling 90-day average mercury value for each EGU or the plant, as applicable.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 4701, effective January 29, 2007 (Supp. 06-4). Amended by final rulemaking at 21 A.A.R. 711, effective June 30, 2015 (Supp. 15-2).

**Table 1. Expired****Historical Note**

Table 1 adopted by final rulemaking at 5 A.A.R. 3058, effective August 10, 1999 (Supp. 99-3). Table 1 expired under A.R.S. § 41-1056(J) at 23 A.A.R. 3427, effective October 10, 2017 (Supp. 17-4).

**Table 2. Expired****Historical Note**

Table 2 adopted by final rulemaking at 5 A.A.R. 3058, effective August 10, 1999 (Supp. 99-3). Table 2 expired under A.R.S. § 41-1056(J) at 23 A.A.R. 3427, effective October 10, 2017 (Supp. 17-4).

**ARTICLE 8. EMISSIONS FROM MOBILE SOURCES (NEW AND EXISTING)****R18-2-801. Classification of Mobile Sources**

- A. This Article is applicable to mobile sources which either move while emitting air contaminants or are frequently moved during the course of their utilization but are not classified as motor vehicles, agricultural vehicles, or agricultural equipment used in normal farm operations.
- B. Unless otherwise specified, no mobile source shall emit smoke or dust the opacity of which exceeds 40%.

**Historical Note**

Adopted effective February 26, 1988 (Supp. 88-1). Amended effective September 26, 1990 (Supp. 90-3). Amended effective February 3, 1993 (Supp. 93-1). Former Section R18-2-801 renumbered to Section R18-2-901, new Section R18-2-801 renumbered from R18-2-601 effective November 15, 1993 (Supp. 93-4).

**R18-2-802. Off-road Machinery**

- A. No person shall cause, allow or permit to be emitted into the atmosphere from any off-road machinery, smoke for any period greater than 10 consecutive seconds, the opacity of which exceeds 40%. Visible emissions when starting cold equipment shall be exempt from this requirement for the first 10 minutes.
- B. Off-road machinery shall include trucks, graders, scrapers, rollers, locomotives and other construction and mining machinery not normally driven on a completed public roadway.

**Historical Note**

Adopted effective February 26, 1988 (Supp. 88-1). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-802 renumbered to Section R18-2-902, new Section R18-2-802 renumbered from R18-2-602 effective November 15, 1993 (Supp. 93-4).

**R18-2-803. Heater-planer Units**

No person shall cause, allow or permit to be emitted into the atmosphere from any heater-planer operated for the purpose of recon-

structing asphalt pavements smoke the opacity of which exceeds 20%. However three minutes' upset time in any one hour shall not constitute a violation of this Section.

**Historical Note**

Adopted effective February 26, 1988 (Supp. 88-1). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-803 renumbered to Section R18-2-903, new Section R18-2-803 renumbered from R18-2-603 effective November 15, 1993 (Supp. 93-4).

**R18-2-804. Roadway and Site Cleaning Machinery**

- A. No person shall cause, allow or permit to be emitted into the atmosphere from any roadway and site cleaning machinery smoke or dust for any period greater than 10 consecutive seconds, the opacity of which exceeds 40%. Visible emissions when starting cold equipment shall be exempt from this requirement for the first 10 minutes.
- B. In addition to complying with subsection (A), no person shall cause, allow or permit the cleaning of any site, roadway, or alley without taking reasonable precautions to prevent particulate matter from becoming airborne. Reasonable precautions may include applying dust suppressants. Earth or other material shall be removed from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water or by other means.

**Historical Note**

Adopted effective February 26, 1988 (Supp. 88-1). Amended effective September 26, 1990 (Supp. 90-3). Amended effective February 3, 1993 (Supp. 93-1). Former Section R18-2-804 renumbered to Section R18-2-904, new Section R18-2-804 renumbered from R18-2-604 effective November 15, 1993 (Supp. 93-4).

**R18-2-805. Asphalt or Tar Kettles**

- A. No person shall cause, allow or permit to be emitted into the atmosphere from any asphalt or tar kettle smoke for any period greater than 10 consecutive seconds, the opacity of which exceeds 40%.
- B. In addition to complying with subsection (A), no person shall cause, allow or permit the operation of an asphalt or tar kettle without minimizing air contaminant emissions by utilizing all of the following control measures:
  1. The control of temperature recommended by the asphalt or tar manufacturer;
  2. The operation of the kettle with lid closed except when charging;
  3. The pumping of asphalt from the kettle or the drawing of asphalt through cocks with no dipping;
  4. The dipping of tar in an approved manner;
  5. The maintaining of the kettle in clean, properly adjusted, and good operating condition;
  6. The firing of the kettle with liquid petroleum gas or other fuels acceptable to the Director.

**Historical Note**

Adopted effective February 26, 1988 (Supp. 88-1). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-805 renumbered to Section R18-2-905, new Section R18-2-805 renumbered from R18-2-605 effective November 15, 1993 (Supp. 93-4).

**ARTICLE 9. NEW SOURCE PERFORMANCE STANDARDS****R18-2-901. Standards of Performance for New Stationary Sources**

Except as provided in R18-2-902 through R18-2-905, the following subparts of 40 CFR 60, New Source Performance Standards

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(NSPS), and all accompanying appendices, adopted as of June 28, 2013, unless otherwise specified, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, bookstore.gpo.gov, Mail Stop: SSOP IDCC-SSOM, Washington, D.C. 20402-9328.

1. Subpart A - General Provisions.
2. Subpart D - Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971.
3. Subpart Da - Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.
4. Subpart Db - Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.
5. Subpart Dc - Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.
6. Subpart E - Standards of Performance for Incinerators.
7. Subpart Ea - Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced after December 20, 1989 and on or Before September 20, 1994.
8. Subpart Eb - Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced after September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996.
9. Subpart Ec - Standards of Performance for Hospital/Medical/ Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996.
10. Subpart F - Standards of Performance for Portland Cement Plants.
11. Subpart G - Standards of Performance for Nitric Acid Plants.
12. Subpart Ga - Standards of Performance for Nitric Acid Plants for which Construction, Reconstruction, or Modification Commenced after October 14, 2011.
13. Subpart H - Standards of Performance for Sulfuric Acid Plants.
14. Subpart I - Standards of Performance for Hot Mix Asphalt Facilities.
15. Subpart J - Standards of Performance for Petroleum Refineries.
16. Subpart Ja - Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007.
17. Subpart K - Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.
18. Subpart Ka - Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.
19. Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984.
20. Subpart L - Standards of Performance for Secondary Lead Smelters.
21. Subpart M - Standards of Performance for Secondary Brass and Bronze Production Plants.
22. Subpart N - Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.
23. Subpart Na - Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.
24. Subpart O - Standards of Performance for Sewage Treatment Plants.
25. Subpart P - Standards of Performance for Primary Copper Smelters.
26. Subpart Q - Standards of Performance for Primary Zinc Smelters.
27. Subpart R - Standards of Performance for Primary Lead Smelters.
28. Subpart S - Standards of Performance for Primary Aluminum Reduction Plants.
29. Subpart T - Standards of Performance for Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.
30. Subpart U - Standards of Performance for Phosphate Fertilizer Industry: Superphosphoric Acid Plants.
31. Subpart V - Standards of Performance for Phosphate Fertilizer Industry: Diammonium Phosphate Plants.
32. Subpart W - Standards of Performance for Phosphate Fertilizer Industry: Triple Superphosphate Plants.
33. Subpart X - Standards of Performance for Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.
34. Subpart Y - Standards of Performance for Coal Preparation Plants.
35. Subpart Z - Standards of Performance for Ferroalloy Production Facilities.
36. Subpart AA - Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983.
37. Subpart AAa - Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983.
38. Subpart BB - Standards of Performance for Kraft Pulp Mills.
39. Subpart BBa - Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013.
40. Subpart CC - Standards of Performance for Glass Manufacturing Plants.
41. Subpart DD - Standards of Performance for Grain Elevators.
42. Subpart EE - Standards of Performance for Surface Coating of Metal Furniture.
43. Subpart GG - Standards of Performance for Stationary Gas Turbines.
44. Subpart HH - Standards of Performance for Lime Manufacturing Plants.
45. Subpart KK - Standards of Performance for Lead-Acid Battery Manufacturing Plants.
46. Subpart LL - Standards of Performance for Metallic Mineral Processing Plants.
47. Subpart MM - Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations.
48. Subpart NN - Standards of Performance for Phosphate Rock Plants.
49. Subpart PP - Standards of Performance for Ammonium Sulfate Manufacture.
50. Subpart QQ - Standards of Performance for Graphic Arts Industry: Publication Rotogravure Printing.

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51. Subpart RR - Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.
52. Subpart SS - Standards of Performance for Industrial Surface Coating: Large Appliances.
53. Subpart TT - Standards of Performance for Metal Coil Surface Coating.
54. Subpart UU - Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.
55. Subpart VV - Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.
56. Subpart VVa - Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced after November 7, 2006.
57. Subpart WW - Standards of Performance for Beverage Can Surface Coating Industry.
58. Subpart XX - Standards of Performance for Bulk Gasoline Terminals.
59. Subpart AAA - Standards of Performance for New Residential Wood Heaters.
60. Subpart BBB - Standards of Performance for Rubber Tire Manufacturing Industry.
61. Subpart DDD - Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.
62. Subpart FFF - Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.
63. Subpart GGG - Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries.
64. Subpart GGGa - Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006.
65. Subpart HHH - Standards of Performance for Synthetic Fiber Production Facilities.
66. Subpart III - Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.
67. Subpart JJJ - Standards of Performance for Petroleum Dry Cleaners.
68. Subpart KKK - Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.
69. Subpart LLL - Standards of Performance for Onshore Natural Gas Processing; SO<sub>2</sub> Emissions.
70. Subpart NNN - Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.
71. Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants.
72. Subpart PPP - Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants.
73. Subpart QQQ - Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems.
74. Subpart RRR - Standards of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.
75. Subpart SSS - Standards of Performance for Magnetic Tape Coating Facilities.
76. Subpart TTT - Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.
77. Subpart UUU - Standards of Performance for Calciners and Dryers in Mineral Industries.
78. Subpart VVV - Standards of Performance for Polymeric Coating of Supporting Substrates Facilities.
79. Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills.
80. Subpart XXX - Standards of Performance for Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification After July 17, 2014. This subpart and all accompanying appendices are adopted as of August 29, 2016 (and no future amendments), and are incorporated by reference as applicable requirements.
81. Subpart AAAA - Standards of Performance for Small Municipal Waste Combustion Units for Which Construction Is Commenced after August 30, 1999, or for Which Modification or Reconstruction Is Commenced after June 6, 2001.
82. Subpart CCCC - Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced after November 30, 1999, or for Which Modification or Reconstruction Is Commenced on or after June 1, 2001.
83. Subpart EEEE - Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006.
84. Subpart IIII - Standards of Performance for Stationary Compression Ignition Combustion Engines.
85. Subpart JJJJ - Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.
86. Subpart KKKK - Standards of Performance for Stationary Combustion Turbines.
87. Subpart LLLL - Standards of Performance for New Sewage Sludge Incineration Units.
88. Subpart OOOO - Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution.
89. Subpart OOOOa - Standards of Performance for Crude Oil and natural gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015.
90. Subpart PPPP [Reserved].
91. Subpart QQQQ - Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces.
92. Subpart TTTT - Standards of Performance for Greenhouse Gas Emission for Electric Generating Units

**Historical Note**

Adopted effective February 26, 1988 (Supp. 88-1).  
 Amended effective September 26, 1990 (Supp. 90-3).  
 Amended effective February 3, 1993 (Supp. 93-1). Section R18-2-901 renumbered to R18-2-1101, new Section R18-2-901 renumbered from R18-2-801 and amended effective November 15, 1993 (Supp. 93-4). Amended effective June 10, 1994 (Supp. 94-2). Amended effective December 7, 1995 (Supp. 95-4). Amended effective May 9, 1996 (Supp. 96-2). Amended effective April 4, 1997; filed with the Office of the Secretary of State March 14, 1997 (Supp. 97-1). Amended effective December 4, 1997 (Supp. 97-4). Amended by final rulemaking at 5 A.A.R. 3058, effective August 10, 1999, and at 5 A.A.R. 3221, effective August 12, 1999 (Supp. 99-3). Amended by final rulemaking at 6 A.A.R. 4170, effective

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October 11, 2000 (Supp. 00-4). Amended by final rulemaking at 8 A.A.R. 2543, effective May 24, 2002 (Supp. 02-2). Amended by final rulemaking at 10 A.A.R. 3281, effective September 27, 2004 (Supp. 04-3). Amended by final rulemaking at 11 A.A.R. 5504, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 4199, effective January 5, 2008 (Supp. 07-4). Amended by final expedited rulemaking at 21 A.A.R. 2747, effective December 13, 2015 (Supp. 15-4). Amended by final expedited rulemaking at 24 A.A.R. 1564, with an immediate effective date of May 2, 2018 (Supp. 18-2). Amended by final rulemaking at 24 A.A.R. 1864, effective August 10, 2018 (Supp. 18-3).

**R18-2-902. General Provisions**

- A.** As used in 40 CFR 60: "Administrator" means the Director of the Arizona Department of Environmental Quality, except that the Director shall not be authorized to approve alternate or equivalent test methods or alternative standards or work practices.
- B.** From the general standards identified in R18-2-901, delete the following:
- 40 CFR 60.4. All requests, reports, applications, submittals, and other communications to the Director pursuant to this Article shall be submitted to the Arizona Department of Environmental Quality, Air Quality Division, 1110 West Washington Street, Phoenix, Arizona 85007.
  - 40 CFR 60.5 and 60.6.
- C.** The Director shall not be delegated authority to deal with equivalency determinations or innovative technology waivers as covered in Sections 111(h)(3) and 111(j) of the Act.

**Historical Note**

Adopted effective February 26, 1988 (Supp. 88-1). Amended effective September 26, 1990 (Supp. 90-3). Section R18-2-902 renumbered to R18-2-1102, new Section R18-2-902 renumbered from R18-2-802 and amended effective November 15, 1993 (Supp. 93-4). Amended effective June 10, 1994 (Supp. 94-2). Amended by final rulemaking at 13 A.A.R. 4199, effective January 5, 2008 (Supp. 07-4).

**R18-2-903. Standards of Performance for Fossil-fuel Fired Steam Generators**

As exceptions to 40 CFR 60.40 through 60.47:

- In place of 40 CFR 60.43(a)(2), the following language shall be substituted: 340 nanograms per joule heat input (0.8 pounds per million Btu) derived from solid fossil fuel or solid fossil fuel and wood residue.
- Delete 40 CFR 60.43(b).
- If an owner or operator of a fossil-fuel fired steam generator obtained an installation permit for two or more fuel-burning equipment or steam-power generating installations before May 14, 1979, that permitted the installation to comply with the sulfur dioxide emission standards specified in R18-2-901 and this Section as if the equipment or installations were one emission discharge point:
  - The owner or operator shall comply with the applicable sulfur dioxide emission standards in the manner specified in the installation permit;
  - The Department shall incorporate the emission standards under subsection (3)(a) into each owner's or operator's operating permit as an enforceable permit condition;
  - No single fuel-burning equipment or steam-power generating installation shall emit sulfur dioxide in excess of:

- 520 nanograms per joule heat input (1.2 pounds per million BTU) for solid fossil fuel or solid fossil fuel and wood residue; or
  - 340 nanograms per joule heat input (0.8 pounds per million BTU) for liquid fossil fuel or liquid fossil fuel and wood residue.
- 4.** When an owner or operator subject to subsection (3) changes the equipment configuration so that each fuel-burning equipment or steam-powered generating installation constitutes one emission discharge point:
- The owner or operator shall comply with the emissions standards specified in subsection (1) and R18-2-901; and
  - The Department shall incorporate the emissions standards into the owner's or operator's operating permit as enforceable permit conditions.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective May 28, 1982 (Supp. 82-3). Former Section R9-3-903 renumbered without change as Section R18-2-903 (Supp. 87-3). Repealed effective February 26, 1988 (Supp. 88-1). New Section R18-2-903 renumbered from R18-2-803 and amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 14 A.A.R. 230, effective March 8, 2008 (Supp. 08-1).

**R18-2-904. Standards of Performance for Incinerators**

- A.** Incinerators with a charging rate of more than 45 metric tons or 49.6 tons per day shall conform to the requirements of 40 CFR 60.50 through 60.54.
- B.** Incinerators with a charging rate of 45 metric tons or 49.6 tons per day or less that commence construction or modification after May 14, 1979, shall conform to the requirements of 40 CFR 60.52 through 60.54 and of R18-2-704(A).

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective May 28, 1982 (Supp. 82-3). Former Section R9-3-904 renumbered without change as Section R18-2-904 (Supp. 87-3). Repealed effective February 26, 1988 (Supp. 88-1). New Section R18-2-904 renumbered from R18-2-804 and amended effective November 15, 1993 (Supp. 93-4).

**R18-2-905. Standards of Performance for Storage Vessels for Petroleum Liquids**

In addition to 40 CFR 60.110 - 60.113:

- Any petroleum liquid storage tank of less than 40,000 gallons (151,412 liters) capacity shall be equipped with a submerged filling device or acceptable equivalent as determined by the Director for the control of hydrocarbon emissions.
- All facilities for dock loading of petroleum products having a vapor pressure of 2.0 pounds per square inch absolute, or greater, at loading pressure shall provide for submerged filling or other acceptable equivalent for control of hydrocarbon emissions.
- All pumps and compressors which handle volatile organic compounds shall be equipped with mechanical seals or other equipment of equal efficiency to prevent the release of organic contaminants into the atmosphere.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective May 28, 1982 (Supp. 82-3). Former Section R9-3-905 renumbered without change as Section R18-2-905 (Supp. 87-3). Repealed effective February 26, 1988 (Supp. 88-1). New Section R18-2-905 renumbered from



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R18-2-805 effective November 15, 1993 (Supp. 93-4).

**R18-2-906. Repealed****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective May 28, 1982 (Supp. 82-3). Former Section R9-3-906 renumbered without change as Section R18-2-906 (Supp. 87-3). Repealed effective February 26, 1988 (Supp. 88-1).

**R18-2-907. Reserved****R18-2-908. Reserved****R18-2-909. Reserved****R18-2-910. Repealed****Historical Note**

Adopted effective August 9, 1985 (Supp. 85-4). Former Section R9-3-910 renumbered without change as Section R18-2-910 (Supp. 87-3). Repealed effective February 26, 1988 (Supp. 88-1).

**R18-2-911. Reserved****R18-2-912. Reserved****R18-2-913. Repealed****Historical Note**

Adopted effective August 9, 1985 (Supp. 85-4). Former Section R9-3-913 renumbered without change as Section R18-2-913 (Supp. 87-3). Repealed effective February 26, 1988 (Supp. 88-1).

**R18-2-914. Reserved****R18-2-915. Reserved****R18-2-916. Reserved****R18-2-917. Reserved****R18-2-918. Reserved****R18-2-919. Reserved****R18-2-920. Reserved****R18-2-921. Reserved****R18-2-922. Repealed****Historical Note**

Adopted effective August 9, 1985 (Supp. 85-4). Former Section R9-3-922 renumbered without change as Section R18-2-922 (Supp. 87-3). Repealed effective February 26, 1988 (Supp. 88-1).

**ARTICLE 10. MOTOR VEHICLES; INSPECTIONS AND MAINTENANCE****R18-2-1001. Definitions**

The following definitions apply to this Article:

1. Abbreviations and symbols are defined as follows:
  - a. "A/F" means air/fuel,
  - b. "CO" means carbon monoxide.
  - c. "CO<sub>2</sub>" means carbon dioxide.
  - d. "EGR" means exhaust gas recirculation.
  - e. "GVWR" means gross vehicle weight rating.
  - f. "HC" means hydrocarbon.
  - g. "HP" means horsepower.
  - h. "LNG" means liquefied natural gas.
  - i. "LPG" means liquid petroleum gas.
  - j. "MIL" means malfunction indicator lamp.
  - k. "MPH" means miles per hour.

- l. "MVD" means the Motor Vehicle Division of the Arizona Department of Transportation.
- m. "NDIR" means nondispersive infrared.
- n. "NO<sub>x</sub>" means the sum of nitrogen oxide and nitrogen dioxide.
- o. "%" means percent.
- p. "OEM" means original equipment manufacturer.
- q. "OBD" means on-board diagnostics.
- r. "PCV" means positive crankcase ventilation.
- s. "PPM" means parts per million by volume.
- t. "RPM" means revolutions per minute.
- u. "VIN" means vehicle identification number.
2. "All-terrain vehicle" (ATV) means a vehicle that is defined as an "all-terrain vehicle" in A.R.S. § 28-101.
3. "Alternative fuel vehicle" means a vehicle powered by an alternative fuel as defined in A.R.S. § 1-215(4).
4. "Annual test" means a test for which an annual frequency is specified in the applicable table in R18-2-1006(B).
5. "Apportioned vehicle" means a vehicle that is subject to the proportional registration provisions of A.R.S. § 28-2233.
6. "Area A" has the meaning in A.R.S. § 49-541.
7. "Area B" has the meaning in A.R.S. § 49-541.
8. "Biennial test" means a test for which a biennial frequency is specified in the applicable table in R18-2-1006(B).
9. "Calibration gas" means a reference gas or gas mixture with assigned concentrations that is used to check the accuracy of emissions analyzers.
10. "Certificate of compliance" means a uniquely numbered document issued as part of the vehicle inspection report by a state station at the time of a vehicle inspection indicating that the vehicle has met the emissions standards.
11. "Certificate of exemption" means a uniquely numbered document issued by the Director providing an exemption from the testing requirements of this Article for a vehicle that is outside of the state on the emissions compliance expiration date.
12. "Certificate of inspection" means a uniquely numbered document issued by the Director indicating that a vehicle has been inspected under A.R.S. § 49-546 and has passed inspection.
13. "Certificate of waiver" means a uniquely numbered document issued by the Department indicating that the requirement of passing reinspection has been waived for a vehicle under A.R.S. § 49-542.
14. "CFR" means the Code of Federal Regulations, with standard reference in this Chapter by Title and Part, so that "40 CFR 280" means Title 40 of the Code of Federal Regulations, Part 280.
15. "Collectible vehicle" has the meaning in A.R.S. § 49-542(Z).
16. "Constant 4-wheel drive vehicle" means any 4-wheel drive vehicle that cannot be converted to 2-wheel drive except by disconnecting one of the vehicle's drive shafts, or any vehicle equipped with non-disengageable traction control which cannot be safely tested on conventional 2-wheel drive dynamometers.
17. "Constant volume sampler" means a system that dilutes engine exhaust to be sampled with ambient air so that the total combined flow rate of exhaust and dilution air mix is nearly constant for all engine operating conditions.
18. "Contractor" means a person, business, firm, partnership, or corporation with whom the Director has a contract that provides for the operation of one or more official emissions inspection stations.

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19. "Dealer" means a person or organization licensed by the Arizona Department of Transportation as a new motor vehicle dealer or used motor vehicle dealer.
20. "Department" means the Department of Environmental Quality.
21. "Diagnostic Trouble Code" (DTC) means an alphanumeric code which is set in a vehicle's on-board diagnostic system when the OBD system detects an emissions control device or system failure.
22. "Diesel" or "Diesel Fuel" has the same meaning as in A.R.S. § 3-3401.
23. "Director" means the Director of the Department of Environmental Quality.
24. "Director's certificate" means a uniquely numbered document issued by the Director in certain circumstances for the vehicle to show evidence of meeting the minimum standards for registration.
25. "Electrically-powered vehicle" means a vehicle that uses electricity as the means of propulsion and does not require the combustion of fossil fuel within the confines of the vehicle to generate electricity.
26. "Emissions compliance expiration date" means:
  - a. Each registration expiration date for a vehicle subject to an annual test; and
  - b. The registration expiration date in the second year after the initial biennial test required under this Article or R18-2-1005(B) for a vehicle subject to a biennial test.
27. "Emissions inspection station permit" means a certificate issued by the Director authorizing the holder to perform vehicle emissions inspections under this Article.
28. "Exhaust emissions" means products of combustion emitted into the atmosphere from any opening in the exhaust system downstream of the exhaust ports of a motor vehicle engine.
29. "Exhaust pipe" means the pipe that attaches to the muffler and exits the vehicle.
30. "Fleet emissions inspection station" or "fleet station" means any vehicle emissions inspection facility operated under a permit issued pursuant to A.R.S. § 49-546.
31. "Fleet vehicle" means any vehicle owned, leased, or operated by an individual or entity granted a vehicle emissions testing license under A.R.S. § 49-546.
32. "Fuel" means any material that is burned within the confines of a vehicle to propel the vehicle.
33. "Fuel Cell Electric Vehicle" or "FCEV" means a zero-emission vehicle that runs on compressed hydrogen fed into a fuel cell stack that produces electricity to power the vehicle.
34. "Golf cart" means a motor vehicle that is defined as a "golf cart" in A.R.S. § 28-101.
35. "Government vehicle" means a registered motor vehicle exempt from the payment of a registration fee, or a federally owned or leased vehicle.
36. "Gross vehicle weight rating" (GVWR) means the maximum vehicle weight that a vehicle is designed for as established by the manufacturer.
37. "Idle test" means an exhaust emissions test conducted with the engine of the vehicle running at the manufacturer's idle speed  $\pm$  100 RPM but without pressure exerted on the accelerator.
38. "Inspection" means the mandatory vehicle emissions inspection including the tampering inspection.
39. "Mass emissions measurement" means measurement of a vehicle's exhaust in mass units such as grams.
40. "Maximum required repair cost" means the applicable maximum required repair cost under R18-2-1010(F) or (G) for a vehicle that has failed inspection.
41. "Model year" means the date of manufacture of the original vehicle within the annual production period of the vehicle as designated by the manufacturer or, if a reconstructed vehicle, the first year of titling.
42. "Motorcycle" means a vehicle that is defined as a "motorcycle" as in A.R.S. § 28-101.
43. "New aftermarket catalytic converter" means a new catalytic converter manufactured as an OEM part that meets the standards under 40 CFR 86.
44. "On-board diagnostics" or "OBD" means an on-board diagnostic system required by Section 202(m) of the Clean Air Act. For the purposes of the Article, OBD certification refers to United States Environmental Protection Agency OBD certification.
45. "Opacity" means the degree of absorption of transmitted light.
46. "Reconditioned OEM catalytic converter" means a catalytic converter remanufactured, as a non-OEM part, with new catalytic material housed in the original catalyst casing.
47. "Recognized repair facility" means a business with an Arizona Department of Revenue transaction privilege tax license pursuant to Title 15, Chapter 5 of the Arizona Revised Statutes whose primary purpose is vehicle repair, and who has at least one employee with a nationally recognized certification for emissions-related diagnosis and repair.
48. "Reconstructed vehicle" means a vehicle that has been assembled or constructed largely by means of essential parts, new or used, derived from vehicles or makes of vehicles of various names, models and types or that, if originally otherwise constructed, has been materially altered by the removal of essential parts or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles. For the purposes of this paragraph, "essential parts" means integral and body parts, the removal, alteration or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle.
49. "Specially constructed vehicle" means any vehicle not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles.
50. "State inspector" means an employee of the Department designated to perform quality assurance or waiver functions under this Article.
51. "State station" means a facility, other than a fleet emissions inspection station, established for the purpose of conducting inspections under A.R.S. § 49-542.
52. "Tampering" means removing, defeating, or altering an emissions control device that was installed on a vehicle at the time the vehicle was manufactured.
53. "Two-stroke vehicle" means a vehicle equipped with an engine that requires one revolution of the crankshaft for each power stroke.
54. "Vehicle" or "Motor Vehicle" means any automobile, truck, truck tractor, motor bus, or self-propelled or motor-driven vehicle registered or to be registered in this state and used upon the public highways of this state for the purpose of transporting persons or property, except implements of husbandry, roadrollers, or road machinery temporarily operated upon the highway.

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55. "Vehicle emissions inspector" means an individual who is licensed by the Director to perform vehicle emissions inspections under this Article.
56. "Waiver inspector" means an employee of the contractor or the Department who is authorized to issue waivers under R18-2-1008.
57. "Zero Emissions Vehicle" means a battery electric vehicle that runs on electricity stored in the batteries and has only an electric motor rather than an internal combustion engine, or a fuel cell electric vehicle that produces no emissions from the on-board source of power.

**Historical Note**

Former Section R9-3-1001 repealed, new Section R9-3-1001 adopted effective January 13, 1976 (Supp. 76-1).  
 Former Section R9-3-1001 repealed, former Section R9-3-1002 renumbered and amended as Section R9-3-1001 effective January 1, 1986 (Supp. 85-6). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1001 renumbered as Section R18-2-1001 and amended effective August 1, 1988 (Supp. 88-3). Amended effective September 19, 1990 (Supp. 90-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1002. Applicable Implementation Plan**

- A. Substantive revisions to the rules in this article that are included in the Arizona State Clean Air Act Implementation Plan cannot become effective until approved by the Administrator of the United States Environmental Protection Agency. Amendments adopted by the Department but not yet approved as of the date of the latest amendments are therefore identified in this Article as not applying until the Administrator approves them.
- B. The Administrator's approvals of revisions to an applicable implementation plan are published as final rules in the Federal Register, which is available online at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>. The Department publishes a list of Article 10 provisions approved since the last revisions to the Article at: <http://azdeq.gov/VECS/Rulemaking>.

**Historical Note**

New Section made by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1003. Vehicles to be Inspected by the Mandatory Vehicle Emissions Inspection Program**

- A. The following vehicles shall be inspected according to this Article:
  1. A vehicle to be registered within Area A or Area B. For the purposes of this Article, registration within Area A or Area B shall be determined by the vehicle owner's permanent and actual residence. The permanent address in the MVD database shall be presumed to be the owner's permanent and actual residence. A post office box address listed on a title or registration document under A.R.S. § 28-2051(C) is not evidence of the owner's permanent and actual residence;
  2. Each vehicle delivered to a retail purchaser by a dealer licensed to sell used motor vehicles under A.R.S. Title 28 and whose place of business is located in Area A or Area B;

3. Each vehicle registered outside Area A and Area B but used to commute to the driver's principal place of employment located within Area A or Area B;
4. Each vehicle owned by a person who is subject to A.R.S. §§ 15-1444(C) or 15-1627(G); and
5. An Area A or Area B vehicle owned or operated by the United States, this state, or a political subdivision of this state without regard to whether those vehicles are required to be registered in this state.

**B. The following vehicles are exempt from the inspection requirements of this Article:**

1. A vehicle manufactured in or before the 1966 model year;
2. A vehicle leased to a person residing outside Area A and Area B by a leasing company whose place of business is in Area A or Area B, except as provided in subsection (A)(3);
3. A vehicle sold between motor vehicle dealers;
4. A zero-emissions vehicle;
5. An apportioned vehicle;
6. A golf cart;
7. A vehicle with an engine displacement of less than 90 cubic centimeters;
8. A vehicle registered at the time of change of name of ownership if an emissions test is current and valid, except when the change results from the sale by a dealership whose place of business is located in Area A or Area B;
9. A vehicle for which a current certificate of exemption or Director's certificate is issued;
10. A new vehicle before the sixth registration year after initial purchase or lease; except that:
  - a. A reconstructed vehicle or specially constructed vehicle is not exempt.
  - b. A vehicle converted to operate on an alternative fuel, as defined in A.R.S. § 1-215, is not exempt.
  - c. A vehicle failing an emissions inspection the owner chooses to have under A.R.S. § 49-543 is not exempt for the current registration year.
11. A vehicle designed to operate exclusively on hydrogen, as defined in A.R.S. § 1-215;
12. A collectible vehicle;
13. A motorcycle;
14. An all-terrain vehicle (ATV);
15. These exemptions apply after the Administrator approves this subsection, (B)(15), into the applicable implementation plan:
  - a. Cranes and oversized vehicles that require permits pursuant to A.R.S. §§ 28-1100, 28-1103, and 28-1144;
  - b. A vehicle not in use and owned by a resident of this state while on active military duty outside of this state.

- C. Government vehicles operated in Area A or Area B and not exempted by this Article shall be emissions inspected according to R18-2-1017.

**Historical Note**

Former Section R9-3-1003 repealed, new Section R9-3-1003 adopted effective January 13, 1976; Amended as an emergency effective January 19, 1976 (Supp. 76-1). Amended effective January 3, 1977 (Supp. 77-1). Amended effective January 3, 1979 (Supp. 79-1). Amended as an emergency effective January 2, 1981, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-1). Former Section R9-3-1003 as amended effective January 3, 1979 and amended as an emergency effective January 2, 1981 now amended effective April 15, 1981 (Supp. 81-2). Amended effective January 1,

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1986 (Supp. 85-6). Amended subsection (A) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1003 renumbered as Section R18-2-1003 and amended effective August 1, 1988 (Supp. 88-3). Amended effective September 19, 1990 (Supp. 90-3). Amended effective November 14, 1994 (Supp. 94-4). Amended effective October 15, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 2722, effective June 28, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1004. Repealed****Historical Note**

Former Section R9-3-1004 repealed, new Section R9-3-1004 adopted effective January 13, 1976 (Supp. 76-1). Amended effective January 3, 1977 (Supp. 77-1). Former Section R9-3-1004 renumbered as Section R18-2-1004 and amended effective August 1, 1988 (Supp. 88-3). Section repealed by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4).

**R18-2-1005. Time of Inspection**

- A.** All Area A and Area B vehicles subject to an annual test shall be inspected at the following times:
- For a non-fleet vehicle, within 90 days before each registration expiration date.
  - For a fleet vehicle inspected at a licensed fleet station, at least once within each 12 month period following any initial registration.
  - For a government vehicle:
    - For a vehicle not exempt under R18-2-1003(B)(10), within 12 months after acquisition by the operating entity and then annually on or before the anniversary date of the previous inspection;
    - For a vehicle exempt under R18-2-1003(B)(10), within 90 days after the vehicle becomes subject to testing, and then annually on or before the anniversary date of the previous inspection; and
    - A government vehicle is subject to testing on the anniversary of its date of acquisition.
  - For a vehicle registered outside Area A and Area B and used to commute to the driver's principal place of work located in Area A or Area B, upon vehicle registration and annually thereafter.
  - For a vehicle owned by a person subject to A.R.S. §§ 15-1444(D) or 15-1627(G), within 30 calendar days following the date of initial registration at the institution located in Area A or Area B and annually thereafter.
- B.** All Area A and Area B vehicles subject to a biennial test shall be inspected at the following times:
- For a non-fleet vehicle, within 90 days before the vehicle's emissions compliance expiration date.
  - For a fleet vehicle inspected at a fleet station, at least once within each successive 24 month period following initial registration.
  - For a government vehicle:
    - For a vehicle not exempt under R18-2-1003(B)(10), within 12 months after acquisition by the operating entity, and biennially thereafter, on or before the anniversary date of the previous inspection; or
    - For a vehicle exempt under R18-2-1003(B)(10), within 90 days after the vehicle becomes subject to

testing, and biennially thereafter, on or before the anniversary date of the previous inspection.

- For a vehicle registered outside Area A or Area B but used to commute to the driver's principal place of employment located in Area A or Area B, upon vehicle registration and biennially thereafter.
  - For a vehicle owned by a person subject to A.R.S. §§ 15-1444(D) or 15-1627(G), within 30 days following the date of initial registration at the institution located in Area A or Area B and biennially thereafter.
- C.** All vehicles sold by a dealer licensed to sell used motor vehicles under A.R.S. Title 28, whose place of business is located in Area A or Area B, shall pass the applicable emissions test prescribed by R18-2-1006 before delivery of the vehicle to a retail purchaser.
- D.** An Area B vehicle being registered in Area A is subject to the appropriate annual or biennial test from Area A before registration even if the Area A test, or test period, is different from the test required for the same vehicle in Area B.
- E.** Nothing in this Section shall be construed to waive a late registration fee because of failure to meet inspection requirements by the registration deadline, except that a motor vehicle that fails the initial or subsequent test shall not be subject to a penalty fee for late registration renewal if:
- The initial test is accomplished before the emissions compliance expiration date; and
  - The registration renewal is received by MVD within 30 days of the initial test.
- F.** An owner of a vehicle may submit the vehicle for emissions inspection more than 90 days before the emissions compliance expiration date but the inspection does not satisfy the registration testing requirement under R18-2-1003.

**Historical Note**

Former Section R9-3-1005 repealed, new Section R9-3-1005 adopted effective January 31, 1976 (Supp. 76-1). Amended effective January 3, 1977 (Supp. 77-1). Amended effective March 2, 1978 (Supp. 78-2). Amended effective January 3, 1979 (Supp. 79-1). Amended effective February 20, 1980 (Supp. 80-1). Amended as an emergency effective January 2, 1981 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-2). Former Section R9-3-1005 as amended effective February 20, 1980 and amended as an emergency effective January 2, 1981, now amended effective April 15, 1981 (Supp. 81-2). Amended effective January 1, 1986 (Supp. 85-6). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1005 renumbered as Section R18-2-1005 and subsections (A) and (C) amended effective August 1, 1988 (Supp. 88-3). Amended effective September 19, 1990 (Supp. 90-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1006. Emissions Test Procedures**

- A.** This Section establishes the testing requirements for vehicles in the State of Arizona. Subsection (B) identifies which tests apply to a particular type and model year of vehicle. Subsection (C) establishes the procedures and criteria for, passing, failing, or being rejected from each test.
- B.** Test applicability.

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1. Area A and Area B non-diesel. The following general requirements govern test applicability for non-diesel vehicles in both Area A and Area B:
  - a. A rotary engine shall be inspected as a 4-stroke engine with four cylinders or less.
  - b. For a vehicle in which an engine has been replaced:
    - i. A vehicle owner shall not install a heavy-duty engine in a light-duty chassis.
    - ii. A vehicle owner shall not install a light-duty engine in a heavy-duty chassis.
    - iii. The replacement engine package shall include all emissions control equipment and devices that were required by the manufacturer for an engine-chassis certification. All emissions control equipment and devices shall be properly installed and in operating condition, and the resulting engine-chassis configuration shall be equivalent to a verified configuration of the same, or newer, model year as that of the vehicle chassis.
- iv. The Department shall inspect the vehicle according to the model year of the vehicle chassis.
2. Area A Non-Diesel. Non-diesel vehicles in Area A are subject to the test procedures identified in this subsection:
  - a. Vehicles other than alternative fuel vehicles operated by a school district in Area A, heavy duty alternative fuel vehicles, reconstructed vehicles, and constant 4-wheel-drive vehicles that are not equipped with OBD, are subject to the following test procedures until the Administrator approves subsection (B)(2)(a)(i) into the applicable implementation plan:

Area A Non-Diesel Testing Procedures Until SIP Revision is Approved				
Model Year	GVWR	Test Frequency	Tests Applicable	Test Subsection
1996 or later	8,500 pounds or less	Biennial	OBD Functional gas cap Tampering	C.4 C.16 C.17
1981 through 1995	8,500 pounds or less	Biennial	Transient loaded and evaporative system pressure Functional gas cap Tampering	C.5 C.16 C.17
1975 through 1980	8,500 pounds or less	Annual	Loaded test Functional gas cap Tampering	C.6 C.16 C.17
1975 or later	More than 8,500 pounds	Annual	Loaded test Functional gas cap Tampering	C.6 C.16 C.17
1967 through 1974	Any	Annual	Loaded test Functional gas cap	C.6 C.16

- i. Test procedures that apply after the Administrator approves this subsection, (B)(2)(a)(i), into the applicable implementation plan:

Area A Non-Diesel Testing Procedures After SIP Revision is Approved					
Model Year	GVWR	OBD Certified?	Test Frequency	Tests Applicable	Test Subsection
1996 or Later	Any	Yes	Biennial	OBD Functional gas cap Tampering	C.4 C.16 C.17
1981 or later	8,500 pounds or less	No	Biennial	Transient loaded and evaporative system pressure Functional gas cap Tampering	C.5 C.16 C.17
1975 through 1980	8,500 pounds or less	No	Annual	Loaded test Functional gas cap Tampering	C.6 C.16 C.17
1975 or later	More than 8,500 pounds	No	Annual	Loaded test Functional gas cap Tampering	C.6 C.16 C.17
1967 through 1974	Any	No	Annual	Loaded test Functional gas cap	C.6 C.16

- b. Alternative fuel vehicles operated by a school district in Area A are subject to the following testing procedures until the Administrator approves subsection (B)(2)(b)(i) into the applicable implementation plan. After subsection (B)(2)(b)(i) has been approved into the applicable implementation plan, alternative fuel vehicles operated by a school district in Area A will be subject to subsection (B)(2)(b)(i).

## Area A Alt. Fuel Vehicles Operated by a School District Testing Procedures Until SIP Revision is Approved

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Model Year	OBD Certified?	Test Frequency	Tests Applicable	Test Subsection
1975 or later	No	Annual	Loaded test Functional gas cap Tampering	C.6 C.16 C.17
1967 through 1974	No	Annual	Loaded test Functional gas cap	C.8 C.16

- i. Test procedures that apply after the Administrator approves this subsection, (B)(2)(b)(i), into the applicable implementation plan.

Area A Alt. Fuel Vehicles Operated by a School District Testing Procedures After SIP Revision is Approved				
Model Year	OBD Certified?	Test Frequency	Tests Applicable	Test Subsection
Any	Yes	Biennial	OBD Functional gas cap Tampering	C.4 C.16 C.17
1975 or later	No	Annual	Loaded test Functional gas cap Tampering	C.6 C.16 C.17
1967 through 1974	No	Annual	Loaded test Functional gas cap	C.6 C.16

- c. Heavy duty alternative fuel vehicles in Area A that are not owned by a school district are subject to the following testing procedures.

Model Year	GVWR	OBD Certified?	Test Frequency	Tests Applicable	Test Subsection
Any	More than 14,500 pounds	Yes	Biennial	OBD Functional gas cap Tampering	C.4 C.16 C.17
1975 or later	More than 14,500 pounds	No	Annual	Idle test Functional gas cap Tampering	C.8 C.16 C.17
1967 through 1974	More than 14,500 pounds	No	Annual	Idle test Functional gas cap	C.8 C.16

3. Area B Non-Diesel. Non-diesel vehicles in Area B are subject to the test procedures identified in this subsection:

- a. Vehicles other than reconstructed vehicles and constant 4-wheel-drive vehicles that are not

equipped with OBD shall be subject to the following test procedures until the Administrator approves subsection (B)(2)(a)(i) into the applicable implementation plan:

Area B Non-Diesel Testing Procedures Until SIP Revision is Approved				
Model Year	GVWR	Test Frequency	Tests Applicable	Test Subsection
1996 or later	8,500 pounds or less	Annual	OBD Functional gas cap Tampering	C.4 C.16 C.17
1981 through 1995	8,500 pounds or less	Annual	Loaded test Functional gas cap Tampering	C.6 C.16 C.17
1975 through 1980	8,500 pounds or less	Annual	Idle test Functional gas cap Tampering	C.8 C.16 C.17
1975 or later	More than 8,500 pounds	Annual	Idle test Functional gas cap Tampering	C.8 C.16 C.17
1967 through 1974	Any	Annual	Idle test Functional gas cap	C.8 C.16

- i. Test procedures that apply after the Administrator approves this subsection (B)(2)(a)(i) into the applicable implementation plan:

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Area B Non-Diesel Testing Procedures After SIP Revision is Approved					
Model Year	GVWR	OBD Certified?	Test Frequency	Tests Applicable	Test Subsection
Any	Any	Yes	Biennial	OBD Functional gas cap Tampering	C.4 C.16 C.17
1981 or later	8,500 pounds or less	No	Annual	Loaded test Functional gas cap Tampering	C.6 C.16 C.17
1975 through 1980	8,500 pounds or less	No	Annual	Loaded Test Functional gas cap Tampering	C.6 C.16 C.17
1975 or later	More than 8,500 pounds	No	Annual	Idle test Functional gas cap Tampering	C.8 C.16 C.17
1967 through 1974	Any	No	Annual	Idle test Functional gas cap	C.9 C.16

4. Reconstructed non-diesel vehicles. Reconstructed non-diesel vehicles in both Area A and Area B are subject to the tests specified in the following table:

Model Year	Test Frequency	Tests Applicable	Test Subsection
1967 or later	Annual	Loaded test Visual gas cap	C.6 C.18

5. Constant 4-wheel-drive vehicles. Constant 4-wheel-drive vehicles in both Area A and Area B that are not equipped with OBD are subject to the tests specified in the following table:

Model Year	Test Frequency	Tests Applicable	Test Subsection
1975 or later	Annual	Idle Test Functional gas cap Tampering	C.8 C.16 C.17
1967 through 1974	Annual	Idle Test Functional gas cap	C.8 C.16

6. Area A Diesel. Diesel vehicles that require inspection in Area A are subject to the test procedures specified in this subsection until the Administrator approves subsection (B)(8) into the applicable implementation plan:

Area A Diesel Testing Procedures Until SIP Revision is Approved					
GVWR	OBD Certified?	Model Year	Test Frequency	Tests Applicable	Test Subsection
8,500 and less	Yes	Any	Annual	OBD Tampering	C.4 C.17
More than 8,500 pounds	No	1975 or later	Annual	Snap idle Tampering	C.10 C.17
More than 8,500 pounds	No	1967 through 1974	Annual	Snap idle	C.10
More than 4,000 and less than or equal to 8,500 pounds	No	1975 or later	Annual	Loaded opacity B Tampering	C.12 C.17
More than 4,000 and less than or equal to 8,500 pounds	No	1967 through 1974	Annual	Loaded opacity B	C.12
4,000 pounds or less	No	1975 or later	Annual	Loaded opacity C Tampering	C.13 C.17
4,000 pounds or less	No	1967 through 1974	Annual	Loaded opacity C	C.13

7. Area B Diesel. Diesel vehicles that require inspection in Area B are subject to the test procedures specified in this subsection until the Administrator approves subsection (B)(8) into the applicable implementation plan:

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Area B Diesel Testing Procedures Until SIP Revision is Approved				
GVWR	Model Year	Test Frequency	Tests Applicable	Test Subsection
More than 26,000 pounds	1975 or later	Annual	Loaded opacity A Tampering	C.12 C.18
More than 26,000 pounds	1967 through 1974	Annual	Loaded opacity A	C.12
More than 10,500 and less than or equal to 26,000 pounds	1975 or later	Annual	Any of the following: Loaded opacity A Loaded opacity B Tampering	C.12 C.13 C.18
More than 10,500 and less than or equal to 26,000 pounds	1967 through 1974	Annual	Any of the following: Loaded opacity A Loaded opacity B	C.12 C.13
More than 4,000 and less than or equal to 10,500	1975 or later	Annual	Loaded opacity B Tampering	C.13 C.18
More than 4,000 and less than or equal to 10,500	1967 through 1974	Annual	Loaded opacity B	C.13
4,000 pounds or less	1975 or later	Annual	Loaded opacity C Tampering	C.14 C.18
4,000 pounds or less	1967 through 1974	Annual	Loaded opacity C	C.14

8. Test procedures that apply for diesel vehicles in both Area A and Area B after the Administrator approves this subsection (B)(8) into the applicable implementation plan:

Area A and Area B Diesel Testing Procedures After SIP Revision is Approved					
GVWR	OBD Certified?	Model Year	Test Frequency	Tests Applicable	Test Subsection
Any	Yes	Any	Biennial	OBD Tampering	C.4 C.17
More than 8,500 pounds	No	1975 or later	Annual	Snap idle Tampering	C.10 C.17
More than 8,500 pounds	No	1967 through 1974	Annual	Snap idle	C.10
More than 4,000 and less than or equal to 8,500 pounds	No	1975 or later	Annual	Loaded opacity B Tampering	C.12 C.17
More than 4,000 and less than or equal to 8,500 pounds	No	1967 through 1974	Annual	Loaded opacity B	C.12
4,000 pounds or less	No	1975 or later	Annual	Loaded opacity C Tampering	C.13 C.17
4,000 pounds or less	No	1967 through 1974	Annual	Loaded opacity C	C.13

9. Dealer Fleet Testing Procedures. The test procedures in the table in this Section apply until the administrator approves subsections (B)(2)(a)(i), (B)(3)(a)(i), and (B)(8) into the applicable implementation plan for used vehicles sold by a motor vehicle dealer who is a fleet operator and who has been issued a permit pursuant to A.R.S. § 49-546. After those sections are approved into the applicable implementation plan, used vehicles sold by a motor vehicle dealer who is a fleet operator and who has been issued a permit pursuant to A.R.S. § 49-546 will be subject to the same testing procedures as vehicles tested at state stations and the table in this Section will no longer be applicable.

Area A and Area B Dealer Fleet Testing Procedures Until SIP Revision is Approved			
Model Year	Test Frequency	Tests Applicable	Test Subsection



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1981 or later	Annual	Two speed idle test Functional gas cap Tampering	C.6 C.16 C.17
1975 through 1980	Annual	Idle Test Functional gas cap Tampering	C.7 C.16 C.17
1967 through 1974	Annual	Idle Test Functional gas cap	C.8 C.16

## C. Test Requirements

## 1. Conditions for Pass. A vehicle passes inspection if the vehicle:

- a. Is subjected to all applicable tests required by Subsection (B);
- b. Is not rejected from any of the tests for any of the reasons specified in (C)(2) or (C)(3) of this subsection; and
- c. Does not fail any of the applicable tests for any of the reasons specified in this subsection.

## 2. Pre-Test Safety Inspection

- a. The Department shall inspect each vehicle visually before the emissions test for any of the following unsafe or untestable conditions:
  - i. A fuel leak that causes wetness or pooling of fuel;
  - ii. A continuous engine or transmission oil leak onto the floor;
  - iii. A continuous engine coolant leak onto the floor such that the engine is overheating or may overheat within a short time;
  - iv. A tire on a driving wheel with less than 2/32-inch tread, metal protuberances, unmatched tire size, obviously low tire pressure as determined by visual inspection;
  - v. An exhaust pipe that does not allow for safe exhaust probe insertion;
  - vi. An exhaust pipe on a diesel-powered vehicle that does not allow for safe exhaust probe insertion and attachment of opacity meter sensor units;
  - vii. Improperly operating brakes;
  - viii. Any vehicle modification or mechanical condition that prevents dynamometer operation;
  - ix. Loud internal engine noise;
  - x. An obvious exhaust leak;
  - xi. Towing a trailer or carrying a heavy load;
  - xii. Carrying explosives or any hazardous material not used as a fuel for the vehicle; or
  - xiii. Any other condition that in the judgment of the inspector makes testing unsafe or the vehicle untestable.
- b. If the inspector determines that a vehicle is unsafe or otherwise untestable by the visual inspection the following shall apply:
  - i. The vehicle shall be rejected without an emissions test;
  - ii. The inspector shall notify the vehicle owner or operator of all untestable or unsafe conditions found;
  - iii. A state station shall not charge a fee; and
  - iv. A state station shall not test the vehicle until the cause for rejection is repaired.

## 3. Test Operating Conditions. When conducting the emissions test required by this Section, the vehicle emissions inspector shall ensure that all of the following requirements are satisfied:

- a. The vehicle shall be tested in the condition presented, unless rejected under 18-2-1006(C)(2);
- b. The vehicle's engine shall be operating at normal temperature and not be overheating as indicated by a gauge, warning light, or boiling radiator; and
- c. All vehicle accessories shall be turned off during testing.

## 4. OBD Test.

- a. Test Procedure. The OBD test shall consist of:
  - i. A visual inspection of the MIL function; and
  - ii. An electronic examination of the OBD computer by connecting a scan tool to the data link connector and interrogating the OBD system to determine vehicle readiness status, MIL status, and the presence of diagnostic trouble codes.
- b. Equipment Specifications. The OBD equipment shall conform to the requirements of "Performing Onboard Diagnostic System Checks as Part of a Vehicle Inspection and Maintenance Program," EPA420-R-01-015, EPA, June 2001 (and no future editions or amendments), which is incorporated by reference. A copy of this incorporated material is on file with the Department, the Secretary of State, and is available online at <http://azdeq.gov/VECS/Rulemaking>.
- c. OBD scan tools shall have the most recent available software downloaded and installed before inspection.
- d. Test Rejection. A vehicle shall be rejected from an OBD test if any of the following conditions occurs:
  - i. The number of unset readiness indicators, excluding continuous indicators, is three or more for a model year 1996-2000 vehicle, or two or more for a model year 2001 and newer vehicle;
  - ii. The data link connector cannot be located or is inaccessible;
  - iii. The data link connector is loose and the scan tool cannot be inserted into the connector;
  - iv. The data link connector has no voltage; or
  - v. The eVIN and monitors are mismatched.
- e. Test Failure. A vehicle fails the OBD test if any of the following conditions occurs:
  - i. The vehicle's MIL does not illuminate when the ignition is on and the engine is off;
  - ii. The vehicle's MIL illuminates continuously or flashes with the engine running;
  - iii. The OBD system is not communicating;
  - iv. The vehicle's OBD system reports the MIL as commanded on;
  - v. The vehicle's OBD system data is inappropriate for the vehicle being tested; or
  - vi. The vehicle's OBD system data does not match the original equipment manufacturer (OEM) or a Department exempted OBD software configuration.

## 5. Transient Loaded and Evaporative System Pressure Test.

- a. Transient Loaded Test Procedure.

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- i. The transient loaded test shall consist of 147 seconds of mass emissions measurement using a constant volume sampler while the vehicle is driven by an inspector through a computer-monitored driving cycle on a dynamometer with inertial weight settings appropriate for the weight of the vehicle.
- ii. The driving cycle shall include the acceleration, deceleration, and idle operating modes described in Table 4.
- iii. The 147-second sequence may be ended earlier using a fast-pass or fast-fail algorithm.
- iv. A retest algorithm shall be used to determine if a test failure is due to insufficient vehicle preconditioning. As determined by the retest algorithm, an additional test may be performed on a failing vehicle.
- v. The highest selectable drive gear shall be used for automatic transmissions and first gear shall be used for manual transmission acceleration from idle.
- vi. Exhaust emissions concentrations in grams per mile for HC, CO, NO<sub>x</sub> and CO<sub>2</sub> shall be recorded continuously beginning with the first second.
- vii. All testing and test equipment for the transient loaded emissions test shall conform to "IM240 & Evap Technical Guidance," EPA420-R-00-007, EPA, April 2000, and no future editions or amendments, which is incorporated by reference, except that the transient driving cycle in Table 4, the standards in Table 4, and the fast-pass, fast-fail retest algorithms described in subsection (C)(5)(a) shall be used. A copy of the incorporated material is on file with the Department, the Secretary of State, and is available online at <http://azdeq.gov/VECS/Rulemaking>.
- viii. In determining compliance under subsection (C)(5)(d) for a vehicle that operates on natural gas, HC emissions shall be multiplied by 0.19, when an analyzer with a flame ionization detector is used or 0.61, when an NDIR analyzer is used.
- b. Evaporative System Pressure Test Procedure. The evaporative system pressure test shall consist of the following steps in sequence:
  - i. Connect the test equipment to either the fuel tank vent hose at the canister or the fuel tank filler neck;
  - ii. Pressurize the system to  $14 \pm 0.5$  inches of water without exceeding 26 inches of water system pressure; and
  - iii. Close off the pressure source, seal the evaporative system, and monitor pressure decay for two minutes unless a failure is detected or a fast-pass determination is made as defined in EPA420-R-00-007, which is incorporated by reference in subsection (C)(5)(a)(vii) of this rule.
- c. Test Rejection. A vehicle shall be rejected from the transient loaded and evaporative system pressure test if it has an audible or visible exhaust leak during emissions testing, or if the vehicle displays unsafe behavior on the dynamometer during testing.
- d. Transient Loaded Test Failure. A vehicle fails the transient loaded test if emissions measured during the test exceed the Table 3 standard applicable to the model year and type of the vehicle being tested as follows:
  - i. The average emissions measured for the entire test exceed the "composite standard" for any pollutant; or
  - ii. The average emissions measured during seconds 65 through 146 exceed the "phase-2" standard for any pollutant.
- e. Evaporative System Pressure Test Failure. A vehicle fails the evaporative system pressure test if any of the following conditions occurs:
  - i. The evaporative system cannot maintain a system pressure above eight inches of water for two minutes after being pressurized to  $14 \pm 0.5$  inches of water;
  - ii. The canister is missing or damaged; or
  - iii. The hose or electrical system is missing, routed incorrectly, or disconnected, according to the vehicle emissions control information label.
- f. Test Failure. A vehicle fails the transient loaded and evaporative system pressure test if it fails the test under either subsection R10-2-1006(C)(5)(d) or R10-2-1006(C)(5)(e).
- 6. Loaded Test.
  - a. Loaded Cruise Test Procedure. The vehicle's drive wheels shall be placed on a dynamometer and the vehicle shall be operated according to the Table 1 of this Article.
  - b. Besides the Arizona specific dynamometer test schedule, loaded tests shall conform to the procedures listed at 40 CFR 51, Subpart S, Appendix B, Section III, amended as of July 1st, 2017, which is incorporated by reference and on file with the Department, the Secretary of State, and is available online at <http://azdeq.gov/VECS/Rulemaking>.
  - c. Loaded Test Equipment Specifications.
    - i. The equipment used in Area A state stations for loaded cruise and curb idle testing shall conform to "IM240 & Evap Technical Guidance," EPA420-R-00-007, EPA, April 2000, and no future editions or amendments, which is incorporated by reference in subsection (C)(5)(a)(vii) of this rule.
    - ii. The equipment used in Area B state stations and all Arizona fleet emission testing stations for the loaded test shall comply with 40 CFR 51, Subpart S, Appendix A, Section I, amended as of July 1, 2017, which is incorporated by reference and on file with the Department, the Secretary of State, and is available online at <http://azdeq.gov/VECS/Rulemaking>.
  - d. In determining whether a vehicle that operates on natural gas complies with the HC emissions standards in Table 2 of this Article, the results of the test shall be multiplied by 0.19, when an analyzer with a flame ionization detector is used or 0.61, when an NDIR analyzer is used.
  - e. Test Rejection. A vehicle shall be rejected from a loaded cruise and curb idle test, if the CO<sub>2</sub> plus CO reading during the curb idle test is less than 6%.
  - f. Test Failure. A vehicle fails the loaded cruise and curb idle test if tailpipe emissions measured by the test exceed the applicable standards in Table 2 for

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- loaded cruise mode or curb idle mode for the type and model year of the vehicle being tested.
7. Two Speed Idle Test
    - a. All two speed idle testing shall conform to the procedures listed at 40 CFR 51, Subpart S, Appendix B, Section II, amended as of July 1, 2017, and no future editions or amendments, which is incorporated by reference and on file with the Department, the Secretary of State, and is available online at <http://azdeq.gov/VECS/Rulemaking>.
    - b. All equipment used for two speed idle testing shall conform with the requirements of 40 CFR 51, Subpart S, Appendix A, Section I, amended as of July 1, 2017, and no future editions or amendments, which is incorporated by reference and on file with the Department.
    - c. Test Failure. A vehicle fails the two speed idle test if tailpipe emissions measured by the test exceed the applicable standards in Table 2 for the type and model year of the vehicle being tested.
  8. Idle Test
    - a. All idle testing shall conform to the procedures listed at 40 CFR 51, Subpart S, Appendix B, Section I, amended as of July 1, 2017, and no future editions or amendments, which is incorporated by reference and on file with the Department, the Secretary of State, and is available online at <http://azdeq.gov/VECS/Rulemaking>.
    - b. All equipment used for two speed idle testing shall conform with the requirements of 40 CFR 51, Subpart S, Appendix B, Section I, amended as of July 1, 2017, and no future editions or amendments, which is incorporated by reference and on file with the Department.
    - c. Test Failure. A vehicle fails the idle test if tailpipe emissions measured by the test exceed the applicable standards in Table 2 for the type and model year of the vehicle being tested.
  9. Exhaust Sampling Requirements for Annual Tests on Non-Diesel Vehicles.
    - a. All CO and HC emissions analyzers shall have water traps incorporated in the sampling lines. Sampling probes shall be capable of taking undiluted exhaust samples from a vehicle exhaust system.
    - b. A vehicle, other than a diesel-powered vehicle, shall be inspected with a gas analyzer capable of determining concentrations of CO and HC within the ranges and tolerances specified in Table 5.
    - c. A vehicle with multiple exhaust pipes shall be inspected by collecting and averaging samples by one of the following methods:
      - i. Collecting separate samples from each exhaust pipe and use the average concentration to determine the test result;
      - ii. Using manifold exhaust probes to simultaneously sample approximately equal volumes from each exhaust pipe; or
      - iii. Using manifold exhaust pipe adapters to collect approximately equal volume samples from each exhaust pipe.
  10. Snap Idle Test.
    - a. Snap Idle Test Procedure.
      - i. The Department shall test the vehicle with a procedure that conforms to Society of Automotive Engineers Recommended Practice J1667, February 1996, incorporated by reference and on file with the Department, the Secretary of State and is available online at <http://azdeq.gov/VECS/Rulemaking>.
      - ii. All testing and test equipment shall conform to the J1667 Recommended Practice.
      - iii. The procedure shall use the corrections for ambient test conditions in Appendix B of the J1667 Recommended Practice for all tests.
      - iv. To expedite testing throughput, the Department may implement rapid testing procedures.
      - v. The test results shall be reported as the percentage of smoke opacity.
    - b. Snap Idle Test Failure.
      - i. Except as provided in subsection (C)(10)(c), a vehicle fails the snap idle test if the opacity of emissions exceeds the level specified in the following table:
 

Model Year	Standard
1991 or later	40%
1990 or earlier	55%
      - ii. The engine model year is determined by the emission control label. If the emission control label is missing, illegible, or incorrect, the test standard shall be 40%, unless a correct, legible, emission control label replacement is attached to the vehicle within 30 days of the inspection.
    - c. Alternative Opacity Standard. The Director shall identify an alternative, less stringent opacity standard for an engine family if the conditions of either subsection (C)(10)(c)(i) or (C)(10)(c)(ii) are satisfied.
      - i. The engine family exhibits smoke opacity greater than the applicable standard in subsection (C)(10)(b)(i) when in good operating condition and adjusted to the manufacturer's specifications. If this condition is satisfied, the Director shall identify a technologically appropriate less stringent standard based on a review of data obtained from engines in good operating condition and adjusted to manufacturer's specifications.
      - ii. The engine family has been granted an exemption from a standard equivalent to the applicable standard in subsection (C)(10)(b)(i) based on the J1667 Recommended Practice by the executive officer of the California Air Resources Board (CARB). If this condition is satisfied, the Director shall allow the engine family to comply with any technologically appropriate less stringent standard identified by the executive officer of CARB.
      - iii. A demonstration under subsection (C)(10)(c)(i) shall be based on data from at least three vehicles. Data from official inspections under this subsection (C)(10) showing that vehicles in the engine family meet the standard may be used to rebut the demonstration.
      - iv. The Director shall implement any new standard resulting from each exemption as soon as practicable for all subsequent tests and provide notice at all affected test stations and fleets.
  11. Loaded Opacity A Test.
    - a. Test Procedure.

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- i. The vehicle shall be tested on a chassis dynamometer beginning with no power absorption by selecting a gear ratio that produces a maximum vehicle speed of 30-35 MPH at governed or maximum rated RPM.
  - ii. If the vehicle has a manual transmission or an automatic transmission with individual gear selection, the engine shall be operated at governed or maximum rated engine RPM, at normal operating temperature under a power absorption load applied to the dynamometer until the loading reduces the engine RPM to 80% of the governed speed at wide-open throttle position.
  - iii. If the vehicle has an automatic transmission and automatic gear kickdown, the engine shall be loaded to a speed just above the kickdown speed or 80% of the governed speed, whichever is greater.
  - iv. If the chassis dynamometer does not have enough horsepower absorption capability to lug the engine down to these speeds, the vehicle's brakes may be used to assist the dynamometer.
- b. Test Failure. A vehicle fails the test if the opacity reading for a period of 10 consecutive seconds exceeds the applicable standard in R18-2-1030(B).
- 12. Loaded Opacity B Test.
  - a. Test Procedure. The vehicle shall be tested by a loaded dynamometer test by applying a single load of 30 HP,  $\pm$  2 HP, while operated at 50 MPH.
  - b. Test Failure. A vehicle fails the test if the opacity reading for a period of 10 consecutive seconds exceeds the applicable standard in R18-2-1030(B).
- 13. Loaded Opacity C Test.
  - a. Test Procedure. The vehicle shall be tested by a loaded dynamometer test by applying a single load of between 6.4 - 8.4 HP while operated at 30 MPH.
  - b. Test Failure. A vehicle fails the test if the opacity reading for a period of 10 consecutive seconds exceeds the applicable standard in R18-2-1030(B).
- 14. Exhaust Sampling Requirements for Diesel Vehicles Tests other than the Snap Idle Test.
  - a. For a diesel-powered vehicle equipped with multiple exhaust pipes, separate measurements shall be made on each exhaust pipe. The reading taken from the exhaust pipe that has the highest opacity reading shall be used for comparison with the standard in R18-2-1030(B).
  - b. A vehicle shall be inspected with either a full-flow or sampling-type opacity meter. The opacity meter shall be a direct reading, continuous reading light extinction-type using a collimated light source and photo-electric cell, accurate to a value within  $\pm$  2% of full scale.
- 15. Functional Gas Cap Test.
  - a. Test Procedure.
    - i. The vehicle shall undergo a functional test of the gas cap to determine cap leakage.
    - ii. A vehicle with a non-sealing gas cap shall be checked for the presence of a properly fitting gas cap.
  - b. Exemption. A vehicle with a vented fuel system is exempt from this subsection.
  - c. Exemption. A vehicle that is manufactured without a gas cap is exempt from this subsection.
  - d. Test Failure.
    - i. A vehicle fails the test if cap leakage exceeds 60 cubic centimeters of air per minute at a pressure of 30 inches of water gauge.
    - ii. Notwithstanding subsection 18-2-1006(C)(15)(d)(i), a vehicle does not fail the test if the failing cap is immediately replaced at the state station by a gas cap that satisfies the requirements of this subsection.
- 16. Tampering Inspection.
  - a. The inspection shall be based on the original configuration of the vehicle as manufactured. The Department shall verify the applicable emissions system requirements shall be verified by the "Vehicle Emission Control Information" label. "Original configuration" for a foreign manufactured vehicle means the design and construction of a vehicle produced by the manufacturer for original entry and sale in the United States.
  - b. The Department's tampering inspection shall consist of the following:
    - i. A visual inspection to determine the presence and proper installation of each required catalytic converter system or OEM equivalent;
    - ii. An examination to determine the presence of an operational injection system, if applicable;
    - iii. A visual inspection to determine the presence of an operational positive crankcase ventilation system or closed crankcase ventilation system, if applicable; and
    - iv. A visual inspection to determine the presence of an operational evaporative control system, if applicable.
- 17. Visual Gas Cap Test. The visual gas cap test consists of the inspector's ocular verification that a gas cap is properly fitted to the vehicle.
- 18. Testing Vehicles that Operate on More than One Fuel. A vehicle, other than a vehicle for which an OBD test is required, designed to operate on more than one fuel, shall be tested on the fuel in use when the vehicle is presented for inspection, except vehicles that operate on alternative fuel, as defined in A.R.S. § 1-215.
- 19. Testing Vehicles that Operate on Alternative Fuels.
  - a. The inspector shall test vehicles that operate on an alternative fuel, as defined in A.R.S. § 1-215, other than a vehicle for which an OBD test is required, on each fuel that the vehicle is intended to operate on, using the appropriate emissions test procedure and standards for that vehicle.
  - b. The vehicle shall be operated for a minimum of 30 seconds after switching fuels and before testing begins. The vehicle shall be rejected for testing if it is not able to operate on each fuel that the vehicle is intended to operate on or if the vehicle operator cannot switch fuels.
  - c. A vehicle that operates exclusively on propane or natural gas, as defined in A.R.S. § 1-215, shall be exempt from the functional gas cap test in subsection 10-2-1006(C)(15) and the evaporative pressure system test in subsection 10-2-1006(C)(5)(b).

**Historical Note**

Former Section R9-3-1006 repealed, new Section R9-3-1006 adopted effective January 13, 1976 (Supp. 76-1).  
 Amended effective November 1, 1976 (Supp. 76-5).  
 Amended effective March 2, 1978 (Supp. 78-2).  
 Amended effective January 3, 1979 (Supp. 79-1).  
 Amended effective February 20, 1980 (Supp. 80-1). For-

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mer Section R9-3-1006 repealed, new Section R9-3-1006 adopted as an emergency effective January 2, 1981 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-1). Former Section R9-3-1006 as amended effective February 20, 1980 repealed and a new Section R9-3-1006 adopted as an emergency effective January 2, 1981 now adopted and amended effective April 15, 1981 (Supp. 81-2). Amended effective January 1, 1986 (Supp. 85-6). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1006 renumbered as Section R18-2-1006 and subsections (A), (C) and (D) amended effective August 1, 1988 (Supp. 88-3). Amended effective September 19, 1990 (Supp. 90-3). Amended effective November 14, 1994 (Supp. 94-4). Amended effective October 15, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 2722, effective June 28, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 14 A.A.R. 2834, effective July 1, 2008 (Supp. 08-3). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1007. Evidence of Meeting State Inspection Requirements**

- A.** A vehicle required to be inspected under this Article shall pass inspection before registration by meeting the requirements of R18-2-1006, unless the vehicle owner obtains a certificate of waiver under R18-2-1008.
- B.** The MVD or its agent may use the MVD motor vehicles emissions database, if available, as evidence that a vehicle complies with the requirements of this Article.
- C.** If the MVD motor vehicles emissions database is not available, the MVD or its agent shall accept any of the following documents identified in subsections (C)(1) to (C)(5), when complete, unaltered, and dated no more than 90 days before registration expiration date, as evidence that a vehicle complies with the requirements of this Article unless the MVD or its agent has reason to believe it is false. Documents accompanying a late registration may be dated subsequent to the registration expiration date:
  - 1. Certificate of compliance,
  - 2. Certificate of waiver (except from auto dealers licensed to sell used motor vehicles under Title 28),
  - 3. Certificate of exemption,
  - 4. Director's certificate, or
  - 5. The upper section of the vehicle inspection report with "PASS" in the final results block.
- D.** A complete certificate of inspection or government vehicle certificate of inspection dated within 12 months of registration for an annually tested vehicle and 24 months for a biennially tested vehicle shall be accepted by the MVD or its agent as evidence that a vehicle is in compliance with the requirements of this Article unless the MVD or its agent has reason to believe it is false.
- E.** Documents listed in subsection (C) and originating in Area B are not acceptable for meeting the inspection requirements in Area A, unless the tests required in Area A and Area B for the vehicle under R18-2-1006 are identical.
- F.** Government vehicles for which only weight fees are paid shall be registered without evidence of inspection.

**Historical Note**

Former Section R9-3-1007 repealed, new Section R9-3-1007 adopted effective January 13, 1976 (Supp. 76-1).  
 Former Section R9-3-1007 repealed, new Section R9-3-

1007 adopted effective January 3, 1977 (Supp. 77-1).  
 Amended effective February 20, 1980 (Supp. 80-1).  
 Amended effective January 1, 1986 (Supp. 85-6). Former Section R9-3-1007 renumbered without change as Section R18-2-1007 (Supp. 88-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1008. Procedure for Issuing Certificates of Waiver**

- A.** Unless prohibited under subsection (D), a waiver inspector shall issue a certificate of waiver after reinspection at a state station to a vehicle that failed the emissions reinspection when the vehicle owner demonstrates any of the following conditions have been satisfied:
  - 1. The requirements of R18-2-1009 and R18-2-1010, to the extent applicable, have been satisfied;
  - 2. The vehicle owner has spent the maximum required repair cost on the maintenance and repair procedures required by R18-2-1010; or
  - 3. Any further repairs within the maximum required repair cost would not enable the vehicle to pass the required vehicle emissions inspection.
- B.** The demonstration required by subsection (A) may consist of repair receipts, emissions test results, evidence of repairs performed, under hood verification, repair cost estimates, or similar evidence.
- C.** A temporary certificate of waiver may be issued to a vehicle failing the tampering inspection if the vehicle owner provides to a waiver inspector a written statement from an automobile parts or repair business that an emission control device necessary to repair the tampering is not available and cannot be obtained from any usual source of supply, and if all requirements of R18-2-1008(A) have been met. All written statements are subject to verification for authenticity and accuracy by the waiver inspector. The Department may deny a temporary certificate of waiver if the state inspector has any reason to believe the written statement is false or a usual source of supply exists and the device necessary to repair the tampering is available. Certificates of waiver may be issued under this subsection for a specified period, not to exceed 90 days, that allows sufficient time for the procurement and installation of a proper emissions control device. A receipt or bill from a vehicle repair facility or automobile parts store shall be an acceptable proof of purchase. Before the end of the specified time period, the vehicle owner shall present to the waiver inspector proof of purchase and installation of the device. The Department shall track all issued temporary certificates of waiver and if no proof of purchase and installation is received before the end of the specified time period, the Department shall forward to the MVD an order to cancel the vehicle's registration.
- D.** The Director shall not issue a waiver to a vehicle under any of the circumstances described in subsections (D)(1) through (4).
  - 1. The vehicle failed the emissions test due to the catalytic converter system. A vehicle fails the emissions test due to the catalytic converter system if:
    - a. The vehicle has a catalytic converter system that is missing or defeated;
    - b. The vehicle is equipped with an on-board diagnostic computer (OBD) with a malfunction indicator light (MIL), "check engine" or "service engine soon" light commanded on by the computer and containing diagnostic trouble codes indicating the catalytic converter must be replaced; or

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- c. A vehicle with a repair order or estimate paperwork provided the waiver technician at the time of waiver inspection shows that a diagnostic determination has been made by the mechanic that the catalytic converter must be replaced.
  - 2. The vehicle failed the emissions test with an HC, CO, NOx, or opacity emission level greater than two times the pass-fail standard in R18-2-1006.
  - 3. The same vehicle has previously received a certificate of waiver.
  - 4. The waiver request is based upon repair estimates and the waiver inspector demonstrates that a recognized repair facility can repair or improve the vehicle's test readings within the repair cost limit.
- E.** The fee for a certificate of waiver under this Section shall be fixed by the Director according to A.R.S. § 49-543, and shall be based upon the Director's estimated costs to the state for administering and enforcing the provisions of this Article for issuance of certificates of waiver under this Section. The fee shall be payable at the time the certificate of waiver is issued.
- F.** If a waiver inspector denies a certificate of waiver under this Section, the vehicle owner may request review of the denial by a state inspector.

**Historical Note**

Former Section R9-3-1008 repealed, new Section R9-3-1008 adopted effective January 13, 1976 (Supp. 76-1).

Former R9-3-1008 repealed, new Section R9-3-1008 adopted effective January 3, 1977 (Supp. 77-1). Amended effective March 2, 1978 (Supp. 78-2). Amended effective January 3, 1979 (Supp. 79-1). Amended as an emergency effective January 2, 1981, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-1). Former Section R9-3-1008 as amended effective January 3, 1979, and amended as an emergency effective January 2, 1981, now amended effective April 15, 1981 (Supp. 81-2). Amended effective January 1, 1986 (Supp. 85-6). Amended subsection (A) and added subsection (D) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1008 renumbered as Section R18-2-1008 and amended effective August 1, 1988 (Supp. 88-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1009. Tampering Repair Requirements**

- A.** When a vehicle fails the visual inspection for properly installed catalytic converters, the vehicle owner shall replace the converters with new or reconditioned OEM converters, or equivalent new aftermarket converters.
- B.** When a vehicle fails the visual inspection for the presence of an operational air injection system, the vehicle owner shall install a new, used, or reconditioned, operational air pump on the vehicle according to manufacturer specifications.
- C.** When a gasoline vehicle fails the visual inspection for the presence or malfunction of the positive crankcase ventilation system, the vehicle owner shall repair or replace the system with OEM or equivalent aftermarket parts.
- D.** When a diesel-powered vehicle fails the visual inspection for the presence or malfunction of the closed crankcase ventilation system, the vehicle owner shall repair or replace the system with OEM or equivalent aftermarket parts.
- E.** When a vehicle fails the visual inspection for the presence or malfunction of the evaporative control system, the vehicle

owner shall repair or replace the system with OEM or equivalent aftermarket parts.

**Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1). Repealed effective January 3, 1977 (Supp. 77-1). New Section R9-3-1009 adopted effective January 1, 1986 (Supp. 85-6). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1009 renumbered without change as Section R18-2-1009 (Supp. 88-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 14 A.A.R. 2834, effective July 1, 2008 (Supp. 08-3). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1010. Low Emissions Tune-up, Emissions and Evaporative System Repair**

- A.** Vehicle maintenance and repairs under subsection (B) and the failure-specific maintenance and repair requirements of subsection (C) must be performed before reinspection of a vehicle that fails a tailpipe emissions or OBD test under R18-2-1006.
- B.** Vehicle maintenance and repairs on a non-diesel powered vehicle consists of the following procedures:
  - 1. Emissions Failure Diagnosis. For a computer-controlled vehicle, the on-board computer shall be accessed and any stored trouble codes recorded. For a model year 1996 or newer vehicle equipped with an OBD system, a compatible scan tool shall be used to access and record diagnostic trouble codes. The following instruments or equipment are required to complete a low emissions tune-up:
    - a. Tachometer, although for 1996 and later vehicles an OBD scanner can be used to monitor engine RPMs;
    - b. A compatible OBD scan tool, if appropriate;
    - c. Engine analyzer or oscilloscope; and
    - d. A HC/CO NDIR analyzer to make final A/F adjustments, if specified by the manufacturer.
  - 2. Adjustment. All adjustments shall be made according to the manufacturer's specifications and procedures. Final adjustment shall be made on the vehicle engine only after the engine is at normal operating temperature.
  - 3. Inspection of Air Cleaner, Choke, and Air Intake System. The vehicle owner shall repair or replace a dirty or plugged air cleaner, stuck choke, or restricted air intake system as required.
  - 4. Dwell and Basic Timing Check. Dwell and basic engine timing shall be checked and the vehicle owner shall make adjustments, if necessary, according to manufacturer's specifications.
  - 5. Inspection of PCV System. The PCV system shall be checked to ensure that it is the type recommended by the manufacturer and is correctly operating. Free flow through the PCV system passages and hoses shall be verified. The vehicle owner shall repair or replace the system as required.
  - 6. Inspection of Vacuum Hoses. The vacuum hoses shall be inspected for leaks, obstruction, and proper routing and connection. The vehicle owner shall repair or replace as required.
  - 7. Fuel Lines and System Components Inspection. A visual inspection for leaking fuel lines or system components shall be performed. The vehicle owner shall repair or replace any leaking lines or systems as required.

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8. Idle Speed and A/F Mixture Check. The idle speed and A/F mixture shall be checked and the vehicle owner shall make adjustments according to manufacturer's specifications and procedures. If the vehicle is equipped with a fuel injection system or an alternate fuel (LPG or LNG), the manufacturer's recommended adjustment procedure shall be followed.
- C. Failure-specific recommended repairs and maintenance. If the maximum required repair cost in subsection (F) or (G) is not exceeded after the diagnosis and vehicle maintenance and repairs described in subsection (B), then the following procedures apply:
  1. CO failure.
    - a. If a vehicle fails CO only, the vehicle shall be checked for:
      - i. Proper canister purge system operation,
      - ii. High float setting,
      - iii. Leaky power valve, and
      - iv. Faulty or worn needles, seats, jets or improper jet size.
    - b. If applicable, the vehicle shall be checked for the following items:
      - i. Computer,
      - ii. Engine and computer sensors,
      - iii. Engine solenoids,
      - iv. Engine thermostats,
      - v. Engine switches,
      - vi. Coolant switches,
      - vii. Throttle body or port fuel injection system,
      - viii. Fuel injectors,
      - ix. Fuel line routing and integrity,
      - x. Air in fuel system including line and pump,
      - xi. Fuel return system,
      - xii. Injection pump,
      - xiii. Fuel injection timing,
      - xiv. Routing of vacuum hoses, and
      - xv. Electrical connections.
    - c. The items in subsections (C)(1)(a) and (b) shall be repaired or replaced as required.
  2. HC, or HC and CO failure.
    - a. If a vehicle fails HC, or HC and CO emissions, the vehicle shall be checked for:
      - i. Faulty spark plugs and faulty, open, crossed, or disconnected plug wires;
      - ii. Distributor module;
      - iii. Vacuum hose routing and electrical connections;
      - iv. Distributor component malfunctions including vacuum advance;
      - v. Faulty points or condenser;
      - vi. Distributor cap crossfire;
      - vii. Catalytic converter efficiency air supply;
      - viii. Vacuum leaks at intake manifold, carburetor base gasket, EGR, and vacuum-operated components.
    - b. The vehicle owner shall repair or replace the items in subsection (C)(2)(a) as required.
  3. NOx failure.
    - a. If a vehicle fails for NOx emissions, the vehicle shall be checked for:
      - i. Removed, plugged, or malfunctioning EGR valve, exhaust gas ports, lines, and passages;
      - ii. EGR valve electrical and vacuum control circuitry, components, and computer control, as applicable;
      - iii. Above normal engine operating temperature;
      - iv. Proper air management;
      - v. Lean A/F mixture;
      - vi. Catalytic converter efficiency; and
      - vii. Over-advanced off-idle timing.
    - b. The items in subsection (C)(3)(a) shall be repaired or replaced as required.
  4. OBD failure. If the vehicle fails the OBD test, the vehicle owner shall repair the items indicated on the vehicle emissions report as causing the failure. If the failure results from diagnostic trouble codes (DTCs) that caused the malfunction indicator lamp (MIL) to be illuminated, the vehicle owner shall repair or replace the components or systems causing the DTCs. After repair of a DTC failure, and before reinspection, the vehicle shall be operated under conditions recommended by the vehicle manufacturer for the OBD computer to evaluate the repaired system.
- D. For Evaporative System Failures, the following procedures apply:
  1. If a vehicle fails the evaporative system pressure test, the vehicle shall be checked for leaking or disconnected vapor hoses, line, gas cap, and fuel tank.
  2. If a vehicle fails a visual inspection of the evaporative system, the vehicle shall be checked for a missing or damaged canister, canister electrical and vacuum control circuits and components, disconnected, damaged, mis-routed or plugged hoses, and damaged or missing purge valves. The vehicle owner shall repair or replace the system with OEM or equivalent aftermarket parts.
- E. If a vehicle fails the functional gas cap pressure test described in R18-2-1006, the vehicle owner shall replace the gas cap with one that meets the requirements of that subsection. If a vehicle designed with a vented system fails a visual inspection for the presence of a gas cap, the vehicle owner shall install a properly fitting gas cap on the vehicle.
- F. The maximum required repair cost for a vehicle in Area A, not including cost to repair the vehicle for failing an evaporative system pressure test due to tampering, or other tampering repair cost, is:
  1. For a diesel-powered vehicle with a GVWR greater than 26,000 pounds or a diesel-powered vehicle with tandem axles: \$500; and
  2. For a vehicle that is not a diesel-powered vehicle with a GVWR greater than 26,000 pounds and is not a diesel-powered vehicle with tandem axles:
    - a. Manufactured in or before the 1974 model year: \$200;
    - b. Manufactured in the 1975 through 1979 model years: \$300; and
    - c. Manufactured in or after the 1980 model year: \$450.
  3. Subsection (F) does not prevent a vehicle owner from authorizing or performing more than the required repairs. A vehicle operator who has a vehicle reinspected shall have the repair receipts available when requesting a certificate of waiver.
- G. The maximum required repair cost for vehicles in Area B, not including tampering repair cost, is:
  1. For a diesel-powered vehicle with a GVWR greater than 26,000 pounds or a diesel-powered vehicle with tandem axles: \$300; and
  2. For a vehicle that is not a diesel-powered vehicle with a GVWR greater than 26,000 pounds and is not a diesel-powered vehicle with tandem axles:
    - a. Manufactured in or before the 1974 model year: \$50;

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- b. Manufactured in the 1975 through 1979 model years: \$200; and
  - c. Manufactured in or after the 1980 model year: \$300.
- 3. Subsection (G) does not prevent a vehicle owner from authorizing or performing more than the required repairs. A vehicle operator who has a vehicle reinspected shall have the repair receipts available when requesting a certificate of waiver.
- H. Before reinspection of a diesel vehicle that has failed an inspection, the vehicle owner shall comply with the following maintenance and repair requirements to the extent that the total cost of meeting the requirements does not exceed the maximum required repair cost in subsection (F) or (G):
  - 1. Inspect for dirty or plugged air cleaner, or restricted air intake system. Repair or replace as required.
  - 2. Check fuel injection system timing according to manufacturer's specifications. Adjust as required.
  - 3. Check for fuel injector fouling, leaking, or mismatch. Repair or replace as required.
  - 4. Check fuel pump and A/F ratio control according to manufacturer's specifications. Adjust as required.
  - 5. If the vehicle fails the J1667 procedure, check smoke-limiting devices, if any, including the aneroid valve and puff limiter. Repair or replace as required.
- I. The vehicle owner shall use any available warranty coverage for a vehicle to obtain needed repairs before an expenditure can be counted toward the cost limits in subsection (F) and (G). If the operator of a vehicle within the age and mileage coverage of section 207(b) of the Clean Air Act presents a written denial of warranty coverage from the manufacturer or authorized dealer, warranty coverage is not considered available under this subsection.

**Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1). Former

Section R9-3-1010 repealed, new Section R9-3-1010 adopted effective January 3, 1977 (Supp. 77-1). Amended effective March 2, 1978 (Supp. 78-2). Amended effective January 3, 1979 (Supp. 79-1). Amended effective February 20, 1980 (Supp. 80-1). Amended as an emergency effective January 2, 1981, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-1). Former Section R9-3-1010 as amended effective February 20, 1980, and amended as an emergency effective January 2, 1981, now amended effective April 15, 1981 (Supp. 81-2). Amended effective January 1, 1986 (Supp. 85-6). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1010 renumbered as Section R18-2-1010 and subsection (D) amended effective August 1, 1988 (Supp. 88-3). Amended effective November 14, 1994

(Supp. 94-4). Amended effective October 15, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 14 A.A.R. 2834, effective July 1, 2008 (Supp. 08-3). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1011. Vehicle Inspection Report**

- A. The Department shall provide a vehicle inspected at a state station with a uniquely numbered vehicle inspection report of a design approved by the Director that contains, at a minimum, the following information, as applicable to the tests required for the vehicle under R18-2-1006:
  - 1. License plate number;

- 2. Vehicle identification number;
  - 3. Model year of vehicle;
  - 4. Make of vehicle;
  - 5. Style of vehicle;
  - 6. Type of fuel;
  - 7. Odometer reading;
  - 8. Emissions standards for idle and loaded cruise modes, if applicable;
  - 9. Emissions measurements during idle and loaded cruise modes, if applicable;
  - 10. Opacity measurements and standards, if applicable;
  - 11. Emissions standards and measurements for the transient loaded test, and the evaporative system pressure test, if applicable;
  - 12. Results of OBD test including all diagnostic trouble codes that commanded the illumination of the malfunction indicator lamp;
  - 13. Tampering inspection results;
  - 14. Repair requirements;
  - 15. Final test results;
  - 16. Repairs performed;
  - 17. Cost of emissions-related repairs;
  - 18. Cost of tampering-related repairs;
  - 19. Name, address, and telephone number of the business or person making repairs;
  - 20. Signature and certification number of person certifying repairs;
  - 21. Date of inspection;
  - 22. Test results of the previous inspection if the inspection is a reinspection;
  - 23. Inspection station, lane locators; and
  - 24. Test number and time of test.
- B. A vehicle failing the initial inspection shall receive the Department's approved inspection report supplement containing, at a minimum, the following:
    - 1. Diagnostic and tampering information including acceptable replacement units, and
    - 2. Applicable maximum repair costs.
  - C. The inspection report shall include a section that may be used as a certificate of compliance for vehicles passing the inspection or as a certificate of waiver, if applicable. The section shall contain all of the following information:
    - 1. License plate number,
    - 2. Vehicle identification number,
    - 3. Final results,
    - 4. Serial number of the inspection report,
    - 5. Date of inspection,
    - 6. Model year,
    - 7. Make,
    - 8. Date of initial inspection,
    - 9. Inspection fee, and
    - 10. Label as either a certificate of compliance or a certificate of waiver.
  - D. At the time of registration, the certificate of compliance or certificate of waiver may be submitted to the Arizona Department of Transportation Motor Vehicle Division as evidence of meeting the requirements of this Article.

**Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1). Former Section R9-3-1011 repealed, new Section R9-3-1011 adopted effective January 3, 1977 (Supp. 77-1). Amended effective January 3, 1979 (Supp. 79-1). Amended as an emergency effective January 2, 1981, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-1). Former Section R9-3-1011 as amended effective January 3, 1979, and as amended as an emergency effective January 2,



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1981 now amended effective April 15, 1981 (Supp. 81-2).

Amended effective January 1, 1986 (Supp. 85-6).

Amended subsections (A) and (B) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1011 renumbered as Section R18-2-1011 and amended by removing subsection (E) effective August 1, 1988 (Supp. 88-3). Amended effective September 19, 1990 (Supp. 90-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 14 A.A.R. 2834, effective July 1, 2008 (Supp. 08-3). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1012. Inspection and Reinspections; Procedures and Fee**

- A.** The fees vehicle owners are required to pay for emissions inspections at a state station shall be specified in the contract between the contractor and the state of Arizona according to A.R.S. § 49-543, and shall include the full cost of the vehicle emissions inspection program including administration, implementation, and enforcement. Each fee is payable by the vehicle owner directly to the contractor at the time and place of inspection as specified in the contract, and deposited into an account established by the Department for administration of fees. The contractor will be compensated by the Department for services provided on a schedule and in a manner defined in the contract.
- B.** A vehicle failing the initial paid inspection or any subsequent paid inspection is entitled to one reinspection at no additional charge under the following conditions:
1. The vehicle is presented for inspection within 60 calendar days of the initial or any subsequent paid inspection.
  2. Emissions-related repairs or adjustments and any tampering repairs have been made.
  3. The vehicle is accompanied by the vehicle inspection report from the initial or subsequent inspection.
- C.** A vehicle failing the reinspection shall be provided a vehicle inspection report and a vehicle inspection report supplement.
- D.** A state station emissions inspector shall not recommend repairs or repair facilities.

**Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1). Former Section R9-3-1012 repealed, new Section R9-3-1012 adopted effective January 3, 1977 (Supp. 77-1). Amended effective January 3, 1979 (Supp. 79-1). Amended as an emergency effective January 2, 1981, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-1). Former Section R9-3-1012 as amended effective January 3, 1979, and amended as an emergency effective January 2, 1981, now amended effective April 15, 1981 (Supp. 81-2). Amended subsections (A) and (D) effective November 9, 1982 (Supp. 82-6). Amended effective January 1, 1986 (Supp. 85-6). Former Section R9-3-1012 renumbered as Section R18-2-1012 and amended effective August 1, 1988 (Supp. 88-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1013. Repealed**

**Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1). Former Section R9-3-1013 repealed, new Section R9-3-1013 adopted effective January 3, 1977 (Supp. 77-1). Amended as an emergency effective January 2, 1981, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-1). Former Section R9-3-1013 adopted effective January 3, 1977, and amended as an emergency effective January 2, 1981, now amended effective April 15, 1981 (Supp. 81-2). Amended effective January 1, 1986 (Supp. 85-6). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1013 renumbered as Section R18-2-1013 and amended effective August 1, 1988 (Supp. 88-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Repealed by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1014. Repealed**

**Historical Note**

Adopted effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Section repealed by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4).

**R18-2-1015. Repealed**

**Historical Note**

Adopted effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Section repealed by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4).

**R18-2-1016. Licensing of Inspectors and Fleet Agents**

- A.** Emissions inspectors shall be licensed as follows:
1. To obtain a license as a vehicle emissions inspector, an applicant shall pass a written test with a score greater than or equal to 80%. After passing the written test, the applicant shall pass a separate practical examination.
    - a. Applications to become an emissions inspector may be obtained from the Department and an applicant must submit a completed application to the Department. The Department must deem an application administratively complete before an applicant will be allowed to sit for the written test. If the Department finds the application to be incomplete, the applicant shall be provided an opportunity to submit sufficient information to enable the Department to deem the application administratively complete.
    - b. The written test shall cover the following subjects:
      - i. The air pollution problem in Arizona, its causes and effects;
      - ii. The purpose, function, and goals of the vehicle inspection program;
      - iii. State vehicle inspection regulations and procedures;
      - iv. Technical details of the test procedures and rationale for their design;
      - v. Emission control device function, configuration, and inspection;
      - vi. Test equipment operation, calibration, and maintenance;
      - vii. Quality control procedures and their purpose;
      - viii. Public relations; and

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- ix. Safety and health issues related to the inspection process.
  - c. After passing the written test, the inspector applicant shall pass a practical exam where the applicant shall demonstrate the ability to conduct a proper emissions inspection, including proper use of equipment and procedures, in accordance with the testing procedures in R18-2-1006(C). An inspector applicant shall pass a practical examination for each type of test the applicant intends to perform.
  2. Licenses issued to vehicle emissions inspectors shall be renewed biannually, on or before the expiration date.
  3. An inspector whose license is expired or suspended shall not inspect vehicles.
  4. A vehicle emissions inspector shall submit an application for a renewal of the vehicle emissions inspector's license at least 90 days before the current license expiration date.
  5. The Department may suspend, revoke, or refuse to renew a license if the licensee has violated any provision of A.R.S. Title 49, Chapter 3, Article 5, any provision of this Article, or fails to continue to demonstrate proficiency to the Department.
  6. A vehicle emissions inspector shall notify the Department of any change in employment status no later than fourteen days after the change.
  7. The Department shall assign a single, unique, nontransferable inspector's number to each vehicle emissions inspector.
  8. If a licensed emissions inspector fails to demonstrate the ability to conduct a proper vehicle emissions inspection during any audit, the Department shall suspend the vehicle emissions inspector's license. The suspended emissions inspector shall pass a practical examination within 30 days after suspension or the inspector's license shall be revoked. An inspector's license may be reinstated once the inspector passes a written examination with a score of 80% or greater and demonstrates the ability to properly conduct a vehicle emissions test during a practical examination.
- B. Fleet Agents shall be licensed as follows:**
1. To obtain a license as a fleet agent, an applicant shall pass a written test with a score greater than or equal to 80%. A fleet agent is an individual associated with a fleet emissions testing permit who is ultimately responsible for making sure a fleet complies with the requirements of this Article. This license is separate and distinct from a fleet emissions inspector license.
    - a. Applications to become a fleet agent may be obtained from the Department. An application must be administratively complete and submitted in the manner required by the Department before an applicant will be allowed to sit for the written test.
    - b. The written test shall cover the following subjects:
      - i. The statutes and rules governing the operation and administration of a fleet emissions inspection station.
      - ii. The duties of a fleet agent.
      - iii. How to operate an account on the Department's web portal.
      - iv. Purchasing certificates of inspection.
  2. If a licensed fleet agent fails to assure that the agent's fleet complies with this Article, the agent's license shall be suspended. The suspended agent shall pass a written test within 30 days of suspension or such license shall be revoked.
  3. Licenses issued to fleet agents shall be renewed biannually, on or before the expiration date.
  4. A fleet represented by an agent that has a suspended license may not inspect vehicles.
  5. The Department may suspend, revoke, or refuse to renew a fleet agent's license if the licensee has violated any provision of A.R.S. Title 49, Chapter 3, Article 5, any provision of this Article, or fails to continue to demonstrate proficiency to the Department as required.
  6. A fleet agent shall notify the Department of any change in employment status within seven days of the change.
  7. The Department shall assign a single, unique, nontransferable agent's number to each fleet agent.

**Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1).  
 Amended effective January 3, 1977 (Supp. 77-1).  
 Amended effective March 2, 1978 (Supp. 78-2).  
 Amended as an emergency effective January 2, 1981, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-1). Former Section R9-3-1016 as amended effective March 2, 1978, and amended as an emergency effective January 2, 1981, now amended effective April 15, 1981 (Supp. 81-2). Amended effective January 1, 1986 (Supp. 85-6). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1016 renumbered as Section R18-2-1016 and subsection (G) amended effective August 1, 1988 (Supp. 88-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 562, effective January 14, 2000 (Supp. 00-1). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1017. Inspection of Government Vehicles**

- A.** Government vehicles operated in Area A and Area B shall be inspected as follows:
1. At a licensed fleet station operated by the government entity;
  2. At a state station upon payment of the fee; or
  3. At a state station upon payment of the contracted fee, either singly or in combination with other government fleet operators.
- B.** A government vehicle, except a federally owned vehicle that is excluded from the definition of motor vehicle under 40 CFR 85.1703, shall be inspected according to this Article and shall have a government vehicle certificate of inspection (GVCOI) affixed to the vehicle if in compliance with state emissions requirements.
1. The vehicle emissions inspector performing the inspection shall punch out the appropriate year and month on the GVCOI to designate the date of the vehicle's next annual or biennial inspection.
  2. If the vehicle emissions inspection is performed at a fleet station, the emissions inspector shall record administratively complete results of the inspection into the Department's web portal on the day of the inspection. The unique number on the GVCOI sticker must be entered along with the emissions testing results for the vehicle.
  3. A government vehicle, with the exception of a motorcycle or an undercover law enforcement vehicle, shall have the GVCOI affixed to the lower left side of the rear window as determined from a position facing the window, from outside the vehicle. If a vehicle does not have a rear window, the GVCOI shall be affixed to the lower left corner.

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ner of the windshield as determined from the driver's position.

- C. The GVCOI shall be purchased from the Department's web portal.
1. The fee for a certificate of inspection shall be fixed by the Director according to A.R.S. § 49-543, and shall be based upon the Director's estimated costs to the state of administering and enforcing the provisions of this Article as they apply to issuance of certificates of inspections.
  2. Only the Department may sell or otherwise transfer GVCOI.

**Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1).  
 Amended effective January 3, 1977 (Supp. 77-1).  
 Amended effective January 3, 1979 (Supp. 79-1).  
 Amended effective January 1, 1986 (Supp. 85-6). Former Section R9-3-1017 renumbered as Section R18-2-1017 and subsection (E) amended effective August 1, 1988 (Supp. 88-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 562, effective January 14, 2000 (Supp. 00-1). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1018. Certificate of Inspection**

- A. A fleet inspector shall submit and certify administratively complete certificates of inspection (COI) to the Department through the Department's web portal. A COI is used as evidence that the vehicle it is assigned to has passed the tests required by this Article and complies with the applicable state emissions standards for that vehicle. Inspection data may be electronically transmitted to MVD under A.R.S. § 49-542(Q).
- B. On the day a vehicle is inspected, a licensed vehicle emissions inspector shall enter an administratively complete record of the inspection into the Department's web portal.
- C. A certificate of inspection issued to a fleet vehicle is valid for a period of 180 days unless the vehicle is reregistered with a new owner.
- D. The following individuals are authorized to purchase certificates of inspection as long as the fleet they are associated with meets the requirements of this article:
1. A fleet agent who is licensed by the Department under R18-2-1016;
  2. A responsible corporate officer; or
  3. A designated responsible officer.

**Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1).  
 Amended effective January 3, 1977 (Supp. 77-1).  
 Amended effective March 2, 1978 (Supp. 78-2).  
 Amended subsection (A) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1018 renumbered as Section R18-2-1018 and amended effective August 1, 1988 (Supp. 88-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 562, effective January 14, 2000 (Supp. 00-1). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1019. Fleet Station Procedures and Permits**

- A. A fleet emissions testing station applicant or permittee shall create and manage an account on the Department's web portal.

- B. To obtain a fleet emissions inspection station permit, an applicant shall:

1. Be a registered owner or lessee of a fleet of at least 25 nonexempt vehicles.
    - a. A motor vehicle dealer's business inventory of vehicles held for resale over the previous 12 months shall be used to determine compliance with this subsection.
    - b. A motor vehicle dealer with less than 12 months of operations that applies for a fleet emissions testing permit shall certify that it intends to test at least 25 vehicles per year.
  2. Be located within Area A, within 50 miles of the border of Area A, or within Area B. A dealer outside these areas who certifies to the Department that customers who reside in Area A are the primary source of the dealer's business may also apply for a fleet permit.
  3. Maintain a facility that has space devoted principally to maintaining or repairing the fleet's motor vehicles.
    - a. The space shall be large enough to conduct maintenance or repair of at least one motor vehicle.
    - b. Any fleet station shall be exclusively rented, leased, or owned by the applicant.
  4. Own or lease the machinery, tools, and equipment required for the specific tests the applicant wishes to perform. Equipment and testing requirements are listed in R18-2-1006(C).
  5. Employ the following personnel:
    - a. At least one fleet agent licensed pursuant to R18-2-1016.
    - b. At least one emissions inspector licensed pursuant to R18-2-1016.
    - c. At least one person who is able to perform necessary emissions related repairs for fleet vehicles.
    - d. A single person may fill two or more of these roles for a fleet.
  6. Provide data to the Department as required by this Section.
  7. Pass an initial inspection to determine compliance with this Section.
  8. Submit to the ongoing inspections and audits prescribed in this Article.
- C. A fleet emissions inspection testing permittee shall continuously comply with all requirements of this Article.
- D. The equipment used at a fleet emissions inspection station is subject to the following requirements:
1. A fleet emissions testing station applicant or permittee shall own or lease the equipment referenced in R18-2-1006 that is necessary for the specific type of testing that the permittee is licensed to perform.
  2. All testing equipment and instruments shall be maintained in accurate working condition as required by the manufacturer. An instrument requiring periodic calibration shall be calibrated according to instruction and recommendations of the instrument or equipment manufacturer. Calibration records shall be submitted through the web portal for review by the Department. The calibration records shall be certified by the technician performing each calibration.
    - a. Fleet station analyzers shall comply with, be calibrated, and be quality control checked according to 40 CFR 51, Subpart S, Appendix A, Section I, amended as of July 1, 2017, and no future editions or amendments, which is incorporated by reference in (C)(7)(b) and on file with the Department.

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- b. A fleet station opacity meter used for emission inspections is required to read the equivalent opacity value of neutral density filter within +/- 5% opacity at any point in the range of meter.
- 3. Calibration gases used by the fleet station shall be subject to analysis and comparison to the Department's standard gases at any time.
- 4. Fleet testing equipment shall be subject to both scheduled and unscheduled audits by state inspectors.
- 5. A fleet's analyzer shall be calibrated at least monthly with calibration gases approved by the Department. A registered opacity meter shall be calibrated according to manufacturer's specifications before performing the first vehicle emissions inspection in any month.
- E. For every test performed by a vehicle emissions inspector, that vehicle emissions inspector shall log into the Department's web portal the same day that the inspection takes place to report the results of the test to the Department.
- F. A fleet's activities shall be governed by the following compliance and enforcement rules:
  - 1. All requirements in this Article apply at all times after a fleet emissions testing license has been issued.
  - 2. The Director may suspend or revoke a fleet emissions testing license according to A.R.S. § 49-546(F) and A.R.S. Title 41, Chapter 6, if the permittee, or any person employed by the permittee:
    - a. Violates any provisions of A.R.S. Title 49, Chapter 3, Article 5 or any provision of this Article;
    - b. Misrepresents a material fact in obtaining a permit;
    - c. Fails to make, keep, and submit to the Department records for a vehicle tested; or
    - d. Does not provide a state inspector access to the information required in this Article.
  - 3. If a fleet emissions inspection permit is surrendered, suspended or revoked, all unused certificates of inspection shall be refunded.
  - 4. Any fleet vehicle is subject to inspection by a state inspector.
- G. A fleet emissions inspection station permit is non-transferable and does not expire.

**Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1).  
 Amended effective January 3, 1977 (Supp. 77-1).  
 Amended effective March 2, 1978 (Supp. 78-2).  
 Amended effective January 3, 1979 (Supp. 79-1).  
 Amended effective February 20, 1980 (Supp. 80-1).  
 Amended as an emergency effective January 2, 1981, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-1). Former Section R9-3-1019 as amended effective February 20, 1980, and amended as an emergency effective January 2, 1981, now amended effective April 15, 1981 (Supp. 81-2). Amended effective January 1, 1986 (Supp. 85-6). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1019 renumbered as Section R18-2-1019 and amended effective August 1, 1988 (Supp. 88-3).  
 Amended effective September 19, 1990 (Supp. 90-3).  
 Amended effective February 4, 1993 (Supp. 93-1).  
 Amended effective November 14, 1994 (Supp. 94-4).  
 Amended effective October 15, 1998 (Supp. 98-4).  
 Amended by final rulemaking at 6 A.A.R. 562, effective January 14, 2000 (Supp. 00-1). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 14 A.A.R. 2834, effective July 1, 2008 (Supp. 08-3). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019

(Supp. 19-1).

**R18-2-1020. Department Issuance of Alternative Fuel Certificates**

Issuing Alternative Fuel Certificates. The Department shall inspect a vehicle converted to run on alternative fuel and issue an alternative fuel certificate according to A.R.S. § 28-2416(2)(b) if the vehicle is currently powered by an alternative fuel.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 562, effective January 14, 2000 (Supp. 00-1). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1021. Reserved****R18-2-1022. Procedure for Waiving Inspections Due to Technical Difficulties**

A vehicle emissions station manager employed by an official emissions inspection station may issue a Director's certificate for a vehicle that cannot be inspected as required by this Article because of technical difficulties inherent in the manufacturer's design or construction of the vehicle.

**Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1).  
 Amended effective January 3, 1977 (Supp. 77-1).  
 Amended effective March 2, 1978 (Supp. 78-2).  
 Amended effective January 3, 1979 (Supp. 79-1).  
 Amended effective January 1, 1986 (Supp. 85-6). Former Section R9-3-1022 renumbered without change as Section R18-2-1022 (Supp. 88-3). Amended by final rulemaking at 6 A.A.R. 562, effective January 14, 2000 (Supp. 00-1).

**R18-2-1023. Certificate of Exemption for Out-of-State Vehicles**

- A. If a vehicle being registered in Area A or Area B requires an emission test and will not be physically available for inspection within the state during the 90-day period before the emissions compliance expiration date, the owner or owner's agent may submit an application to the Department for a certificate of exemption.
- B. The owner or owner's agent shall apply for a certificate of exemption in the manner and form required by the Department.
- C. The Department may issue a certificate of exemption:
  - 1. For a vehicle that will not be located in the state during the 90-day period before the emissions compliance expiration date and is located in an area where emissions testing is not available. This exemption shall only be granted if an affidavit confirming the location of the vehicle is signed and submitted with the application.
  - 2. For a vehicle that has passed an official emissions inspection in another state during the 90 days before emissions compliance expiration upon submission of the inspection compliance document issued by the entity conducting the inspection program.
- D. The fee for a certificate of exemption shall be fixed by the Director according to A.R.S. § 49-543 and shall be based upon the Director's estimated costs to the state of administering and enforcing the provisions of this Article as they apply to issuance of certificates of exemption. The payment for the certificates shall be included with the application for certificates.

**Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1).

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Amended effective January 3, 1977 (Supp. 77-1).

Amended effective January 3, 1979 (Supp. 79-1).

Amended as an emergency effective January 2, 1981 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-1). Former Section R9-3-1023 as amended effective January 3, 1979 and amended as an emergency effective January 2, 1981 now amended effective April 15, 1981 (Supp. 81-2). Amended effective January 1, 1986 (Supp. 85-6). Former Section R9-3-1023 renumbered without change as Section R18-2-1023 (Supp. 88-3). Amended effective February 4, 1993 (Supp. 93-1). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 562, effective January 14, 2000 (Supp. 00-1). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1024. Expired****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 84, effective December 14, 2001 (Supp. 01-4). Section expired under A.R.S. § 41-1056(E) at 15 A.A.R. 1128, effective April 30, 2008 (Supp. 09-2).

**R18-2-1025. Inspection of Contractor's Equipment and Personnel**

- A.** State inspectors shall conduct performance audits to determine whether a state station is correctly performing all inspection and functions related to inspections as follows:
1. Overt audits shall be completed at least two times each year for each inspection lane. Overt audits shall include:
    - a. A check for the observance of appropriate document security;
    - b. A check to see that required recordkeeping practices are being followed;
    - c. A check for licenses, certificates, and other required display information;
    - d. An observation and evaluation of each vehicle emissions inspector's ability to perform an inspection; and
    - e. A check to ensure all emissions testing equipment is calibrated and operating correctly.
  2. If a vehicle emissions inspector fails an audit, the vehicle emissions inspector's license may be suspended or revoked under R18-2-1016(A)(4).
  3. Vehicle emissions inspection records shall be reviewed at least monthly to assess station performance and identify any problems, potential fraud, or incompetence.
  4. Covert audits may be performed as necessary to confirm compliance with this article.
- B.** If an equipment audit indicates that equipment is not calibrated and accurate, the equipment shall not be used to conduct emissions testing until it is replaced or repaired.
- C.** Equipment that is removed from testing may be returned to service upon its repair and a state inspector's verification of a passing calibration audit.
- D.** A state inspector shall inspect on-road emissions analyzers at least monthly.

**Historical Note**

Adopted effective January 3, 1977 (Supp. 77-1).  
 Amended effective March 2, 1978 (Supp. 78-2).  
 Amended as an emergency effective January 2, 1981, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-1). Former Section R9-3-1025 as amended effective March 2, 1978, and amended as an emergency effective January 2, 1981, now amended effective April 15, 1981 (Supp. 81-2). Amended effective January 1,

1986 (Supp. 85-6). Amended subsection (A) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1025 renumbered as Section R18-2-1025 and subsection (C) amended effective August 1, 1988 (Supp. 88-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 562, effective January 14, 2000 (Supp. 00-1). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1026. Inspection of Fleet Stations**

- A.** Equipment used to perform emissions testing shall meet the requirements for the type of testing a fleet station is licensed to perform.
- B.** A fleet station's gas analyzer shall not be used for an official emissions inspection if:
1. The calibration gases are not read within the following tolerances:
    - a. Within plus 0.50% CO to minus 0.25% CO in the range from 0 to 2% CO; and
    - b. Within plus 60 PPM HC to minus 30 PPM HC in the range from 0 to 500 PPM HC when read as N-HEX-ANE.
  2. The calibration gases are not read within the manufacturer specified tolerances;
  3. There is a leak in the sampling systems or the calibration port; or
  4. The sample handling system is restricted.
- C.** The fleet emissions testing station shall acquire and utilize calibration gases with assigned HC and CO concentrations to calibrate fleet emission analyzers.
- D.** A state inspector shall fail a fleet emissions analyzer if the analyzer does not meet the requirements of this Section. A fleet emission inspector shall not use the analyzer for inspection until the analyzer is cleared for return to service by a state inspector.
- E.** A state inspector shall conduct performance audits to determine whether a fleet emissions inspection station is correctly performing inspections and functions related to inspections as follows:
1. Overt audits at least two times each year that include:
    - a. A check for the observance of appropriate document security;
    - b. A check to see that required recordkeeping practices are being followed;
    - c. A check for licenses, certificates, and other required display information;
    - d. An observation and evaluation of each vehicle emissions inspector's ability to perform an inspection; and
    - e. A check to ensure all emissions testing equipment is calibrated and operating correctly.
  2. Fleet station and vehicle emissions inspector records shall be reviewed at least monthly to assess fleet performance and identify any problems, potential fraud, or incompetence.
  3. If a vehicle emissions inspector fails an audit, the vehicle emissions inspector's license may be suspended or revoked according to R18-2-1016(A)(4).
  4. Covert audits may be performed as necessary to confirm compliance with this Article.

**Historical Note**

Adopted effective January 3, 1977 (Supp. 77-1).  
 Amended effective January 1, 1986 (Supp. 85-6).

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Amended subsections (A) and (J) and added subsection (K) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1026 renumbered as Section R18-2-1026 and subsections (B), (F), (G) and (H) amended effective August 1, 1988 (Supp. 88-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 562, effective January 14, 2000 (Supp. 00-1). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1027. Repealed****Historical Note**

Adopted effective January 3, 1977 (Supp. 77-1). Amended effective March 2, 1978 (Supp. 78-2). Amended effective January 3, 1979 (Supp. 79-1). Amended as an emergency effective January 2, 1981, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-1). Former Section R9-3-1027 as amended effective January 3, 1979, and amended as an emergency effective January 2, 1981, now amended effective April 15, 1981 (Supp. 81-2). Amended effective January 1, 1986 (Supp. 85-6). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1027 renumbered as Section R18-2-1027 and subsections (B), (D), (F) and (G) amended effective August 1, 1988 (Supp. 88-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 562, effective January 14, 2000 (Supp. 00-1). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 14 A.A.R. 2834, effective July 1, 2008 (Supp. 08-3). Repealed by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1028. Repealed****Historical Note**

Adopted effective January 1, 1986 (Supp. 85-6). Amended subsections (A) and (F) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1028 renumbered as Section R18-2-1028 and subsection (D) amended effective August 1, 1988 (Supp. 88-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 562, effective January 14, 2000 (Supp. 00-1). Repealed by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1029. Vehicle Emission Control Devices**

For the purposes of A.R.S. §§ 28-955 and 49-447, a registered motor vehicle shall have in operating condition all emission control devices installed by the vehicle manufacturer to comply with federal requirements for motor vehicle emissions or equivalent after-market replacement parts or devices.

**Historical Note**

Adopted effective January 3, 1977 (Supp. 77-1). Former Section R9-3-1029 renumbered as Section R18-2-1029 and amended effective August 1, 1988 (Supp. 88-3). Amended by final rulemaking at 6 A.A.R. 562, effective January 14, 2000 (Supp. 00-1).

**R18-2-1030. Visible Emissions; Mobile Sources**

A. A vehicle other than a diesel-powered vehicle or 2-stroke vehicle that emits any visible emissions for 10 consecutive seconds or more is "excessive" for the purposes of A.R.S. § 28-955(C).

- B. A diesel-powered vehicle shall not emit any visible emissions in excess of:
1. Twenty percent visual opacity for 10 consecutive seconds or more at or below 2,000 feet elevation;
  2. Thirty percent visual opacity for 10 consecutive seconds or more above 2,000 feet and at or below 4,000 feet elevation; and
  3. Forty percent visual opacity for 10 consecutive seconds above 4,000 feet elevation.
- C. A vehicle that exceeds the standards in subsection (B) fails the inspection under R18-2-1006 and is considered to have "excessive" emissions under A.R.S. § 28-955(C).

**Historical Note**

Adopted effective January 3, 1977 (Supp. 77-1). Amended as an emergency effective January 2, 1981, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-1). Former Section R9-3-1030 as adopted effective January 3, 1977, and amended as an emergency effective January 2, 1981, now amended effective April 15, 1981 (Supp. 81-2). Amended effective January 1, 1986 (Supp. 85-6). Amended subsection (C) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1030 renumbered as Section R18-2-1030 and subsection (C) amended effective August 1, 1988 (Supp. 88-3). Amended effective September 19, 1990 (Supp. 90-3). Amended by final rulemaking at 6 A.A.R. 562, effective January 14, 2000 (Supp. 00-1).

**R18-2-1031. Repealed****Historical Note**

Adopted effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1031 renumbered as Section R18-2-1031 and amended effective August 1, 1988 (Supp. 88-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Repealed by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**Table 1. Dynamometer Loading Table - Annual Tests**

Gross Vehicle Weight		Speed	Load
Rating (Pounds)	Engine Size	(MPH)	(HP)
8500 or less	4 cyl. or less	22-25	2.8-4.1
8500 or less	5 or 6 cyl.	29-32	6.4-8.4
8500 or less	8 cyl. or more	32-35	8.4-10.8
8501 or more	All	37-40	12.7-15.8

**Historical Note**

Adopted effective November 14, 1994 (Supp. 94-4).

**Table 2. Emissions Standards - Annual Tests**

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## MAXIMUM ALLOWABLE

## Motorcycles

Vehicle Engine Type	Vehicle Model Year	Number of Cylinders	Conditioning Mode		Curb Idle Mode Test		Loaded Cruise Mode Test	
			HC PPM	CO %	HC PPM	CO %	HC PPM	CO %
2-Stroke	All	All	18,000	5.00	18,000	5.00	N/A	N/A
4-Stroke	All	All	500	5.00	1,800	5.50	N/A	N/A

## Reconstructed Vehicles

Vehicle Engine Type	Vehicle Model Year	Number of Cylinders	Conditioning Mode		Curb Idle Mode Test		Loaded Cruise Mode Test	
			HC PPM	CO %	HC PPM	CO %	HC PPM	CO %
4-Stroke	1967-1980	All	700	5.25	1,200	7.50	1,200	5.60
4-Stroke	1980 & Newer	All	700	5.25	1,200	7.50	700	5.25

## Light-Duty Vehicles

Vehicle Engine Type	Vehicle Model Year	Number of Cylinders	Conditioning Mode		Curb Idle Mode Test		Loaded Cruise Mode Test	
			HC PPM	CO %	HC PPM	CO %	HC PPM	CO %
2-Stroke	All	All	18,000	5.00	18,000	5.00	18,000	5.00
4-Stroke	1967-1971	4 or less	450	3.75	500	5.50	500	4.20
4-Stroke	1967-1971	more than 4	380	3.00	450	5.00	450	3.75
4-Stroke	1972-1974	4 or less	380	3.50	400	5.50	400	4.20
4-Stroke	1972-1974	more than 4	300	3.00	400	5.00	400	3.75
4-Stroke	1975-1978	4 or less	120	1.00	250	2.20	250	1.65
4-Stroke	1975-1978	more than 4	120	1.00	250	2.00	250	1.50
4-Stroke	1979	4 or less	120	1.00	220	2.20	220	1.65
4-Stroke	1979	more than 4	120	1.00	220	2.00	220	1.50
4-Stroke	1980 & newer	All	100	0.50	220	1.20	220	1.20

## Light-Duty Truck 1 (0-6000 lbs GVWR)

Vehicle Engine Type	Vehicle Model Year	Number of Cylinders	Conditioning Mode		Curb Idle Mode Test		Loaded Cruise Mode Test	
			HC PPM	CO %	HC PPM	CO %	HC PPM	CO %
2-Stroke	All	All	18,000	5.00	18,000	5.00	18,000	5.00
4-Stroke	1967-1971	4 or less	450	3.75	500	5.50	500	4.20
4-Stroke	1967-1971	more than 4	380	3.00	450	5.00	450	3.75
4-Stroke	1972-1974	4 or less	380	3.50	400	5.50	400	4.20
4-Stroke	1972-1974	more than 4	300	3.00	400	5.00	400	3.75
4-Stroke	1975-1978	4 or less	120	1.00	250	2.20	250	1.65
4-Stroke	1975-1978	more than 4	120	1.00	250	2.00	250	1.50
4-Stroke	1979	4 or less	120	1.00	220	2.20	220	1.65
4-Stroke	1979	more than 4	120	1.00	220	2.00	220	1.50
4-Stroke	1980 & newer	All	100	0.50	220	1.20	220	1.20

## Light-Duty Truck 2 (6001 - 8500 lbs GVWR)

Vehicle Engine Type	Vehicle Model Year	Number of Cylinders	Conditioning Mode		Curb Idle Mode Test		Loaded Cruise Mode Test	
			HC PPM	CO %	HC PPM	CO %	HC PPM	CO %
2-Stroke	All	All	18,000	5.00	18,000	5.00	18,000	5.00
4-Stroke	1967-1971	4 or less	450	3.75	500	5.50	500	4.20
4-Stroke	1967-1971	more than 4	380	3.00	450	5.00	450	3.75

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4-Stroke	1972-1974	4 or less	380	3.50	400	5.50	400	4.20
4-Stroke	1972-1974	more than 4	300	3.00	400	5.00	400	3.75
4-Stroke	1975-1978	All	300	3.00	350	4.00	350	3.00
4-Stroke	1979	4 or less	120	1.00	220	2.20	220	1.65
4-Stroke	1979	more than 4	120	1.00	220	2.00	220	1.50
4-Stroke	1980 & newer	All	100	0.50	220	1.20	220	1.20

**Heavy-Duty Truck (8501 lbs or greater GVWR)**

Vehicle Engine Type	Vehicle Model Year	Number of Cylinders	Conditioning Mode		Curb Idle Mode Test		Loaded Cruise Mode Test	
			HC PPM	CO %	HC PPM	CO %	HC PPM	CO %
2-Stroke	All	All	18,000	5.00	18,000	5.00	18,000	5.00
4-Stroke	1967-1971	4 or less	450	3.75	500	5.50	500	4.20
4-Stroke	1967-1971	more than 4	380	3.00	450	5.00	450	3.75
4-Stroke	1972-1974	4 or less	380	3.50	400	5.50	400	4.20
4-Stroke	1972-1974	more than 4	300	3.00	400	5.00	400	3.75
4-Stroke	1975-1978	All	300	3.00	350	4.00	350	3.00
4-Stroke	1979 & newer	All	300	3.00	300	4.00	300	3.00

**Historical Note**

Renumbered from R18-2-1006 and amended effective November 14, 1994 (Supp. 94-4). See emergency amendment below (Supp. 94-4). Emergency amendment adopted effective December 23, 1994, pursuant to A.R.S. § 41-1026, valid for 180 days (Supp. 95-2). Emergency amendment expired, previous text placed back into effect effective June 21, 1995 (Supp. 95-3). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4).

**Table 3. Emissions Standards - Transient Loaded Emissions Tests**  
FINAL STANDARDS (Standards are in grams per mile)

## (i) Light Duty Vehicles

Model Years	Hydrocarbons		Carbon Monoxide		Oxides of Nitrogen	
	Composite	Phase 2	Composite	Phase 2	Composite	Phase 2
1981-1982	3.0	2.5	25.0	21.8	3.5	3.4
1983-1985	2.4	2.0	20.0	17.3	3.5	3.4
1986-1989	1.6	1.4	15.0	12.8	2.5	2.4
1990-1993	1.0	0.8	12.0	10.1	2.5	2.4
1994+	0.8	0.7	12.0	10.1	2.0	1.9

## (ii) Light Duty Trucks 1 (less than 6000 pounds GVWR)

Model Years	Hydrocarbons		Carbon Monoxide		Oxides of Nitrogen	
	Composite	Phase 2	Composite	Phase 2	Composite	Phase 2
1981-1985	4.0	3.4	40.0	35.3	5.5	5.4
1986-1989	3.0	2.5	25.0	21.8	4.5	4.4
1990-1993	2.0	1.7	20.0	17.3	4.0	3.9
1994+	1.6	1.4	20.0	17.3	3.0	2.9

## (iii) Light Duty Trucks 2 (greater than 6000 pounds GVWR)

Model Years	Hydrocarbons		Carbon Monoxide		Oxides of Nitrogen	
	Composite	Phase 2	Composite	Phase 2	Composite	Phase 2
1981-1985	4.4	3.7	48.0	42.5	7.0	6.9
1986-1987	4.0	3.4	40.0	35.3	5.5	5.4
1988-1989	3.0	2.5	25.0	21.8	5.5	5.4
1990-1993	3.0	2.5	25.0	21.8	5.0	4.9
1994+	2.4	2.0	25.0	21.8	4.0	3.9



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**Historical Note**

Adopted effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Table heading amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4).

**Table 4. Transient Driving Cycle**

Time second	Speed mph	Time second	Speed mph	Time second	Speed mph	Time second	Speed mph	Time second	Speed mph
0	0	30	20.7	60	26	90	51.5	120	54.9
1	0	31	21.7	61	26	91	52.2	121	55.4
2	0	32	22.4	62	25.7	92	53.2	122	55.6
3	0	33	22.5	63	26.1	93	54.1	123	56
4	0	34	22.1	64	26.5	94	54.6	124	56
5	3.3	35	21.5	65	27.3	95	54.9	125	55.8
6	6.6	36	20.9	66	30.5	96	55	126	55.2
7	9.9	37	20.4	67	33.5	97	54.9	127	54.5
8	13.2	38	19.8	68	36.2	98	54.6	128	53.6
9	16.5	39	17	69	37.3	99	54.6	129	52.5
10	19.8	40	17.1	70	39.3	100	54.8	130	51.5
11	22.2	41	15.8	71	40.5	101	55.1	131	50.8
12	24.3	42	15.8	72	42.1	102	55.5	132	48
13	25.8	43	17.7	73	43.5	103	55.7	133	44.5
14	26.4	44	19.8	74	45.1	104	56.1	134	41
15	25.7	45	21.6	75	46	105	56.3	135	37.5
16	25.1	46	22.2	76	46.8	106	56.6	136	34
17	24.7	47	24.5	77	47.5	107	56.7	137	30.5
18	25.2	48	24.7	78	47.5	108	56.7	138	27
19	25.4	49	24.8	79	47.3	109	56.3	139	23.5
20	27.2	50	24.7	80	47.2	110	56	140	20
21	26.5	51	24.6	81	47.2	111	55	141	16.5
22	24	52	24.6	82	47.4	112	53.4	142	13
23	22.7	53	25.1	83	47.9	113	51.6	143	9.5
24	19.4	54	25.6	84	48.5	114	51.8	144	6
25	17.7	55	25.7	85	49.1	115	52.1	145	2.5
26	17.2	56	25.4	86	49.5	116	52.5	146	0
27	18.1	57	24.9	87	50	117	53		
28	18.6	58	25	88	50.6	118	53.5		
29	20	59	25.4	89	51	119	54		

**Historical Note**

Adopted effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4).

**Table 5. Tolerances**

	Range	State Station	Fleet Station
4 and 2 stroke vehicles: CO in MOL percent	0 to 2.0% 2 to 10.0%	±0.1% ±0.25%	±0.25% ±0.5%
4-stroke vehicles: HC as N-hexane in PPM	0 to 500 PPM 500 to 2000 PPM	±15 PPM ±50 PPM	±30 PPM ±100 PPM
2-stroke vehicles: HC as propane in PPM	0 to 25,000 PPM	±1250 PPM	±1250 PPM

**Historical Note**

Adopted effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**Table 6. Repealed****Historical Note**

Adopted effective November 14, 1994 (Supp. 94-4). See emergency amendment below (Supp. 94-4). Emergency

amendment adopted effective December 23, 1994, pursuant to A.R.S. § 41-1026, valid for 180 days (Supp. 95-2).  
Emergency amendment expired, previous text placed back into effect effective June 21, 1995 (Supp. 95-3).

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Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Table 6 repealed by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4).

**ARTICLE 11. FEDERAL HAZARDOUS AIR POLLUTANTS****R18-2-1101. National Emission Standards for Hazardous Air Pollutants (NESHAPs)**

A. Except as provided in R18-2-1102, the following subparts of 40 CFR 61, National Emission Standards for Hazardous Air Pollutants (NESHAPs), and all accompanying appendices, adopted as of June 30, 2017, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, bookstore.gpo.gov, Mail Stop: SSOP IDCC-SSOM, Washington, D.C. 20402-9328.

1. Subpart A - General Provisions.
2. Subpart B - Radon Emissions from Underground Uranium Mines.
3. Subpart C - Beryllium.
4. Subpart D - Beryllium Rocket Motor Firing.
5. Subpart E - Mercury.
6. Subpart F - Vinyl Chloride.
7. Subpart H - Radionuclides Other Than Radon from Department of Energy Facilities.
8. Subpart I - Radionuclide Emissions from Federal Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H.
9. Subpart J - Equipment Leaks (Fugitive Emission Sources) of Benzene.
10. Subpart K - Radionuclide Emissions From Elemental Phosphorus Plants.
11. Subpart L - Benzene Emissions from Coke By-Product Recovery Plants.
12. Subpart M - Asbestos.
13. Subpart N - Inorganic Arsenic Emissions from Glass Manufacturing Plants.
14. Subpart O - Inorganic Arsenic Emissions from Primary Copper Smelters.
15. Subpart P - Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production.
16. Subpart Q - Radon Emissions from Department of Energy Facilities.
17. Subpart R - Radon Emissions from Phosphogypsum Stacks.
18. Subpart T - Radon Emissions from the Disposal of Uranium Mill Tailings.
19. Subpart V - Equipment Leaks (Fugitive Emission Sources).
20. Subpart W - Radon Emissions from Operating Mill Tailings.
21. Subpart Y - Benzene Emissions From Benzene Storage Vessels.
22. Subpart BB - Benzene Emissions from Benzene Transfer Operations.
23. Subpart FF - Benzene Waste Operations.

B. Except as provided in R18-2-1102, the following subparts of 40 CFR 63, NESHAPs for Source Categories, and all accompanying appendices, adopted as of June 30, 2017, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, bookstore.gpo.gov,

Mail Stop: SSOP IDCC-SSOM, Washington, D.C. 20402-9328.

1. Subpart A - General Provisions.
2. Subpart F - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.
3. Subpart G - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.
4. Subpart H - National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.
5. Subpart I - National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.
6. Subpart J - National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production.
7. Subpart L - National Emission Standards for Coke Oven Batteries.
8. Subpart M - National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.
9. Subpart N - National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.
10. Subpart O - Ethylene Oxide Emissions Standards for Sterilization Facilities.
11. Subpart Q - National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.
12. Subpart R - National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).
13. Subpart S - National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry.
14. Subpart T - National Emission Standards for Halogenated Solvent Cleaning.
15. Subpart U - National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.
16. Subpart W - National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production.
17. Subpart Y - National Emission Standards for Marine Tank Vessel Loading Operations.
18. Subpart AA - National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants.
19. Subpart BB - National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants.
20. Subpart CC - National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.
21. Subpart DD - National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.
22. Subpart EE - National Emission Standards for Magnetic Tape Manufacturing Operations.
23. Subpart GG - National Emission Standards for Aerospace Manufacturing and Rework Facilities.
24. Subpart HH - National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities.
25. Subpart JJ - National Emission Standards for Wood Furniture Manufacturing Operations.
26. Subpart KK - National Emission Standards for the Printing and Publishing Industry.

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27. Subpart LL - National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants.
28. Subpart MM - National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semi-chemical Pulp Mills.
29. Subpart OO - National Emission Standards for Tanks - Level 1.
30. Subpart PP - National Emission Standards for Containers.
31. Subpart QQ - National Emission Standards for Surface Impoundments.
32. Subpart RR - National Emission Standards for Individual Drain Systems.
33. Subpart SS - National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.
34. Subpart TT - National Emission Standards for Equipment Leaks - Control Level 1.
35. Subpart UU - National Emission Standards for Equipment Leaks - Control Level 2 Standards.
36. Subpart VV - National Emission Standards for Oil-Water Separators and Organic-Water Separators.
37. Subpart WW - National Emission Standards for Storage Vessels (Tanks) - Control Level 2.
38. Subpart XX - National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.
39. Subpart YY - National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards.
40. Subpart CCC - National Emission Standards for Hazardous Air Pollutants for Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants.
41. Subpart DDD - National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.
42. Subpart EEE - National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors.
43. Subpart GGG - National Emission Standards for Pharmaceuticals Production.
44. Subpart HHH - National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities.
45. Subpart III - National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.
46. Subpart JJJ - National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins.
47. Subpart LLL - National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry.
48. Subpart MMM - National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.
49. Subpart NNN - National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.
50. Subpart OOO - National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins.
51. Subpart PPP - National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production.
52. Subpart QQQ - National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting.
53. Subpart RRR - National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.
54. Subpart TTT - National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting.
55. Subpart UUU - National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.
56. Subpart VVV - National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works.
57. Subpart XXX - National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese.
58. Subpart AAAA - National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills.
59. Subpart CCCC - National Emission Standards for Hazardous Air Pollutants: Manufacture of Nutritional Yeast.
60. Subpart DDDD - National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products.
61. Subpart EEEE - National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline).
62. Subpart FFFF - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing.
63. Subpart GGGG - National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production.
64. Subpart HHHH - National Emissions Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production.
65. Subpart IIII - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks.
66. Subpart JJJJ - National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating.
67. Subpart KKKK - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans.
68. Subpart MMMM - National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.
69. Subpart NNNN - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances.
70. Subpart OOOO - National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles.
71. Subpart PPPP - National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products.
72. Subpart QQQQ - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products.
73. Subpart RRRR - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture.
74. Subpart SSSS - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil.
75. Subpart TTTT - National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations.
76. Subpart UUUU - National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing.
77. Subpart VVVV - National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing.

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78. Subpart WWW - National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production.
79. Subpart XXXX - National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing.
80. Subpart YYYY - National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.
81. Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.
82. Subpart AAAAA - National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.
83. Subpart BBBB - National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing.
84. Subpart CCCC - National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks.
85. Subpart DDDD - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters.
86. Subpart EEEE - National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries.
87. Subpart FFFF - National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing.
88. Subpart GGGG - National Emission Standards for Hazardous Air Pollutants: Site Remediation.
89. Subpart HHHH - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing.
90. Subpart IIII - National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants.
91. Subpart JJJJ - National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing.
92. Subpart KKKK - National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing.
93. Subpart LLLL - National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing.
94. Subpart MMMM - National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations.
95. Subpart NNNN - National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production.
96. Subpart PPPP - National Emission Standards for Hazardous Air Pollutants: Engine Test Cells/Stands.
97. Subpart QQQQ - National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities.
98. Subpart RRRR - National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing.
99. Subpart SSSS - National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing.
100. Subpart TTTT - National Emissions Standards for Hazardous Air Pollutants for Primary Magnesium Refining.
101. Subpart WWWW - National Emission Standards for Hospital Ethylene Oxide Sterilizers.
102. Subpart YYYYY - National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities.
103. Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.
104. Subpart BBBB - National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities.
105. Subpart CCCCC - National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.
106. Subpart DDDDD - National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources.
107. Subpart EEEEE - National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources.
108. Subpart FFFFF - National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources.
109. Subpart GGGGG - National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources-Zinc, Cadmium, and Beryllium.
110. Subpart HHHHH - National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources.
111. Subpart JJJJJ - National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers Area Sources.
112. Subpart LLLLL - National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources.
113. Subpart MMMMM - National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources.
114. Subpart NNNNN - National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds.
115. Subpart OOOOO - National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources.
116. Subpart PPPPP - National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources.
117. Subpart QQQQQ - National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources.
118. Subpart RRRRR - National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources.
119. Subpart SSSSS - National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources.
120. Subpart TTTTT - National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources.
121. Subpart VVVVV - National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources.
122. Subpart WWWWW - National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations.
123. Subpart XXXXX - National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.

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- 124. Subpart YYYYYY - National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities.
- 125. Subpart ZZZZZZ - National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and other Nonferrous Foundries.
- 126. Subpart AAAAAA - National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing.
- 127. Subpart BBBBBB - National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry.
- 128. Subpart CCCCCC - National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing.
- 129. Subpart DDDDDD - National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing.
- 130. Subpart EEEEE - National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category.
- 131. Subpart HHHHHH - National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl Chloride and Copolymers Production.

**Historical Note**

Former Section R18-2-1101 repealed effective September 26, 1990 (Supp. 90-3). New Section R18-2-1101 renumbered from R18-2-901 and amended effective November 15, 1993 (Supp. 93-4). Amended effective June 10, 1994 (Supp. 94-2). Amended effective February 17, 1995 (Supp. 95-1). Amended effective December 7, 1995 (Supp. 95-4). Amended effective May 9, 1996 (Supp. 96-2). Amended effective April 4, 1997; filed with the Office of the Secretary of State March 14, 1997 (Supp. 97-1). Amended effective December 4, 1997 (Supp. 97-4). Amended by final rulemaking at 5 A.A.R. 3221, effective August 12, 1999 (Supp. 99-3). Amended by final rulemaking at 6 A.A.R. 4170, effective October 11, 2000 (Supp. 00-4). Amended by final rulemaking at 8 A.A.R. 2543, effective May 24, 2002 (Supp. 02-2). Amended by final rulemaking at 10 A.A.R. 3281, effective September 27, 2004 (Supp. 04-3). Amended by final rulemaking at 11 A.A.R. 5504, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 4199, effective January 5, 2008 (Supp. 07-4). Amended by final expedited rulemaking at 21 A.A.R. 2747, effective December 13, 2015 (Supp. 15-4). Amended by final expedited rulemaking at 23 A.A.R. 1564, effective May 2, 2018 (Supp. 18-2).

**R18-2-1102. General Provisions**

- A. When used in 40 CFR 61 or 63, "Administrator" means the Director of the Arizona Department of Environmental Quality except that the Director shall not be authorized to approve alternate or equivalent test methods or alternate standards or work practices, except as specifically provided in Part 63, Subpart B.
- B. From the general standards identified in R18-2-1101(A), delete 40 CFR 61.04. All requests, reports, applications, submittals, and other communications to the Director pursuant to this Article shall be submitted to the Arizona Department of Environmental Quality, Air Quality Division, 1110 West Washington Street, Phoenix, Arizona 85007.
- C. The Director shall not be delegated authority to deal with equivalency determinations that are nontransferable through Section 112(h)(3) of the Act.

**Historical Note**

Former Section R18-2-1102 repealed effective September 26, 1990 (Supp. 90-3). New Section R18-2-1102 renumbered from R18-2-902 and amended effective November 15, 1993 (Supp. 93-4). Amended effective June 10, 1994 (Supp. 94-2). Amended effective February 17, 1995 (Supp. 95-1). Amended by final rulemaking at 13 A.A.R. 4199, effective January 5, 2008 (Supp. 07-4).

**ARTICLE 12. VOLUNTARY EMISSIONS BANK****R18-2-1201. Definitions**

In addition to the definitions contained in Article 1 of this Chapter, and A.R.S. § 49-401.01, the following definitions apply to this Article:

"Account holder" means any person or entity who has opened an account in the emissions bank under R18-2-1206.

"Certification authority" means the Department or the county or multi-county district to which the Department has delegated authority to certify emission reduction credits under A.R.S. § 49-410(C).

"Certified credit" means an emission reduction credit that has been issued under R18-2-1203(C)(2), R18-2-1204(B), or R18-2-1205(E)(3).

"Conditional credit" means an emission reduction credit for a reduction in emissions by a plan generator that the certification authority has issued under R18-2-1205(D)(2) but the Administrator has not yet approved under R18-2-1205(E)(3).

"Emissions bank" means the system created by the Department to record and make publicly available information on the issuance, certification, transfer, retirement, and use of emission reduction credits.

"Emission reduction credit" or "credit" means a reduction in qualifying emissions expressed in tons per year for which the generator has submitted an application under R18-2-1203, R18-2-1204, or R18-2-1205 and which has not been withdrawn from the emissions bank under R18-2-1208(B)(5) or (C).

"Emission reduction plan" means a plan submitted under R18-2-1205 for assuring that reductions in qualifying emissions by a plan generator are permanent, quantifiable, surplus, enforceable, and real.

"Enforceable" means that specific measures for assessing compliance with an emissions limitation, control, or other requirement are established in a permit, offset-creation rule, or emission reduction plan in a manner that allows compliance to be readily determined by an inspection of records and reports.

"Form" means a paper document or online form provided through a web portal.

"Generator" means any permitted source or other activity that has made or proposes to make reductions in qualifying emissions.

"Issue," with respect to emission reduction credits, means to create and provide evidence of the creation of conditional credits or certified credits in the form or manner prescribed by the Department.

"Offset-creation rule" means a state, county, or multi-county district rule that has been approved into the state implementation plan and provides a method for allowing emission reductions from specific activities to qualify as offsets. Rule 242 of the Maricopa County Air Pollution Control Regulations is an example of an offset-creation rule.

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“Offsets” means reductions in emissions required under R18-2-404 or the equivalent rule of a county or multi-county district.

“Pending credits” means emission reduction credits for which an application has been submitted under R18-2-1203, R18-2-1204, or R18-2-1205 but that have not yet been issued as conditional or certified credits.

“Permanent” means that the reduction in qualifying emissions are long-lasting and unchanging for the remaining life of the relevant activity.

“Permitted generator” means a generator that is a stationary source subject to a permit, other than a general permit, issued under A.R.S. § 49-426 or 49-480 and that seeks credits for reductions that are or will be made enforceable through permit condition.

“Plan generator” means a generator that intends to achieve or has achieved reductions in qualifying emissions in compliance with an emission reduction plan under R18-2-1205.

“Planning authority” means the organization responsible for preparing the state implementation plan for an area under A.R.S. § 49-404 or 49-406.

*“Qualifying emissions” means emissions of any conventional air pollutant, other than elemental lead, or any precursor of a conventional air pollutant from any activity. Qualifying emissions does not include emissions from a fleet of motor vehicles if the fleet operates outside of a nonattainment area. A.R.S. § 49-410(H)(2).*

“Quantifiable” means that the amount, rate, and characteristics of a reduction in qualifying emissions can be measured through reliable, replicable methods.

“Real” means that a reduction in qualifying emissions is a reduction in actual emissions released to the air resulting from a physical change or change in the method of operations of a generator.

“Regulatory generator” means a generator that has achieved reductions in qualifying emissions in compliance with an offset-creation rule.

“Surplus” means that a reduction in qualifying emissions is not otherwise required by an applicable requirement and not relied upon in the state implementation plan.

“Ton” includes fraction of a ton as necessary to reflect the total amount of emissions reductions achieved or to be achieved by a generator.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1815, effective March 18, 2002 (Supp. 02-1). Amended by final rulemaking at 25 A.A.R. 1433, effective July 28, 2019 (Supp. 19-2).

**R18-2-1202. Applicability**

- A.** Applicability. This Article applies to the following persons and entities:
1. The owners or operators of generators.
  2. The owners or operators of stationary sources that intend to use credits as offsets.
  3. Other account holders.
  4. Planning authorities.
- B.** Voluntary Participation. The certification of credits and registration of credits in the emissions bank under this article is voluntary and is not a condition to the creation or use of emission reductions as offsets.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1815, effective March 18, 2002 (Supp. 02-1). Amended by final rulemaking at 25 A.A.R. 1433, effective July 28, 2019 (Supp. 19-2).

**R18-2-1203. Certification of Credits for Emission Reductions by Permitted Generators****A. Application.**

1. The owner or operator of a permitted generator may apply for credits for reductions in qualifying emissions at any time after filing either:
  - a. An application for a permit revision seeking the imposition of conditions to make the reductions in qualifying emissions enforceable; or
  - b. A notice of permit termination seeking to make the shutdown of a stationary source, and the resulting reductions in qualifying emissions, enforceable.
2. An application for credits shall be filed with the certification authority on the form prescribed by the Department and shall include:
  - a. The emissions bank account number obtained under R18-2-1206 for the owner or operator;
  - b. Information on the identity, type, ownership, and location of the permitted generator;
  - c. A description of the actions that have resulted or will result in the reductions in qualifying emissions;
  - d. Information on the amount of and methodology for calculating the reductions in qualifying emissions for each pollutant subject to the application;
  - e. Other information necessary to verify that the reductions in qualifying emissions qualify as permanent, quantifiable, surplus, enforceable, and real;
  - f. The actual dates or anticipated dates of the reductions in qualifying emissions, as applicable; and
  - g. A signed statement by a responsible official, as defined in R18-2-301, verifying the truthfulness and accuracy of all information provided in the application.

**B. Notification and Consultation.**

1. If the certification authority is not the permitting authority for the generator, the certification authority shall:
  - a. Provide a copy of the application for credits to the permitting authority; and
  - b. Consult with permitting authority on whether the reductions in qualifying emissions qualify as permanent, quantifiable, enforceable, surplus, and real.
2. If the owner or operator files the application for credits before final action on the permit revision or termination of the permit and the permitting authority for the generator is not the certification authority, the permitting authority shall provide notice of final action on the permit revision or termination of the permit to the certification authority.

**C. Action on Application.**

1. The certification authority shall deny the application for credits if:
  - a. The permitting authority denies the permit revision or termination on which enforceability of the reductions in qualifying emissions is based; or
  - b. None of the reductions in emissions qualify as permanent, quantifiable, surplus, enforceable, and real.
2. The certification authority shall grant the application and issue one certified credit for each ton per year of reduction that qualifies as permanent, quantifiable, surplus, enforceable, and real.

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**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1815, effective March 18, 2002 (Supp. 02-1). Amended by final rulemaking at 25 A.A.R. 1433, effective July 28, 2019 (Supp. 19-2).

**R18-2-1204. Certification of Credits for Emission Reductions by Regulatory Generators****A. Application.**

1. The owner or operator of a regulatory generator may apply for credits for reductions in qualifying emissions at any time after complying with the applicable offset-creation rule.
2. An application for credits shall be filed with the certification authority on the form prescribed by the Department and shall include:
  - a. The emissions bank account number obtained under R18-2-1206 for the owner or operator;
  - b. A copy of a determination of compliance with the offset-creation rule by the agency administering the rule; and
  - c. A signed statement by a responsible official, as defined in R18-2-301, verifying the truthfulness and accuracy of all information provided in the application.

- B. Action on Application.** The certification authority shall grant the application and issue one certified credit for each ton per year of reduction that the agency administering the offset-creation rule has determined to be in compliance with the rule.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1815, effective March 18, 2002 (Supp. 02-1). Amended by final rulemaking at 25 A.A.R. 1433, effective July 28, 2019 (Supp. 19-2).

**R18-2-1205. Certification of Credits for Emission Reductions by Plan Generators; Enforcement**

- A. Application.** The owner or operator of a plan generator may apply for credits for reductions in qualifying emissions by filing an application with the certification authority. The application shall be filed on the form prescribed by the Department and shall include:

1. The emissions bank account number obtained under R18-2-1206 for the owner or operator;
2. Information on the identity, type, ownership, and location of the plan generator;
3. An emission reduction plan satisfying subsection (B); and
4. A signed statement by a responsible official, as defined in R18-2-301, verifying the truthfulness and accuracy of all information provided in the application.

- B. Emission Reduction Plan Contents.** An emission reduction plan for a program to reduce qualifying emissions at a plan generator shall include the following elements:

1. A clearly defined purpose and goal;
2. A clearly defined scope that identifies affected activities and assures that the program will not interfere with any other applicable requirements;
3. The composition of any fleet of mobile sources that will participate in the program;
4. A calculation of baseline emissions;
5. A calculation of projected emissions after implementation of the program;
6. Methods for accounting for uncertainty in the projection of program results;
7. Reliable, replicable procedures for quantifying emissions or emission-related parameters, as appropriate;

8. Monitoring, recordkeeping, and reporting requirements that are consistent with the specified quantification procedures and allow for compliance certification and enforcement;
9. An implementation schedule, administrative system, and enforcement provisions adequate for ensuring enforceability of the program; and
10. Such other elements as the Department may reasonably require in order to assure that reductions in qualifying emissions are permanent, quantifiable, surplus, enforceable, and real.

**C. Proposed Action and Public Process.**

1. The certification authority shall publish notice of the proposed action on an application submitted under this Section in the manner prescribed by A.R.S. § 49-444 and as follows:
  - a. On the website for the certification authority; and
  - b. By mail or email to persons on a mailing list who have requested notice of applications under this Section.
2. By no later than the date public notice is published under subsection (C)(1), the certification authority shall make a copy of the following materials available at a public location in the same county as the proposed program to reduce qualifying emissions, at the closest office of the certification authority, and on the certification authority's website:
  - a. The application, including the emission reduction plan;
  - b. The proposed action;
  - c. The certification authority's analysis in support of the proposed action; and
  - d. All other materials in the certification authority's possession that are relevant to the proposed action.
3. The certification authority shall accept public comment on the proposed action for at least 30 days after the first publication of the notice under subsection (C)(1).
4. The certification authority shall hold a public hearing no sooner than 30 days after the first publication of the notice under subsection (C)(1).
5. The notice shall include the following:
  - a. The identity and location of the applicant;
  - b. A concise description of the program for reducing qualifying emissions;
  - c. The locations at which materials relating to the proposed action are available under subsection (C)(2);
  - d. The date by and manner in which written comments on the proposed action may be submitted; and
  - e. The location, date, and time for the hearing under subsection (C)(4).

**D. Action on Application.**

1. The certification authority shall deny the application for certification if none of the reductions in emissions qualifies as permanent, quantifiable, surplus, enforceable, and real.
2. The certification authority shall grant the application and issue one conditional credit for each ton per year of reductions that qualifies as permanent, quantifiable, surplus, enforceable, and real.

**E. Approval by Administrator.**

1. On grant of an application under subsection (D)(2) by a certification authority other than the Department, the certification authority shall transmit the conditional credits and the associated emission reduction plan to the Department for submission to the Administrator under subsection (E)(2). In addition to the credits and plan, the

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submission shall include all of the elements required for a revision to the state implementation plan under 40 CFR 51.

2. On issuance of conditional credits by the Department under subsection (D)(2) or receipt of conditional credits under subsection (E)(1), the Department shall submit the conditional credits and the associated emission reduction plan to the Administrator for approval as a revision to the state implementation plan.
  3. On final action by the Administrator on the state implementation plan revision submitted under subsection (E)(2), the certification authority shall issue certified credits and revoke conditional credits as necessary to be consistent with the Administrator's action.
- F. Enforcement.** A violation of any provision of an emission reduction plan approved by the Administrator under subsection (E) is a violation of this rule by the owner or operator of the plan generator.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1815, effective March 18, 2002 (Supp. 02-1). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1). Amended by final rulemaking at 25 A.A.R. 1433, effective July 28, 2019 (Supp. 19-2).

**R18-2-1206. Opening Emissions Bank Accounts**

- A.** Any person or entity may open an account in the emissions bank by submitting the form prescribed by the Department.
- B.** The owner or operator of a generator must open an account in the emissions bank before submitting an application under R18-2-1203(A), R18-2-1204(A), or R18-2-1205(A).

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1815, effective March 18, 2002 (Supp. 02-1). Amended by final rulemaking at 25 A.A.R. 1433, effective July 28, 2019 (Supp. 19-2).

**R18-2-1207. Registration of Emission Reduction Credits in Emissions Bank**

- A.** Notice to Department. A certification authority other than the Department shall provide notice on the form prescribed by the Department of the following events related to emissions reduction credits:
  1. Receipt of an application under R18-2-1203(A), R18-2-1204(A), or R18-2-1205(A);
  2. Proposal to issue conditional credits;
  3. Issuance of conditional credits;
  4. Denial of an application for credits;
  5. Issuance of certified credits; and
  6. Revocation or reduction of credits.
- B.** Registration by Department.
  1. The Department shall register pending credits in the emissions bank account for the owner or operator of the generator on:
    - a. Receipt of an application under R18-2-1203(A), R18-2-1204(A), or R18-2-1205(A); or
    - b. Receipt of notice under subsection (A)(1).
  2. The Department shall register conditional credits in the emissions bank account for the owner or operator of the generator on:
    - a. Approval of the application under R18-2-1205(D); or
    - b. Receipt of notice under subsection (A)(3).
  3. The Department shall register certified credits in the emissions bank account for the owner or operator of the generator on:

- a. Issuance of certified credits under R18-2-1203(C)(2), R18-2-1204(B), or R18-2-1205(E)(3).
  - b. Receipt of notice under subsection (A)(5).
4. The Department shall adjust each account in which credits are deposited as necessary to reflect:
    - a. The denial of an application for credits under R18-2-1203(C)(1) or R18-2-1205(D)(1);
    - b. The Administrator's final action on a state implementation plan under R18-2-1205(E);
    - c. The revocation or reduction of credits by a permitting authority or an agency responsible for administering an offset-creation rule.
- C.** Notice of Reductions. If reductions in qualifying emissions represented by credits have not occurred by the time pending credits are registered, the generator shall provide notice to the Department and the certifying authority on the form prescribed by the Department within five days after the reductions are achieved.
- D.** Registration Information. For credits registered in the emissions bank, the Department shall include the following information:
1. The name and contact information of the account holder;
  2. The name, location, and description of the generator;
  3. The name, contact information, and location of the owner or operator of the generator;
  4. For each pollutant covered by the credits, the amount and date or expected date of the reductions;
  5. The status of the credits, including whether the reductions in qualifying emissions represented by the credits have occurred and whether their use has been approved under R18-2-1208(B)(2).

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1815, effective March 18, 2002 (Supp. 02-1). Amended by final rulemaking at 25 A.A.R. 1433, effective July 28, 2019 (Supp. 19-2).

**R18-2-1208. Transfer, Use, and Retirement of Emission Reduction Credits**

- A.** Transfer Procedures.
  1. An account holder may transfer certified credits held in its account to any other account holder by filing the form prescribed by the Department.
  2. On verification of the information in the transfer form, the Department shall adjust the emissions bank accounts of the transferor and transferee to reflect the transfer.
- B.** Use Procedures.
  1. An account holder who intends to use credits held in its account as offsets shall file an application to use the credits on the form prescribed by the Department. The notice shall include:
    - a. Information on the identity, location, ownership, and emissions of the stationary source;
    - b. Specification of the amount of credits to be used;
    - c. Identification of the permitting authority with jurisdiction over the stationary source;
    - d. If the stationary source is seeking a permit revision, the identification number for the permit being revised.
  2. On approval of the application, the Department shall:
    - a. Issue a certificate representing the credits that may be included in the permit or permit revision application of the stationary source;
    - b. Notify the permitting authority of the issuance of the certificate; and
    - c. Change the status of the credits to use approved.



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3. The permitting authority shall provide notice to the Department of final action on the stationary source's application for a permit or permit revision.
4. Reductions in qualifying emissions reflected in the credits must be implemented before actual construction of the new stationary source or modification begins.
5. The Department shall register a withdrawal and use of credits used under subsection (B) on the later of:
  - a. Receipt of notice of approval of the application for a permit or permit revision for the stationary source; or
  - b. Implementation of the reductions reflected in the credits.

**C. Retirement.**

1. An account holder may retire credits in its account without using them as offsets by submitting the form prescribed by the Department.
2. On verification of the information contained in the form, the Department shall register a withdrawal and retirement of the credits from the account.

- D. Continuation of Credits.** Except to the extent otherwise required by the act, certified credits do not expire and continue in effect until withdrawn under subsection (B) or (C).

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1815, effective March 18, 2002 (Supp. 02-1). Section R18-2-1208 renumbered to R18-2-1210; new Section R18-2-1208 made by final rulemaking at 25 A.A.R. 1433, effective July 28, 2019 (Supp. 19-2).

**R18-2-1209. Exclusion of Emission Reduction Credits from Planning**

Except to the extent otherwise required by the act, with regard to credits for emission reductions in an area for which a planning authority has responsibility, the planning authority shall:

1. Include the emissions for which the credits have been issued in the emissions inventory for the area as if reductions in those emissions had not yet occurred;
2. Account for the emissions for which the credits have been issued in any reasonable further progress or attainment demonstration for the area as if the reductions had not yet occurred; and
3. Refrain from relying on the reductions in any revision to the state implementation plan for the area.

**Historical Note**

New Section R18-2-1209 made by final rulemaking at 25 A.A.R. 1433, effective July 28, 2019 (Supp. 19-2).

**R18-2-1210. Fees**

- A.** The owner or operator of a generator shall pay a non-refundable administrative fee of \$200.00 to the Department when submitting an application for certification. This fee is in addition to the fees specified in R18-2-326.
- B.** An account holder using a credit under R18-2-1207(B) shall pay a non-refundable administrative fee of \$200.00 to the Department when submitting the application for use. This fee is in addition to the fees specified in R18-2-326.

**Historical Note**

New Section R18-2-1210 renumbered from R18-2-1208 and amended by final rulemaking at 25 A.A.R. 1433, effective July 28, 2019 (Supp. 19-2).

**ARTICLE 13. STATE IMPLEMENTATION PLAN RULES FOR SPECIFIC LOCATIONS****R18-2-1301. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1295, effective April 2, 2003 (Supp. 03-2). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2856, effective April 30, 2013 (Supp. 13-3).

**R18-2-1302. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1295, effective April 2, 2003 (Supp. 03-2). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2856, effective April 30, 2013 (Supp. 13-3).

**R18-2-1303. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1295, effective April 2, 2003 (Supp. 03-2). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2856, effective April 30, 2013 (Supp. 13-3).

**R18-2-1304. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1295, effective April 2, 2003 (Supp. 03-2). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2856, effective April 30, 2013 (Supp. 13-3).

**R18-2-1305. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1295, effective April 2, 2003 (Supp. 03-2). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2856, effective April 30, 2013 (Supp. 13-3).

**R18-2-1306. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1295, effective April 2, 2003 (Supp. 03-2). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2856, effective April 30, 2013 (Supp. 13-3).

**R18-2-1307. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1295, effective April 2, 2003 (Supp. 03-2). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2856, effective April 30, 2013 (Supp. 13-3).

**PART A. RESERVED****PART B. HAYDEN, ARIZONA, PLANNING AREA****R18-2-B1301. Limits on Lead Emissions from the Hayden Smelter****A. Applicability.**

1. This Section applies to the owner or operator of the Hayden Smelter.
2. Effective date. Except as otherwise provided, the requirements of this Section shall become applicable on the earlier of July 1, 2018 or 180 days after completion of all project improvements authorized by Significant Permit Revision No. 60647.

**B. Definitions.** In addition to general definitions contained in R18-2-101, the following definitions apply to this Section:

1. "ACFM" means actual cubic feet per minute.

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2. "Anode furnace baghouse stack" means the dedicated stack that vents controlled off-gases from the anode furnaces to the Main Stack.
  3. "Blowing" shall mean the introduction of air or oxygen-enriched air into the converter furnace molten bath through tuyeres that are submerged below the level of the molten bath. The flow of air through the tuyeres above the level of the molten bath or into an empty converter shall not constitute blowing.
  4. "Capture system" means the collection of components used to capture gases and fumes released from one or more emission units, and to convey the captured gases and fumes to one or more control devices or a stack. A capture system may include, but is not limited to, the following components as applicable to a given capture system design: duct intake devices, hoods, enclosures, ductwork, dampers, manifolds, plenums, and fans.
  5. "Control device" means a piece of equipment used to clean and remove pollutants from gases and fumes released from one or more emission units that would otherwise be released to the atmosphere. Control devices may include, but are not limited to, baghouses, Electrostatic Precipitators (ESPs), and sulfuric acid plants.
  6. "Hayden Smelter" means the primary copper smelter located in Hayden, Gila County, Arizona at latitude 33°0'15"N and longitude 110°46'31"W.
  7. "Main Stack" means the center and annular portions of the 1,000-foot stack, which vents controlled off-gases from the INCO flash furnace, the converters, and anode furnaces and also vents exhaust from the tertiary hoods.
  8. "SCFM" means standard cubic feet per minute.
  9. "SLAMS monitor" means an ambient air monitor part of the State and Local Air Monitoring Stations network operated by State or local agencies for the purpose of demonstrating compliance with the National Ambient Air Quality Standards.
  10. "Smelting process-related fugitive lead emissions" means uncaptured and/or uncontrolled lead emissions that are released into the atmosphere from smelting copper in the INCO flash furnace, converters, and anode furnaces.
- C. Emission limit. Main Stack lead emissions shall not exceed 0.683 pound of lead per hour.
- D. Operational Standards.
1. Process equipment and control device operations. At all times, including periods of startup, shutdown, and malfunction, the owner or operator shall, to the extent practicable, maintain and operate smelter processes and associated emission capture and/or control equipment in a manner consistent with good air pollution control practices for minimizing lead emissions to the level required by subsection (C). Determination of whether acceptable operating and maintenance procedures are being used shall be based on all information available to the Department and EPA Region IX, which may include, but is not limited to, monitoring results, review of operating and maintenance procedures and records, and inspection of the relevant equipment.
  2. Capture system and control device operations and maintenance plan. The owner or operator shall develop and implement an operations and maintenance plan for each capture system and/or control device used to ventilate or control process gas or emissions from the flash furnace, including matte tapping, slag skimming and slag return operations; converter primary hoods, converter secondary hoods, tertiary ventilation system; and anode refining operations. The operations and maintenance plan must address the following requirements as applicable to each capture system and/or control device.
    - a. Monitoring devices. The plan shall provide for installation, operation, calibration, and maintenance of appropriate monitoring devices to measure and record operating limit values or settings at all times the required capture and control system is operating, except during periods of monitor calibration, repair, and malfunction. The initial plan shall provide for volumetric flow monitoring on the vent gas baghouse (inlet or outlet), each converter primary hood, each converter secondary hood, the tertiary ventilation system, and the anode furnace baghouse (inlet or outlet). All monitoring devices shall be accurate within +/- 10% and calibrated according to manufacturer's instructions. If direct measurement of the exhaust flow is infeasible due to physical limitations or exhaust characteristics, the owner or operator may propose a reliable equivalent method for approval. Initial monitoring may be adjusted as provided in subsection (D)(2)(e). Dampers that are manually set and remain in the same position while the capture system is operating are exempt from these monitoring requirements. Capture system damper position setting(s) shall be specified in the plan.
    - b. Operational limits. The owner or operator shall establish operating limits in the operations and maintenance plan for the capture systems and/or control devices that are representative and reliable indicators of the performance of the capture system and control device operations. Initial operating limits may be adjusted as provided in subsection (D)(2)(e). Initial operating limits shall include the following:
      - i. A minimum air flow for the furnace ventilation system and associated damper positions for each matte tapping hood or slag skimming hood when operating to ensure that the operation(s) are within the confines or influence of the capture system.
      - ii. A minimum air flow for the secondary hood baghouse and associated damper positions for each slag return hood to ensure that the operation is within the confines or influence of the capture system's ventilation draft during times when the associated process is operating.
      - iii. A minimum air infiltration ratio for the converter primary hoods of 1:1 averaged over 24 converter Blowing hours, rolled hourly measured as volumetric flow in primary hood less the volumetric flow of tuyere Blowing compared to the volumetric flow of tuyere Blowing.
      - iv. A minimum secondary hood exhaust rate of 35,000 SCFM during converter Blowing, averaged over 24 converter Blowing hours, rolled hourly.
      - v. A minimum secondary hood exhaust rate of 133,000 SCFM during all non-Blowing operating hours, averaged over 24 non-Blowing hours, rolled hourly.
      - vi. A minimum negative pressure drop across the secondary hood when the doors are closed equivalent to 0.007 inches of water.
      - vii. A minimum exhaust rate on the tertiary hooding of 400,000 ACFM during all times material

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- is processed in the converter aisle, averaged over 24 hours and rolled hourly.
- viii. Fan amperes or minimum air flow for the anode furnace baghouse and associated damper positions for each anode furnace hood to ensure that the anode furnace off-gas port is within the confines or influence of the capture system's ventilation draft during times when the associated furnace is operating.
  - ix. The anode furnace charge mouth shall be kept covered when the tuyeres are submerged in the metal bath except when copper is being charged to or transferred from the furnace.
- c. Preventative maintenance. The owner or operator shall perform preventative maintenance on each capture system and control device according to written procedures specified in the operations and maintenance plan. The procedures must include a preventative maintenance schedule that is consistent with the manufacturer's or engineer's instructions, or operator's experience working with the equipment, and frequency for routine and long-term maintenance. This provision does not prohibit additional maintenance beyond that required by the plan.
  - d. Inspections. The owner or operator shall perform inspections in accordance with written procedures in the operations and maintenance plan for each capture system and control device that are consistent with the manufacturer's, engineer's, or operator's instructions for each system and device.
  - e. Plan development and revisions.
    - i. The owner or operator shall develop and keep current the plan required by this Section. Any plan or plan revision shall be consistent with this Section, shall be designed to ensure that the capture and control system performance conforms to the attainment demonstration in the Hayden 2008 Lead National Ambient Air Quality Standards Nonattainment Area State Implementation Plan (SIP), and shall be submitted to the Department for review. Any plan or plan revision submitted shall include the associated manufacturer's, engineer's or operator's recommendations and/or instructions used for capture system and control device operations and maintenance.
    - ii. The owner or operator shall submit the initial plan to the Department no later than May 1, 2018 and shall include the initial volumetric flow monitoring provisions in subsection (D)(2)(a), the initial operational limits in subsection (D)(2)(b), the preventative maintenance procedures in subsection (D)(2)(c), and the inspection procedures in subsection (D)(2)(d).
    - iii. The owner or operator shall submit to the Department for approval a plan revision with changes, if any, to the initial volumetric flow monitoring provisions in subsection (D)(2)(a) and initial operational limits in subsection (D)(2)(b) not later than six months after completing a fugitive emissions study conducted in accordance with Appendix 14. The Department shall submit the approved changes to the volumetric flow monitoring provisions and operational limits pursuant to this subsection to EPA Region IX as a SIP revision not later than 12 months after completion of a fugitive emissions study.
    - iv. Other plan revisions may be submitted at any time when necessary. All plans and plan revisions shall be designed to achieve operation of the capture system and/or control device consistent with the attainment demonstration in the Hayden 2008 Lead National Ambient Air Quality Standards Nonattainment Area SIP. Except for changes to the volumetric flow monitoring provisions in subsection (D)(2)(a) and operational limits in subsection (D)(2)(b), which shall require prior approval, plans and plan revisions may be implemented upon submittal and shall remain in effect until superseded or until disapproved by the Department. Disapprovals are appealable Department actions.
- 3. Emissions from the anode furnace baghouse stack shall be routed to the Main Stack.
- E. Performance Test Requirements.
- 1. Main stack performance tests. No later than 180 calendar days after completion of all Converter Retrofit Project improvements authorized by Significant Permit Revision No. 60647, the owner or operator shall conduct initial performance tests on the following:
    - a. the gas stream exiting the anode furnaces baghouse prior to mixing with other gas streams routed to the Main Stack.
    - b. the gas stream exiting the acid plant at a location prior to mixing with other gas streams routed to the Main Stack.
    - c. the gas stream exiting the secondary baghouse at a location prior to mixing with other gas streams routed to the Main Stack.
    - d. the gas stream collected by the tertiary hooding at a location prior to mixing with other gas streams routed to the Main Stack.
    - e. the gas stream exiting the vent gas baghouse at a location prior to mixing with other gas streams routed to the Main Stack.
  - 2. Subsequent performance tests on the gas streams specified in subsection (E)(1) shall be conducted at least annually.
  - 3. Performance tests shall be conducted under such conditions as the Department specifies to the owner or operator based on representative performance of the affected sources and in accordance with 40 CFR 60, Appendix A, Reference Method 29.
  - 4. At least 30 calendar days prior to conducting a performance test pursuant to subsection (E)(1), the owner or operator shall submit a test plan, in accordance with R18-2-312(B) and the Arizona Testing Manual, to the Department for approval. The test plan must include the following:
    - a. Test duration;
    - b. Test location(s);
    - c. Test method(s), including those for test method performance audits conducted in accordance with subsection (E)(6); and
    - d. Source operation and other parameters that may affect the test result.
  - 5. The owner or operator may use alternative or equivalent performance test methods as defined in 40 CFR § 60.2 when approved by the Department and EPA Region IX, as applicable, prior to the test.

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6. The owner or operator shall include a test method performance audit during every performance test in accordance with 40 CFR § 60.8(g).
- F. Compliance Demonstration Requirements.**
1. For purposes of determining compliance with the Main Stack emission limit in subsection (C), the owner or operator shall calculate the combined lead emissions in pounds per hour from the gas streams identified in subsection (E)(1) based on the most recent performance tests conducted in accordance with subsection (E).
  2. The owner or operator shall determine compliance with the requirements in subsection (D)(2) as follows:
    - a. Maintaining and operating the emissions capture and control equipment in accordance with the capture system and control device operations and maintenance plan required in subsection (D)(2) and recording operating parameters for capture and control equipment as required in subsection (D)(2)(b); and
    - b. Conducting a fugitive emissions study in accordance with Appendix 14 starting not later than six months after completion of the Converter Retrofit Project authorized by Significant Permit Revision No. 60647. The fugitive emissions study shall demonstrate, as set forth in Appendix 14, that fugitive emissions from the smelter are consistent with estimates used in the attainment demonstration in the Hayden 2008 Lead National Ambient Air Quality Standards Nonattainment Area SIP.
  3. The owner or operator shall include periods of startup, shutdown, malfunction, or other upset conditions when determining compliance with the emission limit in subsection (C).
- G. Recordkeeping.** The owner or operator shall maintain the following records for at least five years and keep on-site for at least two years:
1. All records as specified in the operations and maintenance plan required under subsection (D)(2).
  2. All records of major maintenance activities and inspections conducted on emission units, capture systems, monitoring devices, and air pollution control equipment, including those set forth in the operations and maintenance plan required by subsection (D)(2).
  3. All records of performance tests, test plans, and audits required by subsection (E).
  4. All records of compliance calculations required by subsection (F).
  5. All records of fugitive emission studies and study protocols conducted in accordance with Appendix 14.
  6. All records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of concentrate drying, smelting, converting, anode refining, and casting emission units; and any malfunction of the associated air pollution control equipment that is inoperative or not operating correctly.
  7. All records of reports and notifications required by subsection (H).
- H. Reporting.** The owner or operator shall provide the following to the Department:
1. Notification of commencement of construction of any equipment necessary to comply with the operational or emission limits.
  2. Semiannual progress reports on construction of any such equipment postmarked by July 30 for the preceding January-June period and January 30 for the preceding July-December period.
3. Notification of initial startup of any such equipment within 15 business days of such startup.
  4. Whenever the owner or operator becomes aware of any exceedance of the emission limit set forth in subsection (C), the owner or operator shall notify the Department orally or by electronic or facsimile transmission as soon as practicable, but no later than two business days after the owner or operator first knew of the exceedance.
  5. Within 30 days after the end of each calendar-year quarter, the owner or operator shall submit a quarterly report to the Department for the preceding quarter that shall include dates, times, and descriptions of deviations when the owner or operator operated smelting processes and related control equipment in a manner inconsistent with the operations and maintenance plan required by subsection (D)(2).
  6. Reports from performance testing conducted pursuant to subsection (E) shall be submitted to the Department within 60 calendar days of completion of the performance test. The reports shall be submitted in accordance with the Arizona Testing Manual and A.A.C. R18-2-312(A).

**Historical Note**

New Section R18-2-B1301 made by final rulemaking at 23 A.A.R. 767, effective on the earlier of July 1, 2018, or 180 calendar days after completion of all Converter Retrofit Project improvements authorized by Significant Permit Revision No. 60647 (Supp. 17-1).

**R18-2-B1301.01.Limits on Lead-Bearing Fugitive Dust from the Hayden Smelter**

- A. Applicability.**
1. This Section applies to the owner or operator of the Hayden Smelter.
  2. Effective Date. Except as otherwise provided, the requirements of this Section shall become applicable on December 1, 2018.
- B. Definitions.** In addition to definitions contained in R18-2-101 and R18-2-B1301, the following definitions apply to this Section:
1. "Acid plant scrubber blowdown drying system" means the process in which Venturi scrubber blowdown solids are dried and packaged via a thickener, filter press, electric dryer, and supersack filling stations.
  2. "Control measure" means a piece of equipment used, or actions taken, to minimize lead-bearing fugitive dust emissions that would otherwise be released to the atmosphere. Control equipment may include, but are not limited to, wind fences, chemical dust suppressants, and water sprayers. Actions may include, but are not limited to, relocating sources, curtailing operations, or ceasing operations.
  3. "Hayden Lead Nonattainment Area" means the townships in Gila and Pinal Counties, as identified and codified in 40 CFR § 81.303, that are designated nonattainment for the 2008 Lead National Ambient Air Quality Standards.
  4. "High wind event" means any period of time beginning when the average wind speed, as measured at a meteorological station maintained by the owner or operator that is approved by the Department, is greater than or equal to 15 mph over a 15 minute period, and ending when the average wind speed, as measured at the approved meteorological station maintained by the owner or operator, falls below 15 mph over a 15 minute period.
  5. "Lead-bearing fugitive dust" means uncaptured and/or uncontrolled particulate matter containing lead that is

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entrained in the ambient air and is caused by activities, including, but not limited to, the movement of soil, vehicles, equipment, and wind.

6. "Material pile" means material, including concentrate, uncrushed reverts, crushed reverts, and bedding material, that is stored in a pile outside a building or warehouse and is capable of producing lead-bearing fugitive dust.
7. "Non-smelting process sources" means sources of lead-bearing fugitive dust that are not part of the hot metal process, which includes smelting in the INCO flash furnace, converting, and anode refining and casting. Non-smelting process sources include storage, handling, and unloading of concentrate, uncrushed reverts, crushed reverts, and bedding material; acid plant scrubber blowdown solids; and paved and unpaved roads.
8. "Ongoing visible emissions" means observed emissions to the outside air that are not brief in duration.
9. "Road" means any surface on which vehicles pass for the purpose of carrying people or materials from one place to another in the normal course of business at the Hayden Smelter.
10. "Slag" means the inorganic molten material that is formed during the smelting process and has a lower specific gravity than copper-bearing matte.
11. "Slag hauler" means any vehicle used to transport molten slag.
12. "Storage and handling" means all activities associated with the handling and storage of materials that take place at the Hayden Smelter, including, but not limited to, stockpiling, transport on conveyor belts, transport or storage in rail cars, crushing and milling, arrival and handling of offsite concentrate, bedding, and handling of reverts.
13. "Trackout/carry-out" means any materials that adhere to and agglomerate on the surfaces of motor vehicles, haul trucks, and/or equipment (including tires) and that may then fall onto the road.

C. Operational Standards.

1. Equipment operations. At all times, the owner or operator shall operate and maintain all non-smelting process sources, including all associated air pollution control equipment, control measures, and monitoring equipment, in a manner consistent with good air pollution control practices for minimizing lead-bearing fugitive dust, and in accordance with the fugitive dust plan required by subsection (C)(2) and performance and housekeeping requirements in subsection (D). A determination of whether acceptable operating and maintenance procedures are being used shall be based on all available information to the Department and EPA Region IX, which may include, but is not limited to, monitoring results, review of operating and maintenance procedures and records, review of fugitive dust plans, and inspection of the relevant equipment.
2. Fugitive dust plan. The owner or operator shall develop, implement, and follow a fugitive dust plan that is designed to minimize lead-bearing fugitive dust from non-smelting process sources. At minimum, the fugitive dust plan shall contain the following:
  - a. Performance and housekeeping requirements in subsection (D).
  - b. Design plans and specifications for each wind fence to be installed to control lead-bearing fugitive dust from non-smelting process sources identified in subsections (D)(11) through (D)(14). The dust plan shall contain height limits for the materials being stored in each wind fence, consistent with the design

plans and specifications for that particular wind fence. Wind fence design and specifications shall:

- i. Require full encircling of the source to be controlled, with reasonable and sufficient openings for ingress and egress;
  - ii. Consider the orientation of the wind fence to the prevailing winds;
  - iii. Consider the strength of the winds in the area where the fence will be located;
  - iv. Consider the porosity of the material to be used, which shall not exceed 50%; and
  - v. Consider the height of the fence relative to the height of the material being stored. At minimum, wind fence height shall be greater than or equal to the material pile height.
- c. Design plans and specifications for each new or modified water sprayer system used to control lead-bearing fugitive dust from non-smelting process sources specified in subsections (D)(11) through (D)(14). The number, type, location, watering intensity, flow rates, and other operational parameters of the water sprayers must meet moisture content objectives for sources specified in subsections (D)(11) through (D)(14). The owner or operator may include in the dust plan an exemption to the water requirements at times when the materials are sufficiently moist or it is raining and thus there is no need for additional wetting until the next scheduled watering to meet moisture content objectives. The dust plan shall include the following for each water sprayer:
- i. Watering schedule;
  - ii. Watering intensity;
  - iii. Minimum flow rate or pressure drop;
  - iv. Appropriate and/or continuous monitoring;
  - v. Schedule for calibration based on the manufacturer's recommended calibration schedule;
  - vi. Preventative maintenance schedule; and
  - vii. Other applicable operational parameters.
- d. Necessary improvements and/or modifications to material conveyor systems, along with a schedule for implementing improvements or modifications, targeted to minimize lead-bearing fugitive dust from non-smelting process sources specified in subsections (D)(11) through (D)(14), as applicable, to the greatest extent practicable. The improvements or modifications may include, but is not limited to, hooding of transfer points, utilizing water sprayers, and employing scrapers, brushes, or cleaning systems at all points where belts loop around themselves to catch and contain material before it falls to the ground.
- e. Design plans for the concrete pads for the non-smelting process sources specified in subsections (D)(11) and (D)(13). The concrete pads shall be designed to capture, store, and control stormwater or sprayed water to minimize emissions to the greatest extent practicable, including curbing around the outer edges of the concrete pad where feasible.
- f. Additional controls and measures for sources specified in subsections (D)(11) through (D)(14) to be implemented during high wind events. These additional controls or measures, which must include curtailment or other alteration of activity when appropriate, must be implemented at these sources during all periods of high wind.

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- g. Sample inspection sheets, checklists, or logsheets for each of the inspections identified in subsection (D)(6), and in accordance with the following:
    - i. The inspection sheets or checklists shall include:
      - (1) Specific descriptions of the equipment being inspected and the specific functions being evaluated;
      - (2) The findings of the inspection;
      - (3) The date, time, and location of inspections; and
      - (4) An identification of who performed the inspection or logged the results.
    - ii. The logsheets for high wind events shall include:
      - (1) High wind event start time;
      - (2) High wind event end time;
      - (3) Description of area or activity inspected; and
      - (4) Description of corrective action taken if necessary.
  - h. Design plans of the new acid plant scrubber blow-down drying system specified in subsection (D)(15).
  - i. The name and location of the meteorological station, which must be approved by the Department, that is to be used by the owner or operator for determining high wind events pursuant to subsection (B)(4) and for implementing control requirements pursuant to subsection (D)(5).
3. Plan development and revisions. The owner or operator shall develop and keep current the fugitive dust plan required by subsection (C)(2). Any plan or plan revision shall be consistent with this Section and shall be submitted to the Department for review. The initial plan shall be submitted to the Department for review no later than May 1, 2017. Plans and plan revisions shall be consistent with good air pollution control practice for fugitive dust. Except for the meteorological station to be used for high wind events pursuant to subsection (D)(5), which shall require prior approval, plans and plan revisions may be implemented upon submittal and shall remain in effect until superseded or until disapproved by the Department. Disapprovals are appealable Department actions.
- D. Performance and Housekeeping Requirements.** The owner or operator shall comply with these requirements at all times regardless of a fugitive dust plan.
- 1. Water sprayers. The owner or operator shall implement a recordkeeping system to capture sprayer operations, including identification of the particular operation, lead-bearing fugitive dust source, timing and intensity of watering, and data regarding the quantity of water used at each water sprayer.
  - 2. Wind fences. The owner or operator shall ensure that wind fences used to control lead-bearing fugitive dust from the non-smelting process sources specified in subsections (D)(11) through (D)(14) meet the following requirements:
    - a. Wind fence height shall be greater than or equal to the material pile height. The allowed material pile height shall be posted in a readily visible location at each wind fence.
    - b. Wind fence porosity shall not exceed 50%.
  - 3. Material conveyor systems. For sources specified in subsections (D)(11) through (D)(14), as applicable, the owner or operator shall:
    - a. Minimize conveyor drop heights to the greatest extent practicable.
    - b. Clean any spills from conveyors within 30 minutes of discovery. The material collected must be handled in such a way so as to minimize lead-bearing fugitive dust to the maximum extent practicable.
  - 4. Vehicle transport of materials. The owner or operator shall maintain vehicle cargo compartments used to transport materials capable of producing lead-bearing fugitive dust so that the cargo compartment is free of holes or other openings and is covered by a tarp.
  - 5. High wind event requirements.
    - a. During high wind events, the owner or operator shall evaluate the non-smelting process sources specified in subsections (D)(11) through (D)(14) for ongoing visible emissions using the appropriate logsheet for each source.
    - b. If ongoing visible emissions are observed, the owner or operator shall promptly wet the source of emissions with the objective of mitigating further emissions.
    - c. If wetting does not appear to mitigate the ongoing visible emissions to 20% opacity or less, the owner or operator shall postpone associated handling of the source until the high wind event has ceased.
  - 6. Physical inspections. The owner or operator shall conduct physical inspections as follows:
    - a. Daily inspections of all water sprayers to make sure they are functioning and are in accordance with the dust plan;
    - b. Daily visual inspections of all material piles to make sure they are maintained within areas protected by a wind fence, that they are not higher than allowed for the wind fence, and to verify that moisture content requirements are met;
    - c. Daily inspections of all material handling areas to identify and clean up track out or spills of materials;
    - d. Daily inspections of conveyor systems to identify and clean up material spills;
    - e. Daily inspections of rumble grates sump levels;
    - f. Daily spot inspections of vehicles carrying lead-bearing fugitive dust-producing materials when vehicles are in use to ensure that material is not overloaded, is properly covered, and cargo compartments are intact;
    - g. Weekly inspections of wind fences for material integrity and structural stability;
    - h. Daily inspections of all paved roads to identify and clean up track out or spills of materials;
    - i. Daily inspections of unpaved roads in subsection (D)(10)(a) to identify areas where chemical dust suppressant coverage has broken down; and
    - j. Bi-weekly inspections of the acid plant scrubber blowdown drying system enclosure.
  - 7. Opacity limit and Method 9 readings.
    - a. Opacity from lead-bearing fugitive dust emissions shall not exceed 20% from any part of the facility at any time. Opacity shall be determined by using 40 CFR 60, Appendix A, Reference Method 9, except for unpaved roads, in which opacity shall be determined pursuant to subsection (D)(10)(c).
    - b. In the event that an employee observes ongoing visible emissions at a non-smelting process source covered by this Section, that employee shall promptly contact a Reference Method 9-certified observer,

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- who shall promptly evaluate the emissions and conduct a Reference Method 9 reading, if possible.
- c. A Reference Method 9-certified observer shall conduct a weekly visible emissions survey of all non-smelting process sources covered by this Section and perform a Reference Method 9 reading for any plumes that on an instantaneous basis appear to exceed 15% opacity.
8. Corrective actions.
    - a. At any time that visible emissions from the non-smelting process sources covered by this Section appear to exceed 15% opacity, the owner or operator shall take prompt corrective action to identify the source of the emissions and abate such emissions, with the corrective action starting within 30 minutes after discovery. For any non-smelting process source that produces visible emissions that appear to exceed 15% opacity, the owner or operator shall perform an analysis of the root cause, and implement a strategy designed to prevent, to the extent feasible, the ongoing recurrence of the source of visible emissions. Within 14 days of completion of its analysis, if appropriate, the owner or operator shall modify the fugitive dust plan in subsection (C)(2) for any changes identified from the analysis differing from the current provisions of the fugitive dust plan.
    - b. At any time that the owner or operator becomes aware that provisions of the fugitive dust plan and/or performance and housekeeping provisions required by this Section are not being met, the owner or operator shall take prompt action to return to compliance, which may include modifications to monitoring, recordkeeping, and reporting requirements in the fugitive dust plan. This includes, but is not limited to, the following actions:
      - i. Return water sprayers to full operational status;
      - ii. Repair damaged conveyor hoodings or other enclosures;
      - iii. Apply additional water to ensure that sources are meeting moisture content requirements;
      - iv. Clean any trackout or spillage of dust-producing material, including dropoff of dust producing material from conveyors, using a street sweeper, vacuum, or wet broom with sufficient water and at the speed recommended by the manufacturer;
      - v. Reapplication of chemical dust suppressants in areas where the coating has broken down on unpaved roads; and
      - vi. Revisions to the fugitive dust plan to undertake improved monitoring, recordkeeping, and reporting requirements necessary to ensure that the controls contained in the fugitive dust plan are being implemented as contemplated by the fugitive dust plan.
  9. Paved Roads. These requirements apply to all roads at the facility currently paved and roads to be paved in the future. The owner or operator shall:
    - a. Clean roads at least once daily with a sweeper, vacuum, or wet broom in accordance with applicable manufacturer recommendations.
    - b. Maintain the integrity of the road surface.
    - c. Clean up trackout and carry-out of material on the following schedule:
      - i. As expeditiously as practicable, when trackout and carry-out extends a cumulative distance of 50 linear feet or more; and
      - ii. At the end of the workday, for all other trackout and carry-out.
    - d. Comply with a speed limit not to exceed 15 mph for all vehicular traffic. At minimum, speed limit signs shall be posted at all entrances and truck loading and unloading areas and/or at conspicuous areas along the roadway.
  10. Unpaved Roads. These requirements apply to the unpaved roads identified in subsections (D)(10)(a)(i) through (D)(10)(a)(iii) below, including any access points where the unpaved roads adjoin paved roads and any areas of vehicular handling of material. The owner or operator shall:
    - a. Implement a chemical dust suppressant application intensity and schedule, which at minimum shall be:
      - i. For the slag hauler road and all other unpaved roads used or to be used by the slag hauler, chemical dust suppressant shall be applied at least once per week during the summer, and once per every two weeks during the winter.
      - ii. For the main road to the secondary crusher, chemical dust suppressant shall be applied at least once every six weeks, year-round.
      - iii. For unpaved roads near reverts and silica flux crushing operations, chemical dust suppressant shall be applied at least once per two weeks during the summer, and once per month in the winter.
    - b. Increase the frequency of chemical dust suppressant application if necessary to reduce fugitive dust emissions from unpaved roads.
    - c. Not allow visible emissions to exceed 20% opacity and shall not allow silt loading equal to or greater than 0.33 oz/ft<sup>2</sup>. However, if silt loading is equal to or greater than 0.33 oz/ft<sup>2</sup>, then the owner or operator shall not allow the average percent silt content to exceed 6%. Compliance with these requirements shall be determined by the test methods described in Appendix 15.
    - d. Maintain sufficient watering trucks and personnel to operate such trucks to be employed as an interim measure whenever visible emissions or a breakdown in dust suppressant covering are observed at any point along the treated unpaved road system.
    - e. Immediately, but no later than 30 minutes after initial observation of any visible emissions, apply water or chemical dust suppressant to the portion of the unpaved road where the visible emissions were observed.
    - f. Reapply chemical dust suppressant within 24 hours of discovery of any area where the surface chemical dust suppressant coverage has broken down.
    - g. Collect and prevent from becoming airborne any runoff or material from rinsing or sweeping as soon as practicable.
    - h. Comply with a speed limit not to exceed 15 mph for all vehicular traffic. At minimum, speed limit signs shall be posted at all entrances and truck loading and unloading areas and/or at conspicuous areas along the roadway.
  11. Concentrate Storage, Handling, and Unloading. The owner or operator shall:

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- a. Consolidate and manage all concentrate storage piles in one or more concrete storage pads.
  - b. Store concentrate in an area with a wind fence in accordance with requirements set forth in the fugitive dust plan and pursuant to subsection (D)(2).
  - c. Maintain water sprayers in accordance with requirements set forth in the fugitive dust plan and to ensure the surfaces of concentrate piles are wetted to maintain a nominal 10% surface moisture content as determined from representative samples using ASTM Method D2216-10 or other equivalent methods approved by the Department and EPA Region IX.
  - d. Minimize the footprint of the concentrate storage piles by pushing into the stockpile with a front end loader and sweeping open areas of the pads with a self-powered vacuum sweeper at least daily during use.
12. Uncrushed Reverts Handling and Storage. The owner or operator shall:
  - a. Manage uncrushed revert material only in areas protected by a wind fence in accordance with requirements set forth in the fugitive dust plan and pursuant to subsection (D)(2).
  - b. Maintain water sprayers in accordance with requirements set forth in the fugitive dust plan and to ensure the surface of uncrushed revert material is wetted with the objective to minimize lead-bearing fugitive dust emissions to the greatest extent practicable.
13. Reverts Crushing Operations and Crushed Reverts Storage. The owner or operator shall:
  - a. Crush revert and store crushed revert only on one or more concrete pads.
  - b. Crush revert and store crushed revert only within an area protected by a wind fence in accordance with requirements set forth in the fugitive dust plan and pursuant to subsection (D)(2).
  - c. Maintain water sprayers in accordance with requirements set forth in the fugitive dust plan and to ensure the surfaces of all crushed revert material, including revert managed after it is crushed, is wetted to maintain a nominal 10% surface moisture content as determined from representative samples using ASTM Method D2216-10 or other equivalent methods approved by the Department and EPA Region IX.
  - d. By October 2017, relocate all revert crushing operations to 33° 00' 25.84" N, 110° 46' 26.55" W and shall crush revert only at this new location.
14. Bedding Operations, Including Handling, Storage, and Unloading. The owner or operator shall:
  - a. Perform all bedding activities, including loading and unloading of materials to be blended, only within an area protected by a wind fence in accordance with requirements set forth in the fugitive dust plan and pursuant to subsection (D)(2). These activities include the storage and handling areas for potentially lead-bearing fugitive dust-producing material within the bedding plant area.
  - b. Maintain water sprayers in accordance with requirements set forth in the fugitive dust plan and to ensure the surfaces of material in the bedding area is wetted to maintain a nominal 10% surface moisture content as determined from representative samples using ASTM Method D2216-10 or other equivalent methods approved by the Department and EPA Region IX.
  - c. Maintain rumble grates at all of the bedding plant's entrances and exits to shake off material on the loader tires as they enter and exit the area. Material that is tracked out of the bedding area must be cleaned up at the end of the workday.
  - d. Operate its bedding activities in a manner designed to avoid any trackout outside an area protected by a wind fence. Areas of material spillage or trackout, whether inside or outside of an area protected by a wind fence, shall be rinsed or cleaned daily.
15. Acid Plant Scrubber Blowdown Drying System.
  - a. The owner or operator shall dry acid plant scrubber blowdown solids only in an enclosed system that uses a venturi scrubber, thickener, filter press, and electric dryer that is maintained under negative pressure at all times that materials are being dried.
  - b. The owner or operator shall maintain the negative pressure of the electric dryer using a 2,500 ACFM dryer ventilation fan that must run at all times the electric dryer is operational. Monitoring of the negative pressure shall be demonstrated through the run and stop states of the ventilation fan and electric dryer.
  - c. The acid plant scrubber blowdown drying system shall include the following elements:
    - i. Venturi scrubber slurry that reports to a new thickener.
    - ii. Underflow from the thickener that goes to a filter press for further liquid removal, with the resulting filter cake sent to two electric dryers operating in parallel to provide final drying of the dust cake.
    - iii. Exhaust from the dryers sent to the packed gas cooling tower inlet duct.
    - iv. Dried cake discharged directly into bags.
  - d. The owner or operator shall clean all areas previously used for scrubber blowdown drying and no longer use previous areas for scrubber blowdown drying.
- E. Contingency Requirements.
  1. If the owner or operator does not meet the compliance schedule below in subsection (E)(3), or if the Hayden Lead Nonattainment Area does not attain the 2008 Lead National Ambient Air Quality Standards by the attainment date established in the Act, whichever occurs first, then the owner or operator shall increase the paved road cleaning frequency specified in subsection (D)(9) to twice per day.
  2. The owner or operator shall implement the contingency measure in subsection (E)(1) within 60 days of notification by EPA Region IX of either a failure to meet the compliance schedule in subsection (E)(3) or a failure to attain by the attainment date established in the Act, whichever occurs first.
  3. The compliance schedule is as follows. The Fugitive Dust Plan referred to in the compliance schedule shall mean the Fugitive Dust Plan submitted to the Administrator by the owner or operator to comply with requirements set forth in Consent Decree No. CV-15-02206-PHX-DLR, which became effective on December 30, 2015 in the United States District Court for the District of Arizona, as that plan may be later revised pursuant to subsection (C)(3):



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Control Measure	Date of Implementation
Implementation of chemical dust suppression for unpaved roads.	Within 30 days of Administrator approval of application intensity and schedules in Fugitive Dust Plan.
Implementation of wind fences for materials piles (uncrushed reverts, reverts crushing and crushed reverts, bedding materials, and concentrate).	Within 120 days of Administrator approval of the Fugitive Dust Plan or the date of completion in the approved Fugitive Dust Plan, whichever is later.
Implementation of water sprays for materials piles (uncrushed reverts, reverts crushing and crushed reverts, bedding materials, and concentrate).	Within 120 days of Administrator approval of the Fugitive Dust Plan or the date of completion in the approved Fugitive Dust Plan, whichever is later.
Implementation of new acid plant scrubber blowdown drying system.	November 30, 2016
Implementation of new primary, secondary, and tertiary hooding systems for converter aisle for purposes of complying with requirements in R18-2-B1301.	July 1, 2018
Implementation of new ventilation system for matte tapping and slag skimming for flash furnace for purposes of complying with requirements in R18-2-B1301.	July 1, 2018

**F. Ambient Air and Meteorological Monitoring Requirements.****1. The owner or operator shall conduct ambient air monitoring and sampling for lead as follows:**

- a. At minimum, the owner or operator shall continue to maintain and operate the ambient lead monitors located at ST-14 (the smelter parking lot), ST-23 (Hillcrest area), ST-26 (post office), and ST-18 (next to the concentrate handling area).
- b. Samples must be collected continuously at all monitor sites specified in subsection (F)(1)(a). For the purposes of this requirement, "continuously" means that 24-hour filters are placed and collected at minimum, every six calendar days at all sites consistent with 40 CFR § 58.12.
- c. The owner or operator shall follow the Hayden Smelter's Quality Assurance Project Plan (QAPP) applicable to these monitors.
- d. The monitors must be operated and maintained in accordance with 40 CFR 58, Appendix A.
- e. The owner or operator shall submit each filter removed from each monitor to a certified laboratory for analysis no later than 18 calendar days after the filter's removal. The owner or operator shall ensure that the laboratory performs its analysis and submits the results to the owner or operator no later than 21 calendar days from the lab's receipt of the filter.
- f. The owner or operator shall calculate, update, and maintain as a record the following data within 14 calendar days of receipt of any results pertaining to the monitor filters received from a certified lab:
  - i. The total pollutants on the filters collected and analyzed; and
  - ii. Calculations of 30-day rolling average ambient air levels of lead for the ST-23, ST-26, and ST-18 monitors, and 60-day rolling average ambient air levels of lead for the ST-14 monitor, expressed as  $\mu\text{g}/\text{m}^3$ .
- g. The owner or operator shall retain lead samples collected pursuant to this Section for at least three

years. The samples shall be stored in individually sealed containers and labeled with the applicable monitor and date. Upon request, the samples shall be provided to the Department within five business days.

**2. The owner or operator shall conduct meteorological monitoring as follows:**

- a. Continuously monitor and record wind speed and direction data using equipment and a meteorological station approved by the Department.
- b. The owner or operator shall calculate and record average wind speed in miles per hour over 15 minutes, rolled each minute.
- c. Conduct wind speed and direction measurements using methods in accordance with EPA's Quality Assurance Handbook for Air Pollution Measurement Systems, Volume IV, Meteorological Measurements, Version 2.0.

**3. The ambient air and meteorological monitoring stations required by this Section may be discontinued at the end of three full calendar years after the Hayden Lead Nonattainment Area is redesignated attainment for the 2008 Lead National Ambient Air Quality Standards.****G. Compliance Demonstration Requirements.** The owner or operator shall demonstrate compliance with this Section by complying with all requirements in the fugitive dust plan pursuant to subsection (C)(2) and implementing all housekeeping and performance requirements pursuant to subsection (D).**H. Recordkeeping.**

1. The owner or operator shall maintain the following records for at least five years and keep on-site for at least two years:
  - a. Current and past fugitive dust plans required by subsection (C)(2).
  - b. Physical inspection sheets, checklists, and logsheets for inspections conducted in accordance with subsection (D)(6).
  - c. All records of opacity and stabilization tests, if any, conducted in accordance with subsection (D)(10)(c).

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- d. All records of surface moisture content tests, if any, conducted in accordance with subsection (D)(11), subsection (D)(13), and subsection (D)(14).
  - e. All records of major maintenance activities and inspections conducted on monitors required by subsection (F).
  - f. All records of quality assurance and quality control activities for the monitors required by subsection (F).
  - g. All air quality monitoring samples, rolling averages of ambient lead concentrations and necessary calculations, and data required by subsection (F).
  - h. All records of wind data from the meteorological station required by subsection (F).
  - i. All records of any periods during which a monitoring device required by subsection (F) is inoperative or not operating correctly.
  - j. All records of reports and notifications required by subsection (I).
2. All of the following records maintained for the purposes of the fugitive dust plan required by subsection (C)(2) must be maintained in a recordkeeping log or recordkeeping system. As part of the records, the owner or operator shall include the dates and times for each of the following observations or activities, the name of the employee documenting each activity or observation, and the nature and location of each observation activity:
    - a. Each instance of observed visible emissions of 15% opacity or greater, along with a description of any corrective action undertaken and its success.
    - b. Water sprayer operations, including timing and intensity of watering to be captured in the water sprayer recordkeeping system.
    - c. Timing, location, type, and amount of chemical suppressant and water applied to unpaved roads, and a description of the nature and timing of any additional corrective action taken, as necessary, to minimize emissions to the greatest extent practicable.
    - d. Timing and location of all sweeping and cleaning of trackout or spillage material.
    - e. Timing and location of all washdown of concrete areas.
    - f. Timing and location of sump cleanouts.
    - g. Results of all visible emissions surveys and Reference Method 9 readings.
    - h. Appropriate records for operating conditions, including electric dryer ventilation fan start and stop times for the newly designed acid plant scrubber blowdown drying system.
    - i. Calibration records for all measurement devices, including maintenance of manufacturer's manuals or other documentation for suggested calibration schedules and accuracy levels for each measurement device.
    - j. Dates, times, and descriptions of deviations when the owner or operator's operations was carried out in a manner inconsistent with the fugitive dust plan required by subsection (C)(2).
  - I. Reporting. Within 30 days after the end of each calendar-year quarter, the owner or operator shall submit a report to the Department covering the prior quarter that includes the following:
    1. All instances where observed fugitive emissions coming from sources covered in this Section were 15% or greater.
    2. The date of all high wind events, with an identification of the location of the reading, wind speed, and duration of the event, and a description of actions taken as a result of the event on a source-by-source basis.
3. All instances where corrective action was required with identification of the emission source involved, what triggered the corrective action, what action the owner or operator undertook to abate or mitigate the problem, and whether the corrective action achieved the intended results.
  4. A summary of all times when the electronic recordkeeping system was not recording data, and a summary and indication of the period when recorded data was outside of established operating parameters.
  5. A summary of progress of all new construction, installation, upgrades, or modifications to equipment or structures at the facility required by the fugitive dust plan and subsection (D), including dates of commencement and completion of construction, dates of operations of new or modified equipment or structures, and dates old or outdated equipment or structures were permanently retired.
  6. Raw monitoring data and calculated ambient lead concentrations from the ambient air monitoring stations required by subsection (F).

**Historical Note**

New Section R18-2-B1301.01 made by final rulemaking at 23 A.A.R. 767, effective December 1, 2018 (Supp. 17-1).

**R18-2-B1302. Limits on SO<sub>2</sub> Emissions from the Hayden Smelter****A. Applicability.**

1. This Section applies to the owner or operator of the Hayden Smelter. It establishes limits on sulfur dioxide emissions from the Hayden Smelter and monitoring, recordkeeping and reporting requirements for those limits.
2. Effective date. Except as otherwise provided, the requirements of this Section shall become applicable on the earlier of July 1, 2018 or 180 days after completion of all project improvements authorized by Significant Permit Revision No. 60647.

**B. Definitions.** In addition to definitions contained in R18-2-101 and R18-2-B1301, the following definitions apply to this rule.

1. "Continuous emissions monitoring system" or "CEMS" means the total equipment, required under the emission monitoring provisions in this Chapter, used to sample, condition (if applicable), analyze, and to provide, on a continuous basis, a permanent record of emissions.
2. "Operating day" means any calendar day in which any of the following occurs:
  - a. Concentrate is smelted in the smelting furnace;
  - b. Copper or sulfur bearing materials are processed in the converters;
  - c. Blister or scrap copper is processed in the anode furnaces;
  - d. Molten metal, including slag, matte or blister copper, is transferred between vessels; or
  - e. Molten metal is cast into anodes or other intermediate or final products.
3. "Out of control period" means the time that begins with the completion of the fifth, consecutive, daily calibration drift check with a calibration drift in excess of two times the allowable limit, or the time corresponding to the completion of the daily calibration drift check preceding the daily calibration drift check that results in a calibration drift in excess of four times the allowable limit, and the time that ends with the completion of the calibration

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check following corrective action that results in the calibration drifts at both the zero (or low-level) and high-level measurement points being within the corresponding allowable calibration drift limit.

**C. Sulfur Dioxide Emissions Limitations.**

1. Emissions from the Main Stack shall not exceed 1069.1 pounds per hour on a 14-operating day average unless 1,518 pounds or less is emitted during each hour of the 14-operating day period.
2. The owner and operator shall not cause to be discharged into the atmosphere from any affected unit subject to 40 CFR 60 subpart P any gases which contain sulfur dioxide in excess of the limit set forth in 40 CFR § 60.163(a) (as in effect on July 1, 2016 and no later editions).

**D. Operational Standards.**

1. Process equipment and control device operations. At all times, including periods of startup, shutdown, and malfunction, the owner or operator shall, to the extent practicable, maintain and operate smelter processes and associated emission control and/or control equipment in a manner consistent with good air pollution control practices for minimizing SO<sub>2</sub> emissions to the levels required by subsection (C). Determination of whether acceptable operating and maintenance procedures are being used will be based on all information available to the Director and EPA Region IX, which may include, but is not limited to, monitoring results, review of operating and maintenance procedures and records, and inspection of the relevant equipment.
2. Capture system and control device operations and maintenance plan. The owner or operator shall develop and implement an operations and maintenance plan for each capture system and/or control device used to ventilate or control process gas or emissions from the flash furnace including matte tapping, slag skimming, and slag return operations; converter primary hoods, converter secondary hoods, tertiary ventilation system, and anode refining operations. The operations and maintenance plan must address the following requirements as applicable to each capture system and/or control device.
  - a. Monitoring devices. The plan shall provide for installation, operation, calibration, and maintenance of appropriate monitoring devices to measure and record operating limit values or settings at all times the required capture and control system is operating, except during periods of monitor calibration, repair and malfunction. The initial plan shall provide for volumetric flow monitoring on the vent gas baghouse (inlet or outlet), each converter primary hood, each converter secondary hood, the tertiary ventilation system and the anode furnace baghouse (inlet or outlet). All monitoring devices shall be accurate within +/- 10% and calibrated according to manufacturer's instructions. If direct measurement of the exhaust flow is infeasible due to physical limitations or exhaust characteristics, the owner or operator may propose a reliable equivalent method for approval. Initial monitoring may be adjusted as provided in subsection (D)(2)(e). Dampers that are manually set and remain in the same position while the capture system is operating are exempt from these monitoring requirements. Capture system damper position setting(s) shall be specified in the plan.
  - b. Operational limits. The owner or operator shall establish operating limits in the operations and

maintenance plan for the capture systems and/or control devices that are representative and reliable indicators of the performance of the capture system and control device operations. The initial operating limits may be adjusted as provided in subsection (D)(2)(e). Initial operating limits shall include the following:

- i. Identification of those modes of operation when the double dampers between the flash furnace vessel and the vent gas system will be closed and the interstitial space evacuated to the acid plant.
- ii. A minimum air flow for the furnace ventilation system and associated damper positions for each matte tapping hood or slag skimming hood when operating to ensure that the operation(s) are within the confines or influence of the capture system.
- iii. A minimum air flow for the secondary hood baghouse and associated damper positions for each slag return hood to ensure that the operation is within the confines or influence of the capture system's ventilation draft during times when the associated process is operating.
- iv. A minimum air infiltration ratio for the converter primary hoods of 1:1 averaged over 24 converter Blowing hours, rolled hourly measured as volumetric flow in primary hood less the volumetric flow of tuyere Blowing compared to the volumetric flow of tuyere Blowing.
- v. A minimum secondary hood exhaust rate of 35,000 SCFM during converter Blowing, averaged over 24 converter Blowing hours, rolled hourly.
- vi. A minimum secondary hood exhaust rate of 133,000 SCFM during all non-Blowing operating hours, averaged over 24 non-Blowing hours, rolled hourly.
- vii. A minimum negative pressure drop across the secondary hood when the doors are closed equivalent to 0.007 inches of water.
- viii. A minimum exhaust rate on the tertiary hooding of 400,000 ACFM during all times material is processed in the converter aisle, averaged over 24 hours and rolled hourly.
- ix. Fan amperes or minimum air flow for the anode furnace baghouse and associated damper positions for each anode furnace hood to ensure that the anode furnace off-gas port is within the confines or influence of the capture system's ventilation draft during times when the associated furnace is operating.
- x. The anode furnace charge mouth shall be kept covered when the tuyeres are submerged in the metal bath except when copper is being charged to or transferred from the furnace.
- xi. The temperatures of the acid plant catalyst bed, which shall at minimum, meet the manufacturer's recommendations.
- xii. The acid plant catalyst replenishment criteria, which shall at minimum, meet the manufacturer's recommendations.
- c. Preventative maintenance. The owner or operator must perform preventative maintenance on each capture system and control device according to written procedures specified in the operation and main-

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tenance plan. The procedures must include a preventative maintenance schedule that is consistent with the manufacturer's or engineer's instructions, or operator's experience working with equipment, and frequency for routine and long-term maintenance. This provision does not prohibit additional maintenance beyond that required by the plan.

- d. Inspections. The owner or operator must perform inspections in accordance with written procedures in the operations and maintenance plan for each capture system and control device that are consistent with the manufacturer's, engineer's or operator's instructions for each system and device.
- e. Plan development and revisions.
  - i. The owner or operator shall develop and keep current the plan required by this Section. Any plan or plan revision shall be consistent with this Section, shall be designed to ensure that the capture and control system performance conforms to the attainment demonstration in the Hayden 2010 Sulfur Dioxide National Ambient Air Quality Standards Nonattainment Area State Implementation Plan (SIP), and shall be submitted to the Department for review. Any plan or plan revision submitted shall include the associated manufacturer's recommendations and/or instructions used for capture system and control device operations and maintenance.
  - ii. The owner or operator shall submit the initial plan to the Department no later than May 1, 2018 and shall include the initial volumetric flow monitoring provisions in subsection (D)(2)(a), the initial operational limits in subsection (D)(2)(b), the preventative maintenance procedures in subsection (D)(2)(c), and the inspection procedures in subsection (D)(2)(d).
  - iii. The owner or operator shall submit to the Department for approval a plan revision with changes, if any, to the initial volumetric flow monitoring provisions in subsection (D)(2)(a) and initial operational limits in subsection (D)(2)(b) not later than six months after completing a fugitive emissions study conducted in accordance with Appendix 14. The Department shall submit the approved changes to the volumetric flow monitoring provisions and operational limits pursuant to this subsection to EPA Region IX as a SIP revision not later than 12 months after completion of a fugitive emissions study.
  - iv. Other plan revisions may be submitted at any time when necessary. All plans and plan revisions shall be designed to achieve operation of the capture system and/or control device consistent with the attainment demonstration in the Hayden 2010 Sulfur Dioxide National Ambient Air Quality Standards Nonattainment Area SIP. Except for changes to the volumetric flow monitoring provisions in subsection (D)(2)(a) and operational limits in subsection (D)(2)(b), which shall require prior approval, plans and plan revisions may be implemented upon submittal and shall remain in effect until superseded or until disapproved by the Department.

Disapprovals are appealable Department actions.

3. Emissions from the anode furnace baghouse stack shall be routed to the Main Stack.

E. Monitoring.

1. To determine compliance with subsection (C)(1) the owner or operator of the Hayden Smelter shall install, calibrate, maintain, and operate a CEMS for continuously monitoring and recording SO<sub>2</sub> concentrations and stack gas volumetric flow rates at the following locations.
  - a. The exit of the acid plant;
  - b. The exit of the secondary hood particulate control device after the High Surface Area (HSA) lime injection system;
  - c. The exit of the flash furnace particulate control device after the HSA lime injection system;
  - d. The tertiary ventilation system prior to mixing with any other exhaust streams; and
  - e. The anode furnace baghouse stack prior to mixing with any other exhaust streams.
2. Except during periods of systems breakdown, repairs, maintenance, out-of-control periods, calibration checks, and zero and span adjustments, the owner or operator shall continuously monitor SO<sub>2</sub> concentrations and stack gas volumetric flow rates at each location in subsection (E)(1).
3. For purposes of this Section, continuous monitoring means the taking and recording of at least one measurement of SO<sub>2</sub> concentration and stack gas flow rate reading from the effluent of each affected stack, outlet, or other approved measurement location in each 15-minute period when the associated process units are operating. Fifteen-minute periods start at the beginning of each clock hour, and run consecutively. All CEMS required by subsection (E)(1) shall complete at least one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.
4. If the owner or operator can demonstrate to the Director that measurement of stack gas volumetric flow rate in the outlet of any particular piece of SO<sub>2</sub> control equipment would yield inaccurate results or would be technologically infeasible, then the Director may allow measurement of the flow rate at an alternative sampling point.
5. The owner or operator shall demonstrate that the CEMS required by subsection (E)(1) meet all of the following requirements:
  - a. The SO<sub>2</sub> CEMS installed and operated under this Section meets the requirements of 40 CFR 60, Appendix B, Performance Specification 2 and Performance Specification 6. The CEMS on the anode furnace baghouse stack and tertiary ventilation system shall complete an initial Relative Accuracy Test Audit (RATA) in accordance with Performance Specification 2. The RATA runs shall be tied to when the anode furnace is in use and, for the tertiary system, when the converters are in operation and/or material is being transferred in the converter aisle. Asarco may petition the Department and EPA Region IX on the criteria for subsequent RATAs for the anode furnace baghouse stack or tertiary ventilation system CEMS. The petition shall include submittal of CEMS data during the year.
  - b. The SO<sub>2</sub> CEMS installed and operated under this Section meets the quality assurance requirements of 40 CFR 60, Appendix F.

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- c. The owner or operator shall notify the Director in writing at least 30 days in advance of the start of the relative accuracy test audit (RATA) performed on the CEMS.
  - d. The Director shall approve the location of all sampling points for monitoring SO<sub>2</sub> concentration and stack gas volumetric flow rates and the appropriate span values for the monitoring systems. This approval shall be in writing before installation and operation of the measurement instruments.
  - e. The measurement system installed and used under this subsection is subject to the manufacturer's recommended zero adjustment and calibration procedures at least once per operating day unless the manufacturer specifies or recommends calibration at shorter intervals, in which case the owner or operator shall follow those specifications or recommendations. The owner or operator shall make available a record of these procedures that clearly shows instrument readings before and after zero adjustment and calibration.
  - f. The owner or operator shall maintain on hand and ready for immediate installation sufficient spare parts or duplicate systems for the CEMS required by this Section to allow for the replacement within six hours of any monitoring equipment part that fails or malfunctions during operation.
6. The owner or operator of the Hayden Smelter may petition the Department to substitute annual stack testing for the tertiary ventilation or the anode furnace baghouse stack CEMS if the owner or operator demonstrates, for a period of two years, that either CEMS contribute(s) less than 5% individually of the total sulfur dioxide emissions. The Department must determine the demonstration adequate to approve the petition. Annual stack testing shall use EPA Methods 1, 4, and 6C in 40 CFR 60 Appendix A or an alternate method approved by the Department and EPA Region IX. Annual stack testing shall commence no later than the one year after the date the continuous emission monitoring system was removed. The owner or operator shall submit a test protocol to the Department at least 30 days in advance of testing. The protocol shall provide for three or more 24-hour runs unless the owner or operator justifies a different period and the Department approves such different period. Reports of testing shall be submitted to the Department no later than 60 days after testing or 30 days after receipt, whichever is later. The report shall provide an emissions rate, in the form of a pound per hour or pound per unit of production factor, that shall be used in the compliance demonstration in subsection (F)(1). Except as provided herein, the owner or operator shall otherwise comply with Section R18-2-312 in conducting such testing.
- F. Compliance Demonstration Requirements.**
- 1. For purposes of determining compliance with the emission limit in subsection (C)(1) the owner or operator shall calculate emissions for each operating day as follows:
    - a. Sum the hourly pounds of SO<sub>2</sub> vented to each uncontrolled shutdown ventilation flue and through each monitoring point listed in subsection (E)(1) for the current operating day and the preceding 13-operating days to calculate the total pounds of SO<sub>2</sub> emissions over the 14-operating day averaging period, as applicable.
    - b. Divide the total amount of SO<sub>2</sub> emissions calculated from subsection (F)(1)(a) by 336 to calculate the 14-operating day average SO<sub>2</sub> emissions.
    - c. If the calculation in subsection (F)(1)(b) exceeds 1069.1 pounds per hour, then the owner or operator shall sum the hourly pounds of SO<sub>2</sub> vented to each uncontrolled shutdown ventilation flue and through each monitoring point listed in subsection (E)(1) for each hour of the current operating day and each hour of the preceding 13-operating days to ascertain if any hour exceeded 1,518 pounds per hour.
  - 2. When no valid hour or hours of data have been recorded by a continuous monitoring system required by subsections (E)(1) and (E)(2) and the associated process unit is operating, the owner or operator shall calculate substitute data for each such period according to the following procedures:
    - a. For a missing data period less than or equal to 24 hours, substitute the average of the hourly SO<sub>2</sub> concentrations recorded by the system for the hour before and the hour after the missing data period.
    - b. For a missing data period greater than 24 hours, substitute the greater of:
      - i. The 90th percentile hourly SO<sub>2</sub> concentrations recorded by the system during the previous 720 quality-assured monitor operating hours.
      - ii. The average of the hourly SO<sub>2</sub> concentrations recorded by the system for the hour before and the four hours after the missing data period.
    - c. Notwithstanding subsections (F)(3)(a) and (F)(3)(b), the owner or operator may present any credible evidence as to the quantity or concentration of emissions during any period of missing data.
  - 3. The owner or operator shall determine compliance with the requirements in subsection (D)(2) as follows:
    - a. Maintaining and operating the emissions capture and control equipment in accordance with the capture system and control device operations and maintenance plan required in subsection (D)(2) and recording operating parameters for capture and control equipment as required in subsection (D)(2)(b); and
    - b. Conducting a fugitive study in accordance with Appendix 14 starting not later than six months after completion of the Converter Retrofit Project authorized by Significant Permit Revision No. 60647. The fugitive study shall demonstrate, as set forth in Appendix 14, that fugitive emissions from the smelter are consistent with estimates used in the attainment demonstration in the Hayden 2010 Sulfur Dioxide National Ambient Air Quality Standards Nonattainment Area SIP.
  - 4. The owner or operator shall include periods of startup, shutdown, malfunction, or other upset conditions when determining compliance with the emission limits in subsection (C).
  - 5. The owner and operator shall demonstrate compliance with the limit in subsection (C)(2) in accordance with 40 CFR §§ 60.165 and 60.166 (as in effect on July 1, 2016 and not later editions).
- G. Recordkeeping.**
- 1. The owner or operator shall maintain a record of each operation and maintenance plan required under subsection (D)(2).
  - 2. The owner or operator shall maintain the following records for at least five years:

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- a. All measurements from the continuous monitoring system required by subsection (E)(1), including the date, place, and time of sampling or measurement; parameters sampled or measured; and results. All measurements will be calculated daily.
  - b. All records of quality assurance and quality control activities for emissions measuring systems required by subsection (E)(1).
  - c. All records of calibration checks, adjustments, maintenance, and repairs conducted on the continuous monitoring systems required by subsection (E); including records of all compliance calculations required by subsection (F).
  - d. All records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of concentrate drying, smelting, converting, anode refining and casting emission units; any malfunction of the associated air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device required by subsection (E)(1) is inoperative or not operating correctly.
  - e. All records of planned and unplanned shutdown ventilation flue utilization events and calculations used to determine emissions from shutdown ventilation flue utilization events if the owner or operator chooses to use the alternative compliance determination method.
  - f. All records of major maintenance activities and inspections conducted on emission units, capture system, air pollution control equipment, and CEMS, including those set forth in the operations and maintenance plan required by subsection (D)(2).
  - g. All records of operating days and production records required for calculations in subsection (F).
  - h. All records of fugitive emissions studies and study protocols conducted in accordance with Appendix 14.
  - i. All records of reports and notifications required by subsection (H).
- H. Reporting.**
1. The owner or operator shall notify the Director in writing at least 30 days in advance of the start of relative accuracy test audit (RATA) procedures performed on the continuous monitoring systems required by subsection (E)(1).
  2. Within 30 days after the end of each calendar quarter, the owner or operator shall submit a data assessment report to the Director in accordance with 40 CFR Part 60, Appendix F for the continuous monitoring systems required by subsection (E).
  3. The owner or operator shall submit an excess emissions and monitoring systems performance report or summary report form in accordance with 40 CFR § 60.7(c) to the Director quarterly for the continuous monitoring systems required by subsection (E)(1). Excess emissions means any 14-operating day average as calculated in subsection (F) in excess of the emission limit in subsection (C)(1), any period in which the capture and control system was operating outside of its parameters specified in the capture system and control device operation and maintenance plan in subsection (D)(2). For any 14-operating day period exceeding 1069.1 pounds per hour that the owner or operator claims does not exceed the limit in subsection (C)(1) because all hours in the operating period are below 1,518 pounds per hour, the owner or operator shall submit the CEMS data for each hour during that period. All reports shall be postmarked by the 30th day following the end of each calendar quarter time period.
  4. The owner or operator shall provide the following to the Director:
    - a. The owner or operator shall notify the Director of commencement of construction of any equipment necessary to comply with the operational or emission limits.
    - b. The owner or operator shall submit semiannual progress reports on construction of any such equipment postmarked by July 30 for the preceding January-June period and January 30 for the preceding July-December period.
    - c. The owner or operator shall submit notification of initial startup of any such equipment within 15 business days of such startup.
- I. Preconstruction review.** This Section is determined to be Reasonably Available Control Technology (RACT) for SO<sub>2</sub> emissions from the operations subject to subsection (C) for purposes of minor source NSR requirement addressed in R18-2-334.
- Historical Note**  
New Section R18-2-B1302 made by final rulemaking at 23 A.A.R. 767, effective on the earlier of July 1, 2018, or 180 calendar days after completion of all Converter Retrofit Project improvements authorized by Significant Permit Revision No. 60647 (Supp. 17-1).
- PART C. MIAMI, ARIZONA, PLANNING AREA**
- R18-2-C1301. Reserved**
- Historical Note**  
New Section R18-2-C1301 reserved at 23 A.A.R. 767 (Supp. 17-1).
- R18-2-C1302. Limits on SO<sub>2</sub> Emissions from the Miami Smelter**
- A. Applicability.**
1. This Section applies to the owner or operator of the Miami Smelter. It establishes limits on SO<sub>2</sub> emissions from the Miami Smelter and monitoring, recordkeeping and reporting requirements for those limits.
  2. Effective date. Except as otherwise provided, the provisions of this Section shall take effect on the later of the effective date of the Administrator's action approving it as part of the state implementation plan or January 1, 2018.
- B. Definitions.** In addition to general definitions contained in R18-2-101, the following definitions apply to this rule.
1. "Capture system" means the collection of components used to capture gases and fumes released from one or more emission points, and to convey the captured gases and fumes to one or more control devices. A capture system may include, but is not limited to, the following components as applicable to a given capture system design: duct intake devices, hoods, enclosures, ductwork, dampers, manifolds, plenums, and fans.
  2. "Electric furnace" means a furnace in which copper matte and slag are heated by electrical resistance without the mechanical introduction of air or oxygen.
  3. "IsaSmelt<sup>®</sup> furnace" means a furnace in which air, oxygen, and fuel are injected through a top-submerged lance into a molten slag bath to produce slag and copper matte.
  4. "Miami Smelter" means the primary copper smelter located near Miami, Gila County, Arizona at latitude 33°24'50"N and longitude 110°51'25"W.

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5. "Out of control period" means the time that begins with the completion of the fifth, consecutive, daily calibration drift check with a calibration drift in excess of two times the allowable limit, or the time corresponding to the completion of the daily calibration drift check preceding the daily calibration drift check that results in a calibration drift in excess of four times the allowable limit, and the time that ends with the completion of the calibration check following corrective action that results in the calibration drifts at both the zero (or low-level) and high-level measurement points being within the corresponding allowable calibration drift limit.
  6. "Operating day" means any calendar day in which any of the following occurs:
    - a. Concentrate is smelted in the Electric furnace or IsaSmelt<sup>®</sup> furnace;
    - b. Copper or sulfur bearing materials are processed in the converters;
    - c. Blister or scrap copper is processed in the anode furnaces or mold vessel;
    - d. Molten metal, including slag, matte or blister copper, is transferred between vessels;
    - e. Molten metal is cast into molds, anodes, or other intermediate or final products;
    - f. Power is provided to the electric furnace to make or maintain a molten bath; or
    - g. The anode furnace is heated to make or maintain a molten bath.
- C. Sulfur Dioxide Emission Limitations. Combined SO<sub>2</sub> emissions from the tail gas stack, vent fume stack, aisle scrubber stack, bypass stack, and smelter roofline fugitives shall not exceed 142.45 pounds per hour on a 30-day rolling average basis.
- D. Operational Standards.
1. Process Equipment and control device operations. At all times, including periods of startup, shutdown, and malfunction, the owner or operator shall, to the extent practicable, maintain and operate smelter processes and associated emission control devices in a manner consistent with good air pollution control practices for minimizing SO<sub>2</sub> emissions from the process gases associated with the IsaSmelt<sup>®</sup> furnace, electric furnace, and converters at least to the levels required by subsection (C). Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Director and EPA Region IX, which may include, but is not limited to, monitoring results, review of operating and maintenance procedures and records, and inspection of the relevant equipment.
  2. Capture system and control device operations and maintenance plan. The owner or operator shall develop and implement an operations and maintenance plan for each capture system and control device used to ventilate or control process gas or emissions associated with the IsaSmelt<sup>®</sup> furnace, electric furnace, and converters. The owner or operator shall submit the initial plan to the Department and EPA Region IX for review and approval by July 1, 2017.
    - a. The operations and maintenance plan must address the following requirements as applicable to each capture system and control device:
      - i. Monitoring devices. The plan shall provide for installation, operation, calibration, and maintenance of appropriate monitoring devices to measure and record operating limit or range values at all times the required system is operating. Dampers that are manually set and remain in the same position while the capture system is operating are exempt from these monitoring requirements.
      - ii. Operational limits and ranges. The owner or operator shall establish operating limits and ranges in the plan for each capture system and control device that are representative and reliable indicators of capture system performance and control device operation. If selected as an operational limit or range, capture system damper position settings shall be specified in the plan.
      - iii. Preventative maintenance. The owner or operator must perform preventative maintenance for each capture system and control device according to written procedures in the plan. The procedures must include a preventative maintenance schedule that is consistent with the manufacturer's or engineer's instructions and specified frequency for routine and long-term maintenance.
      - iv. Inspections. The owner or operator must perform inspections in accordance with written procedures in the plan for each capture system and control device, including position verification of any manual damper settings specified in the plan, that are consistent with the manufacturer's or engineer's instructions for each system and device.
- b. The owner or operator shall operate and maintain each capture system and each control device in accordance with the plan required by subsection (D)(2) and as approved by the Department and EPA Region IX, except as provided herein. Until receiving initial approval of the plan, the owner or operator shall operate and maintain each capture system and each control device in accordance with the plan as initially submitted pursuant to subsection (D)(2). The owner or operator shall submit plan revisions for review by the Department and EPA Region IX. At any time, the Department and/or EPA Region IX may require the owner or operator to revise the plan if determined to be inconsistent with subsection (D)(2)(a). Within 60 days of receiving written notification from the Department or EPA Region IX specifying such inconsistency, the owner or operator shall submit a proposal to the Department and EPA Region IX that addresses the inconsistency. The owner or operator shall maintain a current copy of the plan onsite and available for review and inspection upon request.
- E. Monitoring.
1. To determine compliance with subsection (C), the owner or operator shall install, calibrate, maintain, and operate continuous monitoring systems to monitor and record SO<sub>2</sub> concentrations and stack gas volumetric flow rates at the following locations.
    - a. The acid plant tail gas stack;
    - b. The vent fume stack;
    - c. The aisle scrubber stack; and
    - d. The bypass stack.
  2. To determine compliance with the emission limit in subsection (C), the owner or operator shall install, calibrate, maintain, and operate a continuous monitoring system to

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- monitor and record fugitive SO<sub>2</sub> concentrations at the Miami Smelter roofline.
3. Except during periods of continuous monitoring system breakdown, repairs, maintenance, out-of-control periods, calibration checks, and zero and span adjustments, the owner or operator shall continuously monitor SO<sub>2</sub> concentrations and stack gas volumetric flow rates at each location specified in subsection (E)(1) and use the monitored concentrations and volumetric flow rates when demonstrating compliance with the SO<sub>2</sub> emission limit in subsection (C) in accordance with subsection (F).
  4. Except during periods of continuous monitoring system breakdown, repairs, maintenance, out-of-control periods, calibration checks and zero and span adjustments, the owner or operator shall continuously monitor fugitive SO<sub>2</sub> emissions at the Miami Smelter roofline and use the monitored concentrations and volumetric flow rates when demonstrating compliance with the SO<sub>2</sub> emission limit in subsection (C) in accordance with subsection (F).
  5. For purposes of subsections (E)(3) and (E)(4), continuous monitoring means the taking and recording of at least one measurement of SO<sub>2</sub> concentration and stack gas flow rate reading from the effluent of each affected stack, outlet, or other approved measurement location in each 15-minute period when the associated process units are operating. Fifteen-minute periods start at the beginning of each clock hour, and run consecutively. All continuous monitoring systems required by subsection (E)(1) shall complete at least one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.
  6. If the owner or operator can demonstrate to the Director and EPA Region IX that measurement of stack gas volumetric flow rate in the outlet of any particular piece of SO<sub>2</sub> control equipment would yield inaccurate results or would be technologically infeasible, then the Director and EPA Region IX may allow measurement of the flow rate at an alternative sampling point.
  7. The owner or operator shall demonstrate that the continuous monitoring systems required by subsection (E)(1) meet all of the following requirements:
    - a. Each SO<sub>2</sub> continuous monitoring system shall meet the specifications under 40 CFR 60, Appendix B, Performance Specification 6.
    - b. Each SO<sub>2</sub> continuous monitoring system installed and operated under this Section shall also meet the quality assurance requirements of 40 CFR 60, Appendix F, Procedure 1.
    - c. The owner or operator shall notify the Director in writing at least 30 days in advance of the start of the relative accuracy test audit (RATA) procedures performed on each continuous monitoring system.
    - d. The Director shall approve the location of all sampling points for monitoring SO<sub>2</sub> concentrations and stack gas volumetric flow rates in writing before installation and operation of measurement instruments.
    - e. The span of each continuous monitoring system for the acid plant tail stack, vent fume stack, and aisle scrubber stack shall be set at a SO<sub>2</sub> concentration of zero to 0.20% by volume.
    - f. The span of the continuous monitoring system for the bypass stack shall be set at a SO<sub>2</sub> concentration of zero to 20% by volume.
    - g. The zero (or low-level value between 0 and 20% of the span value) and span (50% to 100% of span value) calibration drifts shall be checked at least once each operating day in accordance with a written procedure. The zero and span must, at a minimum, be adjusted whenever either the 24-hour zero drift or the 24-hour span drift exceeds two times the limit in 40 CFR Part 60, Appendix B, Performance Specification 2. The system must allow the amount of the excess zero and span drift to be recorded and quantified.
    - h. The owner or operator shall maintain on hand and ready for immediate installation sufficient spare parts or duplicate systems for the continuous monitoring system equipment required by this Section to allow for the replacement within six hours of any monitoring system equipment part that fails or malfunctions during operation.
  8. The owner or operator shall develop and implement a roofline fugitive emissions monitoring plan for the continuous monitoring system required by subsection (E)(2). The owner or operator shall submit the initial plan to the Department and EPA Region IX for review and approval by July 1, 2017.
    - a. The roofline fugitive emissions monitoring plan must address the following requirements:
      - i. The continuous monitoring system required by subsection (E)(2) must include measurement of fugitive emissions from, at a minimum, the Converter, Electric Furnace, Anode Furnace, and IsaSmelt<sup>®</sup> systems that is representative of total fugitive emissions.
      - ii. Each measurement system shall include at least one SO<sub>2</sub> analyzer and sufficient sampling locations that ensure collection of a representative sample along the roof monitor for each monitoring system. The number of sample probes and their locations for each monitoring system shall account for the physical configuration of the vent, the locations of emitting activities relative to the vent, and heat generated by the equipment served by the vent.
      - iii. Each measurement system shall include validation of adequate velocity for flow measurements and sufficient flow and temperature sensors to ensure calculation of representative exhaust flows through each vent. The number of such sensors and their locations for each monitoring system shall account for the physical configuration of the vent, the locations of emitting activities relative to the vent, and heat generated by the equipment served by the vent.
      - iv. Each measurement system shall include an on-site data collection system that continuously logs and stores the measured SO<sub>2</sub> concentration, the measured flow velocity, and the measured temperature.
      - v. An appropriate range for zero-span drift shall be established for all SO<sub>2</sub> analyzers to ensure proper calibration and operation. Unless otherwise provided in the roofline fugitive emissions monitoring plan required by subsection (E)(8), the zero (or low-level) value determination shall be made using a gas containing between zero to 20% of the span value for SO<sub>2</sub> and the span (or high-level) value determination shall be made using a certified gas with a value between 50% and 100% of the span value for



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- SO<sub>2</sub>. For each SO<sub>2</sub> analyzer, a daily zero-span check shall be performed by introducing zero gas and a known concentration of span gas to the analyzer. If the zero or span drift for an analyzer is greater than 5% of the span gas concentration for five consecutive days or greater than 10% of the span gas concentration for one day, the analyzer shall be found to be operating improperly and appropriate measures shall be taken to return the analyzer to proper operation. The zero-span check shall be repeated after any such corrective action is taken.
- vi. All SO<sub>2</sub> analyzers shall be inspected quarterly by the owner or operator and inspected annually by an independent auditor. The inspections shall be conducted in accordance with the data accuracy assessment requirements of 40 CFR 60, Appendix F, Procedure 1, Section 5 or as otherwise provided in the roofline fugitive emissions monitoring plan required by subsection (E)(8). The quarterly inspections consist of two certified concentrations of SO<sub>2</sub> to each sample probe system and comparing the known concentrations to the concentrations logged by the corresponding on-site data collection system to generate a relative error for each system.
  - vii. The flow and temperature data shall be checked daily for proper operation of flow and temperature sensors in accordance with the roofline fugitive emissions monitoring plan required by subsection (E)(8). If a flow or temperature sensor is found to be operating improperly, appropriate measures shall be taken to return the sensor to proper operation.
  - viii. All temperature sensors shall be inspected annually. The inspection shall be conducted according to the manufacturer's specification. A temperature sensor tolerance range representative of proper sensor operation shall be established in the roofline fugitive emissions monitoring plan required by subsection (E)(8). If a temperature sensor is found to measure outside of an established tolerance range, the sensor shall be found to be operating improperly and appropriate measures shall be taken to return the sensor to proper operation.
  - ix. All flow sensors shall be calibrated semi-annually with calibration tools according to the manufacturer's specifications. A calibration tool range representative of proper sensor operation shall be established in the roofline fugitive emissions monitoring plan required by subsection (E)(8). If a flow sensor is found to measure outside of an established range, the sensor shall be found to be operating improperly and appropriate measures shall be taken to return the sensor to proper operation.
  - b. The owner or operator shall operate and maintain the continuous monitoring system required by subsection (E)(2) in accordance with the roofline fugitive emissions monitoring plan required by subsection (E)(2) and as approved by the Department and EPA Region IX, except as provided herein. Until receiving initial approval of the plan, the owner or operator shall operate and maintain the continuous monitoring system required by subsection (E)(2) in accordance with the plan as initially submitted pursuant to subsection (E)(2). The owner or operator shall keep the plan current and consistent with subsection (E)(8)(a). The owner or operator shall maintain a current copy of the plan onsite and available for review and inspection upon request. The Department and/or EPA Region IX may require the owner or operator to revise the plan if determined to be inconsistent with subsection (E)(8)(a). Within 60 days of receiving written notification from the Department or EPA Region IX specifying such inconsistency, the owner or operator shall submit a proposal to the Department and EPA Region IX that addresses the inconsistency.
- F. Compliance Demonstration Requirements.**
1. Within 180 days of the effective date set forth in subsection (A)(2), the owner or operator shall demonstrate compliance with the emission limit in subsection (C) by calculating SO<sub>2</sub> emissions for each operating day as follows:
    - a. Sum the hourly pounds of SO<sub>2</sub> measured by the continuous monitoring systems required by subsection (E)(1) and (E)(2) for the current operating day and the preceding 29 operating days to calculate the total pounds of SO<sub>2</sub> emissions over the 30-operating day averaging period.
    - b. Multiply the operating days occurring during a 30-day averaging period by 24 to calculate the total operating hours over the most recent 30-operating day period.
    - c. Divide the total amount of SO<sub>2</sub> emissions calculated from subsection (F)(1)(a) by the total operating hours calculated from subsection (F)(1)(b) to calculate the 30-day rolling hourly average SO<sub>2</sub> emissions.
  2. For the continuous monitoring systems required by subsections (E)(1) and (E)(2), hourly emissions shall be computed as follows:
    - a. Except as provided under subsection (F)(2)(c), for a full operating hour (any clock hour with 60 minutes of unit operation), at least four valid data points are required to calculate the hourly average, i.e., one data point in each of the 15-minute quadrants of the hour.
    - b. Except as provided under subsection (F)(2)(c), for a partial operating hour (any clock hour with less than 60 minutes of unit operation), at least one valid data point in each 15-minute quadrant of the hour in which the unit operates is required to calculate the hourly average.
    - c. For any operating hour in which required maintenance or quality-assurance activities are performed:
      - i. If the unit operates in two or more quadrants of the hour, a minimum of two valid data points, separated by at least 15 minutes, is required to calculate the hourly average; or
      - ii. If the unit operates in only one quadrant of the hour, at least one valid data point is required to calculate the hourly average.
    - d. If a daily calibration error check is failed during any operating hour, all data for that hour shall be invalidated, unless a subsequent calibration error test is passed in the same hour and the requirements of subsection (F)(2)(c) are met, based solely on valid data recorded after the successful calibration.

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- e. For each full or partial operating hour, all valid data points shall be used to calculate the hourly average.
  - f. Data recorded during periods of continuous monitoring system breakdown, repair, maintenance, out of control periods, calibration checks, and zero and span adjustments shall not be included in the data averages computed under subsection (F)(3).
  - g. Either arithmetic or integrated averaging of all data may be used to calculate the hourly average. The data may be recorded in reduced or non-reduced form.
3. When no valid hour or hours of data have been recorded by a continuous monitoring system required by subsections (E)(1) and (E)(2) and the associated process unit is operating, the owner or operator shall calculate substitute data for each such period according to the following procedures:
    - a. For a missing data period less than or equal to 24 hours, substitute the average of the hourly SO<sub>2</sub> concentrations recorded by the system for the hour before and the hour after the missing data period.
    - b. For a missing data period greater than 24 hours, substitute the greater of:
      - i. The 90th percentile hourly SO<sub>2</sub> concentrations recorded by the system during the previous 720 quality-assured monitor operating hours; or
      - ii. The average of the hourly SO<sub>2</sub> concentrations recorded by the system for the hour before and the hour after the missing data period.
  4. The owner or operator shall include periods of startup, shutdown, malfunction, or other upset conditions when determining compliance with the emission limit in subsection (C).
- G. Recordkeeping.**
1. The owner or operator shall maintain records as specified in the capture system and control device operations and maintenance plan required under subsection (D)(2) and the roofline fugitive emissions monitoring plan required under subsection (E)(8).
  2. The owner or operator shall maintain the following records for at least five years:
    - a. All measurements from the continuous monitoring systems required by subsection (E)(1) and (E)(2); including the date, place, and time of sampling or measurement, parameters sampled or measured, and results.
    - b. All records of all compliance calculations required by subsection (F).
    - c. All records of quality assurance and quality control activities conducted on the continuous monitoring systems required by subsection (E)(1) and (E)(2).
    - d. All records of continuous monitoring system breakdowns, repairs, maintenance, out of control periods, calibration checks, and zero and span adjustments for the continuous monitoring systems required by subsection (E)(1) and (E)(2).
    - e. All records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of Smelter processes; any malfunction of the associated air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device required by subsection (E)(1) and (E)(2) is inoperative.
    - f. All records of all major maintenance activities conducted on emission units, capture system, air pollution control equipment, and continuous monitoring systems; including those set forth in the operations and maintenance plan required by subsection (D)(2).
    - g. All records of reports and notifications required by subsection (H).
- H. Reporting**
1. Within 30 days after the end of each calendar quarter, the owner or operator shall submit a data assessment report to the Director in accordance with 40 CFR Part 60, Appendix F, Procedure 1 for the continuous monitoring systems required by subsection (E).
  2. The owner or operator shall submit an excess emissions and monitoring systems performance report and-or summary report form in accordance with 40 CFR § 60.7(c) to the Director semiannually for the continuous monitoring systems required by subsection (E)(1) and (E)(2). All reports shall be postmarked by the 30th day following the end of each six-month period.
  3. The owner or operator shall provide the following to the Director:
    - a. Notification of commencement of construction of the project improvements and equipment authorized by Significant Permit Revision No. 53592 to comply with the operational or emission limits in this Section no later than 30 days after such date.
    - b. Semiannual progress reports on construction of any such improvements and equipment on January 1 and July 1 of each calendar year until construction is complete.
    - c. Notification of initial startup of any such improvements and equipment within 15 days after such date.
- I. Preconstruction review.** This Section is determined to be Reasonably Available Control Technology (RACT) for SO<sub>2</sub> emissions from the operations subject to subsection (C) for purposes of minor source NSR requirements addressed in R18-2-334.

**Historical Note**

New Section R18-2-C1302 made by final rulemaking at 23 A.A.R. 767, on the later of the effective date of the Administrator's action approving it as part of the state implementation plan or January 1, 2018.

**ARTICLE 14. CONFORMITY DETERMINATIONS****R18-2-1401. Definitions**

Terms used in this Article but not defined in this Article, Article 1 of this Chapter, or A.R.S. § 49-401.01 shall have the meaning given them by the CAA, Titles 23 and 40 U.S.C., other EPA regulations, or other USDOT regulations, in that order of priority. The following definitions and the definitions contained in Article 1 of this Chapter and in A.R.S. § 49-401.01 shall apply to this Article:

1. "ADEQ" means the Arizona Department of Environmental Quality.
2. "ADOT" means the Arizona Department of Transportation.
3. "Applicable implementation plan" is defined in § 302(q) of the CAA and means the portion (or portions) of the implementation plan, or most recent revision thereof, which has been approved under § 110, or promulgated under § 110(c), or promulgated or approved pursuant to regulations promulgated under § 301(d) and which implements the relevant requirements of the CAA.
4. "CAA" means the Clean Air Act, as amended.
5. "Cause or contribute to a new violation" for a project means either of the following:
  - a. To cause or contribute to a new violation of a standard in the area substantially affected by the project or over a region which would otherwise not be in

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- violation of the standard during the future period in question, if the project were not implemented.
- b. To contribute to a new violation in a manner that would increase the frequency or severity of a new violation of a standard in such area.
  6. "Consultation" means that one party confers with another identified party, provides access to all appropriate information to that party needed for meaningful input, and, prior to taking any action, considers the views of that party and responds in accordance with the procedures established in R18-2-1405.
  7. "Control strategy implementation plan revision" is the applicable implementation plan which contains specific strategies for controlling the emissions of and reducing ambient levels of pollutants in order to satisfy CAA requirements for demonstrations of reasonable further progress and attainment (CAA §§ 182(b)(1), 182(c)(2)(A), 182(c)(2)(B), 187(a)(7), 189(a)(1)(B), and 189(b)(1)(A); and §§ 192(a) and 192(b), for nitrogen dioxide).
  8. "Control strategy period" with respect to particulate matter less than 10 microns in diameter (PM<sub>10</sub>), carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), or ozone precursors (volatile organic compounds (VOC) and oxides of nitrogen (NO<sub>x</sub>)), means that period of time after EPA approves control strategy implementation plan revisions containing strategies for controlling PM<sub>10</sub>, NO<sub>2</sub>, CO, or ozone, as appropriate. This period ends when the state submits and EPA approves a request under § 107(d) of the CAA for redesignation to an attainment area.
  9. "Design concept" means the type of facility identified by the project, e.g., freeway, expressway, arterial highway, grade-separated highway, reserved right-of-way rail transit, mixed traffic rail transit, exclusive busway, etc.
  10. "Design scope" means the design aspects of a facility which will affect the proposed facility's impact on regional emissions, usually as they relate to vehicle or person carrying capacity and control, e.g., number of lanes or tracks to be constructed or added, length of project, signalization, access control including approximate number and location of interchanges, preferential treatment for high-occupancy vehicles, etc.
  11. "EPA" means the United States Environmental Protection Agency.
  12. "FHWA" means the Federal Highway Administration of USDOT.
  13. "FHWA or FTA project" means any highway or transit project which is proposed to receive funding assistance and approval through the Federal-Aid Highway program or the federal mass transit program, or requires Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) approval for some aspect of the project, such as connection to an interstate highway or deviation from applicable design standards on the interstate system.
  14. "FTA" means the Federal Transit Administration of USDOT.
  15. "Forecast period" with respect to a transportation plan means the period covered by the transportation plan pursuant to 23 CFR 450.
  16. "Highway project" means an undertaking to implement or modify a highway facility or highway-related program. Such an undertaking consists of all required phases necessary for implementation. For analytical purposes, it shall be defined sufficiently to:
    - a. Connect logical termini and be of sufficient length to address environmental matters on a broad scope.
    - b. Have independent utility or significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made.
    - c. Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.
  17. "Horizon year" means a year for which the transportation plan describes the envisioned transportation system in accordance with R18-2-1406.
  18. "Hot-spot analysis" means an estimation of likely future localized CO and PM<sub>10</sub> pollutant concentrations and a comparison of those concentrations to the national ambient air quality standards. Pollutant concentrations to be estimated should be based on the total emissions burden which may result from the implementation of a single, specific project, summed together with future background concentrations (which can be estimated using the ratio of future to current traffic multiplied by the ratio of future to current emission factors) expected in the area. The total concentration shall be estimated and analyzed at appropriate receptor locations in the area substantially affected by the project. Hot-spot analysis assesses impacts on a scale smaller than the entire nonattainment or maintenance area, including, for example, congested roadway intersections and highways or transit terminals, and uses an air quality dispersion model to determine the effects of emissions on air quality.
  19. "Incomplete data area" means any ozone nonattainment area which EPA has classified, in 40 CFR 81, as an incomplete data area.
  20. "Increase the frequency or severity of a violation" means to cause a location or region to exceed a standard more often or to cause a violation at a greater concentration than previously existed or would otherwise exist during the future period in question, if the project were not implemented.
  21. "ISTEA" means the Intermodal Surface Transportation Efficiency Act of 1991.
  22. "Local transportation agency" means a city, town, or county.
  23. "Maintenance area" means any geographic region of the United States previously designated nonattainment pursuant to the CAA Amendments of 1990 and subsequently redesignated to attainment subject to the requirement to develop a maintenance plan under § 175A of the CAA.
  24. "Maintenance period" with respect to a pollutant or pollutant precursor means that period of time beginning when a state submits and EPA approves a request under § 107(d) of the CAA for redesignation to an attainment area, and lasting for 20 years, unless the applicable implementation plan specifies that the maintenance period shall last for more than 20 years.
  25. "Metropolitan planning organization (MPO)" means the organization designated as being responsible, together with the state, for conducting the continuing, cooperative, and comprehensive planning process under 23 U.S.C. 134 and 49 U.S.C. 1607.
  26. "Milestone" means an emissions level and the date on which it is required to be achieved as described in § 182(g)(1) and § 189(c) of the CAA.
  27. "Motor vehicle emissions budget" means that portion of the total allowable emissions defined in a revision to the applicable implementation plan (or in an implementation

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- plan revision which was endorsed by the Governor or Director of ADEQ, subject to a public hearing, and submitted to EPA, but not yet approved by EPA) for a certain date for the purpose of meeting reasonable further progress milestones or attainment or maintenance demonstrations, for any criteria pollutant or its precursors, allocated by the applicable implementation plan to highway and transit vehicles. The applicable implementation plan for an ozone nonattainment area may also designate a motor vehicle emissions budget for oxides of nitrogen (NO<sub>x</sub>) for a reasonable further progress milestone year if the applicable implementation plan demonstrates that this NO<sub>x</sub> budget will be achieved with measures in the implementation plan (as an implementation plan must do for VOC milestone requirements). The applicable implementation plan for an ozone nonattainment area includes a NO<sub>x</sub> budget if NO<sub>x</sub> reductions are being substituted for reductions in volatile organic compounds in milestone years required for reasonable further progress.
28. "National ambient air quality standards (NAAQS)" means those standards established pursuant to § 109 of the CAA.
  29. "NEPA" means the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.).
  30. "NEPA process completion" with respect to FHWA or FTA, means the point at which there is a specific action to do any of the following:
    - a. Make a formal final determination that a project is categorically excluded.
    - b. Make a Finding of No Significant Impact.
    - c. Issue a record of decision on a Final Environmental Impact Statement under NEPA.
  31. "Nonattainment area" means any geographic region of the United States which has been designated as nonattainment under § 107 of the CAA for any pollutant for which a national ambient air quality standard exists.
  32. "Not classified area" means any carbon monoxide nonattainment area which EPA has not classified as either moderate or serious.
  33. "Phase II of the interim period" with respect to a pollutant or pollutant precursor means that period of time after December 27, 1993, lasting until the earlier of the following:
    1. Submission to EPA of the relevant control strategy implementation plan revisions which have been endorsed by the Governor or the Director of ADEQ and have been subject to a public hearing.
    2. The date that the CAA requires relevant control strategy implementation plans to be submitted to EPA, provided EPA has made a finding of the state's failure to submit any such plans and the state, MPO, and USDOT have received notice of such finding of the state's failure to submit any such plans.
  34. "Project" means a highway project or transit project.
  35. "Recipient of funds designated under 23 U.S.C. or the Federal Transit Act" means any agency at any level of state, county, or city government, including any political subdivision or MPO, that routinely receives 23 U.S.C. or Federal Transit Act funds to construct FHWA or FTA projects, operate FHWA or FTA projects or equipment, purchase equipment, or undertake other services or operations via contracts or agreements. This definition does not include private landowners or developers, or contractors or entities that are only paid for services or products created by their own employees.
  36. "Regional transportation agency" means a regional transit authority established pursuant to A.R.S. Title 28, Chapter 20 or Chapter 24, or a formal association of political subdivisions involved in regional transportation issues.
  37. "Regionally significant transportation project" means a transportation project (other than an exempt project) that is on a facility which serves regional transportation needs (such as access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals, as well as most terminals themselves) and would normally be included in the modeling of a metropolitan area's transportation network, including at a minimum all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional highway travel.
  38. "Rural transport ozone nonattainment area" means an ozone nonattainment area that does not include, and is not adjacent to, any part of a Metropolitan Statistical Area or, where one exists, a Consolidated Metropolitan Statistical Area (as defined by the United States Bureau of the Census) and is classified under CAA § 182(h) as a rural transport area.
  39. "Standard" means a national ambient air quality standard.
  40. "Statewide transportation improvement program (STIP)" means a staged, multi-year, intermodal program of transportation projects covering the state, which is consistent with the statewide transportation plan and metropolitan transportation plans, and developed pursuant to 23 CFR 450.
  41. "Statewide transportation plan" means the official intermodal statewide transportation plan that is developed through the statewide planning process for the state, developed pursuant to 23 CFR 450.
  42. "Submarginal area" means any ozone nonattainment area which EPA has classified as submarginal in 40 CFR 81.
  43. "Transit" is mass transportation by bus, rail, or other conveyance which provides general or special service to the public on a regular and continuing basis. It does not include school buses or charter or sightseeing services.
  44. "Transit project" means an undertaking to implement or modify a transit facility or transit-related program, purchase transit vehicles or equipment, or provide financial assistance for transit operations. It does not include actions that are solely within the jurisdiction of local transit agencies, such as changes in routes, schedules, or fares. It may consist of several phases. For analytical purposes, it shall be defined inclusively enough to:
    - a. Connect logical termini and be of sufficient length to address environmental matters on a broad scope.
    - b. Have independent utility or independent significance, i.e., be a reasonable expenditure even if no additional transportation improvements in the area are made.
    - c. Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.
  45. "Transitional area" means any ozone nonattainment area which EPA has classified as transitional in 40 CFR 81.
  46. "Transitional period" with respect to a pollutant or pollutant precursor means that period of time which begins after submission to EPA of the relevant control strategy implementation plan which has been endorsed by the Governor or Director of ADEQ and has been subject to a public hearing. The transitional period lasts until EPA takes final approval or disapproval action on the control

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strategy implementation plan submission or finds it to be incomplete. The precise beginning and end of the transitional period is defined in R18-2-1428.

47. "Transportation control measure (TCM)" means any measure that is specifically identified and committed to in the applicable implementation plan that is either one of the types listed in § 108 of the CAA, or any other measure for the purpose of reducing emissions or concentrations of air pollutants from transportation sources by reducing vehicle use or changing traffic flow or congestion conditions. Notwithstanding the above, vehicle technology-based, fuel-based, and maintenance-based measures which control the emissions from vehicles under fixed traffic conditions are not TCMs for the purposes of this rule.
48. "Transportation improvement program (TIP)" means a staged, multi-year, intermodal program of transportation projects covering a metropolitan planning area which is consistent with the metropolitan transportation plan and developed pursuant to 23 CFR 450.
49. "Transportation plan" means the official intermodal metropolitan transportation plan that is developed through the metropolitan planning process for the metropolitan planning area, developed pursuant to 23 CFR 450.
50. "Transportation project" means a highway project or a transit project.
51. "USDOT" means the United States Department of Transportation.
52. "VMT" means the number of vehicle miles traveled.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1402. Applicability**

- A. Except as provided for in subsection (F) or R18-2-1434, conformity determinations are required for all of the following:
  1. The adoption, acceptance, approval, or support of transportation plans developed pursuant to 23 CFR 450 or 49 CFR 613 by an MPO or USDOT.
  2. The adoption, acceptance, approval, or support of TIPs developed pursuant to 23 CFR 450 or 49 CFR 613 by an MPO or USDOT.
  3. The approval, funding, or implementation of FHWA or FTA projects.
- B. Conformity determinations are not required under this Article for individual projects which are not FHWA or FTA projects. However, R18-2-1429 applies to such projects if they are regionally significant.
- C. The provisions of this Article shall apply in all nonattainment and maintenance areas for transportation-related criteria pollutants for which the area is designated nonattainment or has a maintenance plan.
- D. The provisions of this Article apply with respect to emissions of the following criteria pollutants: ozone, carbon monoxide, nitrogen dioxide, and particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM<sub>10</sub>).
- E. The provisions of this Article apply with respect to emissions of the following precursor pollutants:
  1. Volatile organic compounds and nitrogen oxides in ozone areas (unless the Administrator determines under § 182(f) of the CAA that additional reductions of NO<sub>x</sub> would not contribute to attainment).
  2. Nitrogen oxides in nitrogen dioxide areas.
  3. Volatile organic compounds, nitrogen oxides, and PM<sub>10</sub> in PM<sub>10</sub> areas if either of the following apply:
    - a. During the interim period, the EPA Regional Administrator or the Director of ADEQ has made a

finding (including a finding in an applicable implementation plan or a submitted implementation plan revision) that transportation-related precursor emissions within the nonattainment area are a significant contributor to the PM<sub>10</sub> nonattainment problem and has so notified ADOT or the MPO where one exists and USDOT.

- b. During the transitional, control strategy, and maintenance periods, the applicable implementation plan or implementation plan submission establishes a budget for such emissions as part of the reasonable further progress, attainment, or maintenance strategy.
- F. Projects subject to this Article for which the NEPA process and a conformity determination have been completed by FHWA or FTA may proceed toward implementation without further conformity determinations if one of the following major steps has occurred within the most recent three-year period: NEPA process completion; formal start of final design; acquisition of a significant portion of the right-of-way; or approval of the plans, specifications, and estimates. All phases of such projects which were considered in the conformity determination are also included, if those phases were for the purpose of funding, final design, right-of-way acquisition, construction, or any combination of these phases.
- G. A new conformity determination for the project will be required if there is a significant change in project design concept and scope, if a supplemental environmental document for air quality purposes is initiated, or if no major steps to advance the project have occurred within the most recent three-year period.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1403. Priority**

When assisting or approving any action with air quality-related consequences, FHWA and FTA shall give priority to the implementation of those transportation portions of an applicable implementation plan prepared to attain and maintain the NAAQS. This priority shall be consistent with statutory requirements for allocation of funds among states or other jurisdictions.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1404. Frequency of Conformity Determinations**

- A. Conformity determinations and conformity redeterminations for transportation plans, TIPs, and FHWA or FTA projects shall be made according to the requirements of this Section and the applicable implementation plan.
- B. Each new transportation plan shall be found to conform before the transportation plan is approved by the MPO or accepted by USDOT.
- C. All transportation plan revisions shall be found to conform before the transportation plan revisions are approved by the MPO or accepted by USDOT, unless the revision merely adds or deletes exempt projects listed in R18-2-1434 and has been made in accordance with the notification provisions contained in R18-2-1405. The conformity determination shall be based on the transportation plan and the revision taken as a whole.
- D. An existing conformity determination shall lapse unless conformity of existing transportation plans is redetermined:
  1. By May 25, 1995, unless previously redetermined consistent with 40 CFR 51, subpart T.
  2. Within 18 months after EPA approval of an implementation plan revision which either:

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- a. Establishes or revises a transportation-related emissions budget (as required by CAA §§ 175A(a), 182(b)(1), 182(c)(2)(A), 182(c)(2)(B), 187(a)(7), 189(a)(1)(B), and 189(b)(1)(A); and §§ 192(a) and 192(b), for nitrogen dioxide); or
    - b. Adds, deletes, or changes TCMs.
  - 3. Within 18 months after EPA promulgation of an implementation plan which establishes or revises a transportation-related emissions budget or adds, deletes, or changes TCMs.
  - E. In any case, conformity determinations shall be made no less frequently than every three years, or the existing conformity determination will lapse.
  - F. A new TIP shall be found to conform before the TIP is approved by the MPO or accepted by USDOT.
  - G. A TIP amendment requires a new conformity determination for the entire TIP before the amendment is approved by the MPO or accepted by USDOT, unless the amendment merely adds or deletes exempt projects listed in R18-2-1434 and has been made in accordance with the notification procedures under R18-2-1405.
  - H. After an MPO adopts a new or revised transportation plan, TIP conformity shall be redetermined by the MPO and USDOT within six months from the date of adoption of the plan, unless the new or revised plan merely adds or deletes exempt projects listed in R18-2-1434. Otherwise, the existing conformity determination for the TIP shall lapse.
  - I. In any case, TIP conformity determinations shall be made no less frequently than every three years or the existing TIP conformity determination shall lapse.
  - J. FHWA or FTA projects shall be found to conform before they are adopted, accepted, approved, or funded. Conformity shall be redetermined for any FHWA or FTA project if none of the following major steps has occurred within the most recent three-year period:
    - 1. NEPA process completion,
    - 2. Start of final design,
    - 3. Acquisition of a significant portion of the right-of-way,
    - 4. Approval of the plans, specifications, and estimates.
- Historical Note**  
Adopted effective June 15, 1995 (Supp. 95-2).
- R18-2-1405. Consultation**
- A. Consultation procedures as described in this Section shall be undertaken by all of the following entities and shall include the public and affected local and regional transportation agencies in preparing for and making conformity determinations and in developing applicable implementation plans:
    - 1. An MPO where one exists.
    - 2. The Arizona Department of Transportation (ADOT).
    - 3. The United States Department of Transportation (USDOT).
    - 4. The Arizona Department of Environmental Quality (ADEQ).
    - 5. The county air pollution control agency established pursuant to A.R.S. Title 49 where one exists.
    - 6. The United States Environmental Protection Agency (EPA).
  - B. The following elements shall be used to implement the consultation processes under subsection (M), with the exception of subsection (M)(8), and under subsection (N), with the exception of subsections (N)(2) and (N)(3), and shall include all affected agencies and interested members of the public, and may be conducted at separate times or in combination:
    - 1. Providing to the affected agencies and interested members of the public information describing the upcoming decision process,
    - 2. Distributing or providing access to draft documents,
    - 3. Providing an opportunity for informal question and answer on the draft document or proposed decision,
    - 4. Providing an opportunity for formal written comment,
    - 5. Writing and distributing both a response to comments and the final document or decision.
  - C. An MPO where one exists, ADEQ, a county air pollution control agency where one exists, ADOT, a transit authority where one exists, and any local transportation agency shall undertake a consultation process in accordance with this Section with each other, with the local or regional offices of EPA, FHWA and FTA, with affected regional transportation agencies, and with the public on the development of the following as described in subsections (D) through (G):
    - 1. The implementation plan, including the emission budget and list of TCMs in the applicable implementation plan;
    - 2. The unified planning work program under 23 CFR § 450.314;
    - 3. The transportation plan and TIP;
    - 4. The statewide transportation plan and STIP;
    - 5. Any revisions to the preceding documents;
    - 6. All transportation conformity determinations.
  - D. ADEQ, or the MPO in a county having a population greater than 250,000 persons, shall be the lead agency responsible for preparing an implementation plan, the associated emission budgets, and the list of TCMs in the plan. The lead agency shall also be responsible for assuring the adequacy of the consultation process. The concurrence of ADEQ on each implementation plan is required before ADEQ adopts the plan and transmits it to EPA for inclusion in the state implementation plan pursuant to A.R.S. § 49-406.
  - E. ADOT, or the MPO where one exists, shall be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the consultation process with respect to the development of the transportation plan and the TIP. The MPO shall be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the consultation process with respect to the development of the unified planning work program under 23 CFR 450.314.
  - F. ADOT shall be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the consultation process with respect to the development of the statewide transportation plan and the STIP.
  - G. ADOT, or the MPO where one exists, shall be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the consultation process with respect to determinations of transportation conformity, except that the entity authorized to adopt or approve a project shall be the lead agency responsible for project-level conformity determinations for projects outside of the transportation plan or TIP and shall assure the adequacy of the consultation process.
  - H. Each lead agency described in subsections (D) through (G) shall:
    - 1. Confer with all other agencies having an interest in the document or decision to be developed;
    - 2. Provide access to all information needed for meaningful input;
    - 3. Solicit early and continuing input from those agencies;
    - 4. Conduct the public consultation process described in subsection (P);
    - 5. Assure policy-level contact with agencies;

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6. With the exception of notifications pursuant to subsection (M)(8), prior to taking any action required pursuant to subsections (D) through (G), consider the views of each agency and the public and respond to significant comments in a timely, substantive written manner prior to taking any final action and assure that such views and written response are made part of the record of any action.
- I. FHWA and FTA shall be responsible for assuring timely action on final findings of conformity for transportation plans, TIPs, and federally funded projects, including the basis for those findings, after consulting with other agencies as provided in this Section. FHWA and FTA shall also be responsible for providing guidance on conformity and the transportation planning process to agencies in consultation. FHWA and FTA may rely on the consultation process initiated by ADOT or the MPO where one exists and shall not be required to duplicate that process.
- J. EPA shall be responsible for reviewing and approving updated motor vehicle emissions factors and providing guidance on conformity criteria and procedures to agencies in consultation.
- K. Each lead agency subject to a consultation process under this Section, including any federal agency, shall provide or notice the availability of each final document that is the product of the consultation process, together with all supporting information, to each other agency and members of the public that have participated in the consultation process within 15 days of adopting or approving the document or making the determination. An agency may supply a checklist of available supporting information, which other participating agencies or the public may use to request all or part of the supporting information, in lieu of generally distributing all supporting information.
- L. A meeting that is scheduled or required for another purpose may be used for the purposes of consultation if the conformity consultation purpose is identified in the public notice for the meeting.
- M. A consultation process involving an MPO where one exists, ADEQ, a county air pollution control agency where one exists, ADOT, a transit authority where one exists, local and regional transportation agencies, EPA, USDOT, and the public shall be undertaken for the following:
  1. Evaluating and choosing each model and associated methods and assumptions to be used in hot-spot analyses and regional emissions analyses including vehicle miles traveled (VMT) forecasting. The consultation process pursuant to this subsection shall be initiated by ADOT or the MPO where one exists.
  2. Determining whether the responsible agency identified in R18-2-1433 has demonstrated that the requirements of R18-2-1416, R18-2-1418 and R18-2-1419 are satisfied without a particular mitigation or control measure. The consultation process pursuant to this subsection shall be initiated by the responsible agency.
  3. Making a determination, as required by R18-2-1429(C)(2), whether the project is included in the regional emissions analysis supporting the currently conforming TIP's conformity determination, even if the project is not included in the TIP for the purposes of MPO project selection or endorsement, and whether the project's design concept and scope have changed significantly from those which were included in the regional emissions analysis, or in a manner which would significantly impact use of the facility. The consultation process pursuant to this subsection shall be initiated by the MPO. In nonattainment areas where no MPO exists, ADOT shall initiate the consultation process for making a determination, as required by R18-2-1429(C)(2), whether a project that is outside of a TIP is included in the regional emissions analysis, and whether the project's design concept and scope have changed significantly from those which were included in the regional emissions analysis, or in a manner which would significantly impact use of the facility.
4. Determining pursuant to subsection (R) which minor arterials and other transportation projects should be considered "regionally significant" for the purposes of regional emissions analysis and which projects should be considered to have a significant change in design concept and scope from the transportation plan or TIP. The consultation process pursuant to this subsection shall be initiated by the MPO. In nonattainment areas where no MPO exists, ADOT shall initiate the consultation process for determining pursuant to subsection (R) which minor arterials and other transportation projects should be considered "regionally significant" for the purposes of regional emissions analysis.
5. Evaluating whether exempt projects as described in R18-2-1434 and R18-2-1435 should be treated as non-exempt in cases where potential adverse emissions impacts may exist for any reason. The consultation process pursuant to this subsection shall be initiated by ADOT or the MPO where one exists.
6. Making a determination, as required by R18-2-1413, whether past obstacles to implementation of TCMs which are behind the schedule established in the applicable implementation plan have been identified and are being overcome, and whether state and local agencies with influence over approvals or funding for TCMs are giving maximum priority to approval or funding for TCMs. This consultation process shall also consider whether delays in TCM implementation necessitate revisions to the applicable implementation plan to remove TCMs or to substitute TCMs or other emission reduction measures. The consultation process pursuant to this subsection shall be initiated by ADOT or the MPO where one exists.
7. Identifying, as required by R18-2-1431, projects located at sites in PM<sub>10</sub> nonattainment areas which have vehicle and roadway emission and dispersion characteristics which are essentially identical to those at sites which have violations verified by monitoring, and therefore require quantitative PM<sub>10</sub> hot-spot analysis. The consultation process pursuant to this subsection shall be initiated by ADOT or the MPO where one exists.
8. Notification of transportation plan or TIP revisions or amendments which merely add or delete exempt projects listed in R18-2-1434. Notice shall be provided by the MPO and need not be provided prior to final action. Notice shall be provided by ADOT for revisions and amendments affecting the state transportation plan and the state TIP. The public involvement process described in subsection (P) is not required for the purposes of this subsection.
9. Project-level conformity determinations pursuant to R18-2-1416. The consultation process pursuant to this subsection shall be initiated by the recipient of the funds designated under 23 U.S.C. or the Federal Transit Act.
- N. A consultation process involving the MPO, ADEQ, a county air pollution control agency where one exists, ADOT, appropriate political subdivisions, regional transportation agencies, if any, and the public shall be undertaken for the following:
  1. Evaluating events which will trigger new conformity determinations in addition to those triggering events

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established in R18-2-1404 and including any changes in planning assumptions that may trigger a new conformity determination. The consultation process pursuant to this subsection shall be initiated by ADOT or the MPO where one exists.

2. Consulting on emissions analysis for transportation activities which cross the borders of MPOs or nonattainment areas or air basins. The consultation process pursuant to this subsection shall be initiated by ADOT or the MPO where one exists. The public involvement process described in subsection (P) is not required for the purposes of this subsection.
  3. Where the metropolitan planning area does not include the entire nonattainment or maintenance area, a consultation process involving the MPO and ADOT for cooperative planning and analysis for purposes of determining conformity of all projects outside the metropolitan area and within the nonattainment or maintenance area. The consultation process pursuant to this subsection shall be initiated by ADOT. The public involvement process described in subsection (P) is not required for the purposes of this subsection.
  4. The design, schedule, and funding of research and data collection efforts and regional transportation model development. The consultation process pursuant to this subsection shall be initiated by ADOT or the MPO where one exists.
  5. Determining that a conforming project approved with mitigation no longer requires mitigation. The consultation process pursuant to this subsection shall be initiated by ADOT or the MPO where one exists.
- O.** The following consultation processes involve recipients of funds designated under 23 U.S.C. or the Federal Transit Act:
1. A consultation process involving the MPO, ADEQ, a county air pollution control agency where one exists, ADOT, recipients of funds designated under 23 U.S.C. or the Federal Transit Act and any agency created under state law that sponsors or approves transportation projects shall be undertaken to assure that plans for construction of regionally significant projects which are not FHWA or FTA projects, including projects for which alternative locations, design concept or scope, or the no-build option are still being considered, are disclosed as soon as practicable to ADOT or the MPO where one exists, so as to assure that any significant changes to the design concept or scope of those plans are disclosed as soon as practicable. The political subdivision having authority to adopt or approve a regionally significant transportation project, and any agency that becomes aware of any such project through applications for approval, permitting, funding, or otherwise shall disclose such project to ADOT or the MPO if one exists as soon as practicable. To help assure timely disclosure, the political subdivision having authority to adopt or approve any potential regionally significant transportation project shall disclose to ADOT or the MPO on a schedule prescribed by ADOT or the MPO, whichever is appropriate, each project for which alternatives have been identified through the NEPA process and, in particular, any preferred alternative that may be a regionally significant project. The consultation process shall include assuming the location, design concept, and scope of the project, where the sponsor has not yet decided these features, in sufficient detail to allow ADOT or the MPO to perform a regional emissions analysis. The consultation process pursuant to this subsection shall be initiated by ADOT or the MPO where one exists.
  2. A consultation process involving the MPO, ADEQ, a county air pollution control agency where one exists, ADOT, recipients of funds designated under 23 U.S.C. or the Federal Transit Act, any agency created under state law that sponsors or approves transportation projects, and the public shall be undertaken for the development of procedures as described in R18-2-1429. The consultation process pursuant to this subsection shall be initiated by ADOT or the MPO where one exists.
- P.** Public involvement processes shall be conducted according to the requirements of this subsection.
1. ADOT or the MPO, where one exists, when making conformity determinations on transportation plans, programs, and projects shall establish and continuously implement a proactive public involvement process which provides opportunity for public review and comment prior to taking formal action on a conformity determination for all transportation plans and TIPs, that meets the following minimum requirements:
    - a. Includes a process that provides complete information, timely public notice, full public access to key decisions and supports early and continuing involvement of the public in developing plans and TIPs.
    - b. Requires a minimum public comment period of 45 days before the public involvement process is initially adopted or revised.
    - c. Provides timely information about transportation issues and processes to citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, other interested parties and segments of the community affected by transportation plans, programs, and projects, including but not limited to central city and other local jurisdiction concerns.
    - d. Provides reasonable public access to technical and policy information used in the development of plans and TIPs and open public meetings where matters related to the federal-aid highway and transit programs are being considered.
    - e. Requires adequate public notice of public involvement activities and time for public review and comment at key decision points, including, but not limited to, approval of plans and TIPs and approval of changes in plans and TIPs. In nonattainment areas classified as serious and above, the comment period shall be at least 30 days for the plan, TIP, and major amendments. Public notice shall include mailing of notice to a list of all persons who have requested notice of actions covered by this Article.
    - f. Demonstrates explicit consideration and response to public input received during the planning and program development processes.
    - g. Seeks out and considers the needs of those traditionally underserved by existing transportation systems, including but not limited to low-income and minority households.
    - h. When significant written and oral comments are received on a draft transportation plan or TIP, including the financial plan, as a result of the public involvement process or the consultation process required by this Section, a summary, analysis, and report on the disposition of comments shall be made part of the final plan and TIP.
    - i. If the final transportation plan or TIP differs significantly from the one which was made available for public comment by the MPO and it raises new mate-



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rial issues which interested parties could not reasonably have foreseen from the public involvement efforts, an additional opportunity for public comment on the revised plan or TIP shall be made available.

- j. ADOT or the MPO where one exists shall specifically address in writing all public comments that known plans for a regionally significant transportation project which is not receiving FHWA or FTA funding or approval have not been properly reflected in the emissions analysis supporting a proposed conformity finding for a transportation plan or TIP.
  - k. Public involvement processes shall be periodically reviewed by ADOT or the MPO in terms of their effectiveness in assuring that the process provides full and open access to all.
  - l. These procedures will be reviewed by the FHWA and the FTA during certification reviews for TMAs, and as otherwise necessary for all MPOs, to assure that full and open access is provided to MPO decisionmaking processes.
  - m. Metropolitan public involvement processes shall be coordinated with statewide public involvement processes wherever possible to enhance public consideration of the issues, plans, and programs and to reduce redundancies and costs.
2. Local and regional transportation agencies when making conformity determinations on regionally significant transportation projects shall establish and implement a public involvement process which meets, at a minimum, the following requirements:
- a. Provides to the affected agencies and interested members of the public information describing the upcoming decision process.
  - b. Distributes or provides access to draft documents and all information needed for meaningful input.
  - c. Solicits early and continuing input from interested agencies and the public.
  - d. Provides an opportunity for informal question and answer on the draft document or proposed decision.
  - e. Provides an opportunity for formal written comment.
  - f. Provides for writing and distributing both a response to comments and the final document or decision. The response to comments shall consider the views of each agency and the public. The response to comments shall be made in a timely, substantive written manner prior to taking any final action and shall be made part of the record of any action.
- Q.** Any conflict among state agencies or between state agencies and an MPO shall be escalated to the Governor if the conflict cannot be resolved by the directors of the involved agencies. In the first instance, such entities shall make every effort to resolve any differences, including personal meetings between the directors of such entities or their policy-level representatives, to the extent possible. Within 14 calendar days after ADOT or the MPO has notified ADEQ of its decision, ADEQ may appeal a proposed determination of conformity, or other policy decision under this Article, to the Governor. ADEQ must provide notice of any appeal under this subsection to ADOT or the MPO. If ADEQ does not appeal to the Governor within 14 days, ADOT or the MPO may proceed with the final determination or decision. If ADEQ appeals to the Governor, the final conformity determination or policy decision shall have the concurrence of the Governor. The Governor may delegate to another official or agency within the state the role of
- hearing any appeal under this subsection and of deciding whether to concur in the determination or decision but may not delegate these functions to the director or staff of ADEQ, to any local air quality agency, to ADOT, to any state transportation commission or board, to an MPO, or to any agency that has responsibility for any of these functions.
- R.** The following procedures shall govern the consultation process regarding regionally significant transportation projects as defined in R18-2-1401(37):
- 1. By September 1, 1995, ADOT or the MPO where one exists shall develop and make available, for each nonattainment or maintenance area, consistent with A.R.S. § 49-408(A), the following:
    - a. A map of the highway or transit facilities in the nonattainment or maintenance area that serve regional transportation needs.
    - b. Guidance on which undertakings to implement or modify a highway facility are not transportation projects as defined in this Article, because they are not of sufficient length to address environmental matters on a broad scope.
    - c. Guidance on which types of transportation projects are normally included in the regional transportation model.
  - 2. The map and guidance described in subsection (R)(1) shall be produced only after consultation with ADEQ, a county air pollution control agency where one exists, ADOT, a transit authority where one exists, local and regional transportation agencies, and the public. The map developed pursuant to subsection (R)(1) shall be updated prior to the commencement of the next TIP or STIP development cycle, unless no changes have occurred. The guidance developed pursuant to subsection (R)(3) shall be revised as necessary to reflect changes in the regional transportation model.
  - 3. ADOT or the MPO where one exists shall develop and initiate the consultation process described in subsection (H) for a proposed list of transportation projects to be considered regionally significant. The consultation process shall include the MPO where one exists, ADEQ, a county air pollution control agency where one exists, ADOT, a transit authority where one exists, local and regional transportation agencies, EPA, USDOT, and the public. The list shall include information supporting the proposed classification.
  - 4. In determining whether a facility serves regional transportation needs, ADOT or the MPO where one exists shall consider at a minimum whether the facility:
    - a. Would be classified as a principal arterial based on average daily traffic or other factors, if not for limitations that the USDOT places on the percentage of streets that can be so classified.
    - b. For all other roadways, whether the facility:
      - i. Serves regional mobility needs, as opposed to local access.
      - ii. Carries regional traffic from one principal arterial to another.
      - iii. Is a modification that expands a facility such that it would serve regional transportation needs.
  - 5. For the purposes of this Article, a street with a lower classification than a collector street, as specified in the most recent federal classification map for the region, does not serve regional transportation needs.

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6. None of the following attributes, by itself, shall require a transportation project to be included in the modeling of a metropolitan area's transportation network:
  - a. The connection of a facility that does not serve regional transportation needs to a facility that does serve regional transportation needs.
  - b. The addition or modification of a lane other than a through lane.
- S. An agency having a role or responsibility under this Section may delegate that role or responsibility to another entity pursuant to the applicable state law but shall notify all other parties to the consultation process of this fact when the delegation occurs and shall also provide to the other parties the name, address, and telephone number of one or more contact persons representing the entity that is accepting the delegated role or responsibility.
- T. The provisions of this Section apply only to TIP and STIP planning cycles beginning with the cycles next following the effective date of this Section. The provisions of 40 CFR 51, Subpart T, continue to apply to all TIP and STIP planning cycles in progress at the time of the effective date of this Section. The provisions of this Section apply to consultation on projects and TIP amendments as of the effective date of this Section.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1406. Content of Transportation Plans**

- A. For transportation plans adopted after January 1, 1995, in serious, severe, or extreme ozone nonattainment areas and in serious carbon monoxide nonattainment areas, the following shall apply:
  1. The transportation plan shall specifically describe the transportation system envisioned for certain future years which shall be called horizon years.
  2. The agency or organization developing the transportation plan, after consultation pursuant to R18-2-1405, may choose any years to be horizon years, subject to the following restrictions:
    - a. Horizon years may be no more than 10 years apart.
    - b. The first horizon year may be no more than 10 years from the base year used to validate the transportation demand planning model.
    - c. If the attainment year is in the time span of the transportation plan, the attainment year shall be a horizon year.
    - d. The last horizon year shall be the last year of the transportation plan's forecast period.
  3. For these horizon years all of the following apply:
    - a. The transportation plan shall quantify and document the demographic and employment factors influencing expected transportation demand, including land-use forecasts, in accordance with implementation plan provisions and R18-2-1405.
    - b. The highway and transit system shall be described in terms of the regionally significant additions or modifications to the existing transportation network which the transportation plan envisions to be operational in the horizon years. Additions and modifications to the highway network shall be sufficiently identified to indicate intersections with existing regionally significant facilities and to determine their effect on route options between transportation analysis zones. Each added or modified highway segment shall also be sufficiently identified in terms of its design concept and design scope to allow modeling of travel times under various traffic volumes, consistent with the modeling methods for area-wide transportation analysis in use by the MPO. Transit facilities, equipment, and services envisioned for the future shall be identified in terms of design concept, design scope, and operating policies sufficiently to allow modeling of their transit ridership. The description of additions and modifications to the transportation network shall also be sufficiently specific to show that there is a reasonable relationship between expected land use and the envisioned transportation system.

eling of travel times under various traffic volumes, consistent with the modeling methods for area-wide transportation analysis in use by the MPO. Transit facilities, equipment, and services envisioned for the future shall be identified in terms of design concept, design scope, and operating policies sufficiently to allow modeling of their transit ridership. The description of additions and modifications to the transportation network shall also be sufficiently specific to show that there is a reasonable relationship between expected land use and the envisioned transportation system.

- c. Other future transportation policies, requirements, services, and activities, including intermodal activities, shall be described.
- B. Ozone or CO nonattainment areas which are reclassified from moderate to serious shall meet the requirements of subsection (A) within two years from the date of reclassification.
- C. Transportation plans for other areas shall meet the requirements of subsection (A) at least to the extent it has been the previous practice of the MPO to prepare plans which meet those requirements. Otherwise, transportation plans shall describe the transportation system envisioned for the future specifically enough to allow determination of conformity according to the criteria and procedures of R18-2-1409 through R18-2-1427.
- D. The requirements of this Section supplement other requirements of applicable law or regulation governing the format or content of transportation plans.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1407. Relationship of Transportation Plan and TIP Conformity with the NEPA Process**

The degree of specificity required in the transportation plan and the specific travel network assumed for air quality modeling do not preclude the consideration of alternatives in the NEPA process or other project development studies. Should the NEPA process result in a project with design concept and scope significantly different from that in the transportation plan or TIP, the project shall meet the criteria in R18-2-1409 through R18-2-1427 for projects not from a TIP before NEPA process completion.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1408. Fiscal Constraints for Transportation Plans and TIPs**

Transportation plans and TIPs shall demonstrate that they are fiscally constrained consistent with USDOT's metropolitan planning regulations at 23 CFR 450 in order to be found in conformity.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1409. Criteria and Procedures for Determining Conformity of Transportation Plans, Programs, and Projects: General**

- A. In order to be found to conform, each transportation plan, program, and FHWA or FTA project shall satisfy the applicable criteria and procedures in R18-2-1410 through R18-2-1427 as listed in Table 1 of this Section and shall comply with all applicable conformity requirements of implementation plans and of court orders for the area which pertain specifically to conformity determination requirements. The criteria for making conformity determinations differ based on the action under review (transportation plans, TIPs, and FHWA or FTA proj-

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ects), the time period in which the conformity determination is made, and the relevant pollutant.

- B.** The following table indicates the criteria and procedures in R18-2-1410 through R18-2-1427 which apply for each action in each time period:

**Table 1. Conformity Criteria  
DURING ALL PERIODS**

Action	Criteria
Transportation Plan	R18-2-1410, R18-2-1411, R18-2-1412, R18-2-1413(B)
TIP	R18-2-1410, R18-2-1411, R18-2-1412, R18-2-1413(C)
Project (from a conforming plan and TIP)	R18-2-1410, R18-2-1411, R18-2-1412, R18-2-1414, R18-2-1415, R18-2-1416, R18-2-1417
Project (not from a conforming plan and TIP)	R18-2-1410, R18-2-1411, R18-2-1412, R18-2-1413(D), R18-2-1414, R18-2-1416, R18-2-1417

## PHASE II OF THE INTERIM PERIOD

Action	Criteria
Transportation Plan	R18-2-1422, R18-2-1425
TIP	R18-2-1423, R18-2-1426
Project (from a conforming plan and TIP)	R18-2-1421
Project (not from a conforming plan and TIP)	R18-2-1421, R18-2-1424, R18-2-1427

## TRANSITIONAL PERIOD

Action	Criteria
Transportation Plan	R18-2-1418, R18-2-1422, R18-2-1425
TIP	R18-2-1419, R18-2-1423, R18-2-1426
Project (from a conforming plan and TIP)	R18-2-1421
Project (not from a conforming plan and TIP)	R18-2-1420, R18-2-1421, R18-2-1424, R18-2-1427

## CONTROL STRATEGY AND MAINTENANCE PERIODS

Action	Criteria
Transportation Plan	R18-2-1418
TIP	R18-2-1419
Project (from a conforming plan and TIP)	No additional criteria
Project (not from a conforming plan and TIP)	R18-2-1420

R18-2-1410. The conformity determination must be based on the latest planning assumptions.

R18-2-1411. The conformity determination must be based on the latest emission estimation model available.

R18-2-1412. The MPO must make the conformity determination according to the consultation procedures of this rule and the implementation plan revision required by 40 CFR 51.396.

R18-2-1413. The transportation plan, TIP, or FHWA or FTA project which is not from a conforming plan and TIP must provide for the timely implementation of TCMs from the applicable implementation plan.

R18-2-1414. There must be a currently conforming transportation plan and currently conforming TIP at the time of project approval.

R18-2-1415. The project must come from a conforming transportation plan and program.

R18-2-1416. The FHWA or FTA project must not cause or contribute to any new localized CO or PM<sub>10</sub> violations or increase the frequency or severity of any existing CO or PM<sub>10</sub> violations in CO and PM<sub>10</sub> nonattainment and maintenance areas.

R18-2-1417. The FHWA or FTA project must comply with PM<sub>10</sub> control measures in the applicable implementation plan.

R18-2-1418. The transportation plan must be consistent with the motor vehicle emissions budget(s) in the applicable implementation plan or implementation plan submission.

R18-2-1419. The TIP must be consistent with the motor vehicle emissions budget(s) in the applicable implementation plan or implementation plan submission.

R18-2-1420. The project which is not from a conforming transportation plan and conforming TIP must be consistent with the motor vehicle emissions budget(s) in the applicable implementation plan or implementation plan submission.

R18-2-1421. The FHWA or FTA project must eliminate or reduce the severity and number of localized CO violations in the area substantially affected by the project (in CO nonattainment areas).

R18-2-1422. The transportation plan must contribute to emissions reductions in ozone and CO nonattainment areas.

R18-2-1423. The TIP must contribute to emissions reductions in ozone and CO nonattainment areas.

R18-2-1424. The project which is not from a conforming transportation plan and TIP must contribute to emissions reductions in ozone and CO nonattainment areas.

R18-2-1425. The transportation plan must contribute to emission reductions or must not increase emissions in PM<sub>10</sub> and NO<sub>2</sub> nonattainment areas.

R18-2-1426. The TIP must contribute to emission reductions or must not increase emissions in PM<sub>10</sub> and NO<sub>2</sub> nonattainment areas.

R18-2-1427. The project which is not from a conforming transportation plan and TIP must contribute to emission reductions or must not increase emissions in PM<sub>10</sub> and NO<sub>2</sub> nonattainment areas.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1410. Criteria and Procedures: Latest Planning Assumptions**

**A.** During all periods the conformity determination, with respect to all other applicable criteria in R18-2-1411 through R18-2-1427, shall be based upon the most recent complete planning assumptions in force at the time of the conformity determination. The conformity determination shall satisfy the requirements of subsections (B) through (F).

**B.** Assumptions, including vehicle miles traveled per capita or per household, trip generation per household, vehicle occupancy, household size, vehicle fleet mix, vehicle ownership, and the geographic distribution of population growth shall be derived from the estimates of current and future population, employment, travel, and congestion most recently used by ADOT or the MPO where one exists. Population estimates shall be consistent with the estimates developed by the Arizona Department of Economic Security pursuant to A.R.S. § 41-1954(A). The conformity determination shall also be based on the latest assumptions about current and future background concentrations.

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- C. The conformity determination for each transportation plan and TIP shall discuss how transit operating policies (including fares and service levels) and assumed transit ridership have changed since the previous conformity determination.
- D. The conformity determination shall include reasonable assumptions about transit service and increases in transit fares and road and bridge tolls over time.
- E. The conformity determination shall use the latest existing information regarding the effectiveness of the TCMs which have already been implemented.
- F. Key assumptions shall be specified and included in the draft documents and supporting materials used for the interagency and public consultation required by R18-2-1405.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1411. Criteria and Procedures: Latest Emissions Model**

- A. During all periods the conformity determination shall be based on the latest emission estimation model available. This criterion is satisfied if the most current version of the motor vehicle emissions model specified by EPA for use in the preparation or revision of implementation plans in that state or area is used for the conformity analysis. Where EMFAC is the motor vehicle emissions model used in preparing or revising the applicable implementation plan, new versions shall be approved by EPA before they are used in the conformity analysis.
- B. Conformity analyses for which the emissions analysis was begun during the grace period or before the Federal Register notice of availability of the latest emission model, or during any grace period announced in such notice, may continue to use the previous version of the model for transportation plans and TIPs. The previous model may also be used for projects if the analysis was begun during the grace period or before the Federal Register notice of availability, provided no more than three years have passed since the draft environmental document was issued.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1412. Criteria and Procedures: Consultation**

All conformity determinations shall be made according to the consultation procedures in R18-2-1405. This criterion applies during all periods. Until the implementation plan revision required by 40 CFR 51.396 is approved by EPA, the conformity determination shall be made according to the procedures in R18-2-1405. Once the implementation plan revision has been approved by EPA, this criterion is satisfied if the conformity determination is made consistent with the implementation plan's consultation requirements.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1413. Criteria and Procedures: Timely Implementation of TCMs**

- A. During all periods the transportation plan, TIP, or FHWA, or FTA project which is not from a conforming plan and TIP shall provide for the timely implementation of TCMs from the applicable implementation plan.
- B. For transportation plans, this criterion is satisfied if the following two conditions are met:
  - 1. The transportation plan, in describing the envisioned future transportation system, provides for the timely completion or implementation of all TCMs in the applicable implementation plan which are eligible for funding under 23 U.S.C. or the Federal Transit Act, consistent with

schedules included in the applicable implementation plan.

- 2. Nothing in the transportation plan interferes with the implementation of any TCM in the applicable implementation plan.
- C. For TIPs, this criterion is satisfied if all of the following conditions are met:
  - 1. An examination of the specific steps and funding source needed to fully implement each TCM indicates that TCMs which are eligible for funding under 23 U.S.C. or the Federal Transit Act are on or ahead of the schedule established in the applicable implementation plan, or, if such TCMs are behind the schedule established in the applicable implementation plan, the MPO and USDOT have determined that past obstacles to implementation of the TCMs have been identified and have been or are being overcome, and that all state and local agencies with influence over approvals or funding for TCMs are giving maximum priority to approval or funding of TCMs over other projects within their control, including projects in locations outside the nonattainment or maintenance area. Maximum priority to approval or funding of TCMs includes demonstrations with respect to funding acceleration, commitment of staff or other agency resources, diligent efforts to seek approvals, and similar actions.
  - 2. If federal funding intended for TCMs in the applicable implementation plan has previously been programmed but is reallocated to projects in the TIP other than TCMs, (or if there are no other TCMs in the TIP, to projects in the TIP other than projects which are eligible for federal funding under ISTEA's Congestion Mitigation and Air Quality Improvement Program), and the TCMs are behind the schedule in the implementation plan, the TIP cannot be found to conform.
  - 3. Nothing in the TIP may interfere with the implementation of any TCM in the applicable implementation plan.
- D. For FHWA or FTA projects which are not from a conforming transportation plan and TIP, this criterion is satisfied if the project does not interfere with the implementation of any TCM in the applicable implementation plan.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1414. Criteria and Procedures: Currently Conforming Transportation Plan and TIP**

During all periods there shall be a currently conforming transportation plan and currently conforming TIP at the time of project approval. This criterion is satisfied if the current transportation plan and TIP have been found to conform to the applicable implementation plan by the MPO and USDOT according to the procedures of this subpart. Only one conforming transportation plan or TIP may exist in an area at any time; conformity determinations of a previous transportation plan or TIP expire once the current plan or TIP is found to conform by USDOT. The conformity determination on a transportation plan or TIP will also lapse if conformity is not determined according to the frequency requirements of R18-2-1404.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1415. Criteria and Procedures: Projects from a Plan and TIP**

- A. During all periods the project shall come from a conforming transportation plan and program. Otherwise, the project shall satisfy all criteria in Table 1 of R18-2-1409 for a project not from a conforming transportation plan and TIP. A project is considered to be from a conforming transportation plan if it

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meets the requirements of subsection (B) and from a conforming program if it meets the requirements of subsection (C).

- B.** A project is considered to be from a conforming transportation plan if one of the following conditions applies:
1. For projects which are required to be identified in the transportation plan in order to satisfy R18-2-1406, the project is specifically included in the conforming transportation plan and the project's design concept and scope have not changed significantly from those which were described in the transportation plan, or in a manner which would significantly impact use of the facility.
  2. For projects which are not required to be specifically identified in the transportation plan, the project is identified in the conforming transportation plan, or is consistent with the policies and purpose of the transportation plan and will not interfere with other projects specifically included in the transportation plan.
- C.** A project is considered to be from a conforming program if all of the following conditions are met:
1. The project is included in the conforming TIP and the design concept and scope of the project were adequate at the time of the TIP conformity determination to determine its contribution to the TIP's regional emissions and have not changed significantly from those which were described in the TIP, or in a manner which would significantly impact use of the facility.
  2. If the TIP describes a project design concept and scope which includes project-level emissions mitigation or control measures, enforceable written commitments to implement such measures shall be obtained from the project sponsor or operator as required by R18-2-1433 in order for the project to be considered from a conforming program. Any change in these mitigation or control measures that would significantly reduce their effectiveness constitutes a change in the design concept and scope of the project.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1416. Criteria and Procedures: Localized CO and PM<sub>10</sub> Violations (Hot Spots)**

- A.** During all periods any FHWA or FTA project shall not cause or contribute to any new localized CO or PM<sub>10</sub> violations or increase the frequency or severity of any existing CO or PM<sub>10</sub> violations in CO and PM<sub>10</sub> nonattainment and maintenance areas. This criterion is satisfied if it is demonstrated that no new local violations will be created and the severity or number of existing violations will not be increased as a result of the project.
- B.** The demonstration shall be performed according to the requirements of R18-2-1405 and R18-2-1431.
- C.** For projects which are not of the type identified by R18-2-1431(A) or R18-2-1431(D), this criterion may be satisfied if consideration of local factors clearly demonstrates that no local violations presently exist and no new local violations will be created as a result of the project. Otherwise, in CO nonattainment and maintenance areas, a quantitative demonstration shall be performed according to the requirements of R18-2-1431(B).

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1417. Criteria and Procedures: Compliance with PM<sub>10</sub> Control Measures**

During all periods any FHWA or FTA project shall comply with PM<sub>10</sub> control measures in the applicable implementation plan. This

condition is satisfied if control measures (for the purpose of limiting PM<sub>10</sub> emissions from the construction activities or normal use and operation associated with the project) contained in the applicable implementation plan are included in the final plans, specifications, and estimates for the project.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1418. Criteria and Procedures: Motor Vehicle Emissions Budget (Transportation Plan)**

- A.** The transportation plan shall be consistent with the motor vehicle emissions budget in the applicable implementation plan or implementation plan submission. This criterion applies during the transitional period and the control strategy and maintenance periods, except as provided in R18-2-1436. This criterion may be satisfied if the requirements in subsections (B) and (C) are met:
- B.** A regional emissions analysis shall be performed as follows:
1. The regional analysis shall estimate emissions of any of the following pollutants and pollutant precursors for which the area is in nonattainment or maintenance and for which the applicable implementation plan or implementation plan submission establishes an emissions budget:
    - a. VOC as an ozone precursor.
    - b. NO<sub>x</sub> as an ozone precursor, unless the Administrator determines that additional reductions of NO<sub>x</sub> would not contribute to attainment.
    - c. CO.
    - d. PM<sub>10</sub> (and its precursors VOC or NO<sub>x</sub> if the applicable implementation plan or implementation plan submission identifies transportation-related precursor emissions within the nonattainment area as a significant contributor to the PM<sub>10</sub> nonattainment problem or establishes a budget for such emissions).
    - e. NO<sub>x</sub> (in NO<sub>2</sub> nonattainment or maintenance areas).
  2. The regional emissions analysis shall estimate emissions from the entire transportation system, including all regionally significant transportation projects contained in the transportation plan and all other regionally significant highway and transit projects expected in the nonattainment or maintenance area in the time-frame of the transportation plan.
  3. The emissions analysis methodology shall meet the requirements of R18-2-1430.
  4. For areas with a transportation plan that meets the content requirements of R18-2-1406(A), the emissions analysis shall be performed for each horizon year. Emissions in milestone years which are between the horizon years may be determined by interpolation.
  5. For areas with a transportation plan that does not meet the content requirements of R18-2-1406(A), the emissions analysis shall be performed for all of the following:
    - a. The last year of the plan's forecast period.
    - b. The attainment year, if the attainment year is in the time span of the transportation plan.
    - c. Any other years in the time span of the transportation plan such that there is not a gap of more than 10 years between analysis years. Emissions in milestone years which are between these analysis years may be determined by interpolation.
- C.** The regional emissions analysis shall demonstrate that for each of the applicable pollutants or pollutant precursors in subsection (B)(1) the emissions are less than or equal to the motor vehicle emissions budget as established in the applicable implementation plan or implementation plan submission as follows:

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1. If the applicable implementation plan or implementation plan submission establishes emissions budgets for milestone years, emissions in each milestone year are less than or equal to the motor vehicle emissions budget established for that year.
2. For nonattainment areas, emissions in the attainment year are less than or equal to the motor vehicle emissions budget established in the applicable implementation plan or implementation plan submission for that year.
3. For nonattainment areas, emissions in each analysis or horizon year after the attainment year are less than or equal to the motor vehicle emissions budget established by the applicable implementation plan or implementation plan submission for the attainment year. If emissions budgets are established for years after the attainment year, emissions in each analysis year or horizon year shall be less than or equal to the motor vehicle emissions budget for that year, if any, or the motor vehicle emissions budget for the most recent budget year prior to the analysis year or horizon year.
4. For maintenance areas, emissions in each analysis or horizon year are less than or equal to the motor vehicle emissions budget established by the maintenance plan for that year, if any, or the emissions budget for the most recent budget year prior to the analysis or horizon year.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1419. Criteria and Procedures: Motor Vehicle Emissions Budget (TIP)**

- A. The TIP shall be consistent with the motor vehicle emissions budgets in the applicable implementation plan or implementation plan submission. This criterion applies during the transitional period and the control strategy and maintenance periods, except as provided in R18-2-1436. This criterion may be satisfied if the requirements in subsections (B) and (C) are met.
- B. For areas with a conforming transportation plan that fully meets the content requirements of R18-2-1406(A), this criterion may be satisfied without additional regional emissions analysis if:
  1. Each program year of the TIP is consistent with the federal funding which may be reasonably expected for that year, and required state or local matching funds and funds for state or local funding-only projects are consistent with the revenue sources expected over the same period; and
  2. The TIP is consistent with the conforming transportation plan such that the regional emissions analysis already performed for the plan applies to the TIP also. This requires a demonstration that:
    - a. The TIP contains all projects which shall be started in the TIP's time-frame in order to achieve the highway and transit system envisioned by the transportation plan in each of its horizon years;
    - b. All TIP projects which are regionally significant are part of the specific highway or transit system envisioned in the transportation plan's horizon years; and
    - c. The design concept and scope of each regionally significant transportation project in the TIP is not significantly different from that described in the transportation plan.
  3. If the requirements in subsections (B)(1) and (B)(2) are not met, then either:
    - a. The TIP may be modified to meet those requirements; or
    - b. The transportation plan shall be revised so that the requirements in subsections (B)(1) and (B)(2) are

met. Once the revised plan has been found to conform, this criterion is met for the TIP with no additional analysis except a demonstration that the TIP meets the requirements of subsections (B)(1) and (B)(2).

- C. For areas with a transportation plan that does not meet the content requirements of R18-2-1406(A), a regional emissions analysis shall meet all of the following requirements:
  1. The regional emissions analysis shall estimate emissions from the entire transportation system, including all projects contained in the proposed TIP, the transportation plan, and all other regionally significant highway and transit projects expected in the nonattainment or maintenance area in the time-frame of the transportation plan.
  2. The analysis methodology shall meet the requirements of R18-2-1430(C).
  3. The regional emissions analysis shall satisfy the requirements of R18-2-1418(B)(1), R18-2-1418(B)(5), and R18-2-1418(C).

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1420. Criteria and Procedures: Motor Vehicle Emissions Budget (Project Not from a Plan and TIP)**

- A. The project which is not from a conforming transportation plan and a conforming TIP shall be consistent with the motor vehicle emissions budget in the applicable implementation plan or implementation plan submission. This criterion applies during the transitional period and the control strategy and maintenance periods, except as provided in R18-2-1436. It is satisfied if emissions from the implementation of the project, when considered with the emissions from the projects in the conforming transportation plan and TIP and all other regionally significant transportation projects expected in the area, do not exceed the motor vehicle emissions budget in the applicable implementation plan or implementation plan submission.
- B. For areas with a conforming transportation plan that meets the content requirements of R18-2-1406(A):
  1. This criterion may be satisfied without additional regional analysis if the project is included in the conforming transportation plan, even if it is not specifically included in the latest conforming TIP. This requires a demonstration that all of the following apply:
    - a. Allocating funds to the project will not delay the implementation of projects in the transportation plan or TIP which are necessary to achieve the highway and transit system envisioned by the transportation plan in each of its horizon years.
    - b. The project is not regionally significant or is part of the specific highway or transit system envisioned in the transportation plan's horizon years.
    - c. The design concept and scope of the project is not significantly different from that described in the transportation plan.
  2. If the requirements in subsection (B)(1) are not met, a regional emissions analysis shall be performed as follows:
    - a. The analysis methodology shall meet the requirements of R18-2-1430.
    - b. The analysis shall estimate emissions from the transportation system, including the proposed project and all other regionally significant transportation projects expected in the nonattainment or maintenance area in the time-frame of the transportation plan. The analysis shall include emissions from all previ-

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ously approved projects which were not from a transportation plan and TIP.

- c. The regional emissions analysis shall meet the requirements of R18-2-1418(B)(1), R18-2-1418(B)(4) and R18-2-1418(C).
- C. For areas with a transportation plan that does not meet the content requirements of R18-2-1406(A), a regional emissions analysis shall be performed for the project together with the conforming TIP and all other regionally significant transportation projects expected in the nonattainment or maintenance area. This criterion may be satisfied if all of the following apply:
  1. The analysis methodology meets the requirements of R18-2-1430(C).
  2. The analysis estimates emissions from the transportation system, including the proposed project, and all other regionally significant transportation projects expected in the nonattainment or maintenance area in the time-frame of the transportation plan.
  3. The regional emissions analysis satisfies the requirements of R18-2-1418(B)(1), R18-2-1418(B)(5), and R18-2-1418(C).

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1421. Criteria and Procedures: Localized CO Violations (Hot Spots) in the Interim and Transitional Periods**

- A. Each FHWA or FTA project shall eliminate or reduce the severity and number of localized CO violations in the area substantially affected by the project (in CO nonattainment areas). This criterion applies during the interim and transitional periods only. This criterion is satisfied with respect to existing localized CO violations if it is demonstrated that existing localized CO violations will be eliminated or reduced in severity and number as a result of the project.
- B. The demonstration shall be performed according to the requirements of R18-2-1405 and R18-2-1431.
- C. For projects which are not of the type identified by R18-2-1431(A), this criterion may be satisfied if consideration of local factors clearly demonstrates that existing CO violations will be eliminated or reduced in severity and number. Otherwise, a quantitative demonstration shall be performed according to the requirements of R18-2-1431(B).

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1422. Criteria and Procedures: Interim and Transitional Period Reductions in Ozone and CO Areas (Transportation Plan)**

- A. A transportation plan shall contribute to emissions reductions in ozone and CO nonattainment areas. This criterion applies during the interim and transitional periods only, except as otherwise provided in R18-2-1436. It applies to the net effect on emissions of all projects contained in a new or revised transportation plan. This criterion may be satisfied if a regional emissions analysis is performed as described in subsections (B) through (F).
- B. Determine the analysis years for which emissions are to be estimated. Analysis years shall be no more than 10 years apart. The first analysis year shall be no later than the first milestone year (1995 in CO nonattainment areas and 1996 in ozone nonattainment areas). The second analysis year shall be either the attainment year for the area or, if the attainment year is the same as the first analysis year or earlier, the second analysis year shall be at least five years beyond the first analysis year.

The last year of the transportation plan's forecast period shall also be an analysis year.

- C. Define the Baseline scenario for each of the analysis years to be the future transportation system that would result from current programs, composed of all of the following, except that projects listed in R18-2-1434 and R18-2-1435 need not be explicitly considered:
  1. All in-place regionally significant highway and transit facilities, services and activities.
  2. All ongoing travel demand management or transportation system management activities.
  3. Completion of all regionally significant transportation projects, regardless of funding source, which are currently under construction or are undergoing right-of-way acquisition (except for hardship acquisition and protective buying); come from the first three years of the previously conforming transportation plan or TIP; or have completed the NEPA process. For the first conformity determination on the transportation plan after November 24, 1993, a project may not be included in the Baseline scenario and shall be included in the Action scenario as described in subsection (D), if one of the following major steps has not occurred within the most recent three-year period:
    - a. NEPA process completion;
    - b. Start of final design;
    - c. Acquisition of a significant portion of the right-of-way;
    - d. Approval of the plans, specifications and estimates.
- D. Define the Action scenario for each of the analysis years as the transportation system that will result in that year from the implementation of the proposed transportation plan, TIPs adopted under it, and other expected regionally significant transportation projects in the nonattainment area. The Action scenario will include all of the following except that projects listed in R18-2-1434 and R18-2-1435 need not be explicitly considered:
  1. All facilities, services, and activities in the Baseline scenario;
  2. Completion of all TCMs and regionally significant transportation projects, including facilities, services, and activities, specifically identified in the proposed transportation plan which will be operational or in effect in the analysis year, except that regulatory TCMs may not be assumed to begin at a future time unless the regulation is already adopted by the enforcing jurisdiction or the TCM is identified in the applicable implementation plan;
  3. All travel demand management programs and transportation system management activities known to the MPO, but not included in the applicable implementation plan or utilizing any federal funding or approval, which have been fully adopted or funded by the enforcing jurisdiction or sponsoring agency since the last conformity determination on the transportation plan;
  4. The incremental effects of any travel demand management programs and transportation system management activities known to the MPO, but not included in the applicable implementation plan or utilizing any federal funding or approval, which were adopted or funded prior to the date of the last conformity determination on the transportation plan, but which have been modified since then to be more stringent or effective;
  5. Completion of all expected regionally significant highway and transit projects which are not from a conforming transportation plan and TIP;

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6. Completion of all expected regionally significant non-FHWA/FTA highway and transit projects that have clear funding sources and commitments leading toward their implementation and completion by the analysis year.
  - E. Estimate the emissions predicted to result in each analysis year from travel on the transportation systems defined by the Baseline and Action scenarios and determine the difference in regional VOC and NO<sub>x</sub> emissions (unless the Administrator determines that additional reductions of NO<sub>x</sub> would not contribute to attainment) between the two scenarios for ozone nonattainment areas and the difference in CO emissions between the two scenarios for CO nonattainment areas. The analysis shall be performed for each of the analysis years according to the requirements of R18-2-1430. Emissions in milestone years which are between the analysis years may be determined by interpolation.
  - F. This criterion is met if the regional VOC and NO<sub>x</sub> emissions (for ozone nonattainment areas) and CO emissions (for CO nonattainment areas) predicted in the Action scenario are less than the emissions predicted from the Baseline scenario in each analysis year, and if this can reasonably be expected to be true in the periods between the first milestone year and the analysis years. The regional analysis shall show that the Action scenario contributes to a reduction in emissions from the 1990 emissions by any nonzero amount.
- a. NEPA process completion.
  - b. Start of final design.
  - c. Acquisition of a significant portion of the right-of-way.
  - d. Approval of the plans, specifications, and estimates. Such a project shall be included in the Action scenario, as described in subsection (D).
- D. Define the Action scenario as the future transportation system that will result from the implementation of the proposed TIP and other expected regionally significant transportation projects in the nonattainment area in the time-frame of the transportation plan. It will include all of the following, except that projects listed in R18-2-1434 and R18-2-1435 need not be explicitly considered:
    1. All facilities, services, and activities in the Baseline scenario;
    2. Completion of all TCMs and regionally significant transportation projects, including facilities, services, and activities, included in the proposed TIP, except that regulatory TCMs may not be assumed to begin at a future time unless the regulation is already adopted by the enforcing jurisdiction or the TCM is contained in the applicable implementation plan;
    3. All travel demand management programs and transportation system management activities known to the MPO, but not included in the applicable implementation plan or utilizing any federal funding or approval, which have been fully adopted or funded by the enforcing jurisdiction or sponsoring agency since the last conformity determination on the TIP;
    4. The incremental effects of any travel demand management programs and transportation system management activities known to the MPO, but not included in the applicable implementation plan or utilizing any federal funding or approval, which were adopted or funded prior to the date of the last conformity determination on the TIP, but which have been modified since then to be more stringent or effective;
    5. Completion of all expected regionally significant highway and transit projects which are not from a conforming transportation plan and TIP;
    6. Completion of all expected regionally significant non-FHWA/FTA highway and transit projects that have clear funding sources and commitments leading toward their implementation and completion by the analysis year.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1423. Criteria and Procedures: Interim Period Reductions in Ozone and CO Areas (TIP)**

- A. A TIP shall contribute to emissions reductions in ozone and CO nonattainment areas. This criterion applies during the interim and transitional periods only, except as otherwise provided in R18-2-1436. It applies to the net effect on emissions of all projects contained in a new or revised TIP. This criterion may be satisfied if a regional emissions analysis is performed as described in subsections (B) through (F).
- B. Determine the analysis years for which emissions are to be estimated. The first analysis year shall be no later than the first milestone year (1995 in CO nonattainment areas and 1996 in ozone nonattainment areas). The analysis years shall be no more than 10 years apart. The second analysis year shall be either the attainment year for the area or, if the attainment year is the same as the first analysis year or earlier, the second analysis year shall be at least five years beyond the first analysis year. The last year of the transportation plan's forecast period shall also be an analysis year.
- C. Define the Baseline scenario as the future transportation system that would result from current programs, composed of all of the following, except that projects listed in R18-2-1434 and R18-2-1435 need not be explicitly considered:
  1. All in-place regionally significant highway and transit facilities, services, and activities.
  2. All ongoing travel demand management or transportation system management activities.
  3. Completion of all regionally significant transportation projects, regardless of funding source, which are currently under construction or are undergoing right-of-way acquisition, except for hardship acquisition and protective buying; come from the first three years of the previously conforming TIP; or have completed the NEPA process. For the first conformity determination on the TIP after November 24, 1993, a project may not be included in the Baseline scenario if one of the following major steps has not occurred within the most recent three-year period:
    - a. NEPA process completion.
    - b. Start of final design.
    - c. Acquisition of a significant portion of the right-of-way.
    - d. Approval of the plans, specifications, and estimates. Such a project shall be included in the Action scenario, as described in subsection (D).
- D. Define the Action scenario as the future transportation system that will result from the implementation of the proposed TIP and other expected regionally significant transportation projects in the nonattainment area in the time-frame of the transportation plan. It will include all of the following, except that projects listed in R18-2-1434 and R18-2-1435 need not be explicitly considered:
  1. All facilities, services, and activities in the Baseline scenario;
  2. Completion of all TCMs and regionally significant transportation projects, including facilities, services, and activities, included in the proposed TIP, except that regulatory TCMs may not be assumed to begin at a future time unless the regulation is already adopted by the enforcing jurisdiction or the TCM is contained in the applicable implementation plan;
  3. All travel demand management programs and transportation system management activities known to the MPO, but not included in the applicable implementation plan or utilizing any federal funding or approval, which have been fully adopted or funded by the enforcing jurisdiction or sponsoring agency since the last conformity determination on the TIP;
  4. The incremental effects of any travel demand management programs and transportation system management activities known to the MPO, but not included in the applicable implementation plan or utilizing any federal funding or approval, which were adopted or funded prior to the date of the last conformity determination on the TIP, but which have been modified since then to be more stringent or effective;
  5. Completion of all expected regionally significant highway and transit projects which are not from a conforming transportation plan and TIP;
  6. Completion of all expected regionally significant non-FHWA/FTA highway and transit projects that have clear funding sources and commitments leading toward their implementation and completion by the analysis year.
- E. Estimate the emissions predicted to result in each analysis year from travel on the transportation systems defined by the Baseline and Action scenarios, and determine the difference in regional VOC and NO<sub>x</sub> emissions (unless the Administrator determines that additional reductions of NO<sub>x</sub> would not contribute to attainment) between the two scenarios for ozone nonattainment areas and the difference in CO emissions between the two scenarios for CO nonattainment areas. The analysis shall be performed for each of the analysis years according to the requirements of R18-2-1430. Emissions in milestone years which are between analysis years may be determined by interpolation.
- F. This criterion is met if the regional VOC and NO<sub>x</sub> emissions in ozone nonattainment areas and CO emissions in CO nonattainment areas predicted in the Action scenario are less than the emissions predicted from the Baseline scenario in each analysis year, and if this can reasonably be expected to be true in the period between the analysis years. The regional analysis shall show that the Action scenario contributes to a reduction in emissions from the 1990 emissions by any nonzero amount.



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**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1424. Criteria and Procedures: Interim Period Reductions for Ozone and CO Areas (Project Not from a Plan and TIP)**

A transportation project shall contribute to emissions reductions in ozone and CO nonattainment areas. This criterion applies during the interim and transitional periods only, except as otherwise provided in R18-2-1436. This criterion is satisfied if a regional emissions analysis is performed which meets the requirements of R18-2-1422 and which includes the transportation plan and project in the Action scenario. If the project which is not from a conforming transportation plan and TIP is a modification of a project currently in the plan or TIP, the Baseline scenario shall include the project with its original design concept and scope, and the Action scenario shall include the project with its new design concept and scope.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1425. Criteria and Procedures: Interim Period Reductions for PM<sub>10</sub> and NO<sub>2</sub> Areas (Transportation Plan)**

- A. A transportation plan shall contribute to emission reductions or shall not increase emissions in PM<sub>10</sub> and NO<sub>2</sub> nonattainment areas. This criterion applies only during the interim and transitional periods. It applies to the net effect on emissions of all projects contained in a new or revised transportation plan. This criterion may be satisfied if the requirements of either subsections (B) or (C) are met.
- B. Demonstrate that implementation of the plan and all other regionally significant transportation projects expected in the nonattainment area will contribute to reductions in emissions of PM<sub>10</sub> in a PM<sub>10</sub> nonattainment area, and of each transportation-related precursor of PM<sub>10</sub> in PM<sub>10</sub> nonattainment areas if the EPA Regional Administrator or the Director of ADEQ has made a finding that such precursor emissions from within the nonattainment area are a significant contributor to the PM<sub>10</sub> nonattainment problem and has so notified the MPO and USDOT, and of NO<sub>x</sub> in an NO<sub>2</sub> nonattainment area, by performing a regional emissions analysis as follows:
  1. Determine the analysis years for which emissions are to be estimated. Analysis years shall be no more than 10 years apart. The first analysis year shall be no later than 1996 (for NO<sub>2</sub> areas) or four years and six months following the date of designation (for PM<sub>10</sub> areas). The second analysis year shall be either the attainment year for the area or, if the attainment year is the same as the first analysis year or earlier, the second analysis year shall be at least five years beyond the first analysis year. The last year of the transportation plan's forecast period shall also be an analysis year.
  2. Define for each of the analysis years the Baseline scenario, as defined in R18-2-1422(C), and the Action scenario, as defined in R18-2-1422(D).
  3. Estimate the emissions predicted to result in each analysis year from travel on the transportation systems defined by the Baseline and Action scenarios and determine the difference between the two scenarios in regional PM<sub>10</sub> emissions in a PM<sub>10</sub> nonattainment area (and transportation-related precursors of PM<sub>10</sub> in PM<sub>10</sub> nonattainment areas if the EPA Regional Administrator or the Director of ADEQ has made a finding that such precursor emissions from within the nonattainment area are a significant contributor to the PM<sub>10</sub> nonattainment problem and has so notified ADOT, the MPO where one exists and USDOT) and in NO<sub>x</sub> emissions in an NO<sub>2</sub> nonattainment

area. The analysis shall be performed for each of the analysis years according to the requirements of R18-2-1430. The analysis shall address the periods between the analysis years and the periods between 1990, the first milestone year if any, and the first of the analysis years. Emissions in milestone years which are between the analysis years may be determined by interpolation.

4. Demonstrate that the regional PM<sub>10</sub> emissions and PM<sub>10</sub> precursor emissions, where applicable, (for PM<sub>10</sub> nonattainment areas) and NO<sub>x</sub> emissions (for NO<sub>2</sub> nonattainment areas) predicted in the Action scenario are less than the emissions predicted from the Baseline scenario in each analysis year, and that this can reasonably be expected to be true in the periods between the first milestone year (if any) and the analysis years.
- C. Demonstrate that when the projects in the transportation plan and all other regionally significant transportation projects expected in the nonattainment area are implemented, the transportation system's total highway and transit emissions of PM<sub>10</sub> in a PM<sub>10</sub> nonattainment area (and transportation-related precursors of PM<sub>10</sub> in PM<sub>10</sub> nonattainment areas if the EPA Regional Administrator or the Director of ADEQ has made a finding that such precursor emissions from within the nonattainment area are a significant contributor to the PM<sub>10</sub> nonattainment problem and has so notified the MPO and USDOT) and of NO<sub>x</sub> in an NO<sub>2</sub> nonattainment area will not be greater than baseline levels, by performing a regional emissions analysis as follows:
  1. Determine the baseline regional emissions of PM<sub>10</sub> and PM<sub>10</sub> precursors, where applicable (for PM<sub>10</sub> nonattainment areas) and NO<sub>x</sub> (for NO<sub>2</sub> nonattainment areas) from highway and transit sources. Baseline emissions are those estimated to have occurred during calendar year 1990, unless the control strategy implementation plan for that area includes a baseline emissions inventory for a different year.
  2. Estimate the emissions of the applicable pollutant or pollutants from the entire transportation system, including projects in the transportation plan and TIP and all other regionally significant transportation projects in the nonattainment area, according to the requirements of R18-2-1430. Emissions shall be estimated for analysis years which are no more than 10 years apart. The first analysis year shall be no later than 1996 (for NO<sub>2</sub> areas) or four years and six months following the date of designation (for PM<sub>10</sub> areas). The second analysis year shall be either the attainment year for the area or, if the attainment year is the same as the first analysis year or earlier, the second analysis year shall be at least five years beyond the first analysis year. The last year of the transportation plan's forecast period shall also be an analysis year.
  3. Demonstrate that for each analysis year the emissions estimated in subsection (C)(2) are no greater than baseline emissions of PM<sub>10</sub> and PM<sub>10</sub> precursors, where applicable (for PM<sub>10</sub> nonattainment areas) or NO<sub>x</sub> (for NO<sub>2</sub> nonattainment areas) from highway and transit sources.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1426. Criteria and Procedures: Interim Period Reductions for PM<sub>10</sub> and NO<sub>2</sub> Areas (TIP)**

- A. A TIP shall contribute to emission reductions or shall not increase emissions in PM<sub>10</sub> and NO<sub>2</sub> nonattainment areas. This criterion applies only during the interim and transitional periods. It applies to the net effect on emissions of all projects

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contained in a new or revised TIP. This criterion may be satisfied if the requirements of either subsection (B) or subsection (C) are met.

- B.** Demonstrate that implementation of the plan and TIP and all other regionally significant transportation projects expected in the nonattainment area will contribute to reductions in emissions of PM<sub>10</sub> in a PM<sub>10</sub> nonattainment area (and transportation-related precursors of PM<sub>10</sub> in PM<sub>10</sub> nonattainment areas if the EPA Regional Administrator or the Director of ADEQ has made a finding that such precursor emissions from within the nonattainment area are a significant contributor to the PM<sub>10</sub> nonattainment problem and has so notified the MPO and USDOT) and of NO<sub>x</sub> in an NO<sub>2</sub> nonattainment area, by performing a regional emissions analysis as follows:
1. Determine the analysis years for which emissions are to be estimated, according to the requirements of R18-2-1425(B)(1).
  2. Define for each of the analysis years the Baseline scenario, as defined in R18-2-1423(C), and the Action scenario, as defined in R18-2-1423(D).
  3. Estimate the emissions predicted to result in each analysis year from travel on the transportation systems defined by the Baseline and Action scenarios as required by R18-2-1425(B)(3), and make the demonstration required by R18-2-1425(B)(4).
- C.** Demonstrate that when the projects in the transportation plan and TIP and all other regionally significant transportation projects expected in the area are implemented, the transportation system's total highway and transit emissions of PM<sub>10</sub> in a PM<sub>10</sub> nonattainment area (and transportation-related precursors of PM<sub>10</sub> in PM<sub>10</sub> nonattainment areas if the EPA Regional Administrator or the Director of ADEQ has made a finding that such precursor emissions from within the nonattainment area are a significant contributor to the PM<sub>10</sub> nonattainment problem and has so notified the MPO and USDOT) and of NO<sub>x</sub> in an NO<sub>2</sub> nonattainment area will not be greater than baseline levels, by performing a regional emissions analysis as required by R18-2-1425(C).

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1427. Criteria and Procedures: Interim Period Reductions for PM<sub>10</sub> and NO<sub>2</sub> Areas (Project Not from a Plan and TIP)**

A transportation project which is not from a conforming transportation plan and TIP shall contribute to emission reductions or shall not increase emissions in PM<sub>10</sub> and NO<sub>2</sub> nonattainment areas. This criterion applies during the interim and transitional periods only. This criterion is met if a regional emissions analysis is performed which meets the requirements of R18-2-1425 and which includes the transportation plan and project in the Action scenario. If the project which is not from a conforming transportation plan and TIP is a modification of a project currently in the transportation plan or TIP, and R18-2-1425(B) is used to demonstrate satisfaction of this criterion, the Baseline scenario shall include the project with its original design concept and scope, and the Action scenario shall include the project with its new design concept and scope.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1428. Transition from the Interim Period to the Control Strategy Period**

- A.** For areas which submit a control strategy implementation plan revision after November 24, 1993:
1. The transportation plan and TIP shall be demonstrated to conform according to transitional period criteria and pro-

cedures by one year from the date the CAA requires submission of such control strategy implementation plan revision. Otherwise, the conformity status of the transportation plan and TIP will lapse, and no new project-level conformity determinations may be made.

- a. The conformity of new transportation plans and TIPs may be demonstrated according to Phase II interim period criteria and procedures for 90 days following submission of the control strategy implementation plan revision, provided the conformity of such transportation plans and TIPs is redetermined according to transitional period criteria and procedures as required in subsection (A)(1) and such transportation plans and TIPs are consistent with the motor vehicle emissions budget in the applicable implementation plan or any previously submitted control strategy implementation plan revision.
  - b. Beginning 90 days after submission of the control strategy implementation plan revision, new transportation plans and TIPs shall demonstrate conformity according to transitional period criteria and procedures.
2. If EPA disapproves the submitted control strategy implementation plan revision and so notifies the state, the MPO where one exists, and USDOT, which initiates the sanction process under CAA §§ 179 or 110(m), the conformity status of the transportation plan and TIP shall lapse 120 days after EPA's disapproval, and no new project-level conformity determinations may be made. No new transportation plan, TIP, or project may be found to conform until another control strategy implementation plan revision is submitted and conformity is demonstrated according to transitional period criteria and procedures.
  3. Notwithstanding subsection (A)(2), if EPA disapproves the submitted control strategy implementation plan revision but determines that the control strategy contained in the revision would have been considered approvable with respect to requirements for emission reductions if all committed measures had been submitted in enforceable form as required by CAA § 110(a)(2)(A), the provisions of subsection (A)(1) shall apply for 12 months following the date of disapproval. The conformity status of the transportation plan and TIP shall lapse 12 months following the date of disapproval unless another control strategy implementation plan revision is submitted to EPA and found to be complete.
- B.** For areas which have not submitted a control strategy implementation plan revision:
1. For areas whose CAA deadline for submission of the control strategy implementation plan revision is after November 24, 1993, and EPA has notified the state, the MPO where one exists, and USDOT of the state's failure to submit a control strategy implementation plan revision, which initiates the sanction process under CAA §§ 179 or 110(m) all of the following shall apply:
    - a. No new transportation plans or TIPs may be found to conform beginning 120 days after the CAA deadline.
    - b. The conformity status of the transportation plan and TIP shall lapse one year after the CAA deadline, and no new project-level conformity determinations may be made.
  2. For areas whose CAA deadline for submission of the control strategy implementation plan was before November 24, 1993, and EPA has made a finding of failure to submit a control strategy implementation plan revision, which

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initiates the sanction process under CAA §§ 179 or 110(m), all of the following apply unless the failure has been remedied and acknowledged by a letter from the EPA Regional Administrator:

- a. No new transportation plans or TIPs may be found to conform beginning March 24, 1994.
  - b. The conformity status of the transportation plan and TIP shall lapse November 25, 1994, and no new project-level conformity determinations may be made.
- C. For areas which have not submitted a complete control strategy implementation plan revision:
1. For areas where EPA notifies the state, the MPO where one exists, and USDOT after November 24, 1993, that the control strategy implementation plan revision submitted by the state is incomplete, which initiates the sanction process under CAA §§ 179 or 110(m), all of the following apply unless the failure has been remedied and acknowledged by a letter from the EPA Regional Administrator:
    - a. No new transportation plans or TIPs may be found to conform beginning 120 days after EPA's incompleteness finding.
    - b. The conformity status of the transportation plan and TIP shall lapse one year after the CAA deadline, and no new project-level conformity determinations may be made.
    - c. Notwithstanding subsections (C)(1)(a) and (b), if EPA notes in its incompleteness finding that the submittal would have been considered complete with respect to requirements for emission reductions if all committed measures had been submitted in enforceable form as required by CAA § 110(a)(2)(A), the provisions of subsection (A)(1) shall apply for a period of 12 months following the date of the incompleteness determination. The conformity status of the transportation plan and TIP shall lapse 12 months following the date of the incompleteness determination unless another control strategy implementation plan revision is submitted to EPA and found to be complete.
  2. For areas where EPA has determined before November 24, 1993, that the control strategy implementation plan revision is incomplete, which initiates the sanction process under CAA §§ 179 or 110(m), all of the following apply unless the failure has been remedied and acknowledged by a letter from the EPA Regional Administrator:
    - a. No new transportation plans or TIPs may be found to conform beginning March 24, 1994.
    - b. The conformity status of the transportation plan and TIP shall lapse November 25, 1994, and no new project-level conformity determinations may be made.
    - c. Notwithstanding subsections (C)(2)(a) and (b), if EPA notes in its incompleteness finding that the submittal would have been considered complete with respect to requirements for emission reductions if all committed measures had been submitted in enforceable form as required by CAA § 110(a)(2)(A), the provisions of subsection (D)(1) shall apply for a period of 12 months following the date of the incompleteness determination. The conformity status of the transportation plan and TIP shall lapse 12 months following the date of the incompleteness determination unless another control strategy implementation plan revision is submitted to EPA and found to be complete.
- D. For areas which submitted a control strategy implementation plan before November 24, 1993:
1. The transportation plan and TIP shall have been demonstrated to conform according to transitional period criteria and procedures by November 25, 1994. Otherwise, their conformity status will lapse, and no new project-level conformity determinations may be made. From and after February 22, 1994, new transportation plans and TIPs shall demonstrate conformity according to transitional period criteria and procedures.
  2. If EPA has disapproved the most recent control strategy implementation plan submission, the conformity status of the transportation plan and TIP shall lapse March 24, 1994, and no new project-level conformity determinations may be made. No new transportation plans, TIPs, or projects may be found to conform until another control strategy implementation plan revision is submitted and conformity is demonstrated according to transitional period criteria and procedures.
  3. Notwithstanding subsection (D)(2), if EPA has disapproved the submitted control strategy implementation plan revision but determines that the control strategy contained in the revision would have been considered approvable with respect to requirements for emission reductions if all committed measures had been submitted in enforceable form as required by CAA § 110(a)(2)(A), the provisions of subsection (D)(1) shall apply until November 25, 1994. The conformity status of the transportation plan and TIP shall lapse November 25, 1994, unless another control strategy implementation plan revision is submitted to EPA and found to be complete.
- E. If the currently conforming transportation plan and TIP have not been demonstrated to conform according to transitional period criteria and procedures, the requirements of subsections (E)(1) and (2) shall be met.
1. Before a FHWA or FTA project which is regionally significant and increases single-occupant vehicle capacity (a new general purpose highway on a new location or adding general purpose lanes) may be found to conform, ADEQ shall be consulted on how the emissions which the existing transportation plan and TIP's conformity determination estimates for the Action scenario, as required by R18-2-1422 through R18-2-1427, compare to the motor vehicle emissions budget in the implementation plan submission or the projected motor vehicle emissions budget in the implementation plan under development.
  2. In the event of unresolved disputes on such project-level conformity determinations, ADEQ may escalate the issue to the governor consistent with the procedure in R18-2-1405, which applies for ADEQ comments on a conformity determination.
- F. Redetermination of conformity of the existing transportation plan and TIP according to the transitional period criteria and procedures:
1. The redetermination of the conformity of the existing transportation plan and TIP according to transitional period criteria and procedures (as required by subsections (A)(1) and (D)(1)) does not require new emissions analysis and does not have to satisfy the requirements of R18-2-1410 and R18-2-1411 if all of the following are met:
    - a. The control strategy implementation plan revision submitted to EPA uses the MPO's modeling of the existing transportation plan and TIP for its projections of motor vehicle emissions.

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- b. The control strategy implementation plan does not include any transportation projects which are not included in the transportation plan and TIP.
2. A redetermination of conformity as described in subsection (F)(1) is not considered a conformity determination for the purposes of R18-2-1404(E) or R18-2-1404(I) regarding the maximum intervals between conformity determinations. Conformity shall be determined according to all the applicable criteria and procedures of R18-2-1409 within three years of the last determination which did not rely on subsection (F)(1).
- G. Ozone nonattainment areas:**
1. The requirements of subsection (B)(1) apply if a serious or above ozone nonattainment area has not submitted the implementation plan revisions which CAA §§ 182(c)(2)(A) and 182(c)(2)(B) require to be submitted to EPA November 15, 1994, even if the area has submitted the implementation plan revision which CAA § 182(b)(1) requires to be submitted to EPA November 15, 1993.
  2. The requirements of subsection (B)(1) apply if a moderate ozone nonattainment area which is using photochemical dispersion modeling to demonstrate the "specific annual reductions as necessary to attain" required by CAA § 182(b)(1), and which has permission from EPA to delay submission of such demonstration until November 15, 1994, does not submit such demonstration by that date. The requirements of subsection (B)(1) apply in this case even if the area has submitted the 15% emission reduction demonstration required by CAA § 182(b)(1).
  3. The requirements of subsection (A) apply when the implementation plan revisions required by CAA §§ 182(c)(2)(A) and 182(c)(2)(B) are submitted.
- H. Nonattainment areas which are not required to demonstrate reasonable further progress and attainment.** If an area listed in R18-2-1436 submits a control strategy implementation plan revision, the requirements of subsections (A) and (E) apply. Because the areas listed in R18-2-1436 are not required to demonstrate reasonable further progress and attainment and therefore have no CAA deadline, the provisions of subsection (B) do not apply to these areas at any time.
- I. If a control strategy implementation plan revision is not submitted to EPA but a maintenance plan required by CAA § 175A is submitted to EPA, the requirements of subsection (A) or (D) apply, with the maintenance plan submission treated as a "control strategy implementation plan revision" for the purposes of those requirements.**
- J. This Section does not become effective until June 1, 1996.**
- Historical Note**  
Adopted effective June 15, 1995 (Supp. 95-2).
- R18-2-1429. Requirements for Adoption or Approval of Projects by Recipients of Funds Designated under 23 U.S.C. or the Federal Transit Act**
- A.** This Section shall not apply to any of the following:
1. A transportation project that is a street with a lower classification than a collector street, as specified in the most recent federal classification map for the region.
  2. An exempt project listed in R18-2-1434.
- B.** No recipient of federal funds designated under 23 U.S.C. or the Federal Transit Act shall adopt or approve a transportation project, regardless of funding source, without first determining whether the transportation project is regionally significant. In making this determination, the recipient shall not take any action that is inconsistent with the procedures developed by ADOT or the MPO pursuant to R18-2-1405(R).
- C.** No recipient of federal funds designated under 23 U.S.C. or the Federal Transit Act shall adopt or approve a regionally significant highway or transit project, regardless of funding source, unless both of the following apply:
1. There is a currently conforming transportation plan and TIP consistent with the requirements of R18-2-1414.
  2. The requirements of one of the following are met:
    - a. The project comes from a conforming plan and program consistent with the requirements of R18-2-1415.
    - b. The project is included in the regional emissions analysis supporting the currently conforming TIP's conformity determination, even if the project is not strictly "included" in the TIP for the purposes of MPO project selection or endorsement, and the project's design concept and scope have not changed significantly from those which were included in the regional emissions analysis, or in a manner which would significantly impact use of the facility.
    - c. During the control strategy or maintenance period, the project is consistent with the motor vehicle emissions budget in the applicable implementation plan consistent with the requirements of R18-2-1420.
    - d. During Phase II of the interim period, the project contributes to emissions reductions or does not increase emissions consistent with the requirements of R18-2-1424 (in ozone and CO nonattainment areas) or R18-2-1427 (in PM<sub>10</sub> and NO<sub>2</sub> nonattainment areas).
    - e. During the transitional period, the project satisfies the requirements of both subsections (1)(2)(c) and (d).
- D.** Pursuant to the consultation process established in R18-2-1405(O), ADOT or the MPO where one exists shall, not later than September 1, 1995, develop and make available the procedures to be used by any recipient of federal funds designated under 23 U.S.C. or the Federal Transit Act to comply with subsections (B) and (C). These procedures may be revised periodically, as needed, using the same consultation process. At a minimum, such procedures shall provide for the following:
1. The minimum information required by the recipient to make determinations in compliance with subsections (B) and (C);
  2. The time-frames for action to be taken by the recipient;
  3. For transportation projects determined to be regionally significant, the documentation necessary to demonstrate that the requirements of 23 CFR 450.324(e), (g), and (h) have been met.
- E.** After a transportation project is adopted or approved, no subsequent act defined as adoption or approval under this Section or under procedures developed to implement this Section shall be subject to subsection (B) or (C), unless project's design concept or scope have changed significantly since the project was first adopted or approved.
- F.** A regionally significant transportation project found to be in conformity, either as a result of a TIP or a separate project analysis, shall retain such conformity finding, irrespective of subsequent analysis, unless the project fails to meet the conditions of its approval or undergoes a significant change in scope. In any event, a conformity determination shall lapse after three years in the absence of a redetermination; except that a project undergoing NEPA approval shall retain its conformity determination, unless none of the following major steps has occurred within the most recent three-year period:
1. NEPA process completion;
  2. Start of final design;

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3. Acquisition of a significant portion of the right-of-way;
4. Approval of the plans, specifications, and estimates.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1430. Procedures for Determining Regional Transportation-related Emissions**

A. The following are general requirements for determining regional transportation-related emissions:

1. The regional emissions analysis for the transportation plan, TIP, or project not from a conforming plan and TIP shall include all regionally significant transportation projects expected in the nonattainment or maintenance area, including FHWA or FTA projects proposed in the transportation plan and TIP and all other regionally significant transportation projects which are disclosed to ADOT or the MPO as required by R18-2-1405. Projects which are not regionally significant are not required to be explicitly modeled, but VMT from such projects shall be estimated in accordance with reasonable professional practice. The effects of TCMs and similar projects that are not regionally significant may also be estimated in accordance with reasonable professional practice.
2. The emissions analysis may not include for emissions reduction credit any TCMs which have been delayed beyond the scheduled date until such time as implementation has been assured. If the TCM has been partially implemented and it can be demonstrated that it is providing quantifiable emission reduction benefits, the emissions analysis may include that emissions reduction credit.
3. Emissions reduction credit from projects, programs, or activities which require a regulation in order to be implemented may not be included in the emissions analysis unless the regulation is already adopted by the enforcing jurisdiction. Adopted regulations are required for demand management strategies for reducing emissions which are not specifically identified in the applicable implementation plan, and for control programs which are external to the transportation system itself, such as tailpipe or evaporative emission standards, limits on gasoline volatility, inspection and maintenance programs, and oxygenated or reformulated gasoline or diesel fuel. A regulatory program may also be considered to be adopted if an opt-in to a federally enforced program has been approved by EPA, if EPA has promulgated the program (if the control program is a federal responsibility, such as tailpipe standards), or if the CAA requires the program without need for individual state action and without any discretionary authority for EPA to set its stringency, delay its effective date, or not implement the program.
4. Notwithstanding subsection (A)(3), during the transitional period, control measures or programs which are committed to in an implementation plan submission as described in R18-2-1418 through R18-2-1420, but which has not received final EPA action in the form of a finding of incompleteness, approval, or disapproval, may be assumed for emission reduction credit for the purpose of demonstrating that the requirements of R18-2-1418 through R18-2-1420 are satisfied.
5. A regional emissions analysis for the purpose of satisfying the requirements of R18-2-1422 through R18-2-1424 may account for the programs in subsection (A)(4), but the same assumptions about these programs shall be used for both the Baseline and Action scenarios.

6. Ambient temperatures shall be consistent with those used to establish the emissions budget in the applicable implementation plan. Factors other than temperatures, for example the fraction of travel in a hot stabilized engine mode, may be modified after interagency consultation according to R18-2-1405 if the newer estimates incorporate additional or more geographically specific information or represent a logically estimated trend in such factors beyond the period considered in the applicable implementation plan.

B. For serious, severe, and extreme ozone nonattainment areas and serious carbon monoxide areas after January 1, 1995, estimates of regional transportation-related emissions used to support conformity determinations shall be made according to procedures which meet the requirements in subsections (B)(1) through (5).

1. A network-based transportation demand model or models relating travel demand and transportation system performance to land-use patterns, population demographics, employment, transportation infrastructure, and transportation policies shall be used to estimate travel within the metropolitan planning area of the nonattainment area. Such a model shall possess all of the following attributes:
  - a. The modeling methods and the functional relationships used in the model shall in all respects be in accordance with acceptable professional practice and reasonable for purposes of emission estimation.
  - b. The network-based model shall be validated against ground counts for a base year that is not more than 10 years prior to the date of the conformity determination. Land use, population, and other inputs shall be based on the best available information and appropriate to the validation base year.
  - c. For peak-hour or peak-period traffic assignments, a capacity sensitive assignment methodology shall be used.
  - d. Zone-to-zone travel times used to distribute trips between origin and destination pairs shall be in reasonable agreement with the travel times which result from the process of assignment of trips to network links. Where use of transit currently is anticipated to be a significant factor in satisfying transportation demand, these times should also be used for modeling mode splits.
  - e. Free-flow speeds on network links shall be based on empirical observations.
  - f. Peak and off-peak travel demand and travel times shall be provided.
  - g. Trip distribution and mode choice shall be sensitive to pricing, where pricing is a significant factor, if the network model is capable of such determinations and the necessary information is available.
  - h. The model shall utilize and document a logical correspondence between the assumed scenario of land development and use and the future transportation system for which emissions are being estimated. Reliance on a formal land-use model is not specifically required but is encouraged.
  - i. A dependence of trip generation on the accessibility of destinations via the transportation system, including pricing, is strongly encouraged but not specifically required, unless the network model is capable of such determinations and the necessary information is available.
  - j. A dependence of regional economic and population growth on the accessibility of destinations via the

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transportation system is strongly encouraged but not specifically required, unless the network model is capable of such determinations and the necessary information is available.

- k. Consideration of emissions increases from construction-related congestion is not specifically required.
2. Highway Performance Monitoring System (HPMS) estimates of vehicle miles traveled shall be considered the primary measure of vehicle miles traveled within the portion of the nonattainment or maintenance area and for the functional classes of roadways included in HPMS, for urban areas which are sampled on a separate urban area basis. A factor or factors shall be developed to reconcile and calibrate the network-based model estimates of vehicle miles traveled in the base year of its validation to the HPMS estimates for the same period, and these factors shall be applied to model estimates of future vehicle miles traveled. In this factoring process, consideration will be given to differences in the facility coverage of the HPMS and the modeled network description. Departure from these procedures is permitted with the concurrence of USDOT and EPA.
3. Reasonable methods shall be used to estimate nonattainment area vehicle travel on off-network roadways within the urban transportation planning area and on roadways outside the urban transportation planning area.
4. Reasonable methods in accordance with good practice shall be used to estimate traffic speeds and delays in a manner that is sensitive to the estimated volume of travel on each roadway segment represented in the network model.
- C. For areas which are not serious, severe, or extreme ozone nonattainment areas or serious carbon monoxide areas, or before January 1, 1995:
  1. Procedures which satisfy some or all of the requirements of subsection (A) shall be used in all areas not subject to subsection (A) in which those procedures have been the previous practice of the MPO.
  2. Regional emissions may be estimated by methods which do not explicitly or comprehensively account for the influence of land use and transportation infrastructure on vehicle miles traveled and traffic speeds and congestion. Such methods shall account for VMT growth by extrapolating historical VMT or projecting future VMT by considering growth in population and historical growth trends for vehicle miles travelled per person. These methods shall also consider future economic activity, transit alternatives, and transportation system policies.
- D. This subsection applies to any nonattainment or maintenance area or any portion thereof which does not have a metropolitan transportation plan or TIP and whose projects are not part of the emissions analysis of any MPO's metropolitan transportation plan or TIP (because the nonattainment or maintenance area or portion thereof does not contain a metropolitan planning area or portion of a metropolitan planning area and is not part of a Metropolitan Statistical Area or Consolidated Metropolitan Statistical Area which is or contains a nonattainment or maintenance area).
  1. Conformity demonstrations for projects in these areas may satisfy the requirements of R18-2-1420, R18-2-1424, and R18-2-1427 with one regional emissions analysis which includes all the regionally significant transportation projects in the nonattainment or maintenance area or portion thereof.
  2. The requirements of R18-2-1420 shall be satisfied according to the procedures in R18-2-1420(C), with references to the "transportation plan" taken to mean the statewide transportation plan.
3. The requirements of R18-2-1424 and R18-2-1427 which reference "transportation plan" or "TIP" shall be taken to mean those projects in the statewide transportation plan or statewide TIP which are in the nonattainment or maintenance area or portion thereof.
4. The requirement of R18-2-1429(A)(2) shall be satisfied if all of the following are met:
  - a. The project is included in the regional emissions analysis which includes all regionally significant highway and transportation projects in the nonattainment or maintenance area or portion thereof and supports the most recent conformity determination made according to the requirements of R18-2-1420, R18-2-1424 or R18-2-1427 (as modified by subsections (D)(2) and (D)(3)), as appropriate for the time period and pollutant.
  - b. The project's design concept and scope have not changed significantly from those which were included in the regional emissions analysis or in a manner which would significantly impact use of the facility.
- E. For areas in which the implementation plan does not identify construction-related fugitive PM<sub>10</sub> as a contributor to the nonattainment problem, the fugitive PM<sub>10</sub> emissions associated with highway and transit project construction are not required to be considered in the regional emissions analysis.
- F. In PM<sub>10</sub> nonattainment and maintenance areas with implementation plans which identify construction-related fugitive PM<sub>10</sub> as a contributor to the nonattainment problem, the regional PM<sub>10</sub> emissions analysis shall consider construction-related fugitive PM<sub>10</sub> and shall account for the level of construction activity, the fugitive PM<sub>10</sub> control measures in the applicable implementation plan, and the dust-producing capacity of the proposed activities.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1431. Procedures for Determining Localized CO and PM<sub>10</sub> Concentrations (Hot-spot Analysis)**

- A. In the following cases, CO hot-spot analyses shall be based on the applicable air quality models, data bases, and other requirements specified in 40 CFR 51 Appendix W ("Guideline on Air Quality Models (Revised)" (1988), supplement (A) (1987) and supplement (B) (1993), EPA publication no. 450/2-78-027R, incorporated by reference and on file with the Department and with the Secretary of State), unless, after the interagency consultation process described in R18-2-1405 and with the approval of the EPA Regional Administrator, these models, data bases, and other requirements are determined to be inappropriate:
  1. For projects in or affecting locations, areas, or categories of sites which are identified in the applicable implementation plan as sites of current violation or possible current violation;
  2. For those intersections at Level-of-Service D, E, or F, or those that will change to Level-of-Service D, E, or F because of increased traffic volumes related to a new project in the vicinity;
  3. For any project involving or affecting any of the intersections which the applicable implementation plan identifies as the top three intersections in the nonattainment or maintenance area based on the highest traffic volumes;
  4. For any project involving or affecting any of the intersections which the applicable implementation plan identifies

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as the top three intersections in the nonattainment or maintenance area based on the worst Level-of-Service;

5. Where use of the "Guideline" models is practicable and reasonable given the potential for violations.
- B. In cases other than those described in subsection (A), other quantitative methods may be used if they represent reasonable and common professional practice.
- C. CO hot-spot analyses shall include the entire project and may be performed only after the major design features which will significantly impact CO concentrations have been identified. The background concentration may be estimated using the ratio of future to current traffic multiplied by the ratio of future to current emission factors.
- D. PM<sub>10</sub> hot-spot analysis shall be performed for projects which are located at sites at which violations have been verified by monitoring, and at sites which have essentially identical vehicle and roadway emission and dispersion characteristics (including sites near one at which a violation has been monitored). The projects which require PM<sub>10</sub> hot-spot analysis shall be determined through the interagency consultation process required in R18-2-1405. In PM<sub>10</sub> nonattainment and maintenance areas, new or expanded bus and rail terminals and transfer points which increase the number of diesel vehicles congregating at a single location require hot-spot analysis. USDOT may choose to make a categorical conformity determination on bus and rail terminals or transfer points based on appropriate modeling of various terminal sizes, configurations, and activity levels. The requirements of this subsection for quantitative hot-spot analysis will not take effect until EPA releases modeling guidance on this subject and announces in the Federal Register that these requirements are in effect.
- E. Hot-spot analysis assumptions shall be consistent with those in the regional emissions analysis for those inputs which are required for both analyses.
- F. PM<sub>10</sub> or CO mitigation or control measures shall be assumed in the hot-spot analysis only where there are enforceable written commitments from the project sponsor or operator to the implementation of such measures, as required by R18-2-1433(A).
- G. CO and PM<sub>10</sub> hot-spot analyses are not required to consider construction-related activities which cause temporary increases in emissions. Each site which is affected by construction-related activities shall be considered separately, using established "Guideline" methods. Temporary increases are defined as those which occur only during the construction phase and last five years or less at any individual site.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1432. Using the Motor Vehicle Emissions Budget in the Applicable Implementation Plan or Implementation Plan Submission**

- A. In interpreting an applicable implementation plan or implementation plan submission with respect to its motor vehicle emissions budget, ADOT or the MPO where one exists and USDOT may not infer additions to the budget that are not explicitly intended by the implementation plan or submission. Unless the implementation plan explicitly quantifies the amount by which motor vehicle emissions could be higher while still allowing a demonstration of compliance with the milestone, attainment, or maintenance requirement and explicitly states an intent that some or all of this additional amount should be available to ADOT or the MPO and USDOT in the emission budget for conformity purposes, ADOT or the MPO may not interpret the budget to be higher than the implementation plan's estimate of future emissions. This applies in partic-

ular to applicable implementation plans or submissions which demonstrate that after implementation of control measures in the implementation plan any of the following apply:

1. Emissions from all sources will be less than the total emissions that would be consistent with a required demonstration of an emissions reduction milestone.
  2. Emissions from all sources will result in achieving attainment prior to the attainment deadline or ambient concentrations in the attainment deadline year will be lower than needed to demonstrate attainment.
  3. Emissions will be lower than needed to provide for continued maintenance.
- B. If an applicable implementation plan submitted before November 24, 1993, demonstrates that emissions from all sources will be less than the total emissions that would be consistent with attainment and quantifies that "safety margin," the state may submit a SIP revision which assigns some or all of this safety margin to highway and transit mobile sources for the purposes of conformity. Such a SIP revision, once it is endorsed by the governor and has been subject to a public hearing, may be used for the purposes of transportation conformity before it is approved by EPA.
  - C. A conformity demonstration shall not trade emissions among budgets which the applicable implementation plan or implementation plan submission allocates for different pollutants or precursors, or among budgets allocated to motor vehicles and other sources, without a SIP revision or a SIP which establishes mechanisms for such trades.
  - D. If the applicable implementation plan or implementation plan submission estimates future emissions by geographic subarea of the nonattainment area, ADOT or the MPO where one exists and USDOT are not required to consider this to establish subarea budgets, unless the applicable implementation plan or implementation plan submission explicitly indicates an intent to create such subarea budgets for the purposes of conformity.
  - E. If a nonattainment area includes more than one MPO, the SIP may establish motor vehicle emissions budgets for each MPO. Otherwise, the MPOs shall collectively make a conformity determination for the entire nonattainment area.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1433. Enforceability of Design Concept and Scope and Project-level Mitigation and Control Measures**

- A. Prior to determining that a transportation project is in conformity, ADOT, the MPO where one exists, other recipient of funds designated under 23 U.S.C. or the Federal Transit Act, FHWA, or FTA shall obtain from the project sponsor or operator enforceable written commitments to implement in the construction of the project and operation of the resulting facility or service any project-level mitigation or control measures which are identified as conditions for NEPA process completion with respect to local PM<sub>10</sub> or CO impacts. Before making conformity determinations enforceable written commitments shall also be obtained for project-level mitigation or control measures which are conditions for making conformity determinations for a transportation plan or TIP and included in the project design concept and scope which is used in the regional emissions analysis required by R18-2-1418 through R18-2-1420 and R18-2-1422 through R18-2-1424 or used in the project-level hot-spot analysis required by R18-2-1416 and R18-2-1421.
- B. Project sponsors voluntarily committing to mitigation measures to facilitate positive conformity determinations shall provide enforceable written commitments and comply with the obligations of such commitments.

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- C. Enforceable written commitments to mitigation or control measures shall be obtained prior to a positive conformity determination, and that project sponsors shall comply with such commitments.
- D. During the control strategy and maintenance periods, if ADOT, the MPO, or project sponsor believes the mitigation or control measure is no longer necessary for conformity, the project sponsor or operator may be relieved of its obligation to implement the mitigation or control measure if it can demonstrate that the requirements of R18-2-1416, R18-2-1418, and R18-2-1419 are satisfied without the mitigation or control measure and so notifies the agencies involved in the inter-agency consultation process required under R18-2-1405. ADOT or the MPO where one exists and USDOT shall confirm that the transportation plan and TIP still satisfy the requirements of R18-2-1418 and R18-2-1419 and that the project still satisfies the requirements of R18-2-1416, and therefore that the conformity determinations for the transportation plan, TIP, and project are still valid.
4. Purchase of office, shop, and operating equipment for existing facilities.
  5. Purchase of operating equipment for vehicles (e.g., radios, fareboxes, lifts, etc.).
  6. Construction or renovation of power, signal, and communications systems.
  7. Construction of small passenger shelters and information kiosks.
  8. Reconstruction or renovation of transit buildings and structures (e.g., rail or bus buildings, storage and maintenance facilities, stations, terminals, and ancillary structures).
  9. Rehabilitation or reconstruction of track structures, track, and trackbed in existing rights-of-way.
  10. Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of the fleet. (In PM<sub>10</sub> nonattainment or maintenance areas, such projects are exempt only if they are in compliance with control measures in the applicable implementation plan.)
  11. Construction of new bus or rail storage or maintenance facilities categorically excluded in 23 CFR 771.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1434. Exempt Projects**

Notwithstanding the other requirements of this subpart, highway and transit projects of the types listed in Table 2 are exempt from the requirement that a conformity determination be made. Such projects may proceed toward implementation even in the absence of a conforming transportation plan and TIP. A particular action of the type listed in Table 2 is not exempt if ADOT or the MPO where one exists in consultation with other agencies pursuant to R18-2-1405, the EPA, and the FHWA (in the case of a highway project) or the FTA (in the case of a transit project) concur that it has potentially adverse emissions impacts for any reason. States and MPOs shall ensure that exempt projects do not interfere with TCM implementation.

**Table 2. Exempt Projects**  
**Exempt Projects**  
**SAFETY**

1. Railroad or highway crossing.
2. Hazard elimination program.
3. Safer non-federal-aid system roads.
4. Shoulder improvements.
5. Increasing sight distance.
6. Safety improvement program.
7. Traffic control devices and operating assistance other than signalization projects.
8. Railroad or highway crossing warning devices.
9. Guardrails, median barriers, crash cushions.
10. Pavement resurfacing or rehabilitation.
11. Pavement marking demonstration.
12. Emergency relief (23 U.S.C. 125).
13. Fencing.
14. Skid treatments.
15. Safety roadside rest areas.
16. Adding medians.
17. Truck climbing lanes outside the urbanized area.
18. Lighting improvements.
19. Widening narrow pavements or reconstructing bridges (no additional travel lanes).
20. Emergency truck pullovers.

**MASS TRANSIT**

1. Operating assistance to transit agencies.
2. Purchase of support vehicles.
3. Rehabilitation of transit vehicles. (In PM<sub>10</sub> nonattainment or maintenance areas, such projects are exempt only if they are in

compliance with control measures in the applicable implementation plan.)

4. Purchase of office, shop, and operating equipment for existing facilities.
5. Purchase of operating equipment for vehicles (e.g., radios, fareboxes, lifts, etc.).
6. Construction or renovation of power, signal, and communications systems.
7. Construction of small passenger shelters and information kiosks.
8. Reconstruction or renovation of transit buildings and structures (e.g., rail or bus buildings, storage and maintenance facilities, stations, terminals, and ancillary structures).
9. Rehabilitation or reconstruction of track structures, track, and trackbed in existing rights-of-way.
10. Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of the fleet. (In PM<sub>10</sub> nonattainment or maintenance areas, such projects are exempt only if they are in compliance with control measures in the applicable implementation plan.)
11. Construction of new bus or rail storage or maintenance facilities categorically excluded in 23 CFR 771.

**AIR QUALITY**

1. Continuation of ride-sharing and van-pooling promotion activities at current levels.
2. Bicycle and pedestrian facilities.

**OTHER**

1. Specific activities which do not involve or lead directly to construction, such as:
  - a. Planning and technical studies.
  - b. Grants for training and research programs.
  - c. Planning activities conducted pursuant to Titles 23 and 49 U.S.C.
  - d. Federal-aid systems revisions.
2. Engineering to assess social, economic and environmental effects of the proposed action or alternatives to that action.
3. Noise attenuation.
4. Advance land acquisitions (23 CFR 712 or 23 CFR 771).
5. Acquisition of scenic easements.
6. Plantings, landscaping, etc.
7. Sign removal.
8. Directional and informational signs.
9. Transportation enhancement activities (except rehabilitation and operation of historic transportation buildings, structures, or facilities).
10. Repair of damage caused by natural disasters, civil unrest, or terrorist acts, except projects involving substantial functional, locational or capacity changes.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1435. Projects Exempt from Regional Emissions Analyses**

Notwithstanding the other requirements of this subpart, highway and transit projects of the types listed in Table 3 are exempt from regional emissions analysis requirements. The local effects of these projects with respect to CO or PM<sub>10</sub> concentrations shall be considered to determine if a hot-spot analysis is required prior to making a project-level conformity determination. These projects may then proceed to the project development process even in the absence of a conforming transportation plan and TIP. A particular action of the type listed in Table 3 is not exempt from regional emissions analysis if the MPO in consultation with other agencies pursuant to R18-2-1405, the EPA, and the FHWA (in the case of a highway project)



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or the FTA (in the case of a transit project) concur that it has potential regional impacts for any reason.

**Table 3. Projects Exempt From Regional Emissions Analyses**

**Projects Exempt From Regional Emissions Analyses**

1. Intersection channelization projects.
2. Intersection signalization projects at individual intersections.
3. Interchange reconfiguration projects.
4. Changes in vertical and horizontal alignment.
5. Truck size and weight inspection stations.
6. Bus terminals and transfer points.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1436. Special Provisions for Nonattainment Areas Which are Not Required to Demonstrate Reasonable Further Progress and Attainment**

- A. This Section applies in the following areas:
  1. Rural transport ozone nonattainment areas,
  2. Marginal ozone areas,
  3. Submarginal ozone areas,
  4. Transitional ozone areas,
  5. Incomplete data ozone areas,
  6. Moderate CO areas with a design value of 12.7 ppm or less,
  7. Not classified CO areas.
- B. The criteria and procedures in R18-2-1422 through R18-2-1424 will remain in effect throughout the control strategy period for transportation plans, TIPs, and projects (not from a conforming plan and TIP) in lieu of the procedures in R18-2-1418 through R18-2-1420, except as otherwise provided in subsection (C).
- C. The state or MPO may voluntarily develop an attainment demonstration and corresponding motor vehicle emissions budget like those required in areas with higher nonattainment classifications. In this case, the state shall submit an implementation plan revision which contains that budget and attainment demonstration. Once EPA has approved this implementation plan revision, the procedures in R18-2-1418 through R18-2-1420 apply in lieu of the procedures in R18-2-1422 through R18-2-1424.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1437. Reserved**

**R18-2-1438. General Conformity for Federal Actions**

The following subparts of 40 CFR 93, Determining Conformity of Federal Actions to State or Federal Implementation Plans, and all accompanying appendices, adopted as of July 1, 1994, and no future editions, are incorporated by reference. These standards are on file with the Office of the Secretary of State and with the Department and shall be applied by the Department.

Subpart B - Determining Conformity of General Federal Actions to State or Federal Implementation Plans (58 FR 63253, November 30, 1993).

**Historical Note**

Adopted effective January 31, 1995 (Supp. 95-1).

**ARTICLE 15. FOREST AND RANGE MANAGEMENT BURNS**

**R18-2-1501. Definitions**

In addition to the definitions contained in A.R.S. § 49-501 and R18-2-101, in this Article:

1. "Activity fuels" means those fuels created by human activities such as thinning or logging.

2. "ADEQ" means the Department of Environmental Quality.
3. "Annual emissions goal" means the annual establishment in cooperation with the F/SLMs, under R18-2-1503(G), of a planned quantifiable value of emissions reduction from prescribed fires and fuels management activities.
4. "Burn plan" means the ADEQ form that includes information on the conditions under which a burn will occur with details of the burn and smoke management prescriptions.
5. "Burn prescription" means, with regard to a burn project, the pre-determined area, fuel, and weather conditions required to attain planned resource management objectives.
6. "Burn project" means an active or planned prescribed burn, including a wildland fire use incident.
7. "Duff" means forest floor material consisting of decomposing needles and other natural materials.
8. "Emission reduction techniques (ERT)" means methods for controlling emissions from prescribed fires to minimize the amount of emission output per unit of area burned.
9. "Federal land manager (FLM)" means any department, agency, or agent of the federal government, including the following:
  - a. United States Forest Service,
  - b. United States Fish and Wildlife Service,
  - c. National Park Service,
  - d. Bureau of Land Management,
  - e. Bureau of Reclamation,
  - f. Department of Defense,
  - g. Bureau of Indian Affairs, and
  - h. Natural Resources Conservation Service.
10. "F/SLM" means a federal land manager or a state land manager.
11. "Local fire management officer" means a person designated by a F/SLM as responsible for fire management in a local district or area.
12. "Mop-up" means the act of extinguishing or removing burning material from a prescribed fire to reduce smoke impacts.
13. "National Wildfire Coordinating Group" means the national inter-agency group of federal and state land managers that shares similar wildfire suppression programs and has established standardized inter-agency training courses and qualifications for fire management positions.
14. "Non-burning alternatives to fire" means techniques that replace fire for at least five years as a means to treat activity fuels created to achieve a particular land management objective (e.g., reduction of fuel-loading, manipulation of fuels, enhancement of wildlife habitat, and ecosystem restoration). These alternatives are not used in conjunction with fire. Techniques used in conjunction with fire are referred to as emission reduction techniques (ERTs).
15. "Planned resource management objectives" means public interest goals in support of land management agency objectives including silviculture, wildlife habitat management, grazing enhancement, fire hazard reduction, wilderness management, cultural scene maintenance, weed abatement, watershed rehabilitation, vegetative manipulation, and disease and pest prevention.
16. "Prescribed burning" means the controlled application of fire to wildland fuels that are in either a natural or modified state, under certain burn and smoke management prescription conditions that have been specified by the land manager in charge of or assisting the burn, to attain

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planned resource management objectives. Prescribed burning does not include a fire set or permitted by a public officer to provide instruction in fire fighting methods, or construction or residential burning under R18-2-602.

17. "Prescribed fire manager" means a person designated by a F/SLM as responsible for prescribed burning for that land manager.
18. "Smoke management prescription" means the predetermined meteorological conditions that affect smoke transport and dispersion under which a burn could occur without adversely affecting public health and welfare.
19. "Smoke management techniques (SMT)" means management and dispersion practices used during a prescribed burn or wildland fire use incident which affect the direction, duration, height, or density of smoke.
20. "Smoke management unit" means any of the geographic areas defined by ADEQ whose area is based on primary watershed boundaries and whose outline is determined by diurnal windflow patterns that allow smoke to follow predictable drainage patterns. A map of the state divided into the smoke management units is on file with ADEQ.
21. "State land manager (SLM)" means any department, agency, or political subdivision of the state government including the following:
  - a. State Land Department,
  - b. Department of Transportation,
  - c. Department of Game and Fish, and
  - d. Parks Department.
22. "Wildfire" means an unplanned wildland fire subject to appropriate control measures. Wildfires include those incidents where suppression may be limited for safety, economic, or resource concerns.
23. "Wildland fire use" means a wildland fire that is ignited by natural causes, such as lightning, and is managed using the same controls and for the same planned resource management objectives as prescribed burning.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4).

Amended by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1).

**R18-2-1502. Applicability**

- A. A F/SLM that is conducting or assisting a prescribed burn shall follow the requirements of this Article.
- B. A private or municipal burner with whom ADEQ has entered into a memorandum of agreement shall follow the requirements of this Article.
- C. The provisions of this Article apply to all areas of the state except Indian Trust lands. All federally managed lands and all state lands, parks, and forests are under the jurisdiction of ADEQ in matters relating to air pollution from prescribed burning.
- D. Notwithstanding subsection (C), ADEQ and any Indian tribe may enter into a memorandum of agreement to implement this Article.
- E. ADEQ and any private or municipal prescribed burner may enter into a memorandum of agreement to implement this Article.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4).

Amended by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1).

**R18-2-1503. Annual Registration, Program Evaluation and Planning**

- A. Each F/SLM shall register annually with ADEQ on a form prescribed by ADEQ, all planned burn projects, including areas planned for wildland fire use.
- B. Each planned year extends from January 1 of the registration year to December 31 of the same year. Each F/SLM shall use best efforts to register before December 31 and no later than January 31 of each year.
- C. A F/SLM shall include the following information on the registration form:
  1. The F/SLM's name, address, and business telephone number;
  2. The name, address, and business telephone number of an air quality representative who will provide technical support to ADEQ for decisions regarding prescribed burning. The same air quality representative may be selected by more than one F/SLM;
  3. All prescribed burn projects and potential wildland fire use areas planned for the next year;
  4. Maximum project and annual acres to be burned, maximum daily acres to be burned, fuel types within project area, and planned use of emission reduction techniques to support the annual emissions goal for each prescribed burn project;
  5. Planned use of any smoke management techniques for each prescribed burn project;
  6. Maximum project and annual acres projected to be burned, maximum daily acres projected to be burned, and a map of the anticipated project area, fuel types and loading within the planned area for an area the F/SLM anticipates for wildland fire use;
  7. A list of all burn projects that were completed during the previous year;
  8. Project area for treatment, treatment type, fuel types to be treated, and activity fuel loading to support the annual emissions goal for areas to be treated using non-burning alternatives to fire; and
  9. The area treated using non-burning alternatives to fire during the previous year including the number of acres, the specific types of alternatives utilized, and the location of these areas.
- D. After consultation with the F/SLM, ADEQ may request additional information for registration of prescribed burns and wildland fire use to support regional coordination of smoke management, annual emission goal setting using ERTs, and non-burning alternatives to fire.
- E. A F/SLM may amend a registration at any time with a written submission to ADEQ.
- F. ADEQ accepts a facsimile or other electronic method as a means of complying with the deadline for registration. If an electronic means is used, the F/SLM shall deliver the original paper registration form to ADEQ for its records. ADEQ shall acknowledge in writing the receipt of each registration.
- G. ADEQ shall hold a meeting after January 31 and before April 1 of each year between ADEQ and F/SLMs to evaluate the program and cooperatively establish the annual emission goal. The annual emission goal shall be developed to minimize prescribed fire emissions to the maximum extent feasible using emission reduction techniques and alternatives to burning subject to economic, technical, and safety feasibility criteria, and consistent with land management objectives.
- H. At least once every five years, ADEQ shall request long-term projections of future prescribed fire and wildland fire use activity from the F/SLMs to support planning for visibility impairment and assessment of other air quality concerns by ADEQ.

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**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4).  
Amended by final rulemaking at 10 A.A.R. 388, effective  
March 16, 2004 (Supp. 04-1).

**R18-2-1504. Prescribed Burn Plan**

Each F/SLM planning a prescribed burn shall complete and submit to ADEQ the "Burn Plan" form supplied by ADEQ no later than 14 days before the date on which the F/SLM requests permission to burn. ADEQ shall consider the information supplied on the Burn Plan Form as binding conditions under which the burn shall be conducted. A Burn Plan shall be maintained by ADEQ until notification from the F/SLM of the completion of the burn project. Revisions to the Burn Plan for a burn project shall be submitted in writing no later than 14 days before the date on which the F/SLM requests permission to burn. To facilitate the Daily Burn authorization process under R18-2-1505, the F/SLM shall include on the Burn Plan form:

1. An emergency telephone number that is answered 24 hours a day, seven days a week;
2. Burn prescription;
3. Smoke management prescription;
4. The number of acres to be burned, the quantity and type of fuel, type of burn, and the ignition technique to be used;
5. The land management objective or purpose for the burn such as restoration or maintenance of ecological function and indicators of fire resiliency;
6. A map depicting the potential impact of the smoke unless waived either orally or in writing by ADEQ. The potential impact shall be determined by mapping both the daytime and nighttime smoke path and down-drainage flow for 15 miles from the burn site, with smoke-sensitive areas delineated. The map shall use the appropriate scale to show the impacts of the smoke adequately;
7. Modeling of smoke impacts unless waived either orally or in writing by ADEQ, for burns greater than 250 acres per day, or greater than 50 acres per day if the burn is within 15 miles of a Class I Area, an area that is non-attainment for particulates, a carbon monoxide non-attainment area, or other smoke-sensitive area. In consultation with the F/SLM, ADEQ shall provide guidelines on modeling;
8. The name of the official submitting the Burn Plan on behalf of the F/SLM; and
9. After consultation with the F/SLM, any other information to support the Burn Plan needed by ADEQ to assist in the Daily Burn authorization process for smoke management purposes or assessment of contribution to visibility impairment of Class I areas.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4).  
Amended by final rulemaking at 10 A.A.R. 388, effective  
March 16, 2004 (Supp. 04-1).

**R18-2-1505. Prescribed Burn Requests and Authorization**

- A. Each F/SLM planning a prescribed burn, shall complete and submit to ADEQ the "Daily Burn Request" form supplied by ADEQ. The Daily Burn Request form shall include:
1. The contact information of the F/SLM conducting the burn;
  2. Each day of the burn;
  3. The area to be burned on the day for which the Burn Request is submitted, with reference to the Burn Plan, including size, legal location to the section, and latitude and longitude to the minute;
  4. Projected smoke impacts; and

5. Any local conditions or circumstances known to the F/SLM that, if conveyed to ADEQ, could impact the Daily Burn authorization process.
- B. After consultation with the F/SLM, ADEQ may request additional information related to the burn, meteorological, smoke dispersion, or air quality conditions to supplement the Daily Burn Request form and to aid in the Daily Burn authorization process.
- C. The F/SLM shall submit the Daily Burn Request form to ADEQ as expeditiously as practicable, but no later than 2:00 p.m. of the business day preceding the burn. An original form, a facsimile, or an electronic information transfer are acceptable submittals.
- D. An F/SLM shall not ignite a prescribed burn without receiving the approval of ADEQ, as follows:
1. ADEQ shall approve, approve with conditions, or disapprove a burn on the same business day as the Burn Request submittal.
  2. If ADEQ fails to address a Burn Request by 10:00 p.m. of the business day on which the request is submitted, the Burn Request is approved by default after the burner makes a good faith effort to contact ADEQ to confirm that the Burn Request was received.
  3. ADEQ may communicate its decision by verbal, written, or electronic means. ADEQ shall provide a written or electronic reply if requested by the F/SLM.
- E. If weather conditions cease to conform to those in the smoke management prescription of either the Burn Plan or an Approval with Conditions, the F/SLM shall take appropriate action to reduce further smoke impacts, ensure safe and appropriate fire control, and notify the public when necessary. After consultation with ADEQ, the smoke management prescription or burn plan may be modified.
- F. The F/SLM shall ensure that there is appropriate signage and notification to protect public safety on transportation corridors including roadways and airports during a prescribed fire.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4).  
Amended by final rulemaking at 10 A.A.R. 388, effective  
March 16, 2004 (Supp. 04-1).

**R18-2-1506. Smoke Dispersion Evaluation**

ADEQ shall approve, approve with conditions, or disapprove a Daily Burn Request submitted under R18-2-1505, by using the following factors for each smoke management unit:

1. Analysis of the emissions from burns in progress and residual emissions from previous burns on a day-to-day basis;
2. Analysis of emissions from active wildland fire use incidents, and active multiple-day burns, and consideration of potential long-term emissions estimates;
3. Analysis of the emissions from wildfires greater than 100 acres and consideration of their potential long-term growth;
4. Local burn conditions;
5. Burn prescription and smoke management prescription from the applicable Burn Plan;
6. Existing and predicted local air quality;
7. Local and synoptic meteorological conditions;
8. Type and location of areas to be burned;
9. Protection of the national visibility goal for Class I Areas under § 169A(a)(1) of the Act and 40 CFR 51.309;
10. Assessment of duration and intensity of smoke emissions to minimize cumulative impacts;
11. Minimization of smoke impacts in Class I Areas, areas that are non-attainment for particulate matter, carbon

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monoxide non-attainment areas, or other smoke-sensitive areas; and

12. Protection of the National Ambient Air Quality Standards.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4).  
Amended by final rulemaking at 10 A.A.R. 388, effective  
March 16, 2004 (Supp. 04-1).

**R18-2-1507. Prescribed Burn Accomplishment; Wildfire Reporting**

- A. Each F/SLM conducting a prescribed burn shall complete and submit to ADEQ the "Burn Accomplishment" form supplied by ADEQ. For each burn approval, the F/SLM shall submit a Burn Accomplishment form to ADEQ by 2:00 p.m. of the business day following the approved burn. The F/SLM shall include the following information on the Burn Accomplishment form:
  1. Any known conditions or circumstances that could impact the Daily Burn decision process;
  2. The date, location, fuel type, fuel loading, and acreage accomplishments;
  3. The ERTs and SMTs described in R18-2-1509 and R18-2-1510, respectively, and may include any further ERTs and SMTs that become available, that the F/SLM used to reduce emissions or manage the smoke from the burn.
- B. The F/SLM shall submit the Burn Accomplishment form as an original form, a facsimile, or an electronic information transfer.
- C. ADEQ shall maintain a record of Burn Requests, Burn Approvals/Conditional Approvals/Denials and Burn Accomplishments for five years.
- D. The F/SLM in whose jurisdiction a wildfire occurs shall make available to ADEQ no later than the day after the activity all required information for wildfire incidents that burned more than 100 acres per day in timber or slash fuels or 300 acres per day in brush or grass fuels. For each day of a wildfire incident that exceeds the daily activity threshold, the F/SLM shall provide the location, an estimate of predominant fuel type and quantity consumed, and an estimate of the area blackened that day.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4).  
Amended by final rulemaking at 10 A.A.R. 388, effective  
March 16, 2004 (Supp. 04-1).

**R18-2-1508. Wildland Fire Use: Plan, Authorization, Monitoring; Inter-agency Consultation; Status Reporting**

- A. In order for ADEQ to participate in the wildland fire use decision-making process, the F/SLM shall notify ADEQ as soon as practicable of any wildland fire use incident projected to attain or attaining a size of 50 acres of timber fuel or 250 acres of brush or grass fuel.
- B. For each wildland fire use incident that has been declared as such by the F/SLM, the F/SLM shall complete and submit to ADEQ a Wildland Fire Use Burn Plan in a format approved by ADEQ in cooperation with the F/SLM. The F/SLM shall submit the Wildland Fire Use Burn Plan to ADEQ as soon as practicable but no later than 72 hours after the wildland fire use incident is declared or under consideration for such designation. The F/SLM shall include the following information in the Wildland Fire Use Burn Plan:
  1. An emergency telephone number that is answered 24 hours a day, seven days a week;
  2. Anticipated burn prescription;
  3. Anticipated smoke management prescription;

4. The estimated daily number of acres, quantity, and type of fuel to be burned;
  5. The anticipated maximum allowable perimeter or size with map;
  6. Information on the condition of the area to be burned, such as whether it is in maintenance or restoration, its ecological function, and other indicators of fire resiliency;
  7. The anticipated duration of the wildland fire use incident;
  8. The anticipated long-range weather trends for the site;
  9. A map depicting the potential impact of the smoke. The potential impact shall be determined by mapping both the daytime and nighttime smoke path and down-drainage flow for 15 miles from the wildland fire use incident, with smoke-sensitive areas delineated. Mapping is mandatory unless waived either orally or in writing by ADEQ. The map shall use the appropriate scale to show the impacts of the smoke adequately; and
  10. Modeling or monitoring of smoke impacts, if requested by ADEQ after consultation with the F/SLM.
- C. ADEQ shall approve or disapprove a Wildland Fire Use Burn Plan within three hours of receipt. ADEQ shall consult directly with the requesting F/SLM before disapproving a Wildland Fire Use Burn Plan. If ADEQ fails to address the Wildland Fire Use Burn Plan within the time allotted, the Plan is approved by default under the condition that the F/SLM makes a good faith effort to contact ADEQ to confirm that the Plan was received. Approval by ADEQ of a Wildland Fire Use Burn Plan is binding upon ADEQ for the duration of the wildland fire use incident, unless smoke from the incident creates a threat to public health or welfare. If a threat to public health or welfare is created, ADEQ shall consult with the F/SLM regarding the situation and develop a joint action plan for reducing further smoke impacts.
  - D. The F/SLM shall submit a Daily Status Report for each wildland fire use incident to ADEQ for each day of the burn that the fire burns more than 100 acres in timber or slash fuels or 300 acres in brush or grass fuels. The F/SLM shall include a synopsis of smoke behavior, future daily anticipated growth, and location of the activity of the wildland fire use incident in the Daily Status Report.
  - E. The F/SLM shall consult with ADEQ prior to initiating human-made ignition on the wildland fire use incident when greater than 250 acres is anticipated to be burned by the ignition. Emergency human-made ignition on the incident for protection of public or fire-fighter safety does not require consultation with ADEQ regardless of the size of the area to be burned.
  - F. The F/SLM shall ensure that there is appropriate signage and notification to protect public safety on transportation corridors including roadways and airports during a wildland fire use incident.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4).  
Amended by final rulemaking at 10 A.A.R. 388, effective  
March 16, 2004 (Supp. 04-1).

**R18-2-1509. Emission Reduction Techniques**

- A. Each F/SLM conducting a prescribed burn shall implement as many Emission Reduction Techniques as are feasible subject to economic, technical, and safety feasibility criteria, and land management objectives.
- B. Emission Reduction Techniques include:
  1. Reducing biomass to be burned by use of techniques such as yarding or consolidation of unmerchandisable mate-

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- rial, multi-product timber sales, or public firewood access, when economically feasible;
2. Reducing biomass to be burned by fuel exclusion practices such as preventing the fire from consuming dead snags or dead and downed woody material through lining, application of fire-retardant foam, or water;
  3. Using mass ignition techniques such as aerial ignition by helicopter to produce high intensity fires of high fuel density areas such as logging slash decks;
  4. Burning only fuels essential to meet resource management objectives;
  5. Minimizing consumption and smoldering by burning under conditions of high fuel moisture of duff and litter;
  6. Minimizing fuel consumption and smoldering by burning under conditions of high fuel moisture of large woody fuels;
  7. Minimizing soil content when slash piles are constructed by using brush blades on material-moving equipment and by constructing piles under dry soil conditions or by using hand piling methods;
  8. Burning fuels in piles;
  9. Using a backing fire in grass fuels;
  10. Burning fuels with an air curtain destructor, as defined in R18-2-101, operated according to manufacturer specifications and meeting applicable state or local opacity requirements;
  11. Extinguishing or mopping-up of smoldering fuels;
  12. Chunking of piles and other consolidations of burning material to enhance flaming and fuel consumption, and to minimize smoke production;
  13. Burning before litter fall;
  14. Burning before green-up of fuels;
  15. Burning before recently cut large fuels cure in areas with activity; and
  16. Burning just before precipitation to reduce fuel smoldering and consumption.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4).  
Amended by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1).

**R18-2-1510. Smoke Management Techniques**

- A. Each F/SLM conducting a prescribed burn shall implement as many Smoke Management Techniques as are feasible subject to economic, technical, and safety feasibility criteria, and land management objectives.
- B. Smoke management techniques include:
  1. Burning from March 15 through September 15, when meteorological conditions allow for good smoke dispersion;
  2. Igniting burns under good-to-excellent ventilation conditions;
  3. Suspending operations under poor smoke dispersion conditions;
  4. Considering smoke impacts on local community activities and land users;
  5. Burning piles when other burns are not feasible, such as when snow or rain is present;
  6. Using mass ignition techniques such as aerial ignition by helicopter to produce high intensity fires with short duration impacts;
  7. Using all opportunities that meet the burn prescription and all burn locations to spread smoke impacts over a broader time period and geographic area;
  8. Burning during optimum mid-day dispersion hours, with all ignitions in a burn unit completed by 3:00 p.m. to pre-

- vent trapping smoke in inversions or diurnal windflow patterns;
9. Providing information on the adverse impacts of using green or wet wood as fuel when public firewood access is allowed;
10. Implementing maintenance burning in a periodic rotation to shorten prescribed fire duration and to reduce excessive fuel accumulations that could result in excessive smoke production in a wildfire; and
11. Using wildland fire-use strategies to shift smoke into more favorable smoke dispersion seasons.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4). Former Section R18-2-1510 renumbered to R18-2-1511; new R18-2-1510 made by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1).

**R18-2-1511. Monitoring**

- A. ADEQ may require a F/SLM to monitor air quality before or during a prescribed burn or a wildland fire use incident if necessary to assess smoke impacts. Air quality monitoring may be conducted using both federal and non-federal reference method as well as other techniques.
- B. ADEQ may require a F/SLM to monitor weather before or during a prescribed burn or a wildland fire use incident, if necessary to predict or assess smoke impacts. After consultation with the F/SLM, ADEQ may also require the F/SLM to establish burn site or area-representative remote automated weather stations or their equivalent, having telemetry that allows retrieval on a real-time basis by ADEQ. An F/SLM shall give ADEQ notice and an opportunity to comment before making any change to a long-term established remote automated weather station.
- C. A F/SLM shall employ the following types of monitoring, unless waived by ADEQ, for burns greater than 250 acres per day, or greater than 50 acres per day if the burn is within 15 miles of a Class I Area, an area that is non-attainment for particulate matter, carbon monoxide, or ozone, or other smoke-sensitive area:
  1. Smoke plume measurements, using a format supplied by ADEQ; and
  2. The release of pilot balloons (PIBALs) at the burn site to verify needed wind speed, direction, and stability. Instead of pilot balloons, a test burn at the burn site may be used for specific prescribed burns on a case-by-case basis as approved by ADEQ, to verify needed wind speed, direction, and stability.
- D. An F/SLM shall make monitoring information required under subsection (C) available to ADEQ on the business day following the burn ignition.
- E. The F/SLM shall keep on file for one year following the burn date any monitoring information required under this Section.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4). Former Section R18-2-1511 renumbered to R18-2-1512; new R18-2-1511 renumbered from R18-2-1510 and amended by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1).

**R18-2-1512. Burner Qualifications**

- A. All burn projects shall be conducted by personnel trained in prescribed fire and smoke management techniques as required by the F/SLM in charge of the burn and established by National Wildfire Coordinating Group training qualifications.
- B. A Prescribed Fire Boss or other local Fire Management Officer of the F/SLM having jurisdiction over prescribed burns

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shall have smoke management training obtained through one of the following:

1. Successful completion of a National Wildfire Coordinating Group or F/SLM-equivalent course addressing smoke management; or
2. Attendance at an ADEQ-approved smoke management workshop.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4). Former Section R18-2-1512 renumbered to R18-2-1513; new R18-2-1512 renumbered from R18-2-1511 and amended by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1).

**R18-2-1513. Public Notification and Awareness Program; Regional Coordination**

- A. The Director shall conduct a public education and awareness program in cooperation with F/SLMs and other interested parties to inform the general public of the smoke management program described by this Article. The program shall include smoke impacts from prescribed fires and the role of prescribed fire in natural ecosystems.
- B. ADEQ shall make annual registration, prescribed burn approval, and wildfire and wildland fire use activity information readily available to the public and to facilitate regional coordination efforts and public notification.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4). Former Section R18-2-1513 renumbered to R18-2-1514; new R18-2-1513 renumbered from R18-2-1512 and amended by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1).

**R18-2-1514. Surveillance and Enforcement**

- A. An F/SLM conducting a prescribed burn shall permit ADEQ to enter and inspect burn sites unannounced to verify the accuracy of the Daily Burn Request, Burn Plan, or Accomplishment data as well as matching burn approval with actual conditions, smoke dispersion, and air quality impacts. On-ground site inspection procedures and aerial surveillance shall be coordinated by ADEQ and the F/SLM for safety purposes.
- B. ADEQ may use remote automated weather station data if necessary to verify current and previous meteorological conditions at or near the burn site.
- C. ADEQ may audit burn accomplishment data, smoke dispersion measurements, or weather measurements from previously conducted burns, if necessary to verify conformity with, or deviation from, procedures and authorizations approved by ADEQ.
- D. Deviation from procedures and authorizations approved by ADEQ constitute a violation of this Article. Violations may require containment or mop-up of any active burns and may also require, in the Director's discretion, a five-day moratorium on ignitions by the responsible F/SLM. Violations of this Article are also subject to a civil penalty of not more than \$10,000 per day per violation under A.R.S. § 49-463.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4). Former Section R18-2-1514 repealed; new R18-2-1514 renumbered from R18-2-1513 and amended by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1).

**R18-2-1515. Forms; Electronic Copies; Information Transfers**

- A. ADEQ shall make available on paper and in electronically readable format any form required to be developed by ADEQ and completed by a F/SLM.
- B. After consultation with an F/SLM, ADEQ may require the F/SLM to provide data in a manner that facilitates electronic transfers of information.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4).  
Amended by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1).

**ARTICLE 16. EXPIRED**

*Article 16, consisting of Sections R18-2-1601 through R18-2-1606, made by final rulemaking at 9 A.A.R. 4541, effective December 2, 2003 (Supp. 03-4).*

**R18-2-1601. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 4541, effective December 2, 2003 (Supp. 03-4). Section expired under A.R.S. § 41-1056(J) at 24 A.A.R. 2500, effective August 14, 2018 (Supp. 18-3).

**R18-2-1602. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 4541, effective December 2, 2003 (Supp. 03-4). Section expired under A.R.S. § 41-1056(J) at 24 A.A.R. 2500, effective August 14, 2018 (Supp. 18-3).

**R18-2-1603. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 4541, effective December 2, 2003 (Supp. 03-4). Section expired under A.R.S. § 41-1056(J) at 24 A.A.R. 2500, effective August 14, 2018 (Supp. 18-3).

**R18-2-1604. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 4541, effective December 2, 2003 (Supp. 03-4). Section expired under A.R.S. § 41-1056(J) at 24 A.A.R. 2500, effective August 14, 2018 (Supp. 18-3).

**R18-2-1605. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 4541, effective December 2, 2003 (Supp. 03-4). Section expired under A.R.S. § 41-1056(J) at 24 A.A.R. 2500, effective August 14, 2018 (Supp. 18-3).

**R18-2-1606. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 4541, effective December 2, 2003 (Supp. 03-4). Section expired under A.R.S. § 41-1056(J) at 24 A.A.R. 2500, effective August 14, 2018 (Supp. 18-3).

**R18-2-1607. Expired****Historical Note**

Section reserved at 11 A.A.R. 386, effective December 20, 2004, expired under A.R.S. § 41-1056(J) at 24 A.A.R. 2500, effective August 14, 2018 (Supp. 18-3).

**R18-2-1608. Expired**

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**Historical Note**

Section reserved at 11 A.A.R. 386, effective December 20, 2004, expired under A.R.S. § 41-1056(J) at 24 A.A.R. 2500, effective August 14, 2018 (Supp. 18-3).

**R18-2-1609. Expired****Historical Note**

Section reserved at 11 A.A.R. 386, effective December 20, 2004, expired under A.R.S. § 41-1056(J) at 24 A.A.R. 2500, effective August 14, 2018 (Supp. 18-3).

**R18-2-1610. Expired****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 386, effective December 20, 2004 (Supp. 04-4). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2856, effective April 30, 2013 (Supp. 13-3).

**R18-2-1611. Expired****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 386, effective December 20, 2004 (Supp. 04-4). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2856, effective April 30, 2013 (Supp. 13-3).

**R18-2-1612. Expired****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 386, effective December 20, 2004 (Supp. 04-4). Section heading corrected at request of the Department, Office File No. M12-134, filed April 5, 2012 (Supp. 11-4). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2856, effective April 30, 2013 (Supp. 13-3).

**R18-2-1613. Expired****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 386, effective December 20, 2004 (Supp. 04-4). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2856, effective April 30, 2013 (Supp. 13-3).

**ARTICLE 17. EXPIRED****R18-2-1701. Expired****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R.135, effective August 26, 2016; filed in the Office of the Secretary of State December 23, 2016 (Supp. 16-4).

**Table 1. Expired****Historical Note**

Table 1 made by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Table 1 expired under A.R.S. § 41-1056(J) at 23 A.A.R.135, effective August 26, 2016; filed in the Office of the Secretary of State December 23, 2016 (Supp. 16-4).

**R18-2-1702. Expired****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R.135,

effective August 26, 2016; filed in the Office of the Secretary of State December 23, 2016 (Supp. 16-4).

**Table 2. Expired****Historical Note**

Table 2 made by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Table 2 expired under A.R.S. § 41-1056(J) at 23 A.A.R.135, effective August 26, 2016; filed in the Office of the Secretary of State December 23, 2016 (Supp. 16-4).

**R18-2-1703. Expired****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R.135, effective August 26, 2016; filed in the Office of the Secretary of State December 23, 2016 (Supp. 16-4).

**R18-2-1704. Expired****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R.135, effective August 26, 2016; filed in the Office of the Secretary of State December 23, 2016 (Supp. 16-4).

**R18-2-1705. Expired****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R.135, effective August 26, 2016; filed in the Office of the Secretary of State December 23, 2016 (Supp. 16-4).

**R18-2-1706. Expired****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R.135, effective August 26, 2016; filed in the Office of the Secretary of State December 23, 2016 (Supp. 16-4).

**R18-2-1707. Expired****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R.135, effective August 26, 2016; filed in the Office of the Secretary of State December 23, 2016 (Supp. 16-4).

**R18-2-1708. Expired****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R.135, effective August 26, 2016; filed in the Office of the Secretary of State December 23, 2016 (Supp. 16-4).

**Table 3. Expired****Historical Note**

Table 3 made by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Table 3 expired under A.R.S. § 41-1056(J) at 23 A.A.R.135, effective August 26, 2016; filed in the Office of the Secretary of

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State December 23, 2016 (Supp. 16-4).

January 10, 2012 (Supp. 12-1).

**R18-2-1709. Expired****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R.135, effective August 26, 2016; filed in the Office of the Secretary of State December 23, 2016 (Supp. 16-4).

**ARTICLE 18. REPEALED****R18-2-1801. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2). Section repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).

**R18-2-1802. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2). Section repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).

**R18-2-1803. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2). Section repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).

**R18-2-1804. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2). Section repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).

**R18-2-1805. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2). Section repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).

**R18-2-1806. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2). Section repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).

**R18-2-1807. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2). Section repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).

**R18-2-1808. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2). Section repealed by final rulemaking at 18 A.A.R. 250, effective

**R18-2-1809. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2). Section repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).

**R18-2-1810. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2). Section repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).

**R18-2-1811. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2). Section repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).

**R18-2-1812. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2). Section repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).

**CHAPTER APPENDICES****Appendix 1. Repealed****Historical Note**

Former Appendix 1 repealed, new Appendix 1 adopted effective October 2, 1979 (Supp. 79-5). Amended effective May 28, 1982 (Supp. 82-3). Amended effective September 22, 1983 (Supp. 83-5). Amended effective December 1, 1988 (Supp. 88-4). Appendix 1 repealed, new Appendix 1 adopted effective November 15, 1993 (Supp. 93-4). Amended effective October 7, 1994 (Supp. 94-4). Amended effective August 1, 1995 (Supp. 95-3). The reference to R18-2-101(80) amended to reference R18-2-101(84) (Supp. 99-3). Amended by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Repealed by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**Appendix 2. Test Methods and Protocols**

The following test methods and protocols are approved for use as directed by the Department under this Chapter. These standards are incorporated by reference as applicable requirements revised as of June 30, 2017, and no future editions or amendments. These standards are on file with the Department, and are also available from the U.S. Government Printing Office, Superintendent of Documents, bookstore.gpo.gov, Mail Stop: SSOP IDCC-SSOM, Washington, D.C. 20402-9328.

- A. 40 CFR 50;
- B. 40 CFR 50, all appendices;
- C. 40 CFR 51, Appendix M, Section IV of Appendix S, and Appendix W;
- D. 40 CFR 52, Appendices D and E;
- E. 40 CFR 53;
- F. 40 CFR 58;
- G. 40 CFR 58, all appendices;
- H. 40 CFR 60, all appendices;
- I. 40 CFR 61, all appendices;



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- J.** 40 CFR 63, all appendices;
- K.** 40 CFR 75, all appendices.
- L.** 40 CFR 51.128, Appendix A(1)(B).
- M.** Silt Content Test Method. The purpose of this test method is to estimate the silt content of the trafficked parts of commercial farm roads, as defined in R18-2-610. The higher the silt content, the more fine dust particles that are released when cars and trucks drive on commercial farm roads.
1. Equipment:
    - a. A set of sieves with the following openings: 4 millimeters (mm), 2mm, 1 mm, 0.5 mm and 0.25 mm and a lid and collector pan
    - b. A small whisk broom or paintbrush with stiff bristles and dustpan 1 ft. in width. (The broom/brush should preferably have one, thin row of bristles no longer than 1.5 inches in length.)
    - c. A spatula without holes A small scale with half ounce increments (e.g. postal/package scale)
    - d. A shallow, lightweight container (e.g. plastic storage container)
    - e. A sturdy cardboard box or other rigid object with a level surface
    - f. Basic calculator
    - g. Cloth gloves (optional for handling metal sieves on hot, sunny days)
    - h. Sealable plastic bags (if sending samples to a laboratory)
    - i. Pencil/pen and paper
  2. Step 1: Look for a routinely-traveled surface, as evidenced by tire tracks. [Only collect samples from surfaces that are not wet or damp due to precipitation, dew or watering.] Use caution when taking samples to ensure personal safety with respect to passing vehicles. Gently press the edge of a dustpan (1 foot in width) into the surface four times to mark an area that is 1 square foot. Collect a sample of loose surface material using a whisk broom or brush and slowly sweep the material into the dustpan, minimizing escape of dust particles. Use a spatula to lift heavier elements such as gravel. Only collect dirt/gravel to an approximate depth of 3/8 inch or 1 cm in the 1 square foot area. If you reach a hard, underlying subsurface that is < 3/8 inch in depth, do not continue collecting the sample by digging into the hard surface. In other words, you are only collecting a surface sample of loose material down to 1 cm. In order to confirm that samples are collected to 1 cm. in depth, a wooden dowel or other similar narrow object at least 1 foot in length can be laid horizontally across the survey area while a metric ruler is held perpendicular to the dowel. At this point, you can choose to place the sample collected into a plastic bag or container and take it to an independent laboratory for silt content analysis. A reference to the procedure the laboratory is required to follow is in subsection (10) below.
  3. Step 2: Place a scale on a level surface. Place a lightweight container on the scale. Zero the scale with the weight of the empty container on it. Transfer the entire sample collected in the dustpan to the container, minimizing escape of dust particles. Weigh the sample and record its weight.
  4. Step 3: Stack a set of sieves in order according to the size openings specified above, beginning with the largest size opening (4 mm) at the top. Place a collector pan underneath the bottom (0.25 mm) sieve.
  5. Step 4: Carefully pour the sample into the sieve stack, minimizing escape of dust particles by slowly brushing material into the stack with a whisk broom or brush. (On windy days, use the trunk or door of a car as a wind barricade.) Cover the stack with a lid. Lift up the sieve stack and shake it vigorously up, down and sideways for at least 1 minute.
  6. Step 5: Remove the lid from the stack and disassemble each sieve separately, beginning with the top sieve. As you remove each sieve, examine it to make sure that all of the material has been sifted to the finest sieve through which it can pass; e.g. material in each sieve (besides the top sieve that captures a range of larger elements) should look the same size. If this is not the case, re-stack the sieves and collector pan, cover the stack with the lid, and shake it again for at least 1 minute. (You only need to reassemble the sieve(s) that contain material which requires further sifting.)
  7. Step 6: After disassembling the sieves and collector pan, slowly sweep the material from the collector pan into the empty container originally used to collect and weigh the entire sample. Take care to minimize escape of dust particles. You do not need to do anything with material captured in the sieves -- only the collector pan. Weigh the container with the material from the collector pan and record its weight.
  8. Step 7: If the source is an unpaved road, multiply the resulting weight by 0.38. If the source is an unpaved parking lot, multiply the resulting weight by 0.55. The resulting number is the estimated silt loading. Then, divide by the total weight of the sample you recorded earlier in Step 2 and multiply by 100 to estimate the percent silt content.
  9. Step 8: Select another two routinely-traveled portions of the unpaved road or unpaved parking lot and repeat this test method. Once you have calculated the silt loading and percent silt content of the three samples collected, average your results together.
  10. Step 9: Examine Results. If the average silt loading is less than 0.33 oz/ft<sup>2</sup>, the surface is STABLE. If the average silt loading is greater than or equal to 0.33 oz/ft<sup>2</sup>, then proceed to examine the average percent silt content. If the source is an unpaved road and the average percent silt content is 6% or less, the surface is STABLE. If the source is an unpaved parking lot and the average percent silt content is 8% or less, the surface is STABLE. If your field test results are within 2% of the standard (for example, 4%-8% silt content on an unpaved road), it is recommended that you collect three additional samples from the source according to Step 1 and take them to an independent laboratory for silt content analysis.
  11. Independent Laboratory Analysis: You may choose to collect 3 samples from the source, according to Step 1, and send them to an independent laboratory for silt content analysis rather than conduct the sieve field procedure. If so, the test method the laboratory is required to use comes from the from the following text: *Procedures For Laboratory Analysis Of Surface/Bulk Dust Loading Samples*, (Fifth Edition, Volume I, Appendix C.2.3 "Silt Analysis", 1995), AP-42, Office of air Quality Planning & Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina.

**Historical Note**

Former Appendix 2 repealed, new Appendix 2 adopted effective October 2, 1979 (Supp. 79-5). Amended effective May 28, 1982 (Supp. 82-3). Amended effective December 1, 1988 (Supp. 88-4). Repealed effective November 15, 1993 (Supp. 93-4). New Appendix 2 adopted effective December 7, 1995 (Supp. 95-4).

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Amended effective May 9, 1996 (Supp. 96-2). Amended effective April 4, 1997; filed with the Office of the Secretary of State March 14, 1997 (Supp. 97-1). Amended effective December 4, 1997 (Supp. 97-4). Amended by final rulemaking at 5 A.A.R. 3221, effective August 12, 1999 (Supp. 99-3). Amended by final rulemaking at 6 A.A.R. 4170, effective October 11, 2000 (Supp. 00-4). Amended by final rulemaking at 8 A.A.R. 2543, effective May 24, 2002 (Supp. 02-2). Amended by final rulemaking at 10 A.A.R. 3281, effective September 27, 2004 (Supp. 04-3). Amended by final rulemaking at 11 A.A.R. 3305, effective October 3, 2005 (Supp. 05-3). Amended by final rulemaking at 13 A.A.R. 4199, effective January 5, 2008 (Supp. 07-4). Amended by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3). Amended by final expedited rulemaking at 21 A.A.R. 2747, effective December 13, 2015 (Supp. 15-4). Amended by final expedited rulemaking at 23 A.A.R. 1564, effective May 2, 2018 (Supp. 18-2). Missing subsection number in (M) added at Step 4, as (5), subsections following (M)(5) corrected (Supp. 21-4).

**Appendix 3. Logging**

1. Each log entry required by a change under R18-2-317.02(B) shall include at least the following information:
  - a. A description of the change, including:
    - i. A description of any process change.
    - ii. A description of any equipment change, including both old and new equipment descriptions, model numbers and serial numbers, or any other unique equipment number.
    - iii. A description of any process material change.
  - b. The date and time that the change occurred.
  - c. The provision of R18-2-317.02(B) that authorizes the change to be made with logging.
  - d. The date the entry was made and the first and last name of the person making the entry.
2. Logs shall be kept for five years from the date created. Logging shall be performed in indelible ink in a bound log book with sequentially numbered pages, or in any other form, including electronic format, approved by the Director.

**Historical Note**

Appendix 3 adopted by final rulemaking at 5 A.A.R. 4074, effective September 22, 1999 (Supp. 99-3).

**Appendix 4. Reserved****Appendix 5. Repealed****Historical Note**

Appendix 5 repealed effective November 15, 1993 (Supp. 93-4).

**Appendix 6. Repealed****Historical Note**

Adopted effective August 7, 1975 (Supp. 75-1). Former Appendix 6 repealed, new Appendix 6 adopted effective July 7, 1978 (Supp. 78-4). Former Appendix 6 repealed effective May 14, 1979 (Supp. 79-1).

**Appendix 7. Repealed****Historical Note**

Adopted effective December 22, 1976 (Supp. 76-5). Former Appendix 7 repealed, new Appendix 7 adopted effective

January 8, 1980 (Supp. 80-1). Editorial correction, Instructions for Schedule 2, paragraph (15) (Supp. 80-2). Repealed effective September 26, 1990 (Supp. 90-3).

**A8 Appendix 8. Procedures for Utilizing the Sulfur Balance Method for Determining Sulfur Emissions****PROCEDURES FOR UTILIZING THE SULFUR BALANCE METHOD FOR DETERMINING SULFUR EMISSIONS****A8.1. Calculating Input Sulfur**

Total sulfur input is the sum of the product of the weight of each sulfur bearing material introduced into the smelting process as calculated in A8.1.1. multiplied by the fraction of sulfur contained in that material as calculated in A8.1.2. plus the amount of sulfur contained in fuel utilized in the smelting process as calculated in A8.1.3.

**A8.1.1. Material Weight**

The owner or operator of a copper smelter shall weigh all sulfur-bearing materials, other than fuels, introduced into the smelting process. The weighing shall be subject to the following conditions:

- A8.1.1.1.** Weight shall be determined on a belt scale, rail or truck scales, or other weighing device.
- A8.1.1.2.** Weight shall be determined within an accuracy of  $\pm 5\%$ .
- A8.1.1.3.** All devices or scales used for weighing shall be calibrated to manufacturer's specifications at least once a month.
- A8.1.1.4.** Sulfur-bearing materials subject to being weighed include concentrate, cement copper, reverbs that are discarded and not part of the internal circulating load and precipitates. Materials such as limestone and silica flux that are mixed with a charge of sulfur bearing materials shall be weighed and reported by the owner or operator.

**A8.1.2. Sulfur Content**

The owner or operator shall calculate the sulfur content of all sulfur-bearing materials introduced into the smelting process using the following steps or an alternative method approved according to A8.4.1.

**A8.1.2.1. Sampling**

The procedures followed by the owner or operator in sampling are dependent upon the input vehicles for the sulfur-bearing material.

**A8.1.2.1.1. Beltfeed**

The smelter owner or operator shall collect a five-pound sample each hour. The owner or operator shall combine hourly samples for a total daily sample.

**A8.1.2.1.2. Railcar**

The smelter owner or operator shall collect a 24-pound sample from each car by the auger method at a minimum of four locations. The

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owner or operator shall combine each car sample with all other car samples for a total lot sample.

**A8.1.2.1.3. Truck**

The owner or operator shall collect a 12-pound sample from each truck load. The owner or operator shall take samples at two locations during unloading. If more than one truck delivers a single lot, the samples from each truck shall be combined for a total lot sample.

**A8.1.2.2. Sample Preparation**

The owner or operator shall prepare each total sample for analysis in the following manner:

**A8.1.2.2.1.** The sample shall be crushed to minus 1/4 inch particles.

**A8.1.2.2.2.** 2000 gm of the sample shall be split out using a Jones Riffle Splitter or similar device.

**A8.1.2.2.3.** The 2000 gm sample shall be pulverized to minus 150 mesh.

**A8.1.2.2.4.** The pulverized mass shall be mixed using a rolling cloth.

**A8.1.2.2.5.** 500 gm shall be split out for sample analysis.

**A8.1.2.3. Sample Analysis**

**A8.1.2.3.1.** The owner or operator shall analyze the sample to determine sulfur content using the Barium Sulfate ( $\text{BaSO}_4$ ) Gravimetric Method according to A8.4.3. The analysis shall be accurate to within  $\pm 1\%$ .

**A8.1.2.3.2.** For purposes of comparison, the owner or operator shall analyze the sample for copper content using the Potassium Iodide (KI) Titration Method according to A8.4.3. The analysis shall be accurate to within  $\pm 1\%$ .

**A8.1.3. Fuel Sulfur Content**

The owner or operator shall calculate sulfur in fuels by multiplying the amount of fuel that enters the process by the fraction of sulfur in the fuel, as reported to the smelter operator by the fuel's supplier. The sulfur content determination shall be accurate to within  $\pm 5\%$ .

**A8.2. Calculating Removed Sulfur**

Total removed sulfur is the sum of the removed sulfur in each of the following products as determined by each process set forth below, or by other processes approved according to A8.4.1.

**A8.2.1. Furnace and Converter Slags**

**A8.2.1.1.** The owner or operator shall determine the weight of each slag using a scale with an accuracy within  $\pm 5\%$ .

**A8.2.1.2.** The owner or operator shall collect a five-pound sample from each slag pot during tapping operations.

**A8.2.1.3.** The owner or operator shall prepare the sample and determine the amount of sulfur and copper using the procedures specified in A8.1.2.2. and A8.1.2.3.

**A8.2.2. Dust Collection Equipment Dusts**

**A8.2.2.1.** After the owner or operator collects the dust and places it in a rail car or truck they shall weigh it using a scale with an accuracy within  $\pm 5\%$ .

**A8.2.2.2.** The owner or operator shall sample the dust and prepare and analyze a sample for sulfur and copper using the procedures specified in A8.1.2.1., A8.1.2.2., and A8.1.2.3.

**A8.2.3. Strong Acids**

**A8.2.3.1.** The owner or operator shall take an inventory of strong acids daily by means of a manometer or sight glass, and increase the inventory by the amounts of acid shipped or otherwise transferred during that day.

**A8.2.3.2.** The owner or operator shall ensure the daily inventory will be accurate to within  $\pm 5\%$ .

**A8.2.3.3.** The owner or operator shall take a sample of each batch of the inventoried acid and analyze the sample for sulfur, according to the procedures in A8.1.2.3.

**A8.2.4. Weak Acids**

**A8.2.4.1.** The owner or operator shall determine the amount of weak acid discharged from an acid plant and scrubber systems by a time volumetric method of measurement in gallons per minute and to an accuracy of within  $\pm 20\%$ .

**A8.2.4.2.** The owner or operator shall analyze a 500 ml sample of the weak acid daily for sulfur content according to the procedures in A8.1.2.3.

**A8.2.5. Sulfur in Copper Production**

**A8.2.5.1.** The owner or operator shall determine the weight of copper produced by weight of copper cast to an accuracy of within  $\pm 5\%$ .

**A8.2.5.2.** The owner or operator shall record the weight and number of castings.

**A8.2.5.3.** The owner or operator shall obtain a sample of the copper, either by the grab sample method while casting, or by the use of at least three drill holes on a representative casting from each charge.

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- A8.2.5.4.** The owner or operator shall obtain at least one sample from each charge.
- A8.2.5.5.** The owner or operator shall analyze each sample for sulfur content using the Barium Sulfate (BaSO<sub>4</sub>) Gravimetric Method according to A8.4.3. The analysis shall be accurate to within  $\pm 50\%$ .
- A8.2.6. Materials in Process**
- A8.2.6.1.** The owner or operator shall determine the total tonnage of materials in process by physical inventory on the first or last day of each month.
- A8.2.6.2.** The owner or operator shall calculate a monthly change in in-process inventory for each material in process by taking the difference between the inventory from each material in process on the first or last day of the preceding month and multiplying that difference by the monthly composite sulfur assay for that material.
- A8.2.6.3.** The change in monthly in-process inventory shall be accurate to within  $\pm 50\%$ .
- A8.3. Sulfur Dioxide Emissions Monitoring**
- A8.3.1.** The sulfur dioxide emissions monitoring and recording system required under R18-2-715.01(K) through R18-2-715.01(N) shall meet the following specifications:
- A8.3.1.1.** The monitoring system shall be capable of continuously monitoring sulfur dioxide emissions with an accuracy of within  $\pm 20\%$  and a confidence level of 95%.
- A8.3.1.2.** The owner or operator shall operate and calibrate the sulfur dioxide emission monitoring and recording equipment according to manufacturer's specifications for the equipment except that calibration shall be done at least once every 24 hours.
- A8.3.2.** The sulfur removal equipment bypass monitoring required under R18-2-715.01(Q) shall consist of a detector and recorder system capable of producing a permanent record of all periods that the bypass is in operation.
- A8.4. General Provisions**
- A8.4.1.** For purposes of this Appendix, an approved alternative method, process, or procedure, must be approved in writing by the Director and the U.S. Environmental Protection Agency.

**A8.4.2.** The processes and procedures specified in this Appendix shall be available for inspection, review and verification by the Department at all reasonable times.

**A8.4.3.** The barium sulfate gravimetric test method and potassium iodide titration test method provided in *Standard Methods of Chemical Analysis*, Volume One, *The Elements*, Sixth Edition, N. Howell Furman (ed.), D. Van Nostrand Company, Inc., Princeton, New Jersey, 1962, pages 410-411, 1006-1011, and 1342-1343 (and no future editions or amendments) is incorporated by reference and available at the Department.

**Historical Note**

Adopted effective December 22, 1976 (Supp. 76-5). Correction, Appendix 8, A8-2-1.1 (Supp. 77-2). Amended effective May 28, 1982 (Supp. 82-3). Amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 11 A.A.R. 2216, effective July 18, 2005 (Supp. 05-2). Subsection levels updated for clarity. No other changes have been made to Appendix 8 (Supp. 21-4).

**A9. Appendix 9. Monitoring Requirements****MONITORING REQUIREMENTS**

- A9.1.** Unless otherwise approved by the Director or specified in applicable Sections, the requirements of this Appendix shall apply to all continuous monitoring systems required under applicable Sections.
- A9.2.** All continuous monitoring systems and monitoring devices shall be installed and operational prior to conducting performance tests under rule R18-2-312. Verification of operational status shall, as a minimum, consist of the following:
- A9.2.1.** For continuous monitoring systems referenced in A9.3.1. below, completion of the conditioning period specified by applicable requirements in the Arizona Testing Manual and 40 CFR 60.
- A9.2.2.** For continuous monitoring systems referenced in A9.3.2. below, completion of seven days of operation.
- A9.2.3.** For monitoring devices referenced in other applicable Sections, completions of the manufacturer's written requirements or recommendations for checking the operation or calibration of the device.
- A9.3.** During any performance tests required under rule R18-2-312 or within 30 days thereafter and at such other times as may be required by the Director, the owner or operator of any affected facility shall conduct continuous monitoring system performance evaluations and furnish the Director within 60 days thereof, 2, or upon request, more copies of a written report of the results of such tests. The continuous monitoring system performance evaluations shall be conducted in accordance with the following specifications and procedures:
- A9.3.1.** Continuous monitoring systems listed within this subsection, except as provided in A9.3.2. below shall be evaluated in accordance with the requirements and procedures contained in the applicable performance specification of the Arizona Testing Manual and 40 CFR 60.
- A9.3.1.1.** Continuous monitoring systems for measuring opacity of emissions shall

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- comply with Performance Specification 1.
- A9.3.1.2.** Continuous monitoring systems for measuring nitrogen oxides emissions shall comply with Performance Specification 2.
- A9.3.1.3.** Continuous monitoring systems for measuring sulfur dioxide emissions shall comply with Performance Specification 2.
- A9.3.1.4.** Continuous monitoring systems for measuring the oxygen content or carbon dioxide content of effluent gases shall comply with Performance Specification 3.
- A9.3.2.** An owner or operator who, prior to September 11, 1974, entered into a binding contractual obligation to purchase specific continuous monitoring system components except as referenced by A9.3.2.3. below shall comply with the following requirements:
- A9.3.2.1.** Continuous monitoring systems for measuring opacity of emissions shall be capable of measuring emission levels within  $\pm 20\%$ . The Calibration Error Test and associated calculation procedures set forth in Performance Specification 1 of 40 CFR 60, Appendix B shall be used for demonstrating compliance with this specification.
- A9.3.2.2.** Continuous monitoring systems for measurement of nitrogen oxides or sulfur dioxide shall be capable of measuring emission levels within  $\pm 20\%$  with a confidence level of 95%. The Calibration Error Test, the Field Test for Accuracy (Relative), and associated operating and calculation procedures set forth in Performance Specification 2 of 40 CFR 60, Appendix B shall be used for demonstrating compliance with this specification.
- A9.3.2.3.** Owners or operators of all continuous monitoring systems installed on an affected facility prior to October 6, 1975, are not required to conduct tests under A9.3.2.1. and/or A9.3.2.2. above unless requested by the Director.
- A9.3.3.** All continuous monitoring systems referenced by A9.3.2. above shall be upgraded or replaced (if necessary) with new continuous monitoring systems, and such improved systems shall be demonstrated to comply with applicable performance specifications under A9.3.1. above by September 11, 1979.
- A9.4.** Owners or operators of all continuous monitoring systems installed in accordance with the provisions of these rules shall check the zero and span drift at least once daily in accordance with the method prescribed by the manufacturer of such systems unless the manufacturer recommends adjustments at shorter intervals, in which case such recommendations shall be followed. The zero and span shall, as a minimum, be adjusted whenever the 24-hour zero drift or 24-hour calibration drift limits of the applicable performance specifications in 40 CFR 60, Appendix B are exceeded. For continuous monitoring systems measuring opacity of emissions, the optical surfaces exposed to the effluent gases shall be cleaned prior to performing the zero or span drift adjustments except that for systems using automatic zero adjustments, the optical surfaces shall be cleaned when the cumulative automatic zero compensation exceeds 4% opacity. Unless otherwise approved by the Director, the following procedures, as applicable, shall be followed:
- A9.4.1.** For extractive continuous monitoring systems measuring gases, minimum procedures shall include introducing applicable zero and span gas mixtures into the measurement system as near the probe as practical. Span and zero gases certified by their manufacturer to be traceable to the National Bureau of Standards reference gases will be used whenever these reference gases are available. The span and zero gas mixtures shall be the same composition as specified in the 40 CFR 60, Appendix B. Every six months from date of manufacture, span and zero gases shall be re-analyzed by conducting triplicate analyses with Reference Methods 6 for SO<sub>2</sub>, 7 for NO<sub>x</sub> and 3 for O<sub>2</sub> and CO<sub>2</sub>, respectively. The gases may be analyzed at less frequent intervals if longer shelf lives are guaranteed by the manufacturer.
- A9.4.2.** For nonextractive continuous monitoring systems measuring gases, minimum procedures shall include upscale check(s) using a certified calibration gas cell or test cell which is functionally equivalent to a known gas concentration. The zero check may be performed by computing the zero value from upscale measurements or by mechanically producing a zero condition.
- A9.4.3.** For continuous monitoring systems measuring opacity of emissions, minimum procedures shall include a method for producing a simulated zero opacity condition and an upscale (span) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. Such procedures shall provide a system check of the analyzer internal optical surfaces and all electronic circuitry including the lamp and photodetector assembly.
- A9.5.** Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under A9.4. above, all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:
- A9.5.1.** All continuous monitoring systems referenced by A9.3.1. and A9.3.2. above for measuring opacity of emissions shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 10-second period.
- A9.5.2.** All continuous monitoring systems referenced by A9.3.1. above for measuring oxides of nitrogen, sulfur dioxide, carbon dioxide, or oxygen shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.
- A9.5.3.** All continuous monitoring systems referenced by A9.3.2. above, except opacity, shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive one-hour period.

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- A9.6.** All continuous monitoring systems for monitoring devices shall be installed such that representative measurements of emissions or process parameters from the affected facility are obtained. Additional procedures for location of continuous monitoring systems contained in the applicable Performance Specifications of 40 CFR 60, Appendix B shall be used.
- A9.7.** When the effluents from a single affected facility or two or more affected facilities subject to the same emission standards are combined before being released to the atmosphere, the owner or operator may install applicable continuous monitoring systems on each effluent or on the combined effluent. When the affected facilities are not subject to the same emission standards, separate continuous monitoring systems shall be installed on each effluent. When the effluent from one affected facility is released to the atmosphere through more than one point, the owner or operator shall install applicable continuous monitoring systems on each separate effluent unless the installation of fewer systems is approved by the Director.
- A9.8.** Owners or operators of all continuous monitoring systems for measurement of opacity shall reduce all data to six-minute averages and for systems other than opacity to one-hour averages, respectively. Six minute opacity averages shall be calculated from 24 or more data points equally spaced over each six-minute period. For systems other than opacity, one-hour averages shall be computed from four or more data points equally spaced over each one-hour period. Data recorded during periods of system breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this subsection. An arithmetic or integrated average of all data may be used. The data output of all continuous monitoring systems may be recorded in reduced or nonreduced form (e.g. ppm pollutant and percent O<sub>2</sub> or lb/million Btu of pollutant). All excess emissions shall be converted into units of the standard using the applicable conversion procedures specified in subparts. After conversion into units of the standard, the data may be rounded to the same number of significant digits used in these rules to specify the applicable standard (e.g., rounded to the nearest 1% opacity).
- A9.9.** Upon written application by an owner or operator, the Director may approve alternatives to any monitoring procedures or requirements of these rules including, but not limited to the following:
- A9.9.1.** Alternative monitoring requirements when installation of a continuous monitoring system or monitoring device specified by these rules would not provide accurate measurements due to liquid water or other interferences caused by substances with the effluent gases.
- A9.9.2.** Alternative monitoring requirements when the affected facility is infrequently operated.
- A9.9.3.** Alternative monitoring requirements to accommodate continuous monitoring systems that require additional measurements to correct for stack moisture conditions.
- A9.9.4.** Alternative locations for installing continuous monitoring systems or monitoring devices when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements.
- A9.9.5.** Alternative methods of converting pollutant concentration measurements to units of the standards.
- A9.9.6.** Alternative procedures for performing daily checks of zero and span drift that do not involve use of span gases or test cells.
- A9.9.7.** Alternatives to the ASTM test methods or sampling procedures specified by any subpart.
- A9.9.8.** Alternative continuous monitoring systems that do not meet the design or performance requirements in Performance Specification 1 in 40 CFR 60, Appendix B but adequately demonstrate a definite and consistent relationship between its measurements and the measurements of opacity by a system complying with the requirements in Performance Specification 1. The Director may require that such demonstration be performed for each affected facility.
- A9.9.9.** Alternative monitoring requirements when the effluent from a single affected facility or the combined effluent from two or more affected facilities are released to the atmosphere through more than one point.
- Historical Note**  
Adopted effective May 14, 1979 (Supp. 79-1). Amended effective September 26, 1990 (Supp. 90-3). Amended effective June 15, 1995 (Supp. 95-2). Subsection levels updated for clarity. No other changes have been made to Appendix 9 (Supp. 21-4).
- Appendix 10. Repealed**
- Historical Note**  
Adopted effective May 14, 1979 (Supp. 79-1). Amended effective July 9, 1980 (Supp. 80-4). Amended effective June 19, 1981 (Supp. 81-3). Repealed by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1).
- Appendix 11. Repealed**
- Historical Note**  
Adopted effective May 14, 1979 (Supp. 79-1). Amended effective September 11, 1983 (Supp. 83-5). Repealed by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1).
- Appendix 12. Expired**
- Historical Note**  
New Appendix 12 made by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Appendix 12 expired under A.R.S. § 41-1056(J) at 23 A.A.R. 3427, effective October 10, 2017 (Supp. 17-4).
- Appendix 13. Repealed**
- Historical Note**  
New Appendix 13 made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2). Appendix repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).
- A14. Appendix 14. Procedures for Sulfur Dioxide and Lead Fugitive Emissions Studies for the Hayden Smelter**
- A14.1. Applicability**  
This Appendix applies to the owner or operator of the primary copper smelter located in Hayden, Arizona at latitude 33°0'15"N and longitude 110°46'31"W.
- A14.2. Study Objectives**  
The owner or operator shall conduct fugitive emissions studies to derive a measurement or accurate estimate of total fugitive sulfur dioxide and lead emissions from the Hayden

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smelter during operations, including planned and unplanned start-up and shutdown periods and malfunctions, for the processes identified in A14.3 below. The studies shall include uncaptured fugitive sulfur dioxide emissions from the smelter processing units, but not emissions due solely to the use of fuel for space heating or steam generation, burners at anode casting, or slag pouring at the slag dump. The studies shall evaluate the extent to which correlations may exist between fugitive sulfur dioxide, lead, and particulate matter (PM/PM10/PM2.5) emissions, and shall develop such correlations as feasible.

The studies shall also be used to help validate that the operating conditions or ranges specified in the capture and control device maintenance and operations plans required in R18-2-B1301(D)(2) and R18-2-B1302(D)(2) are consistent with operating conditions demonstrating attainment of the 2008 Lead National Ambient Air Quality Standards (NAAQS) in the Hayden 2008 Lead NAAQS Nonattainment Area State Implementation Plan (SIP) and the 2010 Sulfur Dioxide NAAQS in the Hayden 2010 Sulfur Dioxide NAAQS Nonattainment Area SIP.

**A14.3. Processes Evaluated**

From the fugitive emissions studies, the owner or operator shall develop an emission factor or accurate estimate of fugitive emissions for sulfur dioxide and lead during operations, including planned and unplanned start-up and shutdown periods and malfunctions, produced by each of the following smelting processes:

- i. Flash furnace building, including flash furnace and dryer operations
- ii. Converter aisle, including converter and related operations
- iii. Anode furnace aisle, including oxidizing, poling and related operations

**A14.4. Averaging Periods**

The emission estimate shall include the average pounds per hour emission factor for the fugitive lead and sulfur dioxide emissions from each step in the smelting process identified in A14.3. The estimate shall include all time periods, including planned and unplanned start-up and shutdown periods and malfunctions.

**A14.5. Methods and Study Protocols**

The owner or operator shall submit to the Department and EPA Region IX for review and approval study protocols at least six months prior to conducting fugitive emission studies. Study protocols must be approved by the Department and EPA Region IX prior to commencement of fugitive emissions studies. Study protocols shall specify the method(s) used to meet the study objectives as described in A14.2, including during all recurring operating scenarios from all processes identified in A14.3.

Each fugitive emissions measurement system shall include validation of adequate velocity for flow measurements (i.e., the expected exhaust velocity is within the measurement range of the instrument), and have a sufficient number of flow and temperature sensors to ensure calculation of representative exhaust flows through each roof monitor vent. The number of such sensors and their locations for each monitoring system shall account for the physical configuration of the roof monitor vent, the locations of emitting activities relative to the roof monitor vent, and heat generated by the equipment served by the roof monitor vent.

The fugitive emissions studies shall include operation and process information to help understand the emission impacts of startup, shutdown, malfunctions, and significant changes

in process operations. This shall include, for example, dates, times and duration of these events, cause of malfunctions, and descriptions of process changes.

After the completion of each fugitive emissions study, the owner or operator shall modify study methods based on data and lessons learned from previous studies, and submit such modified methods in the proceeding study protocols prior to conducting future emissions studies.

**A14.6. Study Duration, Frequency, and Submission Schedule**

The first fugitive emissions study must commence not later than six months after the completion of the Converter Retrofit Project authorized by Significant Permit Revision No. 60647. The second study commencement date shall occur within the same calendar quarter, but five years later from the date of commencement of the first study. The owner or operator shall submit the results of each fugitive emissions study in a report to the Department and EPA Region IX for review and approval not later than six months after completing a study. The data collection portion of the first and second fugitive emissions studies shall be conducted for a period of 12 months to assess the content and quantity of fugitive sulfur dioxide and lead emissions.

**A14.7. Study Reports and Subsequent Studies**

At minimum, fugitive emission study reports submitted pursuant to A14.6 must include:

- i. Resultant emission factors used to determine fugitive emissions of sulfur dioxide and lead.
- ii. Resultant average fugitive lead emissions for each process identified in A14.3.
- iii. Resultant peak one-hour fugitive sulfur dioxide emissions for each process identified in A14.3.
- iv. Seasonal differences, if any.
- v. Comparisons of results from past studies, if any.
- vi. Descriptions and identification of volumetric flow monitoring provisions in R18-2-B1301(D)(2)(a) and R18-2-B1302(D)(2)(a) and operational limits R18-2-B1301(D)(2)(b) and R18-2-B1302(D)(2)(b) that are associated with fugitive emissions.
- vii. An analysis of whether the results from a study demonstrate that the volumetric flow monitoring provisions in R18-2-B1301(D)(2)(a) and R18-2-B1302(D)(2)(a) and the operational limits in R18-2-B1301(D)(2)(b) and R18-2-B1302(D)(2)(b) continuously ensure that actual fugitive sulfur dioxide and lead emissions are consistent with the modeled emission rates used in the attainment demonstrations in the Hayden 2008 Lead NAAQS Nonattainment Area SIP and the Hayden 2010 Sulfur Dioxide NAAQS Nonattainment Area SIP. The analysis must also identify subsequent fugitive emissions studies, if any, needed to remedy inaccurate operational limits and volumetric flow monitoring provisions and to ensure attainment of the 2008 Lead NAAQS and 2010 Sulfur Dioxide NAAQS. The scope, duration, and frequency of any subsequent fugitive emissions studies must also be identified. This provision and the report's conclusion neither require nor prohibit future fugitive emission studies.
- viii. An analysis of whether supplemental modeling is needed to demonstrate that resultant fugitive emissions from a study provide attainment of the 2008 Lead NAAQS and 2010 Sulfur Dioxide NAAQS.
- ix. A summary of methods as followed per approved study protocols.

**A14.8. Revisions to Operations and Maintenance Plan**

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If an analysis conducted in accordance with A14.7(vi) demonstrates that fugitive emissions associated with volumetric flow monitoring provisions in R18-2-B1301(D)(2)(a) and R18-2-B1302(D)(2)(a) and operational limits in R18-2-B1301(D)(2)(b) and R18-2-B1302(D)(2)(b) may exceed the modeled emission rates used in the Hayden 2008 Lead NAAQS Nonattainment Area SIP attainment demonstration and/or the Hayden 2010 Sulfur Dioxide NAAQS Nonattainment Area SIP attainment demonstration, and result in an increased likelihood of a NAAQS exceedance based on modeling required under A14.9, then the owner or operator shall submit to the Department for approval, not later than six months after completing a study, recommended changes to operational limits and volumetric flow monitoring provisions as an operations and maintenance plan revision pursuant to R18-2-B1301(D)(2)(e) and R18-2-B1302(D)(2)(e) that would achieve necessary fugitive emissions levels to demonstrate attainment of the NAAQS at the same level of assurance as in the attainment demonstrations. Until receiving approval of the plan revision, the owner or operator shall operate and maintain the volumetric flow monitoring provisions and the operational limits in accordance with the plan as initially submitted pursuant to R18-2-B1301(D)(2)(e) and R18-2-B1302(D)(2)(e). Additionally, the owner and operator shall submit new attainment demonstrations pursuant to A14.9, making appropriate demonstrations of attainment at adjusted fugitive emissions levels.

Similarly, if an analysis conducted in accordance with A14.7(vi) demonstrates that fugitive emissions associated with the volumetric flow monitoring provisions in R18-2-B1301(D)(2)(a) and R18-2-B1302(D)(2)(a) and operational limits in R18-2-B1301(D)(2)(b) and R18-2-B1302(D)(2)(b) may exceed the modeled emission rates used in the Hayden 2008 Lead NAAQS Nonattainment Area SIP attainment demonstration and/or the Hayden 2010 Sulfur Dioxide NAAQS Nonattainment Area SIP attainment demonstration, and result in an increased likelihood of a NAAQS exceedance based on modeling required under A14.9, then the Department shall submit appropriate changes to the operational limits and volumetric flow monitoring provisions, and any revised attainment demonstration pursuant to A14.9, if applicable, to EPA Region IX as a SIP revision not later than 12 months after completion of a fugitive emissions study.

**A14.9. Supplemental Modeling**

If an analysis conducted in accordance with A14.7(vii) demonstrates that fugitive emissions associated with volumetric flow monitoring provisions in R18-2-B1301(D)(2)(a) and R18-2-B1302(D)(2)(a) and operational limits in R18-2-B1301(D)(2)(b) and R18-2-B1302(D)(2)(b) are greater than the modeled emission rates used in the Hayden 2008 Lead NAAQS Nonattainment Area SIP attainment demonstration and/or the Hayden 2010 Sulfur Dioxide NAAQS Nonattainment Area SIP attainment demonstration, the owner or operator shall remodel to demonstrate whether the 2010 Sulfur Dioxide NAAQS and/or 2008 Lead NAAQS will be attained as such higher rates. The owner or operator shall submit such modeling to the Department and EPA Region IX for review and approval not later than six months after completing a fugitive emissions study.

If the revised modeling demonstrates that the 2010 Sulfur Dioxide NAAQS and/or 2008 Lead NAAQS will be attained, the Department shall submit such modeling

demonstration and revised fugitive emissions assumptions as a SIP revision to EPA Region IX not later than 12 months after completion of a fugitive emissions study. Alternatively, the owner or operator shall propose additional emission control requirements to revise the SIP, or any combination of revised control measures and modeled attainment, to demonstrate attainment of the 2010 Sulfur Dioxide NAAQS and/or 2008 Lead NAAQS.

**Historical Note**

A14, Appendix 14 made by final rulemaking at 23 A.A.R. 722, effective May 7, 2017 (Supp. 17-1). Because of a clerical error in Supp. 17-1, A14, Appendix 14 was inadvertently published at the end of Article 13. At the request of the Department it has been moved to the end of this Chapter (Supp. 17-3). Subsection levels updated for clarity. No other changes have been made to Appendix 14 (Supp. 21-4).

**A15. Appendix 15. Test Methods for Determining Opacity and Stabilization of Unpaved Roads****A15.1. Applicability**

This Appendix applies to unpaved roads at the primary copper smelter located in Hayden, Arizona at latitude 33°0'15"N and longitude 110°46'31"W.

**A15.2. Opacity Test Method**

The purpose of this test method is to estimate the percent opacity of fugitive dust plumes caused by vehicle movement on unpaved roads. This method can only be conducted by an individual who has received certification as a qualified observer. Qualification and testing requirements can be found in Section A15.4 of this Appendix.

**A15.2.1. Step 1**

Stand at least 16.5 feet from the fugitive dust source in order to provide a clear view of the emissions with the sun oriented in the 140° sector to the back. Following the above requirements, make opacity observations so that the line of vision is approximately perpendicular to the dust plume and wind direction. If multiple plumes are involved, do not include more than one plume in the line of sight at one time.

**A15.2.2. Step 2**

Record the fugitive dust source location, source type, method of control used, if any, observer's name, certification data and affiliation, and a sketch of the observer's position relative to the fugitive dust source. Also record the time, estimated distance to the fugitive dust source location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), observer's position to the fugitive dust source, and color of the plume and type of background on the visible emission observation from both when opacity readings are initiated and completed.

**A15.2.3. Step 3**

Make opacity observations, to the extent possible, using a contrasting background that is perpendicular to the line of vision. Make opacity observations approximately 1 meter above the surface from which the plume is generated. Note that the observation is to be made at only one visual point upon generation of a plume, as opposed to visually tracking the entire length of a dust plume as it is created along a surface. Make two observations per vehicle, beginning with the first reading at zero



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seconds and the second reading at five seconds. The zero-second observation should begin immediately after a plume has been created above the surface involved. Do not look continuously at the plume but, instead, observe the plume briefly at zero seconds and then again at five seconds.

**A15.2.4. Step 4**

Record the opacity observations to the nearest 5% on an observational record sheet. Each momentary observation recorded represents the average opacity of emissions for a 5-second period. While it is not required by the test method, EPA recommends that the observer estimate the size of vehicles which generate dust plumes for which readings are taken (e.g. midsize passenger car or heavy-duty truck) and the approximate speeds the vehicles are traveling when readings are taken.

**A15.2.5. Step 5**

Repeat Step 3 (Section A15.2.3 of this Appendix) and Step 4 (Section A15.2.4 of this Appendix) until you have recorded a total of 12 consecutive opacity readings. This will occur once six vehicles have driven on the source in your line of observation for which you are able to take proper readings. The 12 consecutive readings must be taken within the same period of observation but must not exceed 1 hour. Observations immediately preceding and following interrupted observations can be considered consecutive.

**A15.2.6. Step 6**

Average the 12 opacity readings together. If the average opacity reading equals 20% or lower, the source is in compliance.

**A15.3. Silt Content Test Method**

The purpose of this test method is to estimate the silt content of the trafficked parts of unpaved roads. The higher the silt content, the more fine dust particles that are released when cars and trucks drive on unpaved roads.

**A15.3.1. Equipment**

- A15.3.1.1.** A set of sieves with the following openings: 4 millimeters (mm), 2 mm, 1 mm, 0.5 mm and 0.25 mm (or a set of standard/commonly available sieves), a lid, and collector pan.
- A15.3.1.2.** A small whisk broom or paintbrush with stiff bristles and dustpan 1 ft. in width. (The broom/brush should preferably have one, thin row of bristles no longer than 1.5 inches in length).
- A15.3.1.3.** A spatula without holes.
- A15.3.1.4.** A small scale with half-ounce increments (e.g., postal/package scale).
- A15.3.1.5.** A shallow, lightweight container (e.g., plastic storage container).
- A15.3.1.6.** A sturdy cardboard box or other rigid object with a level surface.
- A15.3.1.7.** A basic calculator.
- A15.3.1.8.** Cloth gloves (optional for handling metal sieves on hot, sunny days).
- A15.3.1.9.** Sealable plastic bags (if sending samples to a laboratory).
- A15.3.1.10.** A pencil/pen and paper.

**A15.3.2. Step 1**

Look for a routinely traveled surface, as evidenced by tire tracks. (Only collect samples from surfaces

that are not damp due to precipitation or dew. This statement is not meant to be a standard in itself for dampness where watering is being used as a control measure. It is only intended to ensure that surface testing is done in a representative manner.) Use caution when taking samples to ensure personal safety with respect to passing vehicles. Gently press the edge of a dustpan (1 foot in width) into the surface four times to mark an area that is 1 square foot. Collect a sample of loose surface material using a whiskbroom or brush and slowly sweep the material into the dustpan, minimizing escape of dust particles. Use a spatula to lift heavier elements such as gravel. Only collect dirt/gravel to an approximate depth of 3/8 inch or 1 cm in the 1 square foot area. If you reach a hard, underlying subsurface that is < 3/8 inch in depth, do not continue collecting the sample by digging into the hard surface. In other words, you are only collecting a surface sample of loose material down to 1 cm. In order to confirm that samples are collected to 1 cm in depth, a wooden dowel or other similar narrow object at least 1 foot in length can be laid horizontally across the survey area while a metric ruler is held perpendicular to the dowel. At this point, you can choose to place the sample collected into a plastic bag or container and take it to an independent laboratory for silt content analysis. A reference to the procedure the laboratory is required to follow is at the end of this section.

**A15.3.3. Step 2**

Place a scale on a level surface. Place a lightweight container on the scale. Zero the scale with the weight of the empty container on it. Transfer the entire sample collected in the dustpan to the container, minimizing escape of dust particles. Weigh the sample and record its weight.

**A15.3.4. Step 3**

Stack a set of sieves in order according to the size openings specified above, beginning with the largest size opening (4 mm) at the top. Place a collector pan underneath the bottom (0.25 mm) sieve.

**A15.3.5. Step 4**

Carefully pour the sample into the sieve stack, minimizing escape of dust particles by slowly brushing material into the stack with a whiskbroom or brush. (On windy days, use the trunk or door of a car as a wind barricade.) Cover the stack with a lid. Lift up the sieve stack and shake it vigorously up, down and sideways for at least 1 minute.

**A15.3.6. Step 5**

Remove the lid from the stack and disassemble each sieve separately, beginning with the top sieve. As you remove each sieve, examine it to make sure that all of the material has been sifted to the finest sieve through which it can pass (e.g., material in each sieve [besides the top sieve that captures a range of larger elements] should look the same size). If this is not the case, re-stack the sieves and collector pan, cover the stack with the lid, and shake it again for at least 1 minute. (You only need to reassemble the sieve(s) that contain material, which requires further sifting.)

**A15.3.7. Step 6**

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After disassembling the sieves and collector pan, slowly sweep the material from the collector pan into the empty container originally used to collect and weigh the entire sample. Take care to minimize escape of dust particles. You do not need to do anything with material captured in the sieves; only the collector pan. Weigh the container with the material from the collector pan and record its weight.

**A15.3.8. Step 7**

If the source is an unpaved road, multiply the resulting weight by 0.38. The resulting number is the estimated silt loading. Then, divide by the total weight of the sample you recorded earlier in Step 2 (Section A15.3.3 of this Appendix) and multiply by 100 to estimate the percent silt content.

**A15.3.9. Step 8**

Select another two routinely traveled portions of the unpaved road and repeat this test method. Once you have calculated the silt loading and percent silt content of the three samples collected, average your results together.

**A15.3.10. Step 9**

Examine results. If the average silt loading is less than 0.33 oz/ft<sup>2</sup>, the surface is STABLE. If the average silt loading is greater than or equal to 0.33 oz/ft<sup>2</sup>, then proceed to examine the average percent silt content. If the source is an unpaved road and the average percent silt content is 6% or less, the surface is STABLE. If your field test results are within 2% of the standard (for example, 4%–8% silt content on an unpaved road), it is recommended that you collect three additional samples from the source according to Step 1 (Section A15.3.2 of this Appendix) and take them to an independent laboratory for silt content analysis.

**A15.3.11. Independent Laboratory Analysis**

You may choose to collect 3 samples from the source, according to Step 1 (Section A15.3.2 of this Appendix), and send them to an independent laboratory for silt content analysis rather than conduct the sieve field procedure. If so, the test method the laboratory is required to use is: U.S. Environmental Protection Agency (1995), "Procedures for Laboratory Analysis of Surface/Bulk Dust Loading Samples", (AP-42 Fifth Edition, Volume I, Appendix C.2.3 "Silt Analysis"), Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina.

**A15.4. Qualification and Testing****A15.4.1. Certification Requirements**

To receive certification as a qualified observer, a candidate must be tested and demonstrate the ability to assign opacity readings in 5% increments to 25 different black plumes and 25 different white plumes, with an error not to exceed 15% opacity on any one reading and an average error not to exceed 7.5% opacity in each category. Candidates shall be tested according to the procedures described in Section A15.4.2 of this Appendix. Any smoke generator used pursuant to Section A15.4.2 of this Appendix shall be equipped with a smoke meter which meets the requirements of Section A15.4.3 of this Appendix. Certification tests that do not meet the requirements of Sections A15.4.2 and A15.4.3 of this Appendix are not

valid. The certification shall be valid for a period of six months, and after each six-month period the qualification procedures must be repeated by an observer in order to retain certification.

**A15.4.2. Certification Procedure**

The certification test consists of showing the candidate a complete run of 50 plumes, 25 black plumes and 25 white plumes, generated by a smoke generator. Plumes shall be presented in random order within each set of 25 black and 25 white plumes. The candidate assigns an opacity value to each plume and records the observation on a suitable form. At the completion of each run of 50 readings, the score of the candidate is determined. If a candidate fails to qualify, the complete run of 50 readings must be repeated in any retest. The smoke test may be administered as part of a smoke school or training program, and may be preceded by training or familiarization runs of the smoke generator, during which candidates are shown black and white plumes of known opacity.

**A15.4.3. Smoke Generator Specifications**

Any smoke generator used for the purpose of Section A15.4.2 of this Appendix shall be equipped with a smoke meter installed to measure opacity across the diameter of the smoke generator stack. The smoke meter output shall display in-stack opacity, based upon a path length equal to the stack exit diameter on a full 0% to 100% chart recorder scale. The smoke meter optical design and performance shall meet the specifications shown in Table 1 of this Appendix. The smoke meter shall be calibrated as prescribed in Section A15.4.3.1 of this Appendix prior to conducting each smoke reading test. At the completion of each test, the zero and span drift shall be checked, and if the drift exceeds plus or minus 1% opacity, the condition shall be corrected prior to conducting any subsequent test runs. The smoke meter shall be demonstrated, at the time of installation, to meet the specifications listed in Table 1 of this Appendix. This demonstration shall be repeated following any subsequent repair or replacement of the photocell or associated electronic circuitry, including the chart recorder or output meter, or every six months, whichever occurs first.

**A15.4.3.1. Calibration**

The smoke meter is calibrated after allowing a minimum of 30 minutes warm-up by alternately producing simulated opacity of 0% and 100%. When stable response at 0% or 100% is noted, the smoke meter is adjusted to produce an output of 0% or 100%, as appropriate. This calibration shall be repeated until stable 0% and 100% readings are produced without adjustment. Simulated 0% and 100% opacity values may be produced by alternately switching the power to the light source on and off while the smoke generator is not producing smoke.

**A15.4.3.2. Smoke Meter Evaluation**

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The smoke meter design and performance are to be evaluated as follows:

**A15.4.3.2.1. Light Source**

Verify, from manufacturer's data and from voltage measurements made at the lamp, as installed, that the lamp is operated within plus or minus 5% of the nominal rated voltage.

**A15.4.3.2.2. Spectral Response of Photocell**

Verify from manufacturer's data that the photocell has a photopic response (i.e., the spectral sensitivity of the cell shall closely approximate the standard spectral-luminosity curve for photopic vision which is referenced in (b) of Table 1 of this Appendix).

**A15.4.3.2.3. Angle of View**

Check construction geometry to ensure that the total angle of view of the smoke plume, as seen by the photocell, does not exceed 15°. Calculate the total angle of view ( $\phi_v$ ) as follows:

Total Angle of View =  $2 \tan^{-1} (d/2L)$   
where:

d = The photocell diameter + the diameter of the limiting aperture; and

L = The distance from the photocell to the limiting aperture. The limiting aperture is the point in the path between the photocell and the smoke plume where the angle of view is most restricted. In smoke generator smoke meters, this is normally an orifice plate.

**A15.4.3.2.4. Angle of Projection**

Check construction geometry to ensure that the total angle of projection of the lamp on the smoke plume does not exceed 15°. Calculate the total angle of projection ( $\phi_p$ ) as follows:

Total Angle of Projection =  $2 \tan^{-1} (d/2L)$

where:

d = The sum of the length of the lamp filament + the diameter of the limiting aperture; and

L = The distance from the lamp to the limiting aperture.

**A15.4.3.2.5. Calibration Error**

Using neutral-density filters of known opacity, check the error between the actual response and the theoretical linear response of the smoke meter. This check is accomplished by first calibrating the smoke meter, according to Section A15.4.3.1 of this Appendix, and then inserting a series of three neutral-density filters of nominal opacity of 20%, 50%, and 75% in the smoke

meter path length. Use filters calibrated within plus or minus 2%. Care should be taken when inserting the filters to prevent stray light from affecting the meter. Make a total of five nonconsecutive readings for each filter. The maximum opacity error on any one reading shall be plus or minus 3%.

**A15.4.3.2.6. Zero and Span Drift**

Determine the zero and span drift by calibrating and operating the smoke generator in a normal manner over a 1-hour period. The drift is measured by checking the zero and span at the end of this period.

**A15.4.3.2.7. Response Time**

Determine the response time by producing the series of five simulated 0% and 100% opacity values and observing the time required to reach stable response. Opacity values of 0% and 100% may be simulated by alternately switching the power to the light source off and on while the smoke generator is not operating.

**Historical Note**

A15, Appendix 15, made by final rulemaking at 23 A.A.R. 767, effective May 7, 2017 (Supp. 17-1). Because of a clerical error in Supp. 17-1, A15, Appendix 15 was inadvertently published at the end of Article 13. At the request of the Department it has been moved to the end of this Chapter (Supp. 17-3). Subsection levels updated for clarity. No other changes have been made to Appendix 15 (Supp. 21-4).

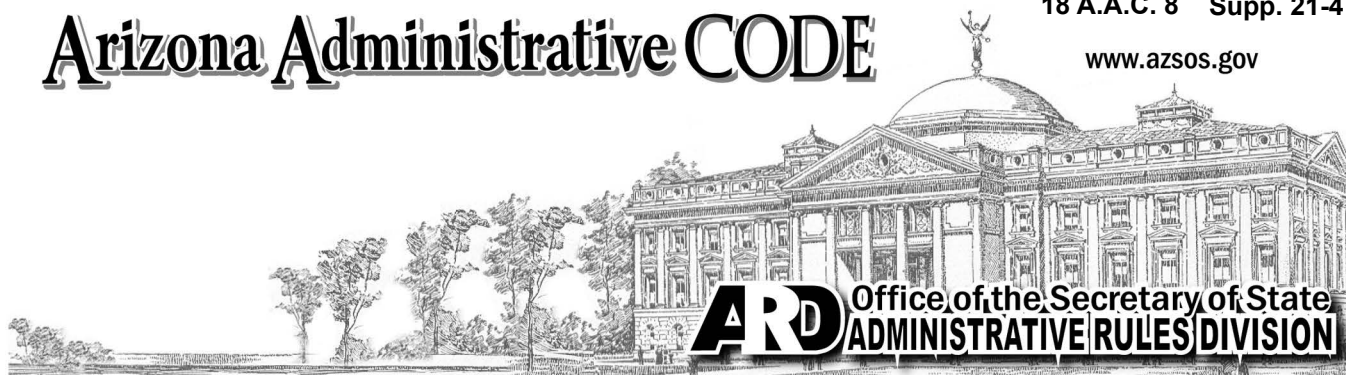
**Table 1. Smoke Meter Design and Performance Specifications**

Parameter	Specification
a. Light source	Incandescent lamp operated at nominal rated voltage
b. Spectral response of photocell	Photopic (daylight spectral response of the human eye)
c. Angle of view	15° maximum total angle
d. Angle of projection	15° maximum total angle
e. Calibration error	Plus or minus 3% opacity; maximum
f. Zero and span drift	Plus or minus 1% opacity, 30 minutes
g. Response time	Less than or equal to 5 seconds

**Historical Note**

Table 1 made by final rulemaking at 23 A.A.R. 767, effective May 7, 2017 (Supp. 17-1). Table 1 separated from Appendix 15. No other changes have been made to Table 1 (Supp. 21-4).

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## TITLE 18. ENVIRONMENTAL QUALITY

### CHAPTER 8. DEPARTMENT OF ENVIRONMENTAL QUALITY - HAZARDOUS WASTE MANAGEMENT

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
October 1, 2021 through December 31, 2021

Clerical errors have been corrected in Sections R18-8-260 and R18-8-261.

No other changes have been made to this Chapter since Supp. 20-4.

#### Questions about these rules? Contact:

Department: The Department of Environmental Quality

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Fax: (602) 771-4272

Website: [www.azdeq.gov/VPD](http://www.azdeq.gov/VPD)

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#### The release of this Chapter in Supp. 21-4 replaces Supp. 20-4, 1-30 pages

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

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### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

First Quarter: January 1 - March 31  
Second Quarter: April 1 - June 30  
Third Quarter: July 1 - September 30  
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2021 is cited as Supp. 21-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

### RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

### AUTHENTICATION OF PDF CODE CHAPTERS

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

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, [www.azsos.gov](http://www.azsos.gov) under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

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

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

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

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

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

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



## Administrative Rules Division

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## TITLE 18. ENVIRONMENTAL QUALITY

## CHAPTER 8. DEPARTMENT OF ENVIRONMENTAL QUALITY - HAZARDOUS WASTE MANAGEMENT

Authority: A.R.S. §§ 41-1003 and 49-104

## Supp. 21-4

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*Editor's Note: Article 1 was exempt from the regular rulemaking process (Laws 1995, Ch. 232 § 5). However the Department was required to provide a notice of hearing and public hearing before adoption of this rule. The emergency rules were approved by the Attorney General. (Supp. 96-1). Editor's Note added to clarify exemptions of emergency adoption (Supp. 97-1). The Article was adopted permanently effective December 4, 1997 (Supp. 97-4).*

**ARTICLE 1. REMEDIAL ACTION REQUIREMENTS**

*Article 1, consisting of R18-8-101, adopted permanently through the regular rulemaking process, effective December 4, 1997 (Supp. 97-4).*

*Article 1, consisting of R18-8-101, adopted by emergency action effective March 22, 1996, pursuant to A.R.S. § 41-1026; in effect until permanent rules are adopted pursuant to Laws 1995, Chapter 232 § 5 (Supp. 96-1).*

## Section

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**ARTICLE 2. HAZARDOUS WASTES**

*Article 2, reserved Sections R18-8-202 through R18-8-258, now listed in full, numerical order to maintain consistency in this Chapter:*

*Article 2 consisting of Section R18-8-273 adopted effective June 13, 1996 (Supp. 96-2).*

*Article 2 consisting of Sections R9-8-1860 through R9-8-1866, R9-8-1869 through R9-8-1871, and R9-8-1880 amended and renumbered as Article 2, Sections R18-8-260 through R18-8-266, R18-8-269 through R18-8-271, and R18-8-280 (Supp. 87-2).*

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**ARTICLE 3. RECODIFIED**

*Title 18, Chapter 8, Article 3, consisting of Sections R18-8-301 through R18-8-305, R18-8-307, Table A, Exhibit 1, and Appendices A and B, recodified to Title 18, Chapter 13, Article 13, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).*

*Article 3, consisting of Sections R18-8-301 through R18-8-305, adopted effective August 16, 1993 (Supp. 93-3).*

*Article 3, consisting of Section R18-8-306, adopted again by emergency action effective May 26, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-2).*

*Article 3, consisting of Section R18-8-306, adopted by emergency action effective February 22, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-1). Emergency expired.*

Section	
R18-8-301.	Recodified .....
R18-8-302.	Recodified .....
R18-8-303.	Recodified .....
R18-8-304.	Recodified .....
R18-8-305.	Recodified .....
R18-8-306.	Repealed .....
R18-8-307.	Recodified .....
Table A.	Recodified .....
Exhibit 1.	Recodified .....
Appendix A.	Recodified .....
Appendix B.	Recodified .....

**ARTICLE 4. RECODIFIED**

*Title 18, Chapter 8, Article 4, consisting of Section R18-8-402, recodified to Title 18, Chapter 13, Article 9, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).*

*Article 17 consisting of Sections R9-8-1711 and R9-8-1717 renumbered as Article 4, Sections R18-8-401 and R18-8-402 (Supp. 87-3).*

Section	
R18-8-401.	Expired .....
R18-8-402.	Recodified .....

**ARTICLE 5. RECODIFIED**

*Title 18, Chapter 8, Article 5, consisting of Sections R18-8-502 through R18-8-512, recodified to Title 18, Chapter 13, Article 3,*

*filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).*

*Article 4 consisting of Sections R9-8-411 through R9-8-416, R9-8-421, R9-8-426 through R9-8-428, and R9-8-431 through R9-8-433 renumbered as Article 5, Sections R18-8-501 through R18-8-513 (Supp. 87-3).*

Section	
R18-8-501.	Expired .....
R18-8-502.	Recodified .....
R18-8-503.	Recodified .....
R18-8-504.	Recodified .....
R18-8-505.	Recodified .....
R18-8-506.	Recodified .....
R18-8-507.	Recodified .....
R18-8-508.	Recodified .....
R18-8-509.	Recodified .....
R18-8-510.	Recodified .....
R18-8-511.	Recodified .....
R18-8-512.	Recodified .....
R18-8-513.	Expired .....

**ARTICLE 6. RECODIFIED**

*Existing Sections in Article 6 recodified to 18 A.A.C. 13, Article 11 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).*

*Article 12 consisting of Sections R9-8-1211 through R9-8-1216, R9-8-1221 through R9-8-1225, R9-8-1231 through R9-8-1236, and R9-8-1241 through R9-8-1244 renumbered as Article 6, Sections R18-8-601 through R18-8-621 (Supp. 87-3).*

Section	
R18-8-601.	Expired .....
R18-8-602.	Recodified .....
R18-8-603.	Recodified .....
R18-8-604.	Recodified .....
R18-8-605.	Expired .....
R18-8-606.	Recodified .....
R18-8-607.	Expired .....
R18-8-608.	Recodified .....
R18-8-609.	Expired .....
R18-8-610.	Expired .....
R18-8-611.	Expired .....
R18-8-612.	Recodified .....
R18-8-613.	Recodified .....
R18-8-614.	Recodified .....
R18-8-615.	Recodified .....
R18-8-616.	Recodified .....
R18-8-617.	Recodified .....
R18-8-618.	Recodified .....
R18-8-619.	Recodified .....
R18-8-620.	Recodified .....
R18-8-621.	Expired .....

**ARTICLE 7. RECODIFIED**

*18 A.A.C. 8, Article 7, consisting of Sections R18-8-701 through R18-8-710, recodified to Title 18, Chapter 13, Article 12, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).*

*Article 7, consisting of Sections R18-8-701 through R18-8-708, adopted permanently with changes effective July 6, 1993 (Supp. 93-3).*

*Article 7, consisting of Sections R18-8-709 and R18-8-710, adopted again by emergency action effective May 6, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-2). Emergency expired.*



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*Article 7, consisting of Sections R18-8-709 and R18-8-710, adopted by emergency action effective February 5, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-1).*

Section	
R18-8-701.	Recodified ..... 28
R18-8-702.	Recodified ..... 28
R18-8-703.	Recodified ..... 28
R18-8-704.	Recodified ..... 29
R18-8-705.	Recodified ..... 29
R18-8-706.	Recodified ..... 29
R18-8-707.	Recodified ..... 29
R18-8-708.	Recodified ..... 29
R18-8-709.	Recodified ..... 29
R18-8-710.	Recodified ..... 29

**ARTICLE 8. RESERVED****ARTICLE 9. RESERVED****ARTICLE 10. RESERVED****ARTICLE 11. RESERVED****ARTICLE 12. RESERVED****ARTICLE 13. RESERVED****ARTICLE 14. RESERVED****ARTICLE 15. RESERVED****ARTICLE 16. RECODIFIED**

*Article 16, consisting of Sections R18-8-1601 through R18-8-1614, recodified to 18 A.A.C. 13, Article 16 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).*

Section	
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R18-8-1602.	Recodified ..... 29
R18-8-1603.	Recodified ..... 29
R18-8-1604.	Recodified ..... 29
R18-8-1605.	Recodified ..... 29
R18-8-1606.	Recodified ..... 29
R18-8-1607.	Recodified ..... 29
R18-8-1608.	Recodified ..... 29
R18-8-1609.	Recodified ..... 29
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R18-8-1611.	Recodified ..... 30
R18-8-1612.	Recodified ..... 30
R18-8-1613.	Recodified ..... 30
R18-8-1614.	Recodified ..... 30

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**ARTICLE 1. REMEDIAL ACTION REQUIREMENTS****R18-8-101. Remedial Action Requirements; Level and Extent of Cleanup**

- A.** This Article is applicable to Chapter 8 of this Title.
- B.** In any instance where soil remediation is done under this Chapter, it shall be conducted in accordance with 18 A.A.C. 7, Article 2.

**Historical Note**

Emergency rule adopted effective March 22, 1996, pursuant to A.R.S. §§ 49-152 and 41-1026; in effect until permanent rules are adopted (Supp. 96-1). Historical note revised to clarify exemptions of emergency adoption (Supp. 97-1 & Supp. 97-3). Adopted permanently through the regular rulemaking process, effective December 4, 1997 (Supp. 97-4). Amended by final rulemaking at 25 A.A.R. 435, effective February 5, 2019 (Supp. 19-1).

**ARTICLE 2. HAZARDOUS WASTES****R18-8-201. Expired****Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 846, effective July 1, 2010 (Supp. 10-2). Section expired pursuant to A.R.S. § 41-1056(J), at 22 A.A.R. 2983, effective September 15, 2016 (Supp. 16-2).

**R18-8-202. Reserved**

**R18-8-203. Reserved**

**R18-8-204. Reserved**

**R18-8-205. Reserved**

**R18-8-206. Reserved**

**R18-8-207. Reserved**

**R18-8-208. Reserved**

**R18-8-209. Reserved**

**R18-8-210. Reserved**

**R18-8-211. Reserved**

**R18-8-212. Reserved**

**R18-8-213. Reserved**

**R18-8-214. Reserved**

**R18-8-215. Reserved**

**R18-8-216. Reserved**

**R18-8-217. Reserved**

**R18-8-218. Reserved**

**R18-8-219. Reserved**

**R18-8-220. Reserved**

**R18-8-221. Reserved**

**R18-8-222. Reserved**

**R18-8-223. Reserved**

**R18-8-224. Reserved**

**R18-8-225. Reserved**

**R18-8-226. Reserved**

**R18-8-227. Reserved**

**R18-8-228. Reserved**

**R18-8-229. Reserved**

**R18-8-230. Reserved**

**R18-8-231. Reserved**

**R18-8-232. Reserved**

**R18-8-233. Reserved**

**R18-8-234. Reserved**

**R18-8-235. Reserved**

**R18-8-236. Reserved**

**R18-8-237. Reserved**

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**R18-8-245. Reserved**

**R18-8-246. Reserved**

**R18-8-247. Reserved**

**R18-8-248. Reserved**

**R18-8-249. Reserved**

**R18-8-250. Reserved**

**R18-8-251. Reserved**

**R18-8-252. Reserved**

**R18-8-253. Reserved**

**R18-8-254. Reserved**

**R18-8-255. Reserved**

**R18-8-256. Reserved**

**R18-8-257. Reserved**

**R18-8-258. Reserved**

**R18-8-259. Reserved**

**R18-8-260. Hazardous Waste Management System: General**

- A.** All Federal regulations cited in this Article are those revised as of July 1, 2020 (and no future editions), unless otherwise noted, and are applicable only as incorporated by this Article. 40 CFR 124, 260 through 266, 268, 270 and 273 or portions of these regulations, are incorporated by reference, as noted in the text. Federal statutes and regulations that are cited within 40 CFR 124, 260 through 270, and 273 that are not incorporated by reference may be used as guidance in interpreting federal regulatory language.
- B.** Any reference or citation to 40 CFR 124, 260 through 266, 268, 270, and 273, or portions of these regulations, appearing in the body of this Article and regulations incorporated by reference, includes any modification to the CFR section made by this Article. When federal regulatory language that has been incorporated by reference has been amended, brackets [ ] enclose the new language. The subsection labeling in this Article may or may not conform to the Secretary of State's format-

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ting requirements, because the formatting reflects the structure of the incorporated federal regulations.

- C. All of 40 CFR 260, revised as of July 1, 2020 (and no future editions), is incorporated by reference, modified by the following subsections, and on file with the Department of Environmental Quality (DEQ) with the exception of the following:
  1. 40 CFR 260.1(b)(4) through (6), 260.20(a), 260.21, 260.22, 260.30, 260.31, 260.32, and 260.33; and
  2. The revisions for standardized permits as published at 70 FR 53419. Copies of 40 CFR 260 are available at <https://www.eCFR.gov>. Copies of the Federal Register (FR) are available at <https://www.federalregister.gov>.
- D. § 260.2, titled "Availability of information; confidentiality of information" is amended by the following:
  1. § 260.2(a). Any information provided to [the DEQ] under [R18-8-260 through R18-8-266 and R18-8-268 shall] be made available to the public to the extent and in the manner authorized by the [Hazardous Waste Management Act (HWMA), A.R.S. § 49-921 et seq.; the Open Meeting Law, A.R.S. § 38-431 et seq.; the Public Records Statute, A.R.S. § 39-121 et seq.; the Administrative Procedure Act, A.R.S. § 41-1001 et seq.; and rules promulgated pursuant to the above-referenced statutes], as applicable.
  2. § 260.2(b) is replaced with the following:
    - a. The DEQ shall make a record or other information, such as a document, a writing, a photograph, a drawing, sound or a magnetic recording, furnished to or obtained by the DEQ pursuant to the HWMA and regulations promulgated thereunder, available to the public to the extent authorized by the Public Records Statute, A.R.S. §§ 39-121 et seq.; the Administrative Procedure Act, A.R.S. §§ 41-1001 et seq.; and the HWMA, A.R.S. §§ 49-921 et seq. Specifically, the DEQ shall disclose the records or other information to the public unless:
      - i. A statutory exemption authorizes the withholding of the information; or
      - ii. The record or other information contains a trade secret concerning processes, operations, style of work, or apparatus of a person, or other information that the Director determines is likely to cause substantial harm to the person's competitive position.
    - b. Notwithstanding subsection (a):
      - i. The DEQ shall make records and other information available to the EPA upon request without restriction;
      - ii. As required by the HWMA and regulations promulgated thereunder the DEQ shall disclose the name and address of a person who applies for, or receives, a HWM facility permit;
      - iii. The DEQ and any other appropriate governmental agency may publish quantitative and qualitative statistics pertaining to the generation, transportation, treatment, storage, or disposal of hazardous waste; and
      - iv. An owner or operator may expressly agree to the publication or to the public availability of records or other information.
    - c. A person submitting records or other information to the DEQ may claim that the information contains a confidential trade secret or other information likely to cause substantial harm to the person's competitive position. In the absence of such claim, the DEQ shall make the information available to the public on request without further notice. No claim of confi-

dentiality may be asserted by any person with respect to information entered on a Hazardous Waste Manifest (EPA Form 8700-22), a Hazardous Waste Manifest Continuation Sheet (EPA Form 8700-22A), or an electronic manifest format that may be prepared and used in accordance with 40 CFR 262.20(a)(3). EPA will make any electronic manifest that is prepared and used in accordance with § 262.20(a)(3), or any paper manifest that is submitted to the system under §§ 264.71(a)(6) or 265.71(a)(6) available to the public under this section when the electronic or paper manifest is a complete and final document. Electronic manifests and paper manifests submitted to the system are considered by EPA to be complete and final documents and publicly available information after 90 days have passed since the delivery to the designated facility of the hazardous waste shipment identified in the manifest. A person making a claim of confidentiality shall assert the claim:

- i. At the time the information is submitted to, or otherwise obtained by, the DEQ;
- ii. By either stamping or clearly marking the words "confidential trade secret" or "confidential information" on each page of the material containing the information. The person may assert the claim only for those portions or pages that actually contain a confidential trade secret or confidential information; and
- iii. During the course of a DEQ inspection, or other observation, pursuant to the administration of the HWMA Program, by clearly indicating to the inspector which specific processes, operations, styles of work, or apparatus constitute a trade secret. The inspector shall record the claim on the inspection report and the claimant shall sign the report.
- d. The Director shall provide the claimant with an opportunity to submit written comments to demonstrate that the information constitutes a legitimate confidential trade secret or confidential information. The comments shall be limited to confidential use by the DEQ pursuant to A.R.S. § 49-928. Pertinent factors to be considered by the Director for making a determination of confidentiality, and that the claimant may address in the claimant's written comments, include the following:
  - i. Whether the information is proprietary;
  - ii. Whether the information has been disclosed to persons other than the employees, agents, or other representatives of the owner; and
  - iii. Whether public disclosure would harm the competitive position of the claimant.
- e. The Director shall make a determination of each confidentiality claim using the following procedures:
  - i. When a claim of confidentiality is asserted for information submitted as part of a HWM facility permit application:
    - (1) The claimant shall submit written comments demonstrating the legitimacy of the claim of confidentiality; and
    - (2) The Director shall evaluate the confidentiality claim and notify the claimant of the result of that determination as part of the completeness review pursuant to R18-8-

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- 271(C).
- ii. When a claim of confidentiality is asserted for information submitted or obtained during an inspection, or for any other information submitted to or obtained by the DEQ pursuant to this Article, but not as part of a HWM facility permit application:
    - (1) The claimant may submit written comments demonstrating the legitimacy of the claim of a confidential trade secret or other confidential information within 10 working days of asserting the confidentiality claim; and
    - (2) If a request for disclosure is made, the Director shall evaluate the confidentiality claim and notify the claimant of the result of that determination. In all other instances, the Director may, on the Director's own initiative, evaluate the confidentiality claim and notify the claimant of the result of that determination within 20 working days after the time for submission of comments.
  - iii. When any person, hereinafter referred to as the "requestor," submits a request to the DEQ for public disclosure of records or information, the DEQ shall disclose the records or information to the requestor unless the information has been determined to be confidential by the Director, or is subject to a claim of confidentiality that is being considered for determination by the Director.
    - (1) If a confidentiality claim is under consideration by the Director, the requestor shall be notified that the information requested is under a confidentiality claim consideration and therefore is unavailable for public disclosure pending the Director's determination pursuant to subsection (D)(2)(e)(ii)(2).
    - (2) When a request for disclosure is made, the claimant shall be notified, within seven working days by certified mail with return receipt requested, that the information under a claim of confidentiality has been requested and is subject to the Director's determination pursuant to subsection (D)(2)(e)(ii)(2).
    - (3) If the Director disagrees with the confidentiality claim, the claimant shall have 20 working days to submit written comments either agreeing or disagreeing with the Director's evaluation.
    - (4) If a confidentiality claim is denied by the Director, the Director may request the attorney general to seek a court order authorizing disclosure pursuant to A.R.S. § 49-928.
  - f. Records or information determined by the Director to be legitimate confidential trade secrets or other confidential information shall not be disclosed by the DEQ at administrative proceedings pursuant to A.R.S. § 49-923(A) unless the following procedure is observed:
    - i. The DEQ shall notify both the claimant and the hearing officer of its intention to disclose the information at least 30 days prior to the hearing date. The DEQ shall send with the notice a copy of the confidential information that the DEQ intends to disclose;
    - ii. The claimant and the DEQ shall be allowed 10 days to present to the hearing officer comments concerning the disclosure of such information;
    - iii. The hearing officer shall determine whether the confidential information is relevant to the subject of the administrative proceeding and shall allow disclosure upon finding that the information is relevant to the subject of the administrative proceeding;
    - iv. The hearing officer may set conditions for disclosure of confidential and relevant information or the making of protective arrangements and commitments as warranted; and
    - v. The hearing officer shall give the claimant at least five days' notice before allowing disclosure of the information in the course of the administrative proceeding.
- E. § 260.10, titled "Definitions," is amended by adding all definitions from § 270.2 to this Section, including the following changes, applicable throughout this Article unless specified otherwise:
- 1. ["Acute Hazardous Waste" means waste found to be fatal to humans in low doses or, in the absence of data on human toxicity, that has been shown in studies to have an oral lethal dose (LD) 50 toxicity (rat) of less than 50 milligrams per kilogram, an inhalation lethal concentration (LC) 50 toxicity (rat) of less than 2 milligrams per liter, or a dermal LD 50 toxicity (rabbit) of less than 200 milligrams per kilogram or that is otherwise capable of causing or significantly contributing to an increase in serious irreversible, or incapacitating reversible, illness.] and therefore are either listed in § 261.31 with the assigned hazard code of (H) or are listed in § 261.33(e).
  - 2. ["Application" means the standard United States Environmental Protection Agency forms for applying for a permit, including any additions, revisions or modifications to the forms. Application also includes the information required pursuant to §§ 270.14 through 270.29 (regarding the contents of a Part B HWM facility permit application).]
  - 3. ["Chapter" means "Article" except in § 264.52(b), see R18-8-264, and § 265.52(b), see R18-8-265.]
  - 4. "Closure" means [, for facilities with effective hazardous waste permits, the act of securing a HWM facility pursuant to the requirements of R18-8-264. For facilities subject to interim status requirements, "closure" means the act of securing a HWM facility pursuant to the requirements of R18-8-265.]
  - 5. ["Concentration" means the amount of a substance in weight contained in a unit volume or weight.]
  - 6. ["Department" or "the DEQ" means the Arizona Department of Environmental Quality.]
  - 7. "Department of Transportation" or "DOT" means the U.S. Department of Transportation.
  - 8. ["Director" or "state Director" means the Director of the Department of Environmental Quality or an authorized representative, except in §§ 262.80 through 262.84, 268.5 through 268.6, 268.42(b), and 268.44 which are non-delegable to the state of Arizona.]
  - 9. ["Draft permit" means a document prepared under § 124.6 indicating the Director's tentative decision to issue, deny, modify, revoke, reissue, or terminate a permit. A

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- denial of a request for modification, revocation, reissuance or termination, as discussed in § 124.5, is not a draft permit.]
10. ["Emergency permit" means a permit that is issued in accordance with § 270.61.]
  11. ["EPA," "Environmental Protection Agency," "United States Environmental Protection Agency," "U.S. EPA," "EPA HQ," "EPA Regions," and "Agency" mean the DEQ with the following exceptions:
    - a. Any references to EPA identification numbers;
    - b. Any references to EPA hazardous waste numbers;
    - c. Any reference to EPA test methods or documents;
    - d. Any reference to EPA forms;
    - e. Any reference to EPA publications;
    - f. Any reference to EPA manuals;
    - g. Any reference to EPA guidance;
    - h. Any reference to EPA Acknowledgment of Consent;
    - i. References in §§ 260.1(b); 260.2(d); 260.4(a)(4); 260.10 (definitions of "Administrator," "EPA region," "Federal agency," "Person," and "Regional Administrator"); 260.11(a); 260.34; 261, Appendix IX; 261.4(a)(24), but in § 261.24(a)(24)(v)(B)(2), "EPA" means "DEQ"; 261.4(a)(25); 261.39(a)(5); 261.41; 262.21; 262.24(a)(3); 262.25; 262.32(b); Part 262, subpart H; 263.10(a) Note; 264.12(a)(2), 264.71(a)(3), 264.71(d), 265.12(a)(2), 265.71(a)(3), 265.71(d); 268.1(e)(3); 268.5, 268.6, 268.42(b), and 268.44, which are non-delegable to the state of Arizona; 270.1(a)(1); 270.1(b); 270.2 (definitions of "Administrator," "Approved program or Approved state," "Director," "Environmental Protection Agency," "EPA," "Final authorization," "Permit," "Person," "Regional Administrator," and "State/EPA agreement"); 270.3; 270.5; 270.10(e)(1) through (2); 270.11(a)(3); 270.32(a) and (c); 270.51; 270.72(a)(5) and (b)(5); 273.32(a)(3); 124.1(f); 124.5(d); 124.6(e); 124.10(c)(1)(ii); and 124.13.]
  12. ["Federal Register" means a daily or weekly major local newspaper of general circulation, within the area affected by the facility or activity, except in §§ 260.11(b) and 270.10(e)(2).]
  13. ["HWMA" or "State HWMA" means the State Hazardous Waste Management Act, A.R.S. § 49-921 et seq., as amended.]
  14. ["Hazardous Waste Management facility" or "HWM facility" means any facility or activity, including land or appurtenances thereto, that is subject to regulation under this Article.]
  15. ["Key employee" means any person employed by an applicant or permittee in a supervisory capacity or empowered to make discretionary decisions with respect to the solid waste or hazardous waste operations of the applicant or permittee. Key employee does not include an employee exclusively engaged in the physical or mechanical collection, transportation, treatment, storage, or disposal of solid or hazardous waste.]
  16. ["National" means "state" in §§ 264.1(a) and 265.1(a).]
  17. ["Off-site" means any site that is not on-site.]
  18. ["Permit" means an authorization, license, or equivalent control document issued by the DEQ to implement the requirements of this Article. Permit includes "permit-by-rule" in § 270.60 and "emergency permit" in § 270.61, and it does not include interim status as in § 270.70 or any permit which has not yet been the subject of final action, such as a "draft permit" or a "proposed permit."]
  19. ["Permit-by-rule" means a provision of this Article stating that a facility or activity is considered to have a HWM facility permit if it meets the requirements of the provision.]
  20. ["Physical construction" means excavation, movement of earth, erection of forms or structures, or similar activity to prepare a HWM facility to accept hazardous waste.]
  21. ["RCRA," "Resource Conservation and Recovery Act," "Subtitle C of RCRA," "RCRA Subtitle C," or "Subtitle C" when referring either to an operating permit or to the federal hazardous waste program as a whole, mean the "State Hazardous Waste Management Act, A.R.S. § 49-921 et seq., as amended" with the following exceptions:
    - a. Any reference to a specific provision of "RCRA," "Resource Conservation and Recovery Act," "Subtitle C of RCRA," "RCRA Subtitle C," or "Subtitle C";
    - b. References in §§ 260.10 (definition of "Act or RCRA"); 260, Appendix I; 261, Appendix IX; Part 262, subpart H, 270.1(a)(2); 270.2, definition of "RCRA,"; and 270.51, "EPA-issued RCRA permit,".]
  22. [Following any references to a specific provision of "RCRA," "Resource Conservation and Recovery Act," or "Subtitle C," the phrase "or any comparable provisions of the state Hazardous Waste Management Act, A.R.S. § 49-921 et seq., as amended" shall be deemed to be added except in §§ 270.72(a)(5) and (b)(5).]
  23. ["RCRA § 3005(a) and (e)" means "A.R.S. § 49-922."]
  24. ["RCRA § 3007" means "A.R.S. § 49-922."]
  25. ["RCRA § 3008" means "A.R.S. §§ 49-921 through 49-926"]
  26. ["RCRA § 3010" means "A.R.S. § 49-922."]
  27. ["Recyclable Materials" mean hazardous wastes that are recycled.]
  28. ["Region" or "Region IX" means "state" or "state of Arizona."]
  29. ["Schedule of compliance" means a schedule of remedial measures included in a permit, including an enforceable sequence of interim requirements, such as actions, operations, or milestone events, leading to compliance with the HWMA and this Article.]

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30. ["Site" means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.]
31. ["State," "authorized state," "approved state," or "approved program" means the state of Arizona with the following exceptions:
- References at §§ 260.10, definitions of "person," "state," and "United States,"; 262;
- 264.143(e)(1);
- 264.145(e)(1);
- 264.147(a)(1)(ii);
- 264.147(b)(1)(ii);
- 264.147(g)(2);
- 264.147(i)(4);
- 265.143(d)(1);
- 265.145(d)(1);
- 265.147(a)(1)(ii);
- 265.147(g)(2);
- 265.147(i)(4); and
- 270.2, definitions of "Approved program or Approved state," "Director," "Final authorization," "Person," and "state".]
32. ["The effective date of these regulations" means the following dates: "May 19, 1981," in §§ 265.112(a) and (d), 265.118(a) and (d), 265.142(a) and 265.144(a); "November 19, 1981," in §§ 265.112(d) and 265.118(d);.]
33. ["TSD facility" means a "Hazardous Waste Management facility" or "HWM facility."]
- F.** § 260.10, titled "Definitions," as amended by subsection (E) also is amended as follows, with all definitions in § 260.10, applicable throughout this Article unless specified otherwise.
1. "Act" or ["the Act" means the state Hazardous Waste Management Act or HWMA, except in R18-8-261(B) and R18-8-262(B).]
  2. "Administrator," "Regional Administrator," "EPA Regional Administrator," "state Director," or "Assistant Administrator for Solid Waste and Emergency Response" mean the [Director or the Director's authorized representative, except in §§:
 

260.10, in the definitions of "Administrator," "AES filing compliance date", "Electronic import-export reporting compliance date", "Regional Administrator," and "hazardous waste constituent";

260.20

260.40

260.41;

261, Appendix IX;

262.11(c);

262.41;

262.43;

262, Subpart H;

264.12(a);

264.71;

265.12(a);

265.71;

268.2(j);

268.5, 268.6, 268.42(b), and 268.44, which are non-delegable to the state of Arizona; 270.2, in the definitions of "Administrator", "Director", "Major facility", "Regional Administrator", and "State/EPA agreement";

270.3;

270.5;

270.10(e)(1), (2), and (4);

270.10(f) and (g);

270.11(a)(3);

270.14(b)(20);

270.32(b)(2);

270.51;

124.5(d);

124.6(e);

124.10(b)].
3. "Facility" [or "activity" means:
- [a]. Any HWM facility or other facility or activity, including] all contiguous land, and structures, other appurtenances, and improvements on the land [which are] used for treating, storing, or disposing of hazardous waste, [that is subject to regulation under the HWMA program] or for managing hazardous secondary materials prior to reclamation. A facility may consist of several treatment, storage, or disposal operational units ([that is], one or more landfills, surface impoundments, or combinations of them).
  - [b]. For the purpose of implementing corrective action under 40 CFR 264.101, all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. This definition also applies to facilities implementing corrective action under RCRA Section 3008(h).
  - [c]. Notwithstanding paragraph ([b]) of this definition, a remediation waste management site is not a facility that is subject to 40 CFR 264.101, but is subject to corrective action requirements if the site is located within such a facility.
4. "Final closure" means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under parts 264 and 265 of this chapter are no longer conducted at the facility unless subject to the provisions in [§§ 262.15 and 262.17.]
5. "New HWM facility" or "new facility" means a HWM facility which began operation, or for which construction commenced, [after November 19, 1980].
6. "Person" means an individual, trust, firm, joint stock company, federal agency, corporation, including a government corporation, [or a limited liability corporation], partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body, [state agency, or an agent or employee of a state agency].
7. "United States" or "U.S." means [Arizona except for the following:
- a. The definitions of "CRT exporter" and "recognized trader" in § 260.10.
  - b. §§ 261.4(a)(23) and 261.4(a)(25).
  - c. § 261.4(d)(4) and (e)(4).
  - d. § 261.39(a)(5).
  - e. § 262.14(a)(5).
  - f. Part 262, subpart H.
  - g. All references in Part 263 except §§ 263.10(a) and 263.22(c).
  - h. § 266.80.]
- G.** § 260.20(a), titled "General" pertaining to rulemaking petitions, is replaced by the following:
- Where the Administrator of EPA has granted a rulemaking petition pursuant to 40 CFR 260.20(a), 260.21, or 260.22, the Director may accept the Administrator's determination and amend the Arizona rules accordingly, if the Director determines the action to be consistent with the policies and purposes of the HWMA.
- H.** § 260.23, titled "Petitions to amend 40 CFR 273 to include additional hazardous wastes" pertaining to rulemaking peti-

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tions, is amended as follows: (a) Any person seeking to add a hazardous waste or a category of hazardous waste to the universal waste regulations of part 273 of this chapter may petition for a regulatory amendment under this Section, 40 CFR 260.20(b) through (e), and Subpart G of 40 CFR 273.

- I. § 260.30, titled “Non-waste determinations and variances from classification as a solid waste,” is replaced by the following: Any person wishing to submit a variance petition shall submit the petition, under this subsection, to the EPA. Where the administrator of EPA has granted a variance from classification as a solid waste under 40 CFR 260.30, 260.31, 260.33, and 260.34, the director shall accept the determination, if the director determines the action is consistent with the policies and purposes of the HWMA.
- J. § 260.32, titled “Variances to be classified as a boiler,” is replaced by the following:
 

Any person wishing to submit a variance petition shall submit the petition, under this subsection, to the EPA. Where the administrator of EPA has granted a variance from classification as a boiler pursuant to 40 CFR 260.32 and 260.33, the director shall accept the determination, if the director determines the action is consistent with the policies and purposes of the HWMA.
- K. 40 CFR 260.41, titled “Procedures for case-by-case regulation of hazardous waste recycling activities,” is amended by deleting the following from the end of paragraph (a):
 

“or unless review by the Administrator is requested. The order may be appealed to the Administrator by any person who participated in the public hearing. The Administrator may choose to grant or to deny the appeal.”
- L. As required by A.R.S. § 49-929, generators and transporters of hazardous waste shall register annually with DEQ and submit the appropriate registration fee, prescribed below, with their registration. Registration shall be done through DEQ’s myDEQ portal. For registration, go to <http://www.azdeq.gov/mydeq>.
  1. A hazardous waste transporter that picks up or delivers hazardous waste in Arizona shall pay \$200 by March 1 of the year following the date of the pick-up or delivery;
  2. A large-quantity generator that generated 1,000 kilograms or more of hazardous waste in any month of the previous calendar year shall pay \$300; or
  3. A small-quantity generator that generated 100 kilograms or more but less than 1,000 kilograms of hazardous waste in any month of the previous year shall pay \$100.
- M. A person shall pay hazardous waste generation and disposal fees as required under A.R.S. § 49-931. The DEQ shall send an invoice to large-quantity generators quarterly and small-quantity generators, including very small quantity generators who become a small quantity generator due to an episodic event, annually. The person shall pay an invoice within 30 days of the postmark on the invoice. The following hazardous waste fees shall apply:
  1. A person who generates hazardous waste that is shipped offsite shall pay \$67.50 per ton but not more than \$200,000 per generator site per year of hazardous waste generated;
  2. An owner or operator of a facility that disposes of hazardous waste shall pay \$270 per ton but not more than \$5,000,000 per disposal site per year of hazardous waste disposed; and
  3. A person who generates hazardous waste that is retained onsite for disposal or that is shipped offsite for disposal to a facility that is owned and operated by that generator shall pay \$27 per ton but not more than \$160,000 per generator site per year of hazardous waste disposed.

**Historical Note**

Adopted effective July 24, 1984 (Supp. 84-4). Amended subsections (A), (C), and (E) effective June 27, 1985 (Supp. 85-3). Amended subsections (A) and (C) effective August 5, 1986 (Supp. 86-4). Former Section R9-8-1860 renumbered as Section R18-8-260, and subsections (A) and (C) amended effective May 29, 1987 (Supp. 87-2). Amended subsections (D) and (E) effective December 1, 1988 (Supp. 88-4). Amended effective October 11, 1989 (Supp. 89-4). Amended effective August 14, 1991 (Supp. 91-3). Amended effective October 6, 1992 (Supp. 92-4). Amended effective December 2, 1994 (Supp. 94-4). Amended effective December 7, 1995 (Supp. 95-4). Amended effective June 13, 1996 (Supp. 96-2). Amended effective August 8, 1997 (Supp. 97-3). Amended effective June 4, 1998; R18-8-260 corrected, text was inadvertently omitted (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4625, effective November 15, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 3093, effective July 24, 2000 (Supp. 00-3). Amended by final rulemaking at 9 A.A.R. 816, effective April 15, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 4364, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 5523, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 12 A.A.R. 3061, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 14 A.A.R. 409, effective March 8, 2008 (Supp. 08-1). Subsections in R18-8-260(F)(2) reinstated at request of the Department after a clerical error in 9 A.A.C. 816 omitted the subsections from the rule text, Office File No. M10-288, filed July 20, 2010 (Supp. 10-2). Amended by final rulemaking at 18 A.A.R. 1202, effective July 1, 2012 (Supp. 12-2). Amended by final rulemaking at 21 A.A.R. 1246, effective September 5, 2015 (Supp. 15-3). Amended by final rulemaking at 25 A.A.R. 435, effective February 5, 2019 (Supp. 19-1). Amended by final rulemaking at 26 A.A.R. 2949, with an immediate effective date of November 3, 2020 (Supp. 20-4). Subsection (J) published after subsection (M) removed; this clerical error was published in Supp. 20-4 and corrected in Supp. 21-4.

**R18-8-261. Identification and Listing of Hazardous Waste**

- A. All of 40 CFR 261 and accompanying appendices, revised as of July 1, 2020 (and no future editions), is incorporated by reference, modified by the following subsections, and on file with the DEQ with the exception of the following:
  1. The revisions for standardized permits as published at 70 FR 53419; and
  2. 40 CFR §§ 261.149, 261.400(a), 261.400(b), 261.410(e), 261.410(f), 261.411, and 261.420; Copies of 40 CFR 261 are available at <https://www.eCFR.gov>. Copies of the Federal Register (FR) are available at <https://www.federalregister.gov>.
- B. In the above-adopted federal regulations “section 1004(5) of RCRA” or “section 1004(5) of the Act” means A.R.S. § 49-921(5).
- C. § 261.4, titled “Exclusions,” paragraph (b)(6)(i), is amended as follows:
  - (i) Wastes which fail the test for the Toxicity Characteristic because chromium is present or are listed in subpart D due to the presence of chromium, which do not fail the test for the Toxicity Characteristic for any other constituent or are not listed due to the presence of any other constituent, and which do not fail the test for any other characteristic, if [documenta-

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tion is provided to the Director] by a waste generator or by waste generators that:

- (A) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and
- (B) The waste is generated from an industrial process which uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and
- (C) The waste is typically and frequently managed in non-oxidizing environments.

D. § 261.4, titled "Exclusions," paragraph (c)(1) is amended as follows:

- (1) Except as provided in paragraphs (e)(2) and (4) of this section, persons who generate or collect samples for the purpose of conducting treatability studies as defined in 40 CFR 260.10, are not subject to any requirement of 40 CFR parts 261 through 263 or to the notification requirements of Section 3010 of RCRA, nor are such samples included in the quantity determinations of [40 CFR 262.13 and 262.16(b)] when:
  - (i) The sample is being collected and prepared for transportation by the generator or sample collector; or
  - (ii) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or
  - (iii) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.

E. § 261.4, titled "Exclusions," is amended by deleting the phrase "in the Region where the sample is collected" in paragraph (e)(3)iii.

F. § 261.6, titled "Requirements for recyclable materials," paragraphs (a)(1) through (a)(3) are amended as follows:

- (a)(1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of paragraphs (b) and (c) of this section, except for the materials listed in paragraphs (a)(2) and (a)(3) of this section. Hazardous wastes that are recycled [shall] be known as "recyclable materials."
- (2) The following recyclable materials are not subject to the requirements of this section but are regulated under [40 CFR 266, subparts C through N] and all applicable provisions in parts 268, 270 and 124 of this chapter:
  - (i) Recyclable materials used in a manner constituting disposal (40 CFR part 266, subpart C);
  - (ii) Hazardous wastes burned (as defined in section 266.100(a)) in boilers and industrial furnaces that are not regulated under [40 CFR 264 or 265, subpart O] (40 CFR part 266, subpart H);
  - (iii) Recyclable materials from which precious metals are reclaimed (40 CFR part 266, subpart F);
  - (iv) Spent lead acid batteries that are being reclaimed (40 CFR part 266, subpart G).
- (3) The following recyclable materials are not subject to regulation under [40 CFR 262 through 266, 268, 270, or 124] and are not subject to the notification requirements of section 3010 of RCRA:
  - (i) Industrial ethyl alcohol that is reclaimed except that exports and imports of such recyclable materials [shall] comply with the requirements of 40 CFR part 262, subpart H.
  - (A) A person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, [shall] comply with the requirements applicable to a primary

exporter in [§ 262.83(b), (g) and (i),] export such materials only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in [subpart H] of part 262, and provide a copy of the EPA Acknowledgment of Consent to the shipment to the transporter transporting the shipment for export;

- (B) Transporters transporting a shipment for export may not accept a shipment if [the transporter] knows the shipment does not conform to the EPA Acknowledgment of Consent, [shall] ensure that a copy of the EPA Acknowledgment of Consent accompanies the shipment and [shall] ensure that [the EPA Acknowledgment of Consent] is delivered to the [subsequent transporter or] facility designated by the person initiating the shipment.

(ii) Scrap metal that is not excluded under § 261.4(a)(13);

(iii) Fuels produced from the refining of oil-bearing hazardous waste along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices (this exemption does not apply to fuels produced from oil recovered from oil-bearing hazardous waste, where such recovered oil is already excluded under § 261.4(a)(12);

(iv)(A) Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production, or transportation practices, or produced from oil reclaimed from such hazardous wastes, where such hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under [A.R.S. § 49-801] and so long as no other hazardous wastes are used to produce the hazardous waste fuel;

(B) Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining[,] production, and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under [A.R.S. § 49-801]; and

(C) Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under [A.R.S. § 49-801].

G. § 261.11, titled "Criteria for listing hazardous waste," paragraph (a) is amended as follows:

(a) The [Director] shall list a solid waste as a hazardous waste only upon determining that the solid waste meets one of the following criteria:

- (1) It exhibits any of the characteristics of hazardous waste identified in subpart C.
- (2) It has been found to be fatal to humans in low doses or, in the absence of data on human toxicity, it has been shown in studies to have an oral LD 50 toxicity (rat) of less than 50 milligrams per kilogram, an inhalation LC 50 toxicity (rat) of less than 2 milligrams per liter, or a dermal LD 50 toxicity (rabbit)



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of less than 200 milligrams per kilogram or is otherwise capable of causing or significantly contributing to an increase in serious irreversible, or incapacitating reversible, illness. (Waste listed in accordance with these criteria shall be designated Acute Hazardous Waste.)

- (3) It contains any of the toxic constituents listed in Appendix VIII and, after considering the following factors, the [Director] concludes that the waste is capable of posing a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed:

- (i) The nature of the toxicity presented by the constituent.
- (ii) The concentration of the constituent in the waste.
- (iii) The potential of the constituent or any toxic degradation product of the constituent to migrate from the waste into the environment under the types of improper management considered in (a)(3)(vii) of this [subsection].
- (iv) The persistence of the constituent or any toxic degradation product of the constituent.
- (v) The potential for the constituent or any toxic degradation product of the constituent to degrade into nonharmful constituents and the rate of degradation.
- (vi) The degree to which the constituent or any degradation product of the constituent bioaccumulates in ecosystems.
- (vii) The plausible types of improper management to which the waste could be subjected.
- (viii) The quantities of the waste generated at individual generation sites or on a regional or national basis.
- (ix) The nature and severity of the human health and environmental damage that has occurred as a result of the improper management of wastes containing the constituent.
- (x) Action taken by other governmental agencies or regulatory programs based on the health or environmental hazard posed by the waste or waste constituent.
- (xi) Such other factors as may be appropriate.

- H. § 261.11, titled “Criteria for listing hazardous waste,” paragraph (c) is amended as follows:

- (c) The Administrator will use the criteria for listing specified in this section to establish the exclusion limits referred to in [§ 262.13(c).]

- I. § 261.30, titled “General”, paragraph (d) is amended as follows:

- (d) The following hazardous wastes listed in § 261.31 are subject to the exclusion limits for acutely hazardous wastes established in [§ 261.13:] EPA Hazardous Wastes Nos. F020, F021, F022, F023, F026 and F027.

- J. Notwithstanding the definitions of “EPA” and “EPA Regional Administrator” in R18-8-260(E)(11) and (F)(2):

1. In § 261.151(g), the third sentence is replaced by the following: “If the facilities covered by the mechanism are in more than one State, identical evidence of financial assurance must be submitted to and maintained with each state agency regulating hazardous waste or with the appropriate Regional Administrator if a facility is located in an unauthorized State.”

2. § 261.151 is amended by adding at the end: “Whenever this section requires that the owner or operator of a reclamation or intermediate facility notify several Regional Administrators of their financial obligations, the notice shall be to both DEQ and all Regional Administrators of the United States Environmental Protection Agency of Regions that are affected by the owner or operator’s financial assurance mechanisms.”

**Historical Note**

Adopted effective July 24, 1984 (Supp. 84-4). Amended subsection (A) effective June 27, 1985 (Supp. 85-3). Amended subsections (A) and (E) effective August 5, 1986 (Supp. 86-4). Former Section R9-8-1861 renumbered as Section R18-8-261, and subsections (A), (D) and (F) amended effective May 29, 1987 (Supp. 87-2). Amended subsection (B) effective December 1, 1988 (Supp. 88-4). Amended effective October 11, 1989 (Supp. 89-4). Amended effective August 14, 1991 (Supp. 91-3). Amended effective October 6, 1992 (Supp. 92-4). Amended effective December 2, 1994 (Supp. 94-4). Amended effective December 7, 1995 (Supp. 95-4). Amended effective June 13, 1996 (Supp. 96-2). Amended effective August 8, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4625, effective November 15, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 3093, effective July 24, 2000 (Supp. 00-3). Amended by final rulemaking at 9 A.A.R. 816, effective April 15, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 4364, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 5523, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 12 A.A.R. 3061, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 14 A.A.R. 409, effective March 8, 2008 (Supp. 08-1). Amended by final rulemaking at 21 A.A.R. 1246, effective September 5, 2015 (Supp. 15-3). Amended by final rulemaking at 25 A.A.R. 435, effective February 5, 2019 (Supp. 19-1). Amended by final rulemaking at 26 A.A.R. 2949, with an immediate effective date of November 3, 2020 (Supp. 20-4). Due to a clerical error, subsection (J) was inadvertently published with text underlined in Supp. 20-4; the underlining has been removed in Supp. 21-4.

**R18-8-262. Standards Applicable to Generators of Hazardous Waste**

- A. All of 40 CFR 262, revised as of July 1, 2020 (and no future editions), is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 262 are available at <https://www.eCFR.gov>.
- B. In 40 CFR 262:
- 1. [“Section 3008 of RCRA” means both section 3008 of RCRA and A.R.S. §§ 49-923, 49-924 and 49-925.]
  - 2. [“Section 2002(a) of the Act” means A.R.S. § 49-922.]
  - 3. [“Section 3002(6) of the Act” means A.R.S. § 49-922.]
- C. § 262.10, titled “Purpose, scope, and applicability,” paragraph (i) is amended as follows:
- (i) [For the limited time period required to control, mitigate, or eliminate the immediate threat,] persons responding to an explosives or munitions emergency in accordance with 40 CFR 264.1(g)(8)(i)(D) or (iv), or 265.1(c)(11)(i)(D) or (iv), and 270.1(c)(3)(i)(D) or (iii) are not required to comply with the standards of this part. [As soon as the immediate response activities are completed, all standards of this part apply. For purposes of this rule, DEQ does not consider emergency response personnel to be generators

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of residuals resulting from immediate responses, unless they are also the owner of the object of an emergency response. The owner of the object of an emergency response, the owner of the property on which the object of an emergency rests or where the emergency response initiates, or the requestor for an emergency response is responsible for addressing any residual contamination that results from an emergency response.]

- D.** § 262.11, titled “Hazardous waste determination and record-keeping,” paragraphs (d)(1) and (d)(2) are amended by deleting the following:  
 “, or an equivalent test method approved by the Administrator under 40 CFR 260.21.”
- E.** § 262.13, titled “Generator category determinations”, paragraph (f)(1)(iii) is amended as follows:  
 (iii) If a very small quantity generator’s wastes are mixed with used oil, the mixture is subject to 40 CFR 279 [(as incorporated by A.R.S. § 49-802)]. Any material produced from such a mixture by processing, blending, or other treatment is also [so regulated].
- F.** § 262.16, titled “Conditions for exemption for a small quantity generator that accumulates hazardous waste”, paragraph (b)(9)(iv)(C) is amended as follows:  
 (C) In the event of a fire, explosion, or other release that could threaten human health outside the facility or when the small quantity generator has knowledge that a spill has reached surface water [or when a spill has discharged into a storm sewer or dry well, or such an event has resulted in any other discharge that may reach groundwater], the small quantity generator immediately [shall] notify the National Response Center (using their 24-hour toll-free number 800/424-8802) [and the DEQ (using their 24-hour number (602) 771-2330 or 800/234-5677)]. The report [shall contain] the following information:  
 (1) The name, address, and [the EPA Identification Number] of the generator;  
 (2) Date, time, [location,] and type of incident (for example, spill or fire);  
 (3) Quantity and type of hazardous waste involved in the incident;  
 (4) Extent of injuries, if any; and  
 (5) Estimated quantity and disposition of recovered materials, if any.
- G.** Any generator who must comply with 40 CFR 262.16 or 262.17 shall keep a written log of the inspections of container, tank, drip pad, and containment building areas and for the containers, tanks, and other equipment located in these storage areas in accordance with 40 CFR 265.174, 265.195, 265.444, and 265.1101(c)(4). The inspection log shall be kept by the generator for three years from the date of the inspection. The generator shall ensure that the inspection log is filled in after each inspection and includes the following information: inspection date, inspector’s name and signature, and remarks or corrections.
- H.** § 262.17, titled “Conditions for exemption for a large quantity generator that accumulates hazardous waste”, paragraph (f)(1) is amended as follows:  
 (1) The large quantity generator notifies [DEQ] at least 30 days prior to receiving the first shipment from a very small quantity generator(s) using EPA Form 8700-12; and
- I.** § 262.18, titled “EPA identification numbers and re-notification for small quantity generators and large quantity generators,” paragraphs (a), (b) and (d) are amended as follows:
- (a) A generator must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the [DEQ].
- (b) A generator who has not received an EPA identification number may obtain one by applying to the [DEQ] using EPA form 8700-12. [The completed form shall be submitted to DEQ through the myDEQ online portal.] Upon receiving the request, the [DEQ] will assign an EPA identification number to the generator.
- (d) Re-notification. (1) A small quantity generator must re-notify [DEQ] starting in 2021 and every four years thereafter using EPA Form 8700-12. This re-notification must be submitted through the myDEQ online portal by September 1 of each year in which re-notifications are required.  
 (2) A large quantity generator must re-notify [DEQ] by March 1 of each even numbered year thereafter using EPA Form 8700-12. A large quantity generator may submit this re-notification as part of its Report required under § 262.41.
- J.** § 262.20, titled “General requirements”, paragraph (a)(2) is amended as follows:  
 (2) The revised manifest form and procedures in 40 CFR 260.10, 261.7, [262.16, 262.17, 262.20, 262.21, 262.27, 262.32, 262.83(c) through (e), 262.84,] shall not apply until September 5, 2006. The manifest form and procedures in 40 CFR 260.10, 261.7, [262.16, 262.17, 262.20, 262.21, 262.32, 262.83(c) through (e), 262.84,] contained in the 40 CFR, parts 260 to 265, edition revised as of July 1, 2004, shall be applicable until September 5, 2006.
- K.** § 262.212, titled “Making the hazardous waste determination at an on-site interim status or permitted treatment, storage or disposal facility”, paragraph (e)(3) is amended as follows:  
 (3) Count the hazardous waste toward the eligible academic entity’s generator status, pursuant to [§ 262.13(c) and (d)] in the calendar month that the hazardous waste determination was made, and
- L.** § 262.265, titled “Emergency procedures”, paragraph (d)(2) is amended as follows:  
 (2) The emergency coordinator [shall] immediately notify either the government official designated as the on-scene coordinator for that geographical area, or the National Response Center (using their 24-hour toll free number 800/424-8802) [and the DEQ (using their 24-hour number (602) 771-2330 or 800/234-5677)]. The report [shall contain the following information:]  
 (i) The name, address, and [the EPA Identification Number] of the generator;  
 (ii) Date, time, [location,] and type of incident (for example, spill or fire);  
 (iii) Quantity and type of hazardous waste involved in the incident;  
 (iv) Extent of injuries, if any; and  
 (v) Estimated quantity and disposition of recovered materials, if any.]
- M.** A generator who accumulates ignitable, reactive, or incompatible waste shall comply with 40 CFR 265.17.

**Historical Note**

Adopted effective July 24, 1984 (Supp. 84-4). Amended subsection (A) effective June 27, 1985 (Supp. 85-3). Amended subsections (A) and (D) effective August 5, 1986 (Supp. 86-4). Former Section R9-8-1862 renumbered as R18-8-262, and amended effective May 29, 1987 (Supp. 87-2). Amended effective December 1, 1988 (Supp. 88-4). Amended effective October 11, 1989 (Supp. 89-4). Amended effective August 14, 1991 (Supp.

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91-3). Amended effective October 6, 1992 (Supp. 92-4). Amended effective December 2, 1994 (Supp. 94-4). Amended effective December 7, 1995 (Supp. 95-4). Amended effective June 13, 1996 (Supp. 96-2). Amended effective August 8, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4625, effective November 15, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 3093, effective July 24, 2000 (Supp. 00-3). Amended by final rulemaking at 9 A.A.R. 816, effective April 15, 2003 (Supp. 03-1). Amended by final rulemaking at 11 A.A.R. 5523, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 12 A.A.R. 3061, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 14 A.A.R. 409, effective March 8, 2008 (Supp. 08-1). Amended by final rulemaking at 21 A.A.R. 1246, effective September 5, 2015 (Supp. 15-3). Amended by final rulemaking at 25 A.A.R. 435, effective February 5, 2019 (Supp. 19-1). Amended by final rulemaking at 26 A.A.R. 2949, with an immediate effective date of November 3, 2020 (Supp. 20-4).

**R18-8-263. Standards Applicable to Transporters of Hazardous Waste**

- A. All of 40 CFR 263, revised as of July 1, 2020 (and no future editions), is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 263 are available at <https://www.eCFR.gov>.
- B. § 263.11, titled "EPA identification numbers," is amended by the following:
  - (a) A transporter must not transport hazardous wastes without having received an EPA identification number from the [DEQ].
  - (b) A transporter who has not received an EPA identification number may obtain one by applying to the [DEQ] using EPA form 8700-12. [The completed form shall be submitted to DEQ through the myDEQ online portal.] Upon receiving the request, the [DEQ] will assign an EPA identification number to the transporter.
- C. § 263.30, titled "Immediate action," paragraph (c)(2) is amended by the following:
  - (2) Report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590 [and send a copy to the DEQ, Hazardous Waste Unit, 1110 W. Washington St., Phoenix, AZ 85007.]

**Historical Note**

Adopted effective July 24, 1984 (Supp. 84-4). Amended subsection (A) effective June 27, 1985 (Supp. 85-3). Amended subsection (A) effective August 5, 1986 (Supp. 86-5). Former Section R9-8-1863 renumbered as R18-8-263, and subsection (A) amended effective May 29, 1987 (Supp. 87-2). Amended subsection (A) effective October 11, 1989 (Supp. 89-4). Amended effective August 14, 1991 (Supp. 91-3). Amended effective October 6, 1992 (Supp. 92-4). Amended effective December 2, 1994 (Supp. 94-4). Amended effective December 7, 1995 (Supp. 95-4). Amended effective June 13, 1996 (Supp. 96-2). Amended effective August 8, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4625, effective November 15, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 3093, effective July 24, 2000 (Supp. 00-3). Amended by final rulemaking at 10 A.A.R. 4364, effective December 4, 2004 (Supp. 04-4). Amended by final

rulemaking at 11 A.A.R. 5523, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 12 A.A.R. 3061, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 14 A.A.R. 409, effective March 8, 2008 (Supp. 08-1). Amended by final rulemaking at 21 A.A.R. 1246, effective September 5, 2015 (Supp. 15-3). Amended by final rulemaking at 25 A.A.R. 435, effective February 5, 2019 (Supp. 19-1). Amended by final rulemaking at 26 A.A.R. 2949, with an immediate effective date of November 3, 2020 (Supp. 20-4).

**R18-8-264. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities**

- A. All of 40 CFR 264 and accompanying appendices, revised as of July 1, 2020 (and no future editions), with the exception of §§ 264.1(d) and (f), 264.149, 264.150, and 264.301(l), is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 264 are available at <https://www.eCFR.gov>.
- B. § 264.1, titled "Purpose, scope and applicability," paragraph (g)(1) is amended as follows:
  - (1) The owner or operator of a facility [with operational approval from the Director] to manage [public, private,] municipal or industrial solid waste [pursuant to R18-13-312, A.R.S. §§ 49-104 and 49-762], if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under [R18-8-264] pursuant to § 262.14;
- C. § 264.1, titled "Purpose, scope, and applicability," paragraph (g)(8)(i)(D) is amended as follows:
  - (D) An immediate threat to human health, public safety, property, or the environment, from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in 40 CFR 260.10. [The DEQ Emergency Response Unit shall be notified as soon as possible, using the 24-hour number (602) 771-2330 or (800) 234-5677.]
- D. § 264.11, titled "Identification number," is replaced by the following:
  - 1. A facility owner or operator shall not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the DEQ.
  - 2. A facility owner or operator who has not received an EPA identification number may obtain one by applying to the DEQ using EPA form 8700-12. The completed form shall be submitted to DEQ through the myDEQ online portal. Upon receiving the request, the DEQ will assign an EPA identification number to the facility owner or operator.
- E. § 264.18, titled "Location standards," paragraph (c) is amended by deleting the following:
  - (c) " , except for the Department of Energy Waste Isolation Pilot Project in New Mexico."
- F. § 264.56, titled "Emergency procedures," paragraph (d)(2) is amended as follows:
  - (2) [The emergency coordinator, or designee, shall] immediately notify [the DEQ at (602) 771-2330 or (800) 234-5677, extension 771-2330, and notify] either the government official designated as the on-scene coordinator for that geographical area, or the National Response Center (using their 24-hour toll free number (800) 424-8802). The report [shall include the following]:
    - (i) Name and telephone number of reporter;
    - (ii) Name and address of facility;
    - (iii) Time and type of incident (for example, release, fire);

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- (iv) Name and quantity of material(s) involved, to the extent known;
  - (v) The extent of injuries, if any; and
  - (vi) The possible hazards to human health, or the environment, outside the facility.
- G.** § 264.93, titled “Hazardous constituents,” paragraph (c) is amended as follows:
- (c) In making any determination under [§ 264.93(b)] about the use of ground water in the area around the facility, the [Director shall] consider any identification of underground sources of drinking water and exempted aquifers made under [40 CFR] § 144.7, [and any identification of uses of ground water made pursuant to 18 A.A.C. 9 or 11].
- H.** § 264.94, titled “Concentration limits,” paragraph (c) is amended as follows:
- (c) In making any determination under [§ 264.94(b)] about the use of ground water in the area around the facility, the [Director shall] consider any identification of underground sources of drinking water and exempted aquifers made under [40 CFR] 144.7, [and any identification of uses of ground water made pursuant to 18 A.A.C. 9 or 11].
- I.** § 264.143, titled “Financial assurance for closure,” paragraph (h), and 264.145, titled “Financial assurance for post-closure care,” paragraph (h), are amended by replacing the third sentence in each citation with the following: “Evidence of financial assurance must be submitted to and maintained with the Director for those facilities located in Arizona.”
- J.** § 264.147, titled “Liability requirements,” paragraphs (a)(1)(i) and (b)(1)(i) are amended by deleting the following from the fourth sentence in each citation: “, or Regional Administrators if the facilities are located in more than one Region.”
- K.** § 264.151, titled “Wording of the instruments,” is adopted except any reference to “{of/for} the Regions in which the facilities are located” is deleted and “an agency of the United States Government” is deleted from the second paragraph of the Trust Agreements.
- L.** § 264.301, titled “Design and operating requirements,” is amended by adding the following:
- [The DEQ may require that hazardous waste disposed in a landfill operation be treated prior to landfilling to reduce the water content, water solubility, and toxicity of the waste. The decision by the DEQ shall be based upon the following criteria:
- 1. Whether the action is necessary to protect public health;
  - 2. Whether the action is necessary to protect the groundwater, particularly where the groundwater is a source, or potential source, of a drinking water supply;
  - 3. The type of hazardous waste involved and whether the waste may be made less hazardous through treatment;
  - 4. The degree of water content, water solubility, and toxicity of the waste;
  - 5. The existence or likelihood of other wastes in the landfill and the compatibility or incompatibility of the wastes with the wastes being considered for treatment;
  - 6. Consistency with other laws, rules and regulations, but not necessarily limited to laws, rules, and regulations relating to landfills and solid wastes.]
- M.** § 264.1030, titled “Applicability,” paragraph (b)(3) is amended as follows:
- (3) A unit that is exempt from permitting under the provisions of [40 CFR 262.17(a)] (i.e., a “90-day” tank or container) and is not a recycling unit under the provisions of 40 CFR 261.6.
- N.** § 264.1050, titled “Applicability,” paragraph (b)(2) is amended as follows:
- (2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of [40 CFR 262.17(a)] (i.e., a hazardous waste recycling unit that is not a “90-day” tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of 40 CFR part 270, or

**Historical Note**

Adopted effective July 24, 1984 (Supp. 84-4). Amended subsection (A) effective June 27, 1985 (Supp. 85-3). Amended subsection (A) effective August 5, 1986 (Supp. 86-4). Former Section R9-8-1864 renumbered as Section R18-8-264, and subsection (A) amended effective May 29, 1987 (Supp. 87-2). Amended subsection (B) effective December 1, 1988 (Supp. 88-4). Amended effective October 11, 1989 (Supp. 89-4). Amended effective August 14, 1991 (Supp. 91-3). Amended effective October 6, 1992 (Supp. 92-4). Amended effective December 2, 1994 (Supp. 94-4). Amended effective December 7, 1995 (Supp. 95-4). Amended effective June 13, 1996 (Supp. 96-2). Amended effective August 8, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4625, effective November 15, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 3093, effective July 24, 2000 (Supp. 00-3). Amended by final rulemaking at 9 A.A.R. 816, effective April 15, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 4364, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 5523, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 12 A.A.R. 3061, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 14 A.A.R. 409, effective March 8, 2008 (Supp. 08-1). Amended by final rulemaking at 21 A.A.R. 1246, effective September 5, 2015 (Supp. 15-3). Amended by final rulemaking at 25 A.A.R. 435, effective February 5, 2019 (Supp. 19-1). Amended by final rulemaking at 26 A.A.R. 2949, with an immediate effective date of November 3, 2020 (Supp. 20-4).

**R18-8-265. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities**

- A.** All of 40 CFR 265 and accompanying appendices, revised as of July 1, 2020 (and no future editions), with the exception of § 265.1(c)(2), 265.1(c)(4), 265.149, 265.150, and 265.430, is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 265 are available at <https://www.eCFR.gov>
- B.** § 265.1, titled “Purpose, scope, and applicability,” paragraph (c)(5) is amended as follows:
- (5) The owner or operator of a facility [with operational approval from the Director] to manage [public, private,] municipal or industrial solid waste [pursuant to R18-13-312, A.R.S. §§ 49-104 and 49-762], if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under § 261.5;
- C.** § 265.1, titled “Purpose, scope, and applicability,” paragraph (c)(11)(i)(D) is amended as follows:



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- (D) An immediate threat to human health, public safety, property, or the environment, from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in 40 CFR 260.10. [The DEQ Emergency Response Unit shall be notified as soon as possible, using the 24-hour number (602) 771-2330 or (800) 234-5677]
- D. § 265.11, titled "Identification number," is replaced by the following:
1. A facility owner or operator shall not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the DEQ.
  2. A facility owner or operator who has not received an EPA identification number may obtain one by applying to the DEQ using EPA form 8700-12. The completed form shall be submitted to DEQ through the myDEQ online portal. Upon receiving the request, the DEQ shall assign an EPA identification number to the facility owner or operator.]
- E. § 265.18, titled "Location standards," is amended by deleting the following:
- " , except for the Department of Energy Waste Isolation Pilot Project in New Mexico."
- F. § 265.56, titled "Emergency procedures," paragraph (d)(2) is amended as follows:
- (2) [The emergency coordinator, or designee, immediately shall] notify [the DEQ at (602) 771-2330 or 800/234-5677, and notify] either the government official designated as the on-scene coordinator for that geographical area, or the National Response Center (using their 24-hour toll-free number 800/424-8802). The report [shall include the following]:
    - (i) Name and telephone number of the reporter;
    - (ii) Name and address of the facility;
    - (iii) Time and type of incident (for example, release, fire);
    - (iv) Name and quantity of material(s) involved, to the extent known;
    - (v) The extent of injuries, if any; and
    - (vi) The possible hazards to human health, or the environment, outside the facility.
- G. § 265.71, titled "Use of the manifest system", is amended in the Comment following paragraph (c) as follows:  
Comment: The provisions of [§§ 262.15, 262.16 and 262.17] are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of [§§ 262.15, 262.16 and 262.17] only apply to owners or operators who are shipping hazardous waste which they generated at that facility.
- H. § 265.90, titled "Applicability," paragraphs (a) and (d)(1), and § 265.93, titled "Preparation, evaluation, and response," paragraph (a), are amended by deleting the following phrase: "within one year"; and § 265.90, titled "Applicability," paragraph (d)(2), is amended by deleting the following phrase: "Not later than one year."
- I. § 265.112(d), titled "Notification of partial closure and final closure," subparagraph (1) is amended as follows:
1. The owner or operator must submit the closure plan to the [Director] at least 180 days prior to the date on which [the owner or operator] expects to begin closure of the first surface impoundment, waste pile, land treatment, or landfill unit, [tank, container storage, or incinerator unit], or final closure if it involves such a unit, whichever [occurs earlier. The owner or operator with approved closure plans shall notify the Director] in writing at least 60 days prior to the date on which [the owner or operator expects] to begin closure of a surface impoundment, waste pile, landfill, or land treatment unit, or final closure of a facility [if it involves such a unit. The owner or operator] with approved closure plans must notify the [Director] in writing at least 45 days prior to the date on which [the owner or operator expects] to begin final closure of a facility with only tanks, container storage, or incinerator units.
- J. §§ 265.143, titled "Financial assurance for closure," paragraph (g), and 265.145, titled "Financial assurance for post-closure care," paragraph (g), are amended by replacing the third sentence in each citation with the following: "Evidence of financial assurance must be submitted to and maintained with the Director for those facilities located in Arizona."
- K. § 265.193, titled "Containment and detection of releases", is amended by adding the following:
- [For existing underground tanks and associated piping systems not yet retrofitted in accordance with § 265.193, the owner or operator shall ensure that:
1. A level is measured daily;
  2. A material balance is calculated and recorded daily; and
  3. A yearly test for leaks in the tank and piping system, using a method approved by the DEQ is performed.]

**Historical Note**

Adopted effective July 24, 1984 (Supp. 84-4). Amended subsection (A) effective June 27, 1985 (Supp. 85-3). Amended subsection (A) effective August 5, 1986 (Supp. 86-4). Former Section R9-8-1865 renumbered as Section R18-8-265, subsection (A) amended and a new subsection (I) added effective May 29, 1987 (Supp. 87-2). Amended subsection (B) effective December 1, 1988 (Supp. 88-4). Amended effective October 11, 1989 (Supp. 89-4). Amended effective August 14, 1991 (Supp. 91-3). Amended effective October 6, 1992 (Supp. 92-4). Amended effective December 2, 1994 (Supp. 94-4). Amended effective December 7, 1995 (Supp. 95-4). Amended effective June 13, 1996 (Supp. 96-2). Amended effective August 8, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4625, effective November 15, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 3093, effective July 24, 2000 (Supp. 00-3). Amended by final rulemaking at 9 A.A.R. 816, effective April 15, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 4364, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 5523, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 12 A.A.R. 3061, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 14 A.A.R. 409, effective March 8, 2008 (Supp. 08-1). Amended by final rulemaking at 21 A.A.R. 1246, effective September 5, 2015 (Supp. 15-3). Amended by final rulemaking at 25 A.A.R. 435, effective February 5, 2019 (Supp. 19-1). Amended by final rulemaking at 26 A.A.R. 2949, with an immediate effective date of November 3, 2020 (Supp. 20-4).

**R18-8-266. Standards for the Management of Specific Hazardous Wastes and Specific Hazardous Waste Management Facilities**

- A. All of 40 CFR 266 and accompanying appendices, revised as of July 1, 2020 (and no future editions), is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 266 are available at <https://www.eCFR.gov>.

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B. § 266.100, titled “Applicability” paragraph (c) is amended as follows:

(c) The following hazardous wastes and facilities are not subject to regulation under this subpart:

- (1) Used oil burned for energy recovery that is also a hazardous waste solely because it exhibits a characteristic of hazardous waste identified in subpart C of part 261 of this chapter. Such used oil is subject to regulation under [A.R.S. §§ 49-801 through 49-818];
- (2) Gas recovered from hazardous or solid waste landfills when such gas is burned for energy recovery;
- (3) Hazardous wastes that are exempt from regulation under §§ 261.4 and 261.6(a)(3)(iii) and (iv) of this chapter, and hazardous wastes that are subject to the special requirements for [very] small quantity generators under [§§ 262.13 and 262.14] of this chapter; and
- (4) Coke ovens, if the only hazardous waste burned is EPA Hazardous Waste No. K087, decanter tank tar sludge from coking operations.

C. § 266.108, titled “Small quantity on-site burner exemption” is amended in the Note following paragraph (c) as follows:

Note: Hazardous wastes that are subject to the special requirements for small quantity generators under [§§ 262.13 and 262.14] of this chapter may be burned in an off-site device under the exemption provided by § 266.108, but must be included in the quantity determination for the exemption.

#### Historical Note

Adopted effective August 5, 1986 (Supp. 86-4). Former Section R9-8-1866 renumbered as Section R18-8-266, and amended effective May 29, 1987 (Supp. 87-2). Amended effective October 11, 1989 (Supp. 89-4). Amended effective August 14, 1991 (Supp. 91-3). Amended effective October 6, 1992 (Supp. 92-4). Amended effective December 2, 1994 (Supp. 94-4). Amended effective December 7, 1995 (Supp. 95-4). Amended effective June 13, 1996 (Supp. 96-2). Amended effective August 8, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4625, effective November 15, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 3093, effective July 24, 2000 (Supp. 00-3). Amended by final rulemaking at 9 A.A.R. 816, effective April 15, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 4364, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 5523, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 12 A.A.R. 3061, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 14 A.A.R. 409, effective March 8, 2008 (Supp. 08-1). Amended by final rulemaking at 21 A.A.R. 1246, effective September 5, 2015 (Supp. 15-3). Amended by final rulemaking at 25 A.A.R. 435, effective February 5, 2019 (Supp. 19-1). Amended by final rulemaking at 26 A.A.R. 2949, with an immediate effective date of November 3, 2020 (Supp. 20-4).

#### R18-8-267. Reserved

#### R18-8-268. Land Disposal Restrictions

All of 40 CFR 268 and accompanying appendices, revised as of July 1, 2020 (and no future editions), with the exception of Part 268, Subpart B, is incorporated by reference and on file with the DEQ. Copies of 40 CFR 268 are available at <https://www.eCFR.gov>.

#### Historical Note

Adopted effective October 11, 1989 (Supp. 89-4). Amended effective August 14, 1991 (Supp. 91-3). Amended effective October 6, 1992 (Supp. 92-4). Amended effective December 2, 1994 (Supp. 94-4). Amended effective December 7, 1995 (Supp. 95-4). Amended effective June 13, 1996 (Supp. 96-2). Amended effective August 8, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4625, effective November 15, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 3093, effective July 24, 2000 (Supp. 00-3). Amended by final rulemaking at 9 A.A.R. 816, effective April 15, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 4364, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 5523, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 12 A.A.R. 3061, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 14 A.A.R. 409, effective March 8, 2008 (Supp. 08-1). Amended by final rulemaking at 25 A.A.R. 435, effective February 5, 2019 (Supp. 19-1). Amended by final rulemaking at 26 A.A.R. 2949, with an immediate effective date of November 3, 2020 (Supp. 20-4).

#### R18-8-269. Expired

#### Historical Note

Adopted effective July 24, 1984 (Supp. 84-4). Former Section R9-8-1869 renumbered without change as Section R18-8-269 (Supp. 87-2). Amended subsections (A) and (B) effective December 1, 1988 (Supp. 88-4). Amended effective December 2, 1994 (Supp. 94-4). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).

#### R18-8-270. Hazardous Waste Permit Program

A. All of 40 CFR 270 and the accompanying appendices, revised as of July 1, 2020 (and no future editions), is incorporated by reference, modified by the following subsections, and on file with the DEQ with the exception of the following:

1. §§ 270.1(a), 270.1(c)(1)(i), 270.3, 270.10(g)(1)(i), 270.60(a) and (b), and 270.64; and
2. The revisions for standardized permits as published at 70 FR 53419. Copies of 40 CFR 270 are available at <https://www.eCFR.gov>. Copies of the Federal Register are available at <https://www.federalregister.gov>.

B. § 270.1, titled “Purpose and scope of these regulations,” paragraph (b) is replaced by the following:

1. [After the effective date of these regulations the treatment, storage, or disposal of any hazardous waste is prohibited except as follows:
  - a. As allowed under § 270.1(c)(2) and (3);
  - b. Under the conditions of a permit issued pursuant to these regulations; or
  - c. At an existing facility accorded interim status under the provisions of § 270.70.
2. The direct disposal or discharge of hazardous waste into or onto any of the following is prohibited:
  - a. Waters of the state as defined in A.R.S. § 49-201, excluding surface impoundments as defined in § 260.10; and
  - b. Injection well, ditch, alleyway, storm drain, leach-field, or roadway.]

C. § 270.1, titled “Purpose and scope of these regulations,” paragraph (c)(3)(i)(D) is amended as follows:

- (D) An immediate threat to human health, public safety, property, or the environment, from the known or suspected

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presence of military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in 40 CFR 260.10. [The DEQ Emergency Response Unit shall be notified as soon as possible, using the 24-hour number (602) 771-2330 or (800) 234-5677.]

- D. § 270.10, titled "General application requirements," paragraph (e)(2), is amended as follows:
- (2) The [Director] may extend the date by which owners and operators of specified classes of existing [HWM facilities shall submit Part A of their permit application if the Administrator has published in the Federal Register that EPA is granting an extension under 40 CFR § 270.10(e)(2) for those classes of facilities.]
- E. § 270.10(g), titled "Updating permit applications," subparagraph (1)(ii) is amended as follows:
- (ii) With the [Director] no later than the effective date of regulatory provisions listing or designating wastes as hazardous in [the] state if the facility is treating, storing, or disposing of any of those newly listed or designated wastes; or
- F. § 270.10(g), titled "Updating permit applications," subparagraph (1)(iii), is amended as follows:
- (iii) As necessary to comply with provisions of § 270.72 for changes during interim [status]. Revised Part A applications necessary to comply with the provisions of § 270.72 [shall be filed with the [Director].]
- G. § 270.10, titled "General application requirements," is amended by adding the following:
1. When submitting an application for any of the license types in the Table below, an applicant shall remit to the DEQ an application fee as shown in the Table.

**Table - Hazardous Waste Permitting Application and Maximum Fees For Various License Types**

License Type	Application Fee	Maximum Fee
Permit for: Container Storage/Container Treatment	\$20,000	\$250,000
Permit for: Tank Storage/Tank Treatment	\$20,000	\$300,000
Permit for: Surface Impoundment	\$20,000	\$400,000
Permit for: Incinerator/Boiler and Industrial Furnace (BIF)/Landfill/Miscellaneous Unit	\$20,000	\$500,000
Permit for: Waste Pile/Land Treatment/Drip Pad/Containment Building/Research, Development, and Demonstration	\$20,000	\$300,000
Corrective Action Permit/Remedial Action Plan (RAP) Approval	\$20,000	\$300,000
Post-Closure Permit	\$20,000	\$400,000
Closure of Container/Tank/Drip Pad/Containment Building	\$5,000/unit	\$100,000
Closure of Miscellaneous Unit/Incinerator/BIF/Surface Impoundment/Waste Pile/Land Treatment Unit/Landfill	\$5,000/unit	\$300,000
Class 1 Modification (requiring Director Approval)	\$1,000	\$50,000
Class 2 Modification	\$5,000	\$250,000

Class 3 Modification (for a permit with an Incinerator, BIF, Surface Impoundment, Waste Pile, Land Treatment Unit, or Landfill)	\$20,000	\$400,000
Class 3 Modification (for a permit without an Incinerator, BIF, Surface Impoundment, Waste Pile, Land Treatment Unit, or Landfill)	\$10,000	\$250,000

2. If the total cost of processing the application identified in the Table is less than the application fee listed in the Table, the DEQ shall refund the difference between the total cost and the amount listed in the Table to the applicant.
- a. Permits and permit modifications other than post-closure permits and closure plans. If the total cost of processing the application is greater than the amount listed plus other amounts paid, the DEQ shall bill the applicant for the difference upon permit approval. The applicant shall pay the difference in full before the DEQ issues the permit.
- b. Post-closure permits. If the total cost of processing the application is greater than the amount listed plus other amounts paid, the DEQ shall bill the applicant for the difference upon permit issuance. The applicant shall pay the difference in full within 45 days of the date of the bill.
- c. Withdrawals. In the event of a valid withdrawal of the permit application by the applicant, if the total costs of processing the application are less than the amount paid, the DEQ shall refund the difference. If the total costs are greater than the amount paid, the DEQ shall bill the applicant for the difference, and the applicant shall pay the difference within 45 days of the date of the bill.
3. With an application for a closure plan for a facility, the applicant shall remit to the DEQ an application fee of \$5,000 for each hazardous waste management unit involved in the closure plan or \$20,000, whichever is less. If the total cost of processing the application, including review and approval of the closure report, is more than the application fee paid, the applicant shall be billed for the difference, and the difference shall be paid in full after the DEQ completes review and approval of the closure report and within 30 days of notification by the Director. If the reasonable cost is less than the fee paid by the applicant, the DEQ shall refund the difference within 30 days of the closure report review and approval. The maximum fee for a closure plan is shown in the Table.
4. The fee for a land treatment demonstration permit issued under § 270.63 for hazardous waste applies toward the \$20,000 permit fee for a Part B land treatment permit when the owner or operator seeks to treat or dispose of hazardous waste in land treatment units based on the successful treatment demonstration.
5. The DEQ shall provide the applicant itemized bills at least semiannually for the expenses associated with evaluating the application and approving or denying the permit or permit modification. The following information shall be included in each bill:
- a. The dates of the billing period;
- b. After January 1, 2013, the date and number of review hours performed during the billing period itemized by employee name, position type and specifically describing:
- i. Each review task performed,

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- ii. The facility and operational unit involved,
    - iii. The hourly rate;
  - c. A description and amount of review-related costs as described in subsection (G)(6)(b); and
  - d. The total fees paid to date, the total fees due for the billing period, the date when the fees are due, and the maximum fee for the project.
6. Fees shall consist of processing charges and review-related costs as follows:
- a. Processing charges. The DEQ shall calculate the processing charges using a rate of \$136 per hour, multiplied by the number of review hours used to evaluate and approve or deny the permit or permit modification.
  - b. Review-related costs means any of the following costs applicable to a specific application:
    - i. Per diem expenses,
    - ii. Transportation costs,
    - iii. Reproduction costs,
    - iv. Laboratory analysis charges performed during the review of the permit or permit modification,
    - v. Public notice advertising and mailing costs,
    - vi. Presiding officer expenses for public hearings on a permitting decision,
    - vii. Court reporter expenses for public hearings on a permitting decision,
    - viii. Facility rentals for public hearings on a permitting decision, and
    - ix. Other reasonable and necessary review-related expenses documented in writing by the DEQ and agreed to by the applicant.
  - c. Total itemized billings for an application shall not exceed the maximum amounts listed in the Table in this Section.
7. A person may seek review of a bill by filing a written request for reconsideration with the Director.
- a. The request shall specify, in detail, why the bill is in dispute and shall include any supporting documentation.
  - b. The written request for reconsideration shall be delivered to the Director in person, by mail, or by facsimile on or before the payment due date or within 35 days of the invoice date, whichever is later.
8. The Director shall make a final decision on the request for reconsideration of the bill and mail a final written decision to the person within 20 working days after the date the Director receives the written request.
9. For the purposes of subsection (G), "review hours" means the hours or portions of hours that the DEQ's staff spends on a permit or permit modification. Review hours include the time spent by the project manager and technical review team members, and if requested by the applicant, the supervisor or unit manager.
- H.** § 270.12, titled "Confidentiality of information," paragraph (a) is amended as follows:
- (a) In accordance with [R18-8-260(D)(2)], any information submitted to [the DEQ] pursuant to these regulations may be claimed as confidential by the submitter. [Such a claim shall] be asserted at the time of submission in the manner prescribed [in R18-8-260(D)(2)(c)(ii)]. If no [such] claim is made at the time of submission, [the DEQ] may make the information available to the public without further notice. If a claim is asserted, the information [shall] be treated in accordance with the procedures in [R18-8-260(D)(2)(d) and (e).]
- I.** § 270.13, titled "Contents of Part A of the permit application," paragraph (k)(9) is amended as follows:
- (9) Other relevant environmental permits, including [any federal, state, county, city, or fire department] permits.
- J.** § 270.14, titled "Contents of Part B: General requirements," paragraph (b) is amended by adding the following:
- [(23) Any additional information required by the DEQ to evaluate compliance with facility standards and informational requirements of R18-8-264 and R18-8-270.
  - (24)(i) A signed statement, submitted on a form supplied by the DEQ that demonstrates:
    - (A) An individual owner or operator has sufficient reliability, expertise, integrity and competence to operate a HWM facility, and has not been convicted of, or pled guilty or no contest to, a felony in any state or federal court during the five years before the date of the permit application; or
    - (B) In the case of a corporation or business entity, no officer, director, partner, key employee, other person, or business entity who holds 10% or more of the equity or debt liability has been convicted of, or pled guilty or no contest to, a felony in any state or federal court during the five years before the date of the permit application.
  - (ii) Failure to comply with subsection (i), the requirements of A.R.S. § 49-922(C)(1), and the requirements of § 270.43 and §§ 124.3(d) and 124.5(a), may cause the Director to refuse to issue a permit to a TSD facility pursuant to A.R.S. § 49-922(C) as amended, including requirements in § 270.43 and §§ 124.3(d) and 124.5(a).]
- K.** § 270.30, titled "Conditions applicable to all permits" paragraph (l)(10) is amended as follows:
- (10) Other noncompliance. The permittee shall report all instances of noncompliance not reported under [§ 270.30(l)(4),(5), and (6)] at the same time monitoring [(including annual)] reports are submitted. The reports shall contain the information listed in [§ 270.30(l)(6)].
- L.** § 270.30, titled "Conditions applicable to all permits" paragraph (l) is amended by adding the following:
- [All reports listed above shall be submitted to the Director in such a manner that the reports are received within the time periods required under this Article.]
- M.** § 270.32, titled "Establishing permit conditions," paragraph (a), is amended by deleting the following:
- "and 270.3 (considerations under Federal law)."
- N.** § 270.32, titled "Establishing permit conditions," paragraph (b) is amended by deleting the reference to 40 CFR 267.
- O.** § 270.32, titled "Establishing permit conditions," paragraph (c) is amended by deleting the second sentence.
- P.** § 270.42, titled "Permit modification at the request of permittee", paragraph (f)(3), is amended as follows:
- (3) An automatic authorization that goes into effect under paragraph (b)(6)(iii) or (v) of this section may be appealed under [Title 41, Chapter 6, Article 10, Arizona Revised Statutes.]
- Q.** § 270.51, titled "Continuation of expiring permits," paragraph (a) is amended by deleting the following:
- "under 5 USC 558(c)."
- R.** § 270.51, titled "Continuation of expiring permits," paragraph (d) is amended by replacing "EPA-issued" with "EPA, joint EPA/DEQ, or DEQ-issued."
- S.** § 270.65, titled "Research, development, and demonstration permits," is amended as follows:
- (a) The [Director] may issue a research, development, and demonstration permit for any hazardous waste treatment facility which proposes to utilize an innovative and



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experimental hazardous waste treatment technology or process for which permit standards for such experimental activity have not been promulgated under part 264 or 266. [A research, development, and demonstration] permit shall include such terms and conditions as will assure protection of human health and the environment. Such permits:

- (1) Shall provide for the construction of such facilities as necessary, and for operation of the facility for not longer than one year unless renewed as provided in paragraph (d) of this section, and
  - (2) Shall provide for the receipt and treatment by the facility of only those types and quantities of hazardous waste which the [Director] deems necessary for purposes of determining the efficacy and performance capabilities of the technology or process and the effects of such technology or process on human health and the environment, and
  - (3) Shall include such requirements as the [Director] deems necessary to protect human health and the environment [, including requirements regarding monitoring, operation, financial responsibility, closure, and remedial action, and such requirements as the Director] deems necessary regarding testing and providing of information [relevant] to the [Director] with respect to the operation of the facility.
- (b) For the purpose of expediting review and issuance of permits under this section, the [Director] may, consistent with the protection of human health and the environment, modify or waive permit application and permit issuance requirements [, or add conditions to the permit in accordance with the permitting procedures set forth in R18-8-270 and R18-8-271,] except that there may be no modification or waiver of regulations regarding financial responsibility (including insurance) or of procedures regarding public participation.
- (c) The [Director] may order an immediate termination of all operations at the facility at any time [the Director] determines that termination is necessary to protect human health and the environment.
- (d) Any permit issued under this section may be renewed not more than three times. Each such renewal shall be for a period of not more than one year.

T. § 270.110, titled “What must I include in my application for a RAP?,” is amended by adding paragraphs (j) and (k) as follows:

- (j) A signed statement, submitted on a form supplied by DEQ that demonstrates:
- (1) An individual owner or operator has sufficient reliability, expertise, integrity and competence to operate a HWM facility, and has not been convicted of, or pled guilty or no contest to, a felony in any state or federal court during the five years before the date of the RAP application.
  - (2) In the case of a corporation or business entity, no officer, director, partner, key employee, other person or business entity who holds 10% or more of the equity or debt liability has been convicted of, or pled guilty or no contest to, a felony in any state or federal court during the five years before the date of the RAP application.
- (k) Failure to comply with subsection (j), the requirements of A.R.S. § 49-922(C)(1), and the requirements of § 270.43 and §§ 124.3(d) and 124.5(a), may cause the Director to refuse to issue a permit to a TSD facility pursuant to

A.R.S. § 49-922(C) as amended, including requirements in § 270.43 and §§ 124.3(d) and 124.5(a).]

U. § 270.155 titled “May the decision to approve or deny my RAP application be administratively appealed?,” paragraph (a), is amended as follows:

- (a) Any commenter on the draft RAP or notice of intent to deny, or any participant in any public hearing(s) on the draft RAP, may appeal the Director’s decision to approve or deny your RAP application [under Title 41, Chapter 6, Article 10, Arizona Revised Statutes.] Any person who did not file comments, or did not participate in any public hearing(s) on the draft RAP, may petition for administrative review only to the extent of the changes from the draft to the final RAP decision. Appeals of RAPs may be made to the same extent as for final permit decisions under § 124.15 of this chapter (or a decision under § 270.29 to deny a permit for the active life of a RCRA hazardous waste management facility or unit.)

#### Historical Note

Adopted effective July 24, 1984 (Supp. 84-4). Amended subsections (A) and (K) effective June 27, 1985 (Supp. 85-3). Amended subsection (A) effective August 5, 1986 (Supp. 86-4). Former Section R9-8-1870 renumbered as R18-8-270, subsection (A) amended and a new subsection (S) added effective May 29, 1987 (Supp. 87-2). Amended subsections (B) and (K) effective December 1, 1988 (Supp. 88-4). Amended effective October 11, 1989 (Supp. 89-4). Amended effective August 14, 1991 (Supp. 91-3). Amended effective October 6, 1992 (Supp. 92-4). Amended effective December 2, 1994 (Supp. 94-4). Amended effective December 7, 1995 (Supp. 95-4). Amended effective June 13, 1996 (Supp. 96-2). Amended effective August 8, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4625, effective November 15, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 3093, effective July 24, 2000 (Supp. 00-3). Amended by final rulemaking at 9 A.A.R. 816, effective April 15, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 4364, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 5523, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 12 A.A.R. 3061, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 14 A.A.R. 409, effective March 8, 2008 (Supp. 08-1). Amended by final rulemaking at 18 A.A.R. 1202, effective July 1, 2012 (Supp. 12-2). Amended by final rulemaking at 21 A.A.R. 1246, effective September 5, 2015 (Supp. 15-3). Amended by final rulemaking at 25 A.A.R. 435, effective February 5, 2019 (Supp. 19-1). R18-8-271(B)(2) corrected at the request of the Department to reflect the final rulemaking amendments made at 25 A.A.R. 435 (Supp. 19-2). Amended by final rulemaking at 26 A.A.R. 2949, with an immediate effective date of November 3, 2020 (Supp. 20-4).

#### R18-8-271. Procedures for Permit Administration

- A. All of 40 CFR 124, revised as of July 1, 2020 (and no future editions), with the exception of §§ 124.1 (b) through (e), 124.2, 124.4, 124.16, 124.20, 124.21, and subparts C, D, and G, and with the exception of the revisions for standardized permits as published at 70 FR 53419, is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 124 are available at <https://www.eCFR.gov>. Copies of the Federal Register are available at <https://www.federalregister.gov>.

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- B. § 124.1, titled "Purpose and scope," paragraph (a) is replaced by the following:
- [This Section contains the DEQ procedures for issuing, modifying, revoking and reissuing, or terminating all hazardous waste management facility permits. This Section describes the procedures the DEQ shall follow in reviewing permit applications, preparing draft permits, issuing public notice, inviting public comment, and holding public hearings on draft permits. This Section also includes procedures for assembling an administrative record, responding to comments, issuing a final permit decision, and allowing for administrative appeal of the final permit decision. The procedures of this Section also apply to denial of a permit for the active life of a RCRA HWM facility or unit under § 270.29.]
- C. § 124.3, titled "Application for a permit," is replaced by the following:
- [(a)(1) Any person who requires a permit under this Article shall complete, sign, and submit to the Director an application for each permit required under § 270.1. Applications are not required for RCRA permits-by-rule in § 270.60.
- (2) The Director shall not begin processing a permit until the applicant has fully complied with the application requirements for that permit. (Refer to §§ 270.10 and 270.13).
- (3) An applicant for a permit shall comply with the signature and certification requirements of § 270.11.
- (b) Reserved.
- (c) The Director shall review for completeness every application for a permit. Each application submitted by a new HWM facility shall be reviewed for completeness by the Director in the order of priority on the basis of hazardous waste capacity established in a list by the Director. The Director shall make the list available upon request. Upon completing the review, the Director shall notify the applicant in writing whether the application is complete. If the application is incomplete, the Director shall list the information necessary to make the application complete. When the application is for an existing HWM facility, the Director shall specify in the notice of deficiency a date for submitting the necessary information. The Director shall notify the applicant that the application is complete upon receiving this information. After the application is completed, the Director may request additional information from an applicant but only when necessary to clarify, modify, or supplement previously submitted material. Requests for additional information do not render an application incomplete.
- (d) If an applicant fails or refuses to correct deficiencies in the application, the permit may be denied and the Director may take appropriate enforcement actions against an existing HWM facility pursuant to A.R.S. §§ 49-923, 49-924 and 49-925.
- (e) If the Director decides that a site visit is necessary for any reason in conjunction with the processing of an application, the Director shall notify the applicant and schedule a date for a site visit.
- (f) The effective date of an application is the date on which the Director notifies the applicant that the application is complete as provided in paragraph (c) of this subsection.
- (g) For each application from a new HWM facility, the Director shall, no later than the effective date of the application, prepare and mail to the applicant a project decision schedule. The schedule shall specify target dates by which the Director intends to do the following:
- (1) Prepare a draft permit or Notice of Intent to Deny;
  - (2) Give public notice;
  - (3) Complete the public comment period, including any public hearing;
  - (4) Make a decision to issue or deny a final permit; and
  - (5) Issue a final decision.
- D. § 124.5, titled "Modification, revocation and reissuance, or termination of permits," is replaced by the following:
- [(a) Permits may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Director's initiative. However, permits may only be modified, revoked and reissued, or terminated for the reasons specified in §§ 270.41 or 270.43. All requests shall be in writing and shall contain facts or reasons supporting the request.
- (b) If the Director decides the request is not justified, the Director shall send the requester a brief written response giving a reason for the decision. Denials of requests for modification, revocation and reissuance, or termination are not subject to public notice, comment, or hearings.
- (c) Modification, revocation or reissuance of permits procedures.
- (1) If the Director tentatively decides to modify or revoke and reissue a permit under §§ 270.41 or 270.42(c), the Director shall prepare a draft permit under § 124.6, incorporating the proposed changes. The Director may request additional information and, in the case of a modified permit, may require the submission of an updated application. In the case of revoked and reissued permits, the Director shall require the submission of a new application.
  - (2) In a permit modification under this [subsection], only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. The permit modification shall have the same expiration date as the unmodified permit. When a permit is revoked and reissued under this subsection, the entire permit is reopened just as if the permit had expired and was being reissued. During any revocation and reissuance proceeding the permittee shall comply with all conditions of the existing permit until a new final permit is reissued.
  - (3) "Classes 1 and 2 modifications" as defined in § 270.42 are not subject to the requirements of this subsection.
  - (d) If the Director tentatively decides to terminate a permit under § 270.43, the Director shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under § 124.6. In the case of permits that are processed or issued jointly by both the DEQ and the EPA, a notice of intent to terminate shall not be issued if the Regional Administrator and the permittee agree to termination in the course of transferring permit responsibilities from the EPA to the state.
  - (e) The Director shall base all draft permits, including notices of intent to terminate, prepared under this subsection on the administrative record as defined in § 124.9.]

E. § 124.6, titled "Draft permits," is replaced by the following:

    - (a) Once an application is complete, the Director shall tentatively decide whether to prepare a draft permit or to deny the application.
    - (b) If the Director tentatively decides to deny the permit application, the Director shall issue a notice of intent to

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deny. A notice of intent to deny the permit application is a type of draft permit which follows the same procedures as any draft permit prepared under (e) of this subsection.

- (c) Reserved.
- (d) If the Director decides to prepare a draft permit, the Director shall prepare a draft permit that contains the following information:
  - (1) All conditions under §§ 270.30 and 270.32, unless not required under 40 CFR 264 and 265;
  - (2) All compliance schedules under § 270.33;
  - (3) All monitoring requirements under § 270.31; and
  - (4) Standards for treatment, storage, and/or disposal and other permit conditions under § 270.30.
- (e) All draft permits prepared by the DEQ under this subsection shall be accompanied by a statement of basis (§ 124.7,) or fact sheet (§ 124.8,), and shall be based on the administrative record (§ 124.9,), publicly noticed (§ 124.10,) and made available for public comment (§ 124.11,). The Director shall give notice of opportunity for a public hearing (§ 124.12,), issue a final decision (§ 124.15,) and respond to comments (§ 124.17,).

**F.** § 124.7, titled "Statement of basis," is replaced by the following:

The DEQ shall prepare a statement of basis for every draft permit for which a fact sheet under § 124.8 is not prepared. The statement of basis shall briefly describe the derivation of the conditions of the draft permit and the reasons for them or, in the case of notices of intent to deny or terminate, reasons supporting the tentative decision. The statement of basis shall be sent to the applicant and, on request, to any other person.

**G.** § 124.8, titled "Fact sheet," is replaced by the following:

- (a) The DEQ shall prepare a fact sheet for every draft permit for a new HWM facility, and for every draft permit that the Director finds is the subject of widespread public interest or raises major issues. The fact sheet shall briefly set forth the principal facts and the significant factual, legal, methodological and policy questions considered in preparing the draft permit. The Director shall send this fact sheet to the applicant and, on request, to any other person.
- (b) The fact sheet shall include, when applicable:
  - (1) A brief description of the type of facility or activity that is the subject of the draft permit;
  - (2) The type and quantity of wastes, that are proposed to be or are being treated, stored, or disposed;
  - (3) Reserved.
  - (4) A brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions and appropriate supporting references to the administrative record required by § 124.9;
  - (5) Reasons why any requested variances or alternatives to required standards do or do not appear justified;
  - (6) A description of the procedures for reaching a final decision on the draft permit including:
    - (i) The beginning and ending dates of the comment period under §§ 124.10 and the address where comments will be received;
    - (ii) Procedures for requesting a hearing and the nature of that hearing; and
    - (iii) Any other procedures by which the public may participate in the final decision; and
  - (7) Name and telephone number of a person to contact for additional information.
  - (8) Reserved.

**H.** § 124.9 titled "Administrative record for draft permits" is replaced by the following:

- (a) The provisions of a draft permit prepared under § 124.6 shall be based on the administrative record defined in this subsection.
- (b) For preparing a draft permit under § 124.6, the record consists of:
  - (1) The application, if required, and any supporting data furnished by the applicant, subject to paragraph (c) of this subsection;
  - (2) The draft permit or notice of intent to deny the application or to terminate the permit;
  - (3) The statement of basis under §§ 124.7 or fact sheet under § 124.8;
  - (4) All documents cited in the statement of basis or fact sheet; and
  - (5) Other documents contained in the supporting file for the draft permit.
- (6) Reserved.
- (c) Material readily available at the DEQ or published material that is generally available, and that is included in the administrative record under paragraphs (b) and (c) of this subsection, need not be physically included with the rest of the record as long as it is specifically referred to in the statement of basis or the fact sheet.
- (d) This subsection applies to all draft permits when public notice was given after the effective date of these rules.
- (e) All items deemed confidential pursuant to A.R.S. § 49-928 shall be maintained separately and not disclosed to the public.

**I.** § 124.10, titled "Public notice of permit actions and public comment period," is replaced by the following:

- (a) Scope.
  - (1) The Director shall give public notice that the following actions have occurred:
    - (i) A permit application has been tentatively denied under § 124.6(b);
    - (ii) A draft permit has been prepared under § 124.6(d); and
    - (iii) A hearing has been scheduled under § 124.12.
  - (2) No public notice is required when a request for permit modification, revocation and reissuance, or termination is denied under § 124.5(b). Written notice of that denial shall be given to the requester and to the permittee.
  - (3) Public notices may describe more than one permit or permit actions.
- (b) Timing.
  - (1) Public notice of the preparation of a draft permit (including a notice of intent to deny a permit application) required under paragraph (a) of this subsection shall allow at least 45 days for public comment.
  - (2) Public notice of a public hearing shall be given at least 30 days before the hearing. (Public notice of the hearing may be given at the same time as public notice of the draft permit and the two notices may be combined.)
- (c) Methods. Public notice of activities described in paragraph (a)(1) of this subsection shall be given by the following methods:
  - (1) By mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this subparagraph may waive his or her rights to receive notice for any classes and categories of permits):
    - (i) An applicant;

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- (ii) Any other agency which the Director knows has issued or is required to issue a HWM facility permit or any other federal environmental permit for the same facility or activity;
  - (iii) Federal and state agencies with jurisdiction over fish, shellfish, and wildlife resources, the Advisory Council on Historic Preservation, State Historic Preservation Officers, including any affected states (Indian Tribes). For purposes of this paragraph, and in the context of the Underground Injection Control Program only, the term State includes Indian Tribes treated as States;
  - (iv) Reserved.
  - (v) Reserved.
  - (vi) Reserved.
  - (vii) Reserved.
  - (viii) Reserved.
  - (ix) Persons on a mailing list developed by:
    - (A) Including those who request in writing to be on the list;
    - (B) Soliciting persons for "area lists" from participants in past permit proceedings in that area; and
    - (C) Notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in such publications as regional and state-funded newsletters, environmental bulletins, or state law journals. (The Director may update the mailing list from time to time by requesting written indication of continued interest from those listed. The Director may delete from the list the name of any person who fails to respond to the request.); and
  - (x) (A) To any unit of local government having jurisdiction over the area where the facility is proposed to be located; and
    - (B) To each state agency having any authority under state law with respect to the construction or operation of the facility;
  - (2) By newspaper publication and radio announcement broadcast, as follows:
    - (i) Reserved.
    - (ii) For all permits, publication of a notice in a daily or weekly major local newspaper of general circulation within the area affected by the facility or activity, at least once, and in accordance with the provisions of paragraph (b) of this subsection; and
    - (iii) For all permits, a radio announcement broadcast over two local radio stations serving the affected area at least once during the period two weeks prior to the public hearing. The announcement shall contain:
      - (A) A brief description of the nature and purpose of the hearing;
      - (B) The information described in items (i), (ii), (iii), (iv), and (vii) of subparagraph (d)(1) of this subsection;
      - (C) The date, time, and place of the hearing; and
      - (D) Any additional information considered necessary or proper; or
  - (3) Reserved.
  - (4) Any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it, including press releases or any other forum or medium to elicit public participation.
  - (d) (1) Each public notice issued under this Article shall contain the following minimum information:
    - (i) Name and address of the office processing the permit action for which notice is being given;
    - (ii) Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by such permit;
    - (iii) A brief description of the business conducted at the facility or activity described in the permit application;
    - (iv) Name, address and telephone number of a person from whom interested persons may obtain further information, including copies of the statement of basis or fact sheet;
    - (v) A brief description of the comment procedures required by §§ 124.11 and 124.12 and the time and place of any hearing that shall be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision;
    - (vi) The location of the administrative record required by § 124.9, the times at which the record will be open for public inspection, and a statement that all data submitted by the applicant (except for confidential information pursuant to A.R.S. § 49-928) is available as part of the administrative record;
    - (vii) The locations where a copy of the application and the draft permit may be inspected and the times at which these documents are available for public review; and
    - (viii) Reserved.
    - (ix) Any additional information considered necessary or proper.
  - (2) Public notices for hearings. In addition to the general public notice described in paragraph (d)(1) of this subsection, the public notice of a hearing under § 124.12 shall contain the following information:
    - (i) Reference to the date of previous public notices relating to the permit;
    - (ii) Date, time, and place of the hearing; and
    - (iii) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures.
    - (iv) Reserved.
  - (e) In addition to the general public notice described in paragraph (d)(1) of this subsection, all persons identified in paragraphs (c)(1)(i), (ii), and (iii) of this subsection shall be mailed a copy of the fact sheet or statement of basis, the permit application (if any), and the draft permit (if any).
- J.** § 124.11, titled "Public comments and requests for public hearings," is replaced by the following:
- During the public comment period provided under § 124.10, any person may submit written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments

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shall be considered in making the final decision and shall be answered as provided in § 124.17.

- K. § 124.12, titled "Public hearings," is replaced by the following:

- (a) (1) The Director shall hold a public hearing whenever the Director finds, on the basis of requests, a significant degree of public interest in a draft permit.
- (2) The Director may also hold a public hearing at the Director's discretion whenever, for instance, such a hearing might clarify one or more issues involved in the permit decision.
- (3) The Director shall hold a public hearing whenever written notice of opposition to a draft permit and a request for a hearing has been received within 45 days of public notice under § 124.10(b)(1). Whenever possible the Director shall schedule a hearing under this subsection at a location convenient to the nearest population center to the proposed facility.
- (4) Public notice of the hearing shall be given as specified in § 124.10.

(b) Reserved.

(c) Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period under § 124.10 shall automatically be extended to the close of any public hearing under this subsection. The hearing officer may also extend the comment period by so stating at the hearing.

(d) A tape recording or written transcript of the hearing shall be made available to the public.

(e) Reserved.]

- L. § 124.13, titled "Obligation to raise issues and provide information during the public comment period," is replaced by the following:

[All persons, including applicants, who believe any condition of a draft permit is inappropriate or that the Director's tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period (including any public hearing) under § 124.10. Any supporting materials that a commenter submits shall be included in full and shall not be incorporated by reference, unless they are already part of the administrative record in the same proceeding or consist of state or federal statutes and regulations, EPA documents of general applicability, or other generally available reference materials. Commenters shall make supporting material not already included in the administrative record available to the DEQ as directed by the Director.]

- M. § 124.14, titled "Reopening of the public comment period," is replaced by the following:

- (a) (1) The Director may order the public comment period reopened if the procedures of this paragraph could expedite the decision-making process. When the public comment period is reopened under this paragraph, all persons, including applicants, who believe any condition of a draft permit is inappropriate or that the Director's tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, must submit all reasonably available factual grounds supporting their position, including all supporting material, by a date, not less than 60 days after public notice under paragraph (a)(2) of this subsection, set by the Director. Thereafter,

any person may file a written response to the material filed by any other person, by a date, not less than 20 days after the date set for filing of the material, set by the Director.

(2) Public notice of any comment period under this paragraph shall identify the issues to which the requirements of § 124.14(a) apply.

(3) On the Director's own motion or on the request of any person, the Director may direct that the requirements of paragraph (a)(1) of this subsection shall apply during the initial comment period where it reasonably appears that issuance of the permit will be contested and that applying the requirements of paragraph (a)(1) of this subsection will substantially expedite the decision-making process. The notice of the draft permit shall state whenever this has been done.

(4) A comment period of longer than 60 days will often be necessary in complicated proceedings to give commenters a reasonable opportunity to comply with the requirements of this subsection. Commenters may request longer comment periods and they shall be granted under § 124.10 to the extent they appear necessary.

- (b) If any data, information, or arguments submitted during the public comment period, including information or arguments required under § 124.13, appear to raise substantial new questions concerning a permit, the Director may take one or more of the following actions:

(1) Prepare a new draft permit, appropriately modified, under §§ 124.6;

(2) Prepare a revised statement of basis under § 124.7, a fact sheet or revised fact sheet under this § 124.8, and reopen the comment period under this subsection; or,

(3) Reopen or extend the comment period under § 124.10 to give interested persons an opportunity to comment on the information or arguments submitted.

(c) Comments filed during the reopened comment period shall be limited to the substantial new questions that caused its reopening. The public notice under § 124.10 shall define the scope of the reopening.

(d) Reserved.

(e) Public notice of any of the above actions shall be issued under §§ 124.10.

- N. § 124.15, titled "Issuance and effective date of permit," is replaced by the following:

(a) After the close of the public comment period under § 124.10 on a draft permit, the Director shall issue a final permit decision or a decision to deny a permit for the active life of a RCRA hazardous waste management facility or unit under § 270.29. The Director shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice shall include reference to the procedures for appealing a decision on a permit or a decision to terminate a permit. For purposes of this subsection, a final permit decision means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit.

(b) A final permit decision or a decision to deny a permit for the active life of a RCRA hazardous waste management facility or unit under § 270.29 becomes effective on the date specified by the Director in the final permit notice.

(1) Reserved.

(2) Reserved.

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- (3) Reserved.
- O. § 124.17, titled “Response to comments,” is replaced by the following:
- (a) At the time that any final decision to issue a permit is made under § 124.15, the Director shall issue a response to comments. This response shall:
    - (1) Specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and
    - (2) Briefly describe and respond to all significant comments on the draft permit raised during the public comment period, or during any hearing.
  - (b) Any documents cited in the response to comments shall be included in the administrative record for the final permit decision as defined in § 124.18. If new points are raised or new material supplied during the public comment period, the DEQ may document its response to those matters by adding new materials to the administrative record.
  - (c) The response to comments shall be available to the public.
- P. § 124.18, titled “Administrative record for final permit” is replaced by the following:
- (a) The Director shall base final permit decisions under § 124.15 on the administrative record defined in this subsection.
  - (b) The administrative record for any final permit shall consist of the administrative record for the draft permit, and:
    - (1) All comments received during the public comment period provided under § 124.10, including any extension or reopening under § 124.14;
    - (2) The tape or transcript of any hearing(s) held under § 124.12;
    - (3) Any written materials submitted at such a hearing;
    - (4) The response to comments required by § 124.17 and any new material placed in the record under that subsection;
    - (5) Reserved.
    - (6) Other documents contained in the supporting file for the permit; and
    - (7) The final permit.
  - (c) The additional documents required under (b) of this subsection shall be added to the record as soon as possible after their receipt or publication by the DEQ. The record shall be complete on the date the final permit is issued.
  - (d) This subsection applies to all final permits when the draft permit was subject to the administrative record requirement of § 124.9.
  - (e) Material readily available at the DEQ, or published materials which are generally available and which are included in the administrative record under the standards of this subsection or of § 124.17, (“Response to comments”), need not be physically included in the same file as the rest of the record as long as the materials and their location are specifically identified in the statement of basis or fact sheet or in the response to comments.
- Q. § 124.19, titled “Appeal of RCRA, UIC, and PSD permits,” is replaced by the following:
- A final permit decision (or a decision under § 270.29 to deny a permit for the active life of a RCRA hazardous waste management facility or unit issued under § 124.15 is an appealable agency action as defined in A.R.S. § 41-1092 and is subject to appeal under A.R.S. Title 41, Ch. 6, Art. 10.
- R. § 124.31(a) titled “Pre-application public meeting and notice” is amended by deleting the following sentence:

“For the purpose of this section only, ‘hazardous waste management units over which EPA has permit issuance authority’ refers to hazardous waste management units for which the State where the units are located has not been authorized to issue RCRA permits pursuant to 40 CFR 271.”

- S. § 124.32(a) titled “Public notice requirements at the application stage” is amended by deleting the following sentence:
- “For the purpose of this section only, ‘hazardous waste management units over which EPA has permit issuance authority’ refers to hazardous waste management units for which the State where the units are located has not been authorized to issue RCRA permits pursuant to 40 CFR 271.”
- T. § 124.33(a) titled “Information repository” is amended by deleting the following sentence:
- “For the purpose of this section only, ‘hazardous waste management units over which EPA has permit issuance authority’ refers to hazardous waste management units for which the State where the units are located has not been authorized to issue RCRA permits pursuant to 40 CFR 271.”

**Historical Note**

Adopted effective July 24, 1984 (Supp. 84-4). Amended subsection (A) effective June 27, 1985 (Supp. 85-3). Amended subsection (A) effective August 5, 1986 (Supp. 86-4). Former Section R9-8-1871 renumbered as R18-8-271; subsections (A), (C), (E), (I), (L) and (M) amended effective May 29, 1987 (Supp. 87-2). Amended subsection (C) effective December 1, 1988 (Supp. 88-4). Amended effective October 11, 1989 (Supp. 89-4). Amended effective August 14, 1991 (Supp. 91-3). Amended effective October 6, 1992 (Supp. 92-4). Amended effective December 2, 1994 (Supp. 94-4). Amended effective December 7, 1995 (Supp. 95-4). Amended effective June 13, 1996 (Supp. 96-2). Amended effective August 8, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4625, effective November 15, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 3093, effective July 24, 2000 (Supp. 00-3). Amended by final rulemaking at 9 A.A.R. 816, effective April 15, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 4364, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 5523, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 12 A.A.R. 3061, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 14 A.A.R. 409, effective March 8, 2008 (Supp. 08-1). Amended by final rulemaking at 21 A.A.R. 1246, effective September 5, 2015 (Supp. 15-3). Amended by final rulemaking at 25 A.A.R. 435, effective February 5, 2019 (Supp. 19-1). Amended by final rulemaking at 26 A.A.R. 2949, with an immediate effective date of November 3, 2020 (Supp. 20-4).

**R18-8-272. Reserved****R18-8-273. Standards for Universal Waste Management**

- A. All of 40 CFR 273, revised as of July 1, 2020 (and no future editions), is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 273 are available at <https://www.eCFR.gov>.
- B. § 273.13, titled “Waste management”, paragraphs (c)(2)(iii) and (c)(2)(iv) are amended as follows:
- (iii) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from

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spills or leaks from broken ampules from that containment device to a container that meets the requirements of [40 CFR 262.15 and 40 CFR 262.16;]

- (iv) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of [40 CFR 262.15 and 40 CFR 262.16;]

**C.** § 273.33, titled “Waste management”, paragraphs (c)(2)(iii) and (c)(2)(iv) are amended as follows:

- (iii) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks [from] broken ampules from that containment device to a container that meets the requirements of [40 CFR 262.15 and 40 CFR 262.16;]
- (iv) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of [40 CFR 262.15 and 40 CFR 262.16;]

**Historical Note**

Adopted effective June 13, 1996 (Supp. 96-2). Amended effective August 8, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4625, effective November 15, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 3093, effective July 24, 2000 (Supp. 00-3). Amended by final rulemaking at 9 A.A.R. 816, effective April 15, 2003 (Supp. 03-1). Amended by final rulemaking at 12 A.A.R. 3061, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 14 A.A.R. 409, effective March 8, 2008 (Supp. 08-1). Amended by final rulemaking at 21 A.A.R. 1246, effective September 5, 2015 (Supp. 15-3). Amended by final rulemaking at 25 A.A.R. 435, effective February 5, 2019 (Supp. 19-1). Amended by final rulemaking at 26 A.A.R. 2949, with an immediate effective date of November 3, 2020 (Supp. 20-4).

**R18-8-274. Reserved**

**R18-8-275. Reserved**

**R18-8-276. Reserved**

**R18-8-277. Reserved**

**R18-8-278. Reserved**

**R18-8-279. Reserved**

**R18-8-280. Compliance**

**A.** Inspection and entry. For purposes of ensuring compliance with the provisions of HWMA, any person who generates, stores, treats, transports, disposes of, or otherwise handles hazardous wastes, including used oil that may be classified as hazardous waste pursuant to A.R.S. Title 49, Chapter 4, Article 7, and hazardous secondary materials, shall, upon request of any officer, employee, or representative of the DEQ duly designated by the Director, furnish information pertaining to such wastes and permit such person at reasonable times:

- 1. To enter any establishment or other place maintained by such person where such wastes are or have been generated, stored, treated, disposed, or transported from;
- 2. To have access to, and to copy all records relating to such wastes;
- 3. To inspect any facilities, equipment (including monitoring and control equipment), practices, and operations, relating to such wastes;

- 4. To inspect, monitor, and obtain samples from such person of any such wastes and of any containers or labeling for such wastes; and
- 5. To record any inspection by use of written, electronic, magnetic and photographic media.

**B.** Penalties. A person who violates HWMA or any permit, rule, regulation, or order issued pursuant to HWMA is subject to civil and/or criminal penalties pursuant to A.R.S. §§ 49-923 through 49-925, as amended. Nothing in this Article shall be construed to limit the Director’s or Attorney General’s enforcement powers authorized by law including but not limited to the seeking or recovery of any civil or criminal penalties.

**C.** A certification statement may be required on written submittals to the DEQ in response to Compliance Orders or in response to information requested pursuant to subsection (A) of this Section. In addition, the DEQ may request in writing that a certification statement appear in any written submittal to the DEQ. The certification statement shall be signed by a person authorized to act on behalf of the company or empowered to make decisions on behalf of the company on the matter contained in the document.

**D.** Site assessment plan.

- 1. The requirement to develop a site assessment plan shall be contained in a Compliance Order. The Director may require an owner or operator to develop a site assessment plan based on one or more of the following conditions:
  - a. Unauthorized disposal or discharges of hazardous waste or hazardous waste constituents which have not been remediated.
  - b. Results of environmental sampling by the DEQ that indicate the presence of a hazardous waste or hazardous waste constituents.
  - c. Visual observation of unauthorized disposal or discharges which cannot be verified pursuant to § 262.11, § 264.13, or § 265.13 as not containing a hazardous waste or hazardous waste constituents.
  - d. Other evidence of disposal or discharges of hazardous waste or hazardous waste constituents into the environment which have not been remediated.
- 2. The site assessment plan shall describe in detail the procedures to determine the nature, extent and degree of hazardous waste contamination in the environment.
- 3. The site assessment plan shall be approved by the DEQ before implementation.
- 4. The site assessment shall be conducted and the results shall be submitted to the DEQ within the time limitations established by the DEQ.
- 5. The DEQ may request in writing that a site assessment plan be conducted. The DEQ will review a voluntarily submitted site assessment plan if the plan satisfies the requirements listed in subsections (D)(2) through (4).

**Historical Note**

Adopted effective July 24, 1984 (Supp. 84-4). Amended subsection (B) effective June 27, 1985 (Supp. 85-3). Former Section R9-8-1880 renumbered as Section R18-8-280, and subsection (A) amended effective May 29, 1987 (Supp. 87-2). Amended subsection (B) effective December 1, 1988 (Supp. 88-4). Amended October 11, 1989 (Supp. 89-4). Amended effective October 6, 1992 (Supp. 92-4). Amended effective December 2, 1994 (Supp. 94-4). Amended effective June 13, 1996 (Supp. 96-2). Amended by final rulemaking at 25 A.A.R. 435, effective February 5, 2019 (Supp. 19-1). Amended by final rulemaking at 26 A.A.R. 2949, with an immediate effective date of November 3, 2020 (Supp. 20-4).



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**ARTICLE 3. RECODIFIED**

*Title 18, Chapter 8, Article 3, consisting of Sections R18-8-301 through R18-8-305, R18-8-307, Table A, Exhibit 1, and Appendices A and B, recodified to Title 18, Chapter 13, Article 13, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).*

**R18-8-301. Recodified****Historical Note**

Adopted effective August 16, 1993 (Supp. 93-3). Amended effective March 24, 1994 (Supp. 94-1). Section recodified to A.A.C. R18-13-1301, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-302. Recodified****Historical Note**

Adopted effective August 16, 1993 (Supp. 93-3). Section recodified to A.A.C. R18-13-1302, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-303. Recodified****Historical Note**

Adopted effective August 16, 1993 (Supp. 93-3). Section recodified to A.A.C. R18-13-1303, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-304. Recodified****Historical Note**

Adopted effective August 16, 1993 (Supp. 93-3). Section recodified to A.A.C. R18-13-1304, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-305. Recodified****Historical Note**

Adopted effective August 16, 1993 (Supp. 93-3). Section recodified to A.A.C. R18-13-1305, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-306. Repealed****Historical Note**

Emergency rule adopted effective February 22, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-1). Emergency expired. Emergency rule adopted again effective May 26, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-2). Emergency expired. Emergency rule adopted again effective August 30, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-3). Permanent rule adopted effective December 2, 1993 (Supp. 93-4). The permanent rule that was adopted effective December 2, 1993, was inadvertently published without the changes the agency made.

Those changes appear here. (Supp. 95-4). Section repealed by summary rulemaking with an interim effective date of July 16, 1999, filed in the Office of the Secretary of State June 25, 1999 (Supp. 99-2). Interim effective date of July 16, 1999 now the permanent effective date (Supp. 99-4).

**R18-8-307. Recodified****Historical Note**

Emergency rule adopted effective December 21, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-4). Permanent rule adopted with changes effective March 24, 1994 (Supp. 94-1). Section recodified to A.A.C. R18-13-1307, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**Table A. Recodified****Historical Note**

Emergency rule adopted effective December 21, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-4). Permanent rule adopted with changes effective March 24, 1994 (Supp. 94-1). Table A recodified to 18 A.A.C. 13, Article 3, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**Exhibit 1. Recodified****Historical Note**

Emergency rule adopted effective December 21, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-4). Permanent rule adopted with changes effective March 24, 1994 (Supp. 94-1). Exhibit 1 recodified to 18 A.A.C. 13, Article 3, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**Appendix A. Recodified****Historical Note**

Adopted effective August 16, 1993 (Supp. 93-3). Appendix A recodified to 18 A.A.C. 13, Article 3, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**Appendix B. Recodified****Historical Note**

Adopted effective August 16, 1993 (Supp. 93-3). Appendix B recodified to 18 A.A.C. 13, Article 3, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**ARTICLE 4. RECODIFIED**

*Title 18, Chapter 8, Article 4, consisting of Section R18-8-402, recodified to Title 18, Chapter 13, Article 9, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).*

**R18-8-401. Expired****Historical Note**

Adopted effective December 21, 1977 (Supp. 77-6). Former Section R9-8-1711 renumbered without change as Section R18-8-401 (Supp. 87-3). Amended effective December 1, 1988 (Supp. 88-4). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 15, 2000 (Supp. 00-1).

**R18-8-402. Recodified****Historical Note**

Adopted effective December 21, 1977 (Supp. 77-6). Former Section R9-8-1717 renumbered without change as Section R18-8-402 (Supp. 87-3). Section recodified to A.A.C. R18-13-902, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**ARTICLE 5. RECODIFIED**

*Title 18, Chapter 8, Article 5, consisting of Sections R18-8-502 through R18-8-512, recodified to Title 18, Chapter 13, Article 3, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).*

**R18-8-501. Expired****Historical Note**

Former Section R9-8-411 renumbered without change as Section R18-8-501 (Supp. 87-3). Amended effective December 1, 1988 (Supp. 88-4). Section expired pursuant



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to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 15, 2000 (Supp. 00-1).

**R18-8-502. Recodified****Historical Note**

Former Section R9-8-412 renumbered without change as Section R18-8-502 (Supp. 87-3). Section recodified to A.A.C. R18-13-302, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-503. Recodified****Historical Note**

Former Section R9-8-413 renumbered without change as Section R18-8-503 (Supp. 87-3). Section recodified to A.A.C. R18-13-303, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-504. Recodified****Historical Note**

Former Section R9-8-414 renumbered without change as Section R18-8-504 (Supp. 87-3). Section recodified to A.A.C. R18-13-304, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-505. Recodified****Historical Note**

Former Section R9-8-415 renumbered without change as Section R18-8-505 (Supp. 87-3). Section recodified to A.A.C. R18-13-305, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-506. Recodified****Historical Note**

Former Section R9-8-416 renumbered without change as Section R18-8-506 (Supp. 87-3). Section recodified to A.A.C. R18-13-306, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-507. Recodified****Historical Note**

Former Section R9-8-421 renumbered without change as Section R18-8-507 (Supp. 87-3). Section recodified to A.A.C. R18-13-307, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-508. Recodified****Historical Note**

Amended effective August 6, 1976 (Supp. 76-4). Former Section R9-8-426 renumbered without change as Section R18-8-508 (Supp. 87-3). Section recodified to A.A.C. R18-13-308, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-509. Recodified****Historical Note**

Former Section R9-8-427 renumbered without change as Section R18-8-509 (Supp. 87-3). Section recodified to A.A.C. R18-13-309, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-510. Recodified****Historical Note**

Former Section R9-8-428 renumbered without change as Section R18-8-510 (Supp. 87-3). Section recodified to A.A.C. R18-13-310, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-511. Recodified****Historical Note**

Former Section R9-8-431 renumbered without change as Section R18-8-511 (Supp. 87-3). Section recodified to A.A.C. R18-13-311, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-512. Recodified****Historical Note**

Amended effective August 6, 1976 (Supp. 76-4). Correction in spelling, paragraph (5), "feeding"; former Section R9-8-432 renumbered without change as Section R18-8-512 (Supp. 87-3). Section recodified to A.A.C. R18-13-312, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-513. Expired****Historical Note**

Adopted effective March 14, 1979 (Supp. 79-2). Former Section R9-8-433 renumbered without change as Section R18-8-513 (Supp. 87-3). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 15, 2000 (Supp. 00-1).

**ARTICLE 6. RECODIFIED**

*Existing Sections in Article 6 recodified to 18 A.A.C. 13, Article 11 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).*

**R18-8-601. Expired****Historical Note**

Former Section R9-8-1211 renumbered without change as Section R18-8-601 (Supp. 87-3). Amended effective December 1, 1988 (Supp. 88-4). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 15, 2000 (Supp. 00-1).

**R18-8-602. Recodified****Historical Note**

Former Section R9-8-1212 renumbered without change as Section R18-8-602 (Supp. 87-3). Section R18-8-602 recodified to R18-13-1102 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-603. Recodified****Historical Note**

Former Section R9-8-1213 renumbered without change as Section R18-8-603 (Supp. 87-3). Section R18-8-603 recodified to R18-13-1103 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-604. Recodified****Historical Note**

Former Section R9-8-1214 renumbered without change as Section R18-8-604 (Supp. 87-3). Section R18-8-604 recodified to R18-13-1104 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-605. Expired****Historical Note**

Former Section R9-8-1215 renumbered without change as Section R18-8-605 (Supp. 87-3). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 15, 2000 (Supp. 00-1).

**R18-8-606. Recodified**

## CHAPTER 8. DEPARTMENT OF ENVIRONMENTAL QUALITY - HAZARDOUS WASTE MANAGEMENT

**Historical Note**

Former Section R9-8-1216 renumbered without change as Section R18-8-606 (Supp. 87-3). Section R18-8-606 recodified to R18-13-1106 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-607. Expired****Historical Note**

Former Section R9-8-1221 renumbered without change as Section R18-8-607 (Supp. 87-3). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 15, 2000 (Supp. 00-1).

**R18-8-608. Recodified****Historical Note**

Former Section R9-8-1222 renumbered without change as Section R18-8-608 (Supp. 87-3). Section R18-8-608 recodified to R18-13-1108 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-609. Expired****Historical Note**

Former Section R9-8-1223 renumbered without change as Section R18-8-609 (Supp. 87-3). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 15, 2000 (Supp. 00-1).

**R18-8-610. Expired****Historical Note**

Former Section R9-8-1224 renumbered without change as Section R18-8-610 (Supp. 87-3). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 15, 2000 (Supp. 00-1).

**R18-8-611. Expired****Historical Note**

Former Section R9-8-1225 renumbered without change as Section R18-8-611 (Supp. 87-3). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 15, 2000 (Supp. 00-1).

**R18-8-612. Recodified****Historical Note**

Former Section R9-8-1231 renumbered without change as Section R18-8-612 (Supp. 87-3). Section R18-8-612 recodified to R18-13-1112 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-613. Recodified****Historical Note**

Former Section R9-8-1232 renumbered without change as Section R18-8-613 (Supp. 87-3). Section R18-8-613 recodified to R18-13-1113 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-614. Recodified****Historical Note**

Former Section R9-8-1233 renumbered without change as Section R18-8-614 (Supp. 87-3). Section R18-8-614 recodified to R18-13-1114 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-615. Recodified****Historical Note**

Former Section R9-8-1234 renumbered without change as Section R18-8-615 (Supp. 87-3). Section R18-8-615

recodified to R18-13-1115 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-616. Recodified****Historical Note**

Former Section R9-8-1235 renumbered without change as Section R18-8-616 (Supp. 87-3). Section R18-8-616 recodified to R18-13-1116 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-617. Recodified****Historical Note**

Former Section R9-8-1236 renumbered without change as Section R18-8-617 (Supp. 87-3). Section R18-8-617 recodified to R18-13-1117 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-618. Recodified****Historical Note**

Former Section R9-8-1241 renumbered without change as Section R18-8-618 (Supp. 87-3). Section R18-8-618 recodified to R18-13-1118 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-619. Recodified****Historical Note**

Former Section R9-8-1242 renumbered without change as Section R18-8-619 (Supp. 87-3). Section R18-8-619 recodified to R18-13-1119 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-620. Recodified****Historical Note**

Former Section R9-8-1243 renumbered without change as Section R18-8-620 (Supp. 87-3). Section R18-8-620 recodified to R18-13-1120 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-621. Expired****Historical Note**

Former Section R9-8-1244 renumbered without change as Section R18-8-621 (Supp. 87-3). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 15, 2000 (Supp. 00-1).

**ARTICLE 7. RECODIFIED**

*18 A.A.C. 8, Article 7, consisting of Sections R18-8-701 through R18-8-710, recodified to Title 18, Chapter 13, Article 12, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).*

**R18-8-701. Recodified****Historical Note**

Adopted effective July 6, 1993 (Supp. 93-3). Section recodified to A.A.C. R18-13-1201, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-702. Recodified****Historical Note**

Adopted effective July 6, 1993 (Supp. 93-3). Section recodified to A.A.C. R18-13-1202, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-703. Recodified**

## CHAPTER 8. DEPARTMENT OF ENVIRONMENTAL QUALITY - HAZARDOUS WASTE MANAGEMENT

**Historical Note**

Adopted effective July 6, 1993 (Supp. 93-3). Section recodified to A.A.C. R18-13-1203, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-704. Recodified****Historical Note**

Adopted effective July 6, 1993 (Supp. 93-3). Section recodified to A.A.C. R18-13-1204, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-705. Recodified****Historical Note**

Adopted effective July 6, 1993 (Supp. 93-3). Section recodified to A.A.C. R18-13-1205, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-706. Recodified****Historical Note**

Adopted effective July 6, 1993 (Supp. 93-3). Section recodified to A.A.C. R18-13-1206, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-707. Recodified****Historical Note**

Adopted effective July 6, 1993 (Supp. 93-3). Section recodified to A.A.C. R18-13-1207, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-708. Recodified****Historical Note**

Adopted effective July 6, 1993 (Supp. 93-3). Section recodified to A.A.C. R18-13-1208, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-709. Recodified****Historical Note**

Emergency rule adopted effective February 5, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-1). Emergency rule adopted again effective May 6, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-2). Emergency expired (Supp. 93-3). Emergency rule permanently adopted without change effective February 1, 1994 (Supp. 94-1). Section recodified to A.A.C. R18-13-1209, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-710. Recodified****Historical Note**

Emergency rule adopted effective February 5, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-1). Emergency rule adopted again effective May 6, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-2). Emergency expired (Supp. 93-3). Emergency rule permanently adopted without change effective February 1, 1994 (Supp. 94-1). Section recodified to A.A.C. R18-13-1210, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**ARTICLE 8. RESERVED****ARTICLE 9. RESERVED****ARTICLE 10. RESERVED****ARTICLE 11. RESERVED****ARTICLE 12. RESERVED****ARTICLE 13. RESERVED****ARTICLE 14. RESERVED****ARTICLE 15. RESERVED****ARTICLE 16. RECODIFIED**

*Article 16, consisting of Sections R18-8-1601 through R18-8-1614, recodified to 18 A.A.C. 13, Article 16 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).*

**R18-8-1601. Recodified****Historical Note**

Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1601 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-1602. Recodified****Historical Note**

Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1602 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-1603. Recodified****Historical Note**

Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1603 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-1604. Recodified****Historical Note**

Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1604 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-1605. Recodified****Historical Note**

Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1605 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-1606. Recodified****Historical Note**

Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1606 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-1607. Recodified****Historical Note**

Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1607 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-1608. Recodified****Historical note**

Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1608 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-1609. Recodified**

## CHAPTER 8. DEPARTMENT OF ENVIRONMENTAL QUALITY - HAZARDOUS WASTE MANAGEMENT

**Historical Note**

Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1609 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-1610. Recodified****Historical Note**

Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1610 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-1611. Recodified****Historical Note**

Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1611 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-1612. Recodified****Historical Note**

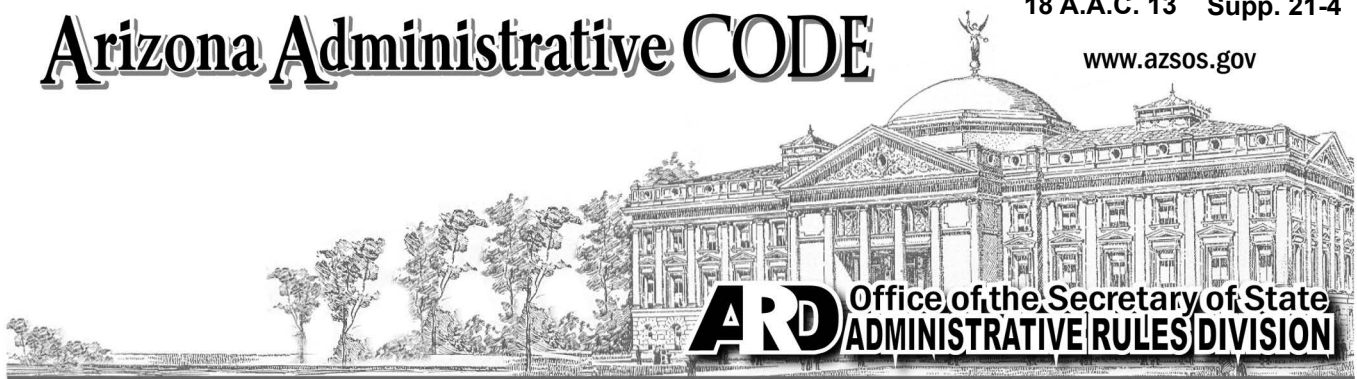
Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1612 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-1613. Recodified****Historical Note**

Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1613 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-1614. Recodified****Historical Note**

Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1614 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).



## TITLE 18. ENVIRONMENTAL QUALITY

### CHAPTER 13. DEPARTMENT OF ENVIRONMENTAL QUALITY - SOLID WASTE MANAGEMENT

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Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
October 1, 2021 through December 31, 2021

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#### Questions about these rules? Contact:

Department: Arizona Department of Environmental Quality  
Waste Programs Division  
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Website: [www.azdeq.gov](http://www.azdeq.gov)  
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**The release of this Chapter in Supp. 21-4 replaces Supp. 21-1, 1-41 pages**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

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### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

First Quarter: January 1 - March 31  
Second Quarter: April 1 - June 30  
Third Quarter: July 1 - September 30  
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2021 is cited as Supp. 21-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

### RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

### AUTHENTICATION OF PDF CODE CHAPTERS

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

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, [www.azsos.gov](http://www.azsos.gov) under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

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

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

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

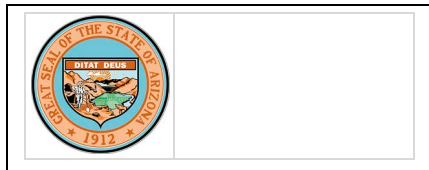
Editor’s notes at the beginning of a Chapter provide information about rulemaking Sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

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

### PERSONAL USE/COMMERCIAL USE

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



## Administrative Rules Division

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

**TITLE 18. ENVIRONMENTAL QUALITY****CHAPTER 13. DEPARTMENT OF ENVIRONMENTAL QUALITY - SOLID WASTE MANAGEMENT**

Authority: A.R.S. §§ 41-1003 and 49-104

**Supp. 21-4**

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

*Editor's Note: This Chapter contains rules which were adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 49-701.01(C)(1) and (2). Exemption from A.R.S. Title 41, Chapter 6 means that the Department did not submit these rules to the Governor's Regulatory Review Council for review; the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; and the Department was not required to hold public hearings on these rules.*

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*Title 18, Chapter 13, Article 3, consisting of Sections R18-13-301 through R18-13-312, recodified from Title 18, Chapter 8, Article 5, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).*

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*Article 5, consisting of Section R18-13-501, made by final rulemaking at 18 A.A.R. 1217, effective July 1, 2012 (Supp. 12-2).*

## Section

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*Article 7, consisting of Sections R18-13-701 through R18-13-703, adopted effective July 1, 1996; filed in the Office of the Secretary of State December 1, 1995 (Supp. 95-4).*

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*Article 8, consisting of Section R18-13-801, made by final rulemaking at 18 A.A.R. 1217, effective July 1, 2012 (Supp. 12-2).*

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## Section

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DISPOSAL OF HUMAN EXCRETA**

*Article 11 recodified from existing Sections in 18 A.A.C. 8, Article 6 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).*

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*Title 18, Chapter 13, Article 12, consisting of Sections R18-13-1201 through R18-13-1210, recodified from Title 18, Chapter 8, Article 7, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).*

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*Title 18, Chapter 13, Article 13, consisting of Sections R18-13-1301 through R18-13-1307, Table A, Exhibit 1, and Appendices A and B, recodified from Title 18, Chapter 8, Article 3, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).*

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*Article 14, consisting of Sections R18-13-1401 through R18-13-1420, adopted by final rulemaking at 5 A.A.R. 3776, effective September 17, 1999 (Supp. 99-3).*

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*Editor's Note: The recodification at 7 A.A.R. 2522 described below erroneously moved Sections into 18 A.A.C. 9, Article 9. Those Sections were actually recodified to 18 A.A.C. 9, Article 10. See the Historical Notes for more information (Supp. 01-4).*

*Article 15, consisting of Sections R18-13-1501 through R18-13-1514 and Appendix A, recodified to 18 A.A.C. 9, Article 9 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2).*

*Article 15, consisting of Sections R18-13-1501 through R18-13-1514 and Appendix A, adopted effective April 23, 1996 (Supp. 96-2).*

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*Article 16, consisting of Sections R18-13-1601 through R18-13-1614, recodified from 18 A.A.C. 8, Article 16 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).*



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**ARTICLE 17. RESERVED****ARTICLE 18. RESERVED****ARTICLE 19. RESERVED****ARTICLE 20. RESERVED****ARTICLE 21. SOLID WASTE LANDFILL REGISTRATION FEES**

*Article 21, consisting of Sections R18-13-2101 through R18-13-2103, made by final rulemaking at 9 A.A.R. 1770, effective July 14, 2003 (Supp. 03-2).*

## Section

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*Article 25, consisting of Section R18-13-2501, expired at 23 A.A.R. 3429, effective October 10, 2017 (Supp. 17-4).*

*Article 25, consisting of Section R18-13-2501, adopted by final rulemaking at 5 A.A.R. 4654, effective November 15, 1999 (Supp. 99-4).*

## Section

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**ARTICLE 26. EXPIRED**

*Article 26, consisting of Sections R18-13-2601 through R18-13-2604, expired at 16 A.A.R. 705, effective April 6, 2010 (Supp. 10-2).*

*Article 26, consisting of Sections R18-13-2601 through R18-13-2604, made by exempt rulemaking at 14 A.A.R. 4258, effective October 20, 2008 (Supp. 08-4).*

## Section

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**ARTICLE 27. EXPIRED**

*Article 27 consisting of Sections R18-13-2701 through R18-13-2703, expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2984, effective September 15, 2016 (Supp. 16-3).*

*Article 27 consisting of Sections R18-13-2701 through R18-13-2703, made by exempt rulemaking at 16 A.A.R. 848, effective July 1, 2010 (Supp. 10-2).*

## Section

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## CHAPTER 13. DEPARTMENT OF ENVIRONMENTAL QUALITY - SOLID WASTE MANAGEMENT

**ARTICLE 1. RESERVED**

*Editor's Note: Article 2, consisting of Section R18-13-201, was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to A.R.S. § 49-701.01(C)(1) and (2). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit the rules to the Governor's Regulatory Review Council for review; and the Department was not required to hold public hearings on this Section (Supp. 98-3).*

**ARTICLE 2. SOLID WASTE DEFINITIONS; EXEMPTIONS**

*Editor's Note: The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act which means that these rules were not reviewed by the Governor's Regulatory Review Council; the agency did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; and the agency was not required to hold public hearings on these rules (Supp. 98-3).*

**R18-13-201. Land Application of Biosolids Exemption**

- A. This Section applies only to biosolids as defined in R18-9-1001. The land application of biosolids, when placed on or applied to the land in full conformity with 18 A.A.C. 9, Article 10 and A.R.S. § 49-761(F), and if the site of land application has ceased to receive application of biosolids and all applicable site restrictions set by A.A.C. Title 18 Environmental Quality have been satisfied, is exempt statewide from the definition of solid waste found at A.R.S. § 49-701.01(A). This exemption applies only when the biosolids and the soil to which it has been applied remain at the site of the application.
- B. This exemption does not alter or set any new standard for the soil remediation standards found at 18 A.A.C. 7, Article 2.

**Historical Note**

Adopted under and exemption from A.R.S. Title 41, Chapter 6, pursuant to A.R.S. § 49-701.01(C)(1) and (2), effective July 27, 1998 (Supp. 98-3). Amended by exempt rulemaking at 5 A.A.R. 4004, effective September 17, 1999 (Supp. 99-3). Amended by final expedited rulemaking at 27 A.A.R. 57, with an immediate effective date of January 5, 2021 (Supp. 21-1).

**R18-13-202. Coal Slurry Discharges from Pipeline Leaks Exemption**

This Section applies only to coal slurry discharges onto the ground from pipeline leaks. Coal slurry discharges onto the ground from pipeline leaks are exempt statewide from the definition of solid waste prescribed in A.R.S. § 49-701.01(A) if both of the following conditions are met:

1. The discharge was the result of an accidental pipeline leak.
2. The thickness of the layer of coal slurry on the ground that resulted from the discharge is 3 inches or less.

**Historical Note**

New Section adopted by exempt rulemaking at 5 A.A.R. 4004, effective September 17, 1999 (Supp. 99-3).

**ARTICLE 3. REFUSE AND OTHER OBJECTIONABLE WASTES****R18-13-301. Reserved****R18-13-302. Definitions**

- A. "Approved" means acceptable to the Department.
- B. "Ashes" means residue from the burning of any combustible material.

- C. "Department" means the Department of Environmental Quality or a local health department designated by the Department of Environmental Quality.
- D. "Garbage" means all animal and vegetable wastes resulting from the processing, handling, preparation, cooking, and serving of food or food materials.
- E. "Manure" means animal excreta, including cleanings from barns, stables, corrals, pens, or conveyances used for stabling, transporting, or penning of animals or fowls.
- F. "Person" means the state, a municipality, district or other political subdivision, a cooperative, institution, corporation, company, firm, partnership or individual.
- G. "Refuse" means all putrescible and nonputrescible solid and semisolid wastes, except human excreta, but including garbage, rubbish, ashes, manure, street cleanings, dead animals, abandoned automobiles, and industrial wastes.
- H. "Rubbish" means nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, waste metal, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

**Historical Note**

Section recodified from A.A.C. R18-8-502, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-13-303. Responsibility**

- A. The owner, agent, or the occupant of any premises, business establishment, or industry shall be responsible for the sanitary condition of said premises, business establishment, or industry. No person shall place, deposit, or allow to be placed or deposited on his premises or on any public street, road, or alley any refuse or other objectionable waste, except in a manner described in these rules.
- B. The owner, agent, or the occupant of any premises, business establishment, or industry shall be responsible for the storage and disposal of all refuse accumulated, by a method or methods described in these rules.
- C. The collection and disposal of all refuse not acceptable for collection by a collection agency is the responsibility of each occupant, business establishment, or industry where such refuse accumulates, and all such refuse shall be stored, collected, and disposed of in a manner approved by the Department.
- D. All dangerous materials and substances shall, where necessary, be rendered harmless prior to collection and disposal.

**Historical Note**

Section recodified from A.A.C. R18-8-503, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-13-304. Inspection**

Representatives of the Department shall make such inspections of any premises, container, process, equipment, or vehicle used for collection, storage, transportation, disposal, or reclamation or refuse as are necessary to ensure compliance with these rules.

**Historical Note**

Section recodified from A.A.C. R18-8-504, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-13-305. Collection Required**

- A. Where refuse collection service is available, the following refuse shall be required to be collected: Garbage, ashes, rubbish, and small dead animals which do not exceed 75 pounds in weight.

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- B.** The following refuse is not considered acceptable for collection but may be collected at the discretion of the collection agency where special facilities or equipment required for the collection and disposal of such wastes are provided:
1. Dangerous materials or substances, such as poisons, acids, caustics, infected materials, radioactive materials, and explosives.
  2. Materials resulting from the repair, excavation, or construction of buildings and structures.
  3. Solid wastes resulting from industrial processes.
  4. Animals exceeding 75 pounds in weight, condemned animals, animals from a slaughterhouse, or other animals normally considered industrial waste.
  5. Manure.

**Historical Note**

Section recodified from A.A.C. R18-8-505, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-13-306. Notices**

- A.** All collection agencies shall provide each householder, or business establishment served, with a copy of the requirements governing the storage and collection of refuse which shall cover at least the following items:
1. Definitions.
  2. Places to be served.
  3. Places not to be served.
  4. Scheduled day or days of collection.
  5. Materials acceptable for collection.
  6. Materials not acceptable for collection.
  7. Preparation of refuse for collection.
  8. Types and size of containers permitted.
  9. Points from which collections will be made.
  10. Necessary safeguards for collectors.
- B.** All such notices governing storage and collection shall conform to these rules.

**Historical Note**

Section recodified from A.A.C. R18-8-506, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-13-307. Storage**

- A.** All refuse shall be stored in accordance with the requirements of this Section. The owner, agent, or occupant of every dwelling, business establishment, or other premises where refuse accumulates shall provide a sufficient number of suitable and approved containers for receiving and storing of refuse, and shall keep all refuse therein, except as otherwise provided by this Chapter.
- B.** Garbage shall be stored in durable, rust resistant, nonabsorbent, watertight, and easily cleanable containers, with close fitting covers and having adequate handles or bails to facilitate handling. The size of the container shall be determined by the collection agency.
- C.** Rubbish and ashes shall be stored in durable containers. Bulky rubbish such as tree trimmings, newspapers, weeds, and large cardboard boxes shall be handled as directed by the collection agency. Where garbage separation is not required, containers for the storage of mixed rubbish and garbage shall meet the requirements specified in subsection (B).
- D.** Containers for the storage of refuse shall be maintained in such a manner as to prevent the creation of a nuisance or a menace to public health. Containers that are broken or otherwise fail to meet the requirements of the rules shall be replaced, by the owner of said containers, with approved containers.

- E.** Manure and droppings shall be removed from pens, stables, yards, cages, conveyances, and other enclosures as often as necessary to prevent a health hazard or the creation of a nuisance. All material removed shall be handled and stored in a manner that will maintain the premises nuisance free.

**Historical Note**

Section recodified from A.A.C. R18-8-507, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-13-308. Frequency of Collection**

- A.** The frequency of collection shall be in accordance with rules of the collection agency but not less than that shown in the following schedules:
1. Garbage only -- twice weekly.
  2. Refuse with garbage -- twice weekly.
  3. Rubbish and ashes -- as often as necessary to prevent nuisances and fly breeding.
- B.** A variance from the required frequency rate may be granted to allow for the collection of garbage once weekly. The variance may be granted by the Department of Environmental Quality upon submission of an acceptable plan approved by the local health department demonstrating that no public health hazards or nuisances will exist and that fly breeding will be controlled by either biological, chemical, or mechanical means. The variance may be revoked whenever the Department of Environmental Quality determines that the circumstances warranting the variance no longer exist.

**Historical Note**

Section recodified from A.A.C. R18-8-508, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-13-309. Place of Collection**

- A.** All refuse shall be properly placed on the premises for convenient collection as designated by the collection agency.
- B.** Where alleys are provided, collection shall be made on the alley side of the premises.

**Historical Note**

Section recodified from A.A.C. R18-8-509, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-13-310. Vehicles**

- A.** Vehicles used for collection and transportation of garbage, or refuse containing garbage, shall have covered, watertight, metal bodies of easily cleanable construction, shall be cleaned frequently to prevent a nuisance or insect breeding, and shall be maintained in good repair.
- B.** Vehicles used for collection and transportation of refuse shall be loaded and moved in such a manner that the contents, including ashes, will not fall, leak, or spill therefrom. Where spillage does occur, it shall be picked up immediately by the collector and returned to the vehicle or container.
- C.** Vehicles used for collection and transportation of rubbish or manure shall be of such construction as to prevent leakage or spillage, and shall provide a cover to prevent blowing of materials or creating a nuisance.

**Historical Note**

Section recodified from A.A.C. R18-8-510, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-13-311. Disposal; General**

- A.** All refuse shall be disposed of by a method or methods included in these rules and shall include rodent, insect, and

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nuisance control at the place or places of disposal. Approval must be obtained from the Department for all new disposal sites and may change in the method of disposal prior to use.

- B. Carcasses of large dead animals shall be buried or cremated, unless satisfactory arrangements have been made for disposal by rendering or other approved methods.
- C. All public "dumping grounds", provided in compliance with A.R.S. § 9-441, shall be maintained and operated in accordance with the requirements of these rules.
- D. Manure shall be disposed of by sanitary landfill, composting, incineration, or used as fertilizer in such a manner as not to create insect breeding or a nuisance.

**Historical Note**

Section recodified from A.A.C. R18-8-511, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-13-312. Methods of Disposal**

Approval must be obtained from the Department for any method or methods used for the disposal of refuse prior to the start of operations, and shall be accomplished by one or more of the methods listed below:

1. Sanitary landfill -- Consists of the disposal of refuse on land and the daily compaction and covering of the refuse with 6 to 12 inches of earth so as to prevent a health hazard or nuisance. The final compacted earth cover shall be a minimum of 2 feet in depth. Where sanitary landfill operations are proposed, the Department will require the following:
  - a. The landfill shall be located so that seepage will not create a health hazard, nuisance, or cause pollution of any watercourse or water bearing strata.
  - b. Adequate and proper surface drainage shall be provided to prevent ponding or erosion by rainwater of the finished fill.
  - c. Provision shall be made for the control of insects, rodents, wind blown refuse, and accidental fire.
  - d. Burning of refuse is prohibited.
  - e. An all weather access road is required.
  - f. Suitable equipment and operating personnel shall be provided.
  - g. Salvaging, if permitted, shall be rigidly controlled.
  - h. A variance from the daily compaction and covering requirement may be granted for sites serving less than 2,000 people by the Department of Environmental Quality upon submission of an acceptable plan approved by the local health department demonstrating that no public health hazards or nuisances will exist. The variance will allow for compaction and cover every two weeks at sites serving less than 500 people; weekly compaction and cover for sites serving from 500 to 1,000 people; and twice weekly compaction and cover for sites serving from 1,000 to 2,000 people. The variance may be revoked whenever the Department of Environmental Quality determines that the circumstances warranting the variance no longer exist.
2. Incineration -- Where incineration is to be employed, the plans and specifications, along with any other information necessary to evaluate the project, shall be submitted to the Department and approval received prior to construction. In addition, an approved method for the disposal of non-combustible refuse is required. Where incineration is proposed, the following items shall be provided.

- a. The capacity of the incinerator shall be sufficient for the maximum production of refuse expected.
- b. Noncombustible refuse shall be disposed of by methods approved by the Department.
- c. Skilled personnel to assure the proper operation and maintenance of the facilities in a nuisance-free manner.
3. Composting -- This method of disposal is acceptable to the Department under the following conditions:
  - a. That plans and specifications and other information necessary to evaluate the project are submitted to the Department and approval received prior to start of construction.
  - b. That provisions are made for the proper disposal of all refuse not considered suitable for composting.
  - c. Skilled personnel shall be provided to assure the proper operation and maintenance of the facilities in a nuisance-free manner.
4. Garbage grinding -- This method, involving the separate collection and disposal of garbage into a community sewerage system through commercial type grinders or mandatory community-wide installation of individual household grinders, will be acceptable to the Department provided that suitable means shall be provided for the disposal of all remaining refuse.
5. Hog feeding -- This method of disposal will only be approved under the following conditions:
  - a. The garbage is collected and stored in suitable containers.
  - b. Only approved type vehicles are used for collection.
  - c. All garbage is effectively heat-treated in accordance with Title 24, Chapter 7, Article 3 (A.R.S. §§ 24-941 through 24-949).
  - d. All remaining refuse, including nonedible garbage, is collected and disposed of separately by methods approved by the Department.
6. Manure disposal -- Manure shall be disposed of by sanitary landfill, composting, incineration, or used as a fertilizer in such a manner as not to create insect breeding or a nuisance.

**Historical Note**

Section recodified from A.A.C. R18-8-512, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**ARTICLE 4. RESERVED****ARTICLE 5. REQUIREMENTS FOR SOLID WASTE FACILITIES SUBJECT TO SELF-CERTIFICATION****R18-13-501. Solid Waste Facilities Requiring Self-Certification; Registration Fees**

- A. The following solid waste facilities requiring self-certification under A.R.S. § 49-762.01 shall register with the Department and pay registration fees as provided in this Section by September 30, 2012, and annually thereafter by September 30th:
  1. A transfer facility with a daily throughput of more than 180 cubic yards, including a material recovery facility, but not including:
    - a. A material recovery facility where the incoming materials are primarily source separated recyclables; or
    - b. Community or neighborhood recycling bins including drop boxes, roll off containers, plastic containers used to collect residential, business, and/or governmental recyclable solid waste.
  2. A facility storing 5,000 or more waste tires on any one day and not required to obtain plan approval.

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3. A waste tire shredding and processing facility.
- B.** Initial registration for a new facility. The owner or operator of a planned new facility identified in subsection (A) shall submit the following information to the Department before beginning construction:
  1. The name of the solid waste facility.
  2. The name, mailing address and telephone number of each owner and operator of the solid waste facility.
  3. The physical location of the solid waste facility by physical address, latitude and longitude, or legal description. If none of these are practical, by driving directions from the nearest city or town.
  4. A brief description of operations, including waste management methods, types and volumes of waste handled, waste storage and treatment equipment, and the length of time the waste remains onsite.
  5. A diagram of the property showing its approximate size and the planned location of the solid waste facility or facilities.
  6. Documentation that the facility will comply with local zoning laws or, if the owner is an agency or political subdivision of this state, with A.R.S. § 49-767.
  7. Documentation that the facility has any other environmental permit that is required by statute.
  8. A copy of the public notice in a newspaper of general circulation in the area where the facility will be located stating the intent to construct and operate a new solid waste facility pursuant to A.R.S. § 49-762.05.
- C.** Initial and annual registration for an existing facility. The owner or operator of an existing facility shall submit the following information to the Department annually on a form approved by the Department and note any changes since the last registration:
  1. The name of the solid waste facility.
  2. The name, address and telephone number of each owner and operator of the solid waste facility.
  3. The physical location of the solid waste facility by physical address, latitude and longitude, or legal description. If none of these are practical, by driving directions from the nearest city or town.
  4. A brief description of operations, including waste management methods, types and volumes of waste handled, waste storage and treatment equipment, and the length of time the waste remains onsite.
  5. A diagram of the property showing its approximate size and the location of the solid waste facility or facilities.
  6. Documentation that the facility remains in compliance with the most current local zoning laws or with A.R.S. § 49-767, as applicable.
  7. Documentation that the facility continues to hold any other environmental permit that is required by statute.
- D.** Self-certification. With each registration under subsection (B) or (C), the owner or operator shall certify that the information submitted is true, accurate, and complete to the best of the person's knowledge and belief.
- E.** Registration fees. The owner or operator of a transfer facility under subsection (A)(1) shall pay the Department \$1,000 for the initial registration of a new or existing facility, and \$500 for each annual registration thereafter. The owner or operator of a tire facility under subsection (A)(2) or (3) shall pay the Department \$1,000 for the initial registration of a new or existing facility, and \$250 for each annual registration thereafter.
- F.** As used in this Section:
  1. "Department" means the Arizona Department of Environmental Quality.

2. "Material recovery facility" means a transfer facility that collects, compacts, repackages, sorts, or processes commingled recyclable solid waste generated offsite for the purpose of recycling and transport, or where source separated recyclable solid waste is processed for sale to various markets, and where the incoming materials are predominantly recyclable solid waste.
3. "Recyclable solid waste" means a product or material described in subsection (F)(3)(a) or (b), and for which subsection (F)(3)(c) is true:
  - a. A product with no useful life remaining for the purposes for which it was produced, or if useful life remains, the product will not, due to location, quantity, or owner choice, remain in use or be reused for a purpose for which it was produced.
  - b. A material that is a result of a process or activity whose purpose was to produce something else.
  - c. The product or material retains some economic value, with or without further processing, as a raw material or feedstock in some process other than incineration or combustion.

**Historical Note**

New Section made by final rulemaking at 18 A.A.R. 1217, effective July 1, 2012 (Supp. 12-2).

**ARTICLE 6. RESERVED****ARTICLE 7. SOLID WASTE FACILITY PLAN REVIEW FEES****R18-13-701. Definitions**

In addition to the definitions provided in A.R.S. §§ 49-701, 49-701.01, and 49-851, and 18 A.A.C. 13, the following definitions apply in this Article:

1. "Aquifer Protection Permit" or "APP" means the permit that is required pursuant to A.R.S. § 49-241.
2. "MSWLF" means a municipal solid waste landfill as defined in A.R.S. § 49-701.
3. "Non-APP requirements for Non-MSWLFs" means 40 CFR 257 requirements and the restrictive covenant and location restrictions required in A.R.S. Title 49, Chapter 4.
4. "Non-MSWLF" means a landfill that is not a municipal solid waste landfill as defined in A.R.S. § 49-701.
5. "RD&D" means research, development, and demonstration.
6. "Review hours" means the hours or portions of hours that the Department's staff spends on a request for a plan review. Review hours include the time spent by the project manager and technical review team members, and if requested by the applicant, the supervisor or unit manager.
7. "Review-related costs" means any of the following costs applicable to a specific plan review:
  - a. Presiding officer services for public hearings on a plan review decision,
  - b. Court reporter services for public hearings on a plan review decision,
  - c. Facility rentals for public hearings on a plan review decision,
  - d. Charges for laboratory analyses performed during the plan review,
  - e. Other reasonable and necessary review-related expenses documented in writing by the Department and agreed to by an applicant.
8. "Solid waste facility plan" means a plan or the individual components of a plan, such as the design, operational, closure, or post-closure plan, or the demonstration of

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financial responsibility as required by A.R.S. § 49-770, submitted to the Department for review and plan approval.

**Historical Note**

Adopted effective July 1, 1996; filed in the Office of the Secretary of State December 1, 1995 (Supp. 95-4). Amended effective May 15, 1997 (Supp. 97-2). Amended by exempt rulemaking at 8 A.A.R. 3747, effective November 1, 2002 (Supp. 02-3). Amended by final rulemaking at 18 A.A.R. 1217, effective July 1, 2012 (Supp. 12-2).

**R18-13-702. Solid Waste Facility Plan Review Fees**

A. With each application submitted for approval pursuant to A.R.S. § 49-762.03, the applicant shall remit an initial fee in accordance with one of the fee tables in this subsection, unless otherwise provided in subsection (B). This subsection also lists the maximum fees that the Department will bill the applicant. All fees paid shall be payable to the state of Arizona. The Department shall deposit the fees paid into the Solid Waste Fee Fund established pursuant to A.R.S. § 49-881, unless otherwise authorized or required by law.

**Fee Tables**

Fees for Plan Review of New Solid Waste Facilities		
	Initial	Maximum
Solid Waste Landfills	\$20,000	\$200,000
Non-APP requirements for Non-MSWLFs operating under an APP	\$2,000	\$50,000
Other Solid Waste Facilities Subject to Plan Approval	\$10,000	\$100,000

Fees for Modifications to Solid Waste Facility Plans		
	Initial	Maximum
Solid Waste Landfills - Type IV	\$1,500	\$150,000
Solid Waste Landfills - Type IV - RD&D	\$15,000	\$150,000
Solid Waste Landfills - Type III	\$750	\$75,000
Other Solid Waste Facilities Subject to Plan Approval - Type IV	\$750	\$75,000
Other Solid Waste Facilities Subject to Plan Approval - Type III	\$500	\$50,000

Fees for Review of Financial Responsibility Plans for Solid Waste Facilities		
	Initial	Maximum
Annual Review for Solid Waste Landfills	\$600 Flat Fee	N/A
Other Solid Waste Facilities	\$200	\$5,000

B. The Department shall bill an applicant for plan review services, subject to an hourly rate, no more than monthly, but at least semi-annually. The following information shall be included in each bill:

- The dates of the billing period;
- After January 1, 2013, the date and number of review hours performed during the billing period itemized by employee name, position type and specifically describing:
  - Each review task performed,
  - The facility and operational unit involved, and
  - The hourly rate;

- A description and amount of any other reasonable review-related cost; and
  - The total fees paid to date, the total fees due for the billing period, the date when the fees are due, and the maximum fee for the project.
- C. Within 30 days after the Department makes a final determination whether to approve or disapprove of the facility plan, or when an applicant withdraws or closes the application for review, the Department shall prepare and issue a final itemized bill of its review. If the Department determines that the actual cost of reviewing the plan is less than the initial fee and any interim fees paid, the Department shall refund the difference to the applicant within 30 days after the issuance of the approval or disapproval of the application. If the Department determines that the actual cost of plan review is greater than the corresponding amount listed, the Department shall list the amount that the applicant owes on the final itemized bill, except that the final itemized bill shall not exceed the applicable maximum fee specified in subsection (A). The applicant shall pay in full the amount due within 30 days of receipt of the final itemized bill.
- D. If the final bill is not paid within the 30 days, the Department shall mail a second notice to the applicant. Failure to pay the amount due within 60 days of receipt of the notice shall result in the Department initiation of proceedings for suspension of the approval, in accordance with A.R.S. § 49-782. The suspension shall continue until full payment is received at the Department. If full payment is not received at the Department within 365 days of the date of the approval, the approval shall be revoked in accordance with A.R.S. § 49-782. The Department shall not review any further plans for an entity which has not paid all fees due for a previous review of a solid waste facility plan.
- E. When determining actual cost under subsection (C), the Department shall use an hourly billing rate for all review hours spent working on the review of a plan, and add review-related costs which were incurred but are not included in the hourly billing rate.
- F. The hourly rate is \$122.00, beginning July 1, 2012, and shall remain in effect until it is either changed or repealed.

**Historical Note**

Adopted effective July 1, 1996; filed in the Office of the Secretary of State December 1, 1995 (Supp. 95-4). Corrected typographical error "facilities" in Schedules A, B, and C, to reflect Section filed in the Office of the Secretary of State December 1, 1995. Section amended effective May 15, 1997; except for special waste management plan component fees listed in Schedules A, B, and C, which become effective July 1, 1997 (Supp. 97-2). Amended by exempt rulemaking at 5 A.A.R. 3869, effective October 1, 1999 (Supp. 99-3). Amended by exempt rulemaking at 8 A.A.R. 3747, effective November 1, 2002 (Supp. 02-3). Amended by final rulemaking at 18 A.A.R. 1217, effective July 1, 2012 (Supp. 12-2).

**R18-13-703. Review of Bill**

- A. An applicant who disagrees with the final bill received from the Department for plan review and issuance or denial of a solid waste facility plan approval under this Article may make a written request to the Director for a review of the bill and may pay the bill under protest. The request for review shall specify the matters in dispute and shall be received by the Department within 10 working days of the date of receipt of the final bill.
- B. Unless the Department and applicant agree otherwise, the review shall take place within 30 days of receipt by the

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Department of the request. The Director shall make a final decision as to whether the time and costs billed are correct and reasonable. The final decision shall be mailed to the applicant within 10 working days after the date of the review and is subject to appeal pursuant to A.R.S. §§ 41-1092 through 1092.12.

**Historical Note**

Adopted effective July 1, 1996; filed in the Office of the Secretary of State December 1, 1995 (Supp. 95-4). Amended by final rulemaking at 18 A.A.R. 1217, effective July 1, 2012 (Supp. 12-2). Amended by final expedited rulemaking at 27 A.A.R. 57, with an immediate effective date of January 5, 2021 (Supp. 21-1).

**R18-13-704. Repealed****Historical Note**

New Section made by exempt rulemaking at 8 A.A.R. 3747, effective November 1, 2002 (Supp. 02-3). Section repealed by final rulemaking at 18 A.A.R. 1217, effective July 1, 2012 (Supp. 12-2).

**R18-13-705. Repealed****Historical Note**

New Section made by exempt rulemaking at 8 A.A.R. 3747, effective November 1, 2002 (Supp. 02-3). Section repealed by final rulemaking at 18 A.A.R. 1217, effective July 1, 2012 (Supp. 12-2).

**R18-13-706. Repealed****Historical Note**

New Section made by exempt rulemaking at 8 A.A.R. 3747, effective November 1, 2002 (Supp. 02-3). Section repealed by final rulemaking at 18 A.A.R. 1217, effective July 1, 2012 (Supp. 12-2).

**ARTICLE 8. GENERAL PERMITS****R18-13-801. General Permit Fees**

- A. The Department shall assess annual fees for operation under a general permit established in rule as described in the Table below.
- B. In addition to the technical requirements proposed for any general permit to be included in this Article, the Department shall propose the category to be assigned to the permit according to the Table below.
- C. An applicant shall pay the initial fee when approval to operate is requested. The Department shall bill an annual fee to facilities that have not notified the Department that they are no longer operating and have met the closure requirements of this Chapter.
- D. For the purpose of this Article, "complex" has the meaning in A.A.C. R18-1-501. "Standard" is any facility that is not complex.

**Solid Waste General Permits**

Category	Initial Fee	Annual Fee
Collection, Storage and Transfer-Standard	\$750	\$100
Collection, Storage and Transfer-Complex	\$7,500	\$1,000
Treatment-Standard	\$1,000	\$100
Treatment-Complex	\$10,000	\$1,000
Disposal	\$15,000	N/A

**Historical Note**

New Section made by final rulemaking at 18 A.A.R. 1217, effective July 1, 2012 (Supp. 12-2).

**R18-13-802. Disposal General Permit: Non-Municipal Solid Waste Landfills at Mining Operations**

- A. This general permit is adopted pursuant to A.R.S. § 49-706 as an alternative to plan approvals for facilities identified in A.R.S. § 49-762(A)(1). This general permit authorizes disposal of solid waste in a landfill at a mining operation if the landfill meets one of the following criteria:
  1. The landfill is identified as a discharging facility in an area-wide aquifer protection permit and is located within the pollutant management area developed for that permit; or
  2. The landfill is located within the pollutant management area of an area-wide aquifer protection permit but is exempt from the permit requirement because it contains only inert material as defined in A.R.S. § 49-201; or
  3. The landfill is located at a site qualifying as a groundwater protection permit facility as defined in A.R.S. § 49-241.01(C) and the site has submitted an administratively complete application for an aquifer protection permit that has not been denied. Landfills that are located at mining operations and that are subject to best management practices under A.R.S. § 49-762.02(6) are required to comply with those practices and do not require coverage under this general permit.
- B. Authorized and prohibited materials.
  1. Disposal of the following is allowed under this general permit:
    - a. Solid waste generated at the mining operation where the landfill is located; and
    - b. Incidental amounts of putrescible waste generated at the mining operation where the landfill is located. For the purposes of this Section, "putrescible waste" means solid waste which contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to be capable of attracting or providing food for birds.
  2. Disposal of the following is prohibited under this general permit:
    - a. Used oil as defined in A.R.S. § 49-801(3).
    - b. Human excreta as defined in R18-13-1102.
    - c. Special waste as defined in A.R.S. § 49-851(A)(5).
    - d. Biohazardous medical waste as defined in R18-13-1401.
    - e. Radioactive waste material regulated for disposal pursuant to Title 12, Chapter 1 of the Arizona Administrative Code.
    - f. Hazardous waste as defined in A.R.S. § 49-921(5), including hazardous waste generated by a conditionally exempt small quantity generator.
    - g. Bulk or noncontainerized liquid waste.
    - h. Waste containing polychlorinated biphenyls regulated for disposal pursuant to 40 CFR 761.
- C. A person may operate a landfill at a mining operation under this general permit if:
  1. Operation of the landfill complies with the requirements of this Section;
  2. The person files a Notice of Intent to Operate that complies with subsections (D) and (E);
  3. The person satisfies any requests for additional information from the Department regarding the Notice of Intent to Operate landfill operation and receives a written Authorization to Operate from the Director; and

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4. The person submits the applicable fee established in R18-13-801 for the Disposal category.
- D. Notice of Intent to Operate.** An applicant shall submit to the Department a Notice of Intent to Operate under this general permit. The Notice shall contain:
  1. The name, address, and telephone number of the applicant;
  2. The name, address, and telephone number of a contact person familiar with the operation of the facility;
  3. The legal description of the landfill area, latitude and longitude coordinates, a detailed figure(s) showing both the existing landfill boundary and the anticipated future waste footprint of the landfill at the time of closure, and a map showing the location of the landfill within the mining operation;
  4. A description of how the applicant will meet the public access restrictions in subsection (H)(3);
  5. A description of how the applicant will meet the cover requirements in subsection (H)(4);
  6. A description of how the applicant will meet the methane requirements in subsection (H)(5). For landfills that have accepted waste prior to the effective date of this Section only, the applicant shall include recent methane monitoring sampling results from either:
    - a. One (1) measurement per acre of landfill waste footprint; or
    - b. A minimum of four (4) monitoring probes installed to the depth of refuse around the perimeter of the landfill and measured quarterly for the presence of methane gas for a period of one (1) year;
  7. A narrative description of the landfill, including whether the landfill is existing or planned, the acreage of the current and planned waste footprint, estimated disposal capacity in cubic yards, expected lifespan, projected rate of waste disposal in tons per day or per week, and sources of solid waste generation;
  8. A listing of any other federal or state environmental permits issued for or needed by the landfill, including any individual plan approval, APP, Groundwater Quality Protection Permit, or Notice of Disposal; and
  9. A signature on the Notice of Intent to Operate certifying that the applicant agrees to comply with all terms of this general permit.
- E. Existing facility application deadline.** Existing facilities that qualify for coverage under subsections (A)(1), (A)(2), or (A)(3) on the effective date of this rule shall submit a Notice of Intent to Operate within 2 years of the effective date of this rule to obtain coverage. The Director may extend this date in individual cases if the facility could not have submitted an administratively complete Notice in time with reasonable diligence.
- F. Authorization review.**
  1. **Inspection.** The Department may inspect the facility to determine that the applicable terms of this general permit are being met.
  2. **Authority to Operate issuance.**
    - a. If the Department determines, based on its review and an inspection, if conducted, that the facility conforms to the requirements of this general permit, the Director shall issue an Authority to Operate.
    - b. The Authority to Operate authorizes the person to operate the landfill under the terms of this general permit.
  3. **Authority to Operate denial.** If the Department determines, based on its review and an inspection, if conducted, that the facility does not conform to the requirements of this general permit, the Director shall notify the person of the decision not to issue the Authority to Operate and the person shall not operate the landfill under this general permit. The notification shall inform the person of:
    - a. The reason for the denial with reference to the statute or rule on which the denial is based;
    - b. The person's right to appeal the denial, including the number of days the applicant has to file a protest challenging the denial and the name and telephone number of the Department contact person who can answer questions regarding the appeals process; and
    - c. The person's right to request an informal settlement conference under A.R.S. §§ 41-1092.03(A) and 41-1092.06.
- G. Statutory requirements.** The landfill shall be:
  1. Located according to the applicable location restrictions in A.R.S. § 49-772; and
  2. Subject to a restrictive covenant recorded pursuant to A.R.S. § 49-771.
- H. Operational requirements.**
  1. Inspect the landfill at least quarterly and after large storm events for overall integrity and condition of the facility, including stormwater diversions, and conduct maintenance and repairs as needed. For the purposes of this Section, a "large storm event" is defined as one-half inch of precipitation in any 24-hour period.
  2. Direct storm water runoff from surrounding areas away from the landfill.
  3. Restrict public access to the landfill or to the mining operation site by signs or physical barriers, including natural barriers.
  4. Apply cover at such frequencies and in such a manner as to control windblown dispersion of waste, reduce the risk of fire and impede disease vectors' access to the waste, taking into account the types and volumes of waste placed in the landfill, the frequency of disposal, and other relevant considerations. The Department may allow other techniques that are demonstrated to be equally protective as applying cover material.
  5. Concentrations of methane gas shall not exceed 25% of the lower explosive limit in facility structures within 100 feet of the landfill boundary and shall not exceed the lower explosive limit beyond the landfill boundary.
  6. **Methane monitoring.**
    - a. For landfills that have accepted waste prior to the effective date of this Section only, the applicant shall include recent methane monitoring data as described in subsection (D)(6) with the Notice of Intent to Operate.
      - i. If the data demonstrate that concentrations of methane gas do not exceed 25% of the lower explosive limit, then no methane monitoring is required in order to operate under this permit.
      - ii. If the data demonstrate that concentrations of methane gas exceed 25% of the lower explosive limit, then annual methane monitoring using one of the data gathering methods described in subsection (D)(6) is required in order to operate under this permit. Results of such annual methane monitoring shall be submitted to the Department.
        - (1) A person operating a landfill subject to annual methane monitoring may reduce monitoring to once every five years if the results of three consecutive annual sam-



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pling events demonstrate that concentrations of methane gas do not exceed 25% of the lower explosive limit.

- (2) A person operating a landfill subject to annual methane monitoring may request the Department to reduce or eliminate such monitoring based on any other methods approved by the Department, including consideration of the potential for methane gas to be present in facility structures within 100 feet of the landfill boundary at concentrations exceeding 25% of the lower explosive limit.
- b. For landfills that have not accepted waste prior to the effective date of this Section, no methane monitoring is required in order to obtain coverage or operate under this permit.
7. Maintain an operating record that documents compliance with the conditions in this permit.
- I. Recordkeeping. A permittee shall maintain the following information for at least 10 years and make it available to the Department upon request:
  1. Landfill construction drawings and as-built plans, if available;
  2. The operating record required by subsection (H)(7); and
  3. Methane monitoring results, if any, obtained under subsection (H)(6).
- J. Reporting requirements. A permittee shall report the following to the Department:
  1. Methane monitoring concentrations that exceed those listed in subsection (H)(5) within 7 days of the determination.
  2. A change in ownership or expansion of the planned waste footprint as soon as practicable. These events shall require the filing of a new Notice of Intent to Operate.
- K. General applicability. Landfills covered under this general permit:
  1. Are not subject to rules adopted by the Department under A.R.S. § 49-761.
  2. Are exempt from the solid waste facility plan requirements in A.R.S. §§ 49-762.03 and 49-762.04 as provided in A.R.S. § 49-762(B).
- L. For the purposes of this Section, "mining" has the definition at A.R.S. § 27-301.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 2679, effective November 9, 2014 (Supp. 14-3).

**ARTICLE 9. SOLID WASTE MANAGEMENT PLANNING****R18-13-901. Reserved****R18-13-902. Expired****Historical Note**

Section recodified from A.A.C. R18-8-402, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2983, effective September 15, 2016 (Supp. 16-3).

**ARTICLE 10. RESERVED****ARTICLE 11. COLLECTION, TRANSPORTATION, AND DISPOSAL OF HUMAN EXCRETA**

*Article 11 recodified from existing Sections in 18 A.A.C. 8, Arti-*

*cle 6 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).*

**R18-13-1101. Reserved****R18-13-1102. Definitions**

- A. "Chemical toilet" means a toilet with a watertight, impervious pail or tank that contains a chemical solution placed directly under the seat and a pipe or conduit that connects the riser to the tank.
- B. "Department" means the Department of Environmental Quality or a local health department designated by the Department.
- C. "Earth-pit privy" means a device for disposal of human excreta in a pit in the earth.
- D. "Human excreta" means human fecal and urinary discharges and includes any waste that contains this material.
- E. "License" means a stamp, seal, or numbered certificate issued by the Department.
- F. "Pail or can type privy" means a privy equipped with a watertight container, located directly under the seat for receiving deposits of human excreta, that provides for removal of a waste receptacle that can be emptied and cleaned.
- G. "Person" means the state, a municipality, district or other political subdivision, a cooperative, institution, corporation, company, firm, partnership, or individual.
- H. "Sewage" means the waste from toilets, baths, sinks, lavatories, laundries, and other plumbing fixtures in residences, institutions, public and business buildings, mobile homes, and other places of human habitation, employment, or recreation.

**Historical Note**

Recodified from R18-8-602 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4). Amended by final rulemaking at 9 A.A.R. 1356, effective June 7, 2003 (Supp. 03-2).

**R18-13-1103. General Requirements; License Fees**

- A. Any person owning or operating a vehicle or appurtenant equipment used to store, collect, transport, or dispose of sewage or human excreta that is removed from a septic tank or other onsite wastewater treatment facility; earth pit privy, pail or can type privy, or other type of privy; sewage vault; or fixed or transportable chemical toilet shall obtain a license for each vehicle from the Department. The person shall apply, in writing, on forms furnished by the Department and shall demonstrate that each vehicle is designed and constructed to meet the requirements of this Article.
- B. A person shall operate and maintain the vehicle and equipment so that a health hazard, environmental nuisance, or violation of a water quality standard established under 18 A.A.C. 11 is not created.
- C. License terms.
  1. For each vehicle newly licensed after June 30, 2012, the initial license fee shall be \$250 and shall be submitted with the license application. After initial licensure of a vehicle, the Department will renew the license annually after payment of a \$75 fee according to subsection (C)(3). The licensee shall submit the Department approved renewal form and annual license fee to the Department no later than 30 days before expiration.
  2. For those vehicles licensed before July 1, 2012, the initial license fee shall be \$75 and shall be paid within 30 days of receipt of an invoice from the Department. The license shall be valid for one year. The licensee shall submit the Department approved renewal form and the annual license fee of \$75 to the Department no later than 30 days before expiration.
  3. Each vehicle license may be renewed if:
    - a. The annual license fee is paid,

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- b. The owner or operator is in compliance with subsection (D),
  - c. The vehicle is operated by the same person for the same purpose, and
  - d. The vehicle is maintained according to this Article.
4. The license is not transferable either from person to person or from vehicle to vehicle.
  5. The license holder shall ensure that the license number is plainly and durably inscribed in contrasting colors on the side door panels of the vehicle and the rear face of the tank in figures not less than 3 inches high, and that the numbers are legible at all times.

D. Any person owning or operating a vehicle or appurtenant equipment used to collect, store, transport, or dispose of sewage or human excreta shall obtain any required permit from the local county authority in each county in which the person proposes to operate.

**Historical Note**

Recodified from R18-8-603 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 1356, effective June 7, 2003 (Supp. 03-2). Amended by final rulemaking at 18 A.A.R. 1217, effective July 1, 2012 (Supp. 12-2).

**R18-13-1104. Repealed****Historical Note**

Recodified from R18-8-604 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4). Section repealed by final rulemaking at 9 A.A.R. 1356, effective June 7, 2003 (Supp. 03-2).

**R18-13-1105. Reserved****R18-13-1106. Inspection**

The Department may inspect vehicles and appurtenant equipment used to collect, store, transport, or dispose sewage or human excreta as necessary to assure compliance with this Article.

**Historical Note**

Recodified from R18-8-606 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4). Amended by final rulemaking at 9 A.A.R. 1356, effective June 7, 2003 (Supp. 03-2).

**R18-13-1107. Reserved****R18-13-1108. Repealed****Historical Note**

Recodified from R18-8-608 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4). Section repealed by final rulemaking at 9 A.A.R. 1356, effective June 7, 2003 (Supp. 03-2).

**R18-13-1109. Reserved****R18-13-1110. Reserved****R18-13-1111. Reserved****R18-13-1112. Sanitary Requirements**

- A. A person owning or operating a vehicle or appurtenant equipment to collect, store, transport, or dispose of sewage or human excreta shall ensure that:
1. Sewage and human excreta is collected, stored, transported, and disposed of in a sanitary manner and does not endanger the public health or create an environmental nuisance;
  2. The vehicle is equipped with a leak-proof and fly-tight container that has a capacity of at least 750 gallons and all

portable containers, pumps, hoses, tools, and other implements are stored within a covered and fly-tight enclosure when not in use;

3. Contents intended for removal are transferred as quickly as possible by means of a portable fly-tight container or suction pump and hose to the transportation container.
4. The transportation container is tightly closed and made fly-tight immediately after the contents have been transferred,
5. Portable containers are kept fly-tight while being transported to and from the vehicle,
6. Any waste dropped or spilled in the process of collection is cleaned up immediately and the area disinfected;
7. The vehicle, tools, and equipment are maintained in good repair at all times and, at the end of each day's work, all portable containers, transportation containers, suction pumps, hose, and other tools are cleaned and disinfected; and
8. All wastes collected are disposed of according to the recommendations of the local county health department and that no change in the recommended method of disposal is made without its prior approval. The local county health department shall recommend disposal by one of the following methods:

- a. At a designated point into a sewage treatment facility or sewage collection system with the approval of the owner or operator of the facility or system,
- b. By burying all wastes from chemical toilets in an area approved by the local county health department, or
- c. Into a sanitary landfill with approval of the owner or operator of the landfill and following any precautions designated by the owner and operator to protect the health of the workers and the public.

B. Open dumping is prohibited except in designated areas approved by the local county health department.

**Historical Note**

Recodified from R18-8-612 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4). Amended by final rulemaking at 9 A.A.R. 1356, effective June 7, 2003 (Supp. 03-2).

**R18-13-1113. Repealed****Historical Note**

Recodified from R18-8-613 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4). Section repealed by final rulemaking at 9 A.A.R. 1356, effective June 7, 2003 (Supp. 03-2).

**R18-13-1114. Repealed****Historical Note**

Recodified from R18-8-614 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4). Section repealed by final rulemaking at 9 A.A.R. 1356, effective June 7, 2003 (Supp. 03-2).

**R18-13-1115. Repealed****Historical Note**

Recodified from R18-8-615 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4). Section repealed by final rulemaking at 9 A.A.R. 1356, effective June 7, 2003 (Supp. 03-2).

**R18-13-1116. Suspension and Revocation**

- A. If a Department inspection indicates that a licensed vehicle is not maintained and operated or work cannot be performed

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according to this Article, the Department shall notify the owner in writing of all violations noted.

- B. The Department shall give the owner a reasonable period of time to correct the violations and comply with the provisions of this Article. If the owner fails to comply within the time limit specified, the Department may suspend or revoke the vehicle license based on the number and severity of violations. The Department shall follow the provisions of A.R.S. Title 41, Chapter, Article 10 in any suspension or revocation proceeding.
- C. The Department shall consider the revocation or suspension of a permit by a local health department for violation of this Article as grounds for revocation of the vehicle license. The local health department shall immediately suspend both the vehicle license and the permit issued by the local health department for gross violation of this Article if in the opinion of the local health department a serious health hazard or environmental nuisance exists.
- D. The owner of the vehicle whose license is suspended or revoked may appeal the final administrative decision as permitted under A.R.S. § 41-1092.08.

**Historical Note**

Recodified from R18-8-616 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4). Amended by final rulemaking at 9 A.A.R. 1356, effective June 7, 2003 (Supp. 03-2).

**R18-13-1117. Reinstatement**

Upon request of the vehicle owner, the Department may reinstate a suspended or revoked vehicle license following a Department reinspection and based on an evaluation of compliance with the requirements of this Article.

**Historical Note**

Recodified from R18-8-617 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4). Amended by final rulemaking at 9 A.A.R. 1356, effective June 7, 2003 (Supp. 03-2).

**R18-13-1118. Repealed****Historical Note**

Recodified from R18-8-618 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4). Section repealed by final rulemaking at 9 A.A.R. 1356, effective June 7, 2003 (Supp. 03-2).

**R18-13-1119. Repealed****Historical Note**

Recodified from R18-8-619 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4). Section repealed by final rulemaking at 9 A.A.R. 1356, effective June 7, 2003 (Supp. 03-2).

**R18-13-1120. Repealed****Historical Note**

Recodified from R18-8-620 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4). Section repealed by final rulemaking at 9 A.A.R. 1356, effective June 7, 2003 (Supp. 03-2).

**ARTICLE 12. WASTE TIRES****R18-13-1201. Definitions**

In addition to the definitions provided in A.R.S. § 44-1301, the following definitions apply in this Article:

“Aquifer protection permit” means an authorization issued by the Department under A.R.S. § 49-241 et seq.

“Burial cell” means an area where mining waste tires are placed in or on the land for burial.

“Mining” means activities dedicated to the exploration, extraction, beneficiation, and processing, including smelting and refining, of metallic ores.

“Mining facility” means any land, building, installation, structure, equipment, device, conveyance, or area dedicated to mining.

“Mining waste tire” means an off-road tire that is greater than three feet in outside diameter that was used in mining.

“Operator” means an owner, part owner, management agency, or lessee of a mining facility, a person responsible for the overall operation or control of a mining facility, or an authorized representative of the operator.

“Person” is defined in A.R.S. § 49-201.

“Waste tire cover” means waste tires that are chopped or shredded into pieces that do not exceed four inches in diameter used for cover at a solid waste landfill.

**Historical Note**

Section recodified from A.A.C. R18-8-701, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3). Amended by final rulemaking at 7 A.A.R. 5695, effective November 27, 2001 (Supp. 01-4).

**R18-13-1202. Burial of Mining Waste Tires**

- A. The operator shall file with the Director a one-time notice within 24 hours after commencement of burial of mining waste tires consisting of a map of the mining facility that clearly identifies the locations and dimensions of each burial cell and the estimated number of mining waste tires that will be buried in each cell. The operator shall identify each burial cell using an alphabetical or numeric identifier. If a mining facility uses a new burial cell not included in the commencement of burial notice, the operator shall notify the Department within 24 hours after commencement of burial in that cell.
- B. An operator shall only permit burial of mining waste tires in areas that are, or will be, included in an aquifer protection permit issued for the mining facility. An operator shall not permit burial of mining waste tires in leach areas unless prior to burial the Department issues an aquifer protection permit covering the leach area.
- C. An operator shall not permit a burial cell to be located within 10 feet of another burial cell.
- D. An operator shall not permit the burial of mining waste tires unless the tires are waste generated at the mining facility or another mining facility of the same owner.

**Historical Note**

Section recodified from A.A.C. R18-8-702, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3). Amended by final rulemaking at 7 A.A.R. 5695, effective November 27, 2001 (Supp. 01-4).

**R18-13-1203. Cover Requirements**

- A. The operator shall cover all mining industry off-road motor vehicle waste tires buried pursuant to this Article with a minimum of 6 inches of earthen material within 50 days of placement, or sooner if necessary, to prevent vector breeding or fire.
- B. The operator shall place final cover over the off-road motor vehicle waste tires within 180 days after placement of the last tire which will be buried in a cell. The final cover shall consist of earthen material which is at least 3 feet deep or which complies with the requirements of the aquifer protection permit for the area where the burial cell is located.

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- C. The operator shall maintain final cover in compliance with this Section for as long as the mining industry off-road motor vehicle waste tires remain in the burial cell.

**Historical Note**

Section recodified from A.A.C. R18-8-703, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-13-1204. Annual Report**

By March 30 of each year, until a burial cell closure certification is filed with the Department, the operator of the mining facility shall file an annual report with the Director which documents the location of each burial cell established during the preceding calendar year, the alphabetical or numerical identifier of each burial cell, and the number of off-road motor vehicle waste tires which were placed in each burial cell for burial during the preceding calendar year. If no tires were placed in the burial cell for burial during the preceding year, the annual report shall so indicate.

**Historical Note**

Section recodified from A.A.C. R18-8-704, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-13-1205. Burial Cell Closure Certification**

An operator shall file with the Director a burial cell closure certification within 30 days after placing final cover over the mining waste tires under R18-13-1203(B). The certificate shall contain a statement by the operator that no additional tires will be buried in the burial cell and a statement by an Arizona registered engineer certifying that the cover requirements of R18-13-1203 have been met.

**Historical Note**

Section recodified from A.A.C. R18-8-705, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3). Amended by final rulemaking at 7 A.A.R. 5695, effective November 27, 2001 (Supp. 01-4).

**R18-13-1206. Storage**

At no time shall more than 500 mining industry off-road motor vehicle waste tires be stored at the mining facility outside of a burial cell unless the mining facility has Department approval to operate a waste tire collection facility, pursuant to A.R.S. §§ 44-1304 and 49-762.

**Historical Note**

Section recodified from A.A.C. R18-8-706, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-13-1207. Maintenance of Records**

For at least three years after the burial cell closure certification is filed with the Department, the mining facility operator shall maintain, at the mining facility, records which document the number of tires buried in each cell.

**Historical Note**

Section recodified from A.A.C. R18-8-707, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-13-1208. Inspections**

The Department may inspect a mining facility, during regular operating hours, to determine whether mining industry off-road motor vehicle waste tire burial is in compliance with this Article.

**Historical Note**

Section recodified from A.A.C. R18-8-708, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-13-1209. Repealed****Historical Note**

Section recodified from A.A.C. R18-8-709, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3). Section repealed by final rulemaking at 7 A.A.R. 5695, effective November 27, 2001 (Supp. 01-4).

**R18-13-1210. Waste Tire Cover**

Waste tires used as cover at a solid waste landfill shall be used according to the solid waste facility plan required by A.R.S. § 49-762. An operator shall not permit mining waste tires to be used as cover at a solid waste landfill for more than two consecutive days at a time.

**Historical Note**

Section recodified from A.A.C. R18-8-710, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3). Amended by final rulemaking at 7 A.A.R. 5695, effective November 27, 2001 (Supp. 01-4).

**R18-13-1211. Registration of New Waste Tire Collection Sites; Fee**

- A. A new waste tire collection site shall not begin operation after July 20, 2011, until the owner or operator registers with the Department. The owner or operator shall register on a form approved by the Department that includes a statement that the site is in compliance with A.R.S. § 49-762.07(F) and A.R.S. Title 44, Chapter 9, Article 8, as applicable. The owner or operator of a new waste tire collection site that begins operation after July 20, 2011, shall pay an initial registration fee of \$500 within 30 days of invoice receipt. For purposes of this Section, "new waste tire collection site" means a waste tire collection site as defined in A.R.S. § 44-1301 that did not operate as a collection site on or before July 20, 2011.
- B. The owner or operator shall pay a \$75 registration fee annually thereafter within 30 days of invoice receipt.

**Historical Note**

New Section made by final rulemaking at 18 A.A.R. 1217, effective July 1, 2012 (Supp. 12-2).

**R18-13-1212. Registration of Outdoor Used Tire Sites; Fee**

- A. A person shall not store 100 or more used tires outdoors until the person registers with the Department. A person that stores 100 or more used tires outdoors after July 20, 2011, shall pay an initial registration fee of \$500 within 30 days of invoice receipt. The person shall register on a form approved by the Department that includes a statement that the site is in compliance with A.R.S. § 49-762.07(F) and A.R.S. Title 44, Chapter 9, Article 8, as applicable.
- B. A \$75 registration fee shall be paid annually thereafter within 30 days of invoice receipt.
- C. For the purposes of this Section:
1. "Used tire" means any tire which has been used for more than one day on a motor vehicle.
  2. "Outdoors" means other than inside a building with a weatherproof roof.

**Historical Note**

New Section made by final rulemaking at 18 A.A.R. 1217, effective July 1, 2012 (Supp. 12-2).

**R18-13-1213. Facilities Subject to More Than One Tire Site Registration; Single Fee**

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A person who is required to register a tire facility under more than one of the Sections listed in subsections (1) through (3) shall register and follow procedures under each Section, but is only required to pay the registration fees under the Section with the highest fees.

1. R18-13-1211.
2. R18-13-1212.
3. R18-13-501.

**Historical Note**

New Section made by final rulemaking at 18 A.A.R. 1217, effective July 1, 2012 (Supp. 12-2).

**ARTICLE 13. SPECIAL WASTE****R18-13-1301. Definitions**

In addition to the terms prescribed in A.R.S. § 49-851, the terms in this Article shall have the following meanings:

1. "Disposal" means discharging, depositing, injecting, dumping, spilling, leaking, or placing special waste into or on land or water so that the special waste or any constituent of the special waste may enter the environment, be emitted into the air, or discharged into any waters, including groundwater.
2. "Exception report" means a report that a generator shall submit to the Director which notifies the Director that the generator has not received a copy of the special waste manifest from the primary or alternate special waste receiving facility to which the special waste was sent pursuant to the generator's instructions on the special waste manifest, or from any special waste receiving facility to which special waste was sent.
3. "Generator" means a person whose act or process onsite produces a special waste listed in, or designated pursuant to, A.R.S. §§ 49-852, 49-854, and 49-855, or whose act or process first causes such special waste to be subject to regulation.
4. "Identification number" means an alphanumeric identifier issued by the Department to each generator, special shipper, and special waste receiving facility to be used on documents, as required pursuant to this Article, in conjunction with shipment of special waste.
5. "Off-site consignment" means a generator's delivery of materials or wastes for transport off-site to a special waste receiving facility within Arizona for treatment, storage, recycling, or disposal.
6. "Off-site" means any property located within Arizona that is not onsite as defined in A.R.S. § 49-851(3).
7. "Operator" means a person who owns and controls all or part of a special waste receiving facility, or who leases, operates, or controls such facility, a person responsible for the overall operation of such a facility, a management agency, or an authorized representative.
8. "Recycling" means recycling as defined in A.R.S. § 49-831(21).
9. "Shredder residue" means waste from the shredding of motor vehicles.
10. "Significant manifest discrepancy" means a difference of more than 10% by weight for bulk shipments, any variation in a piece count for a batch delivery, or any difference in the type of special waste received as compared to the type of special waste listed on the manifest.
11. "Special waste receiving facility" means an off-site location to which special waste is sent to be treated, recycled, stored, or disposed.
12. "Special waste manifest" means a form provided by the Department, shown as Appendix B to this Article, and used to identify the origin, quantity, composition, routing, and destination of special waste during its transportation

from a generator's facility to a special waste receiving facility.

13. "Special waste shipper" means a person who transports special waste for off-site treatment, recycling, storage, or disposal.
14. "Treatment" means any method, technique, or process designed to change the physical, chemical, or biological character or composition of special waste.

**Historical Note**

Section recodified from A.A.C. R18-8-301, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3). Amended by final expedited rulemaking at 27 A.A.R. 57, with an immediate effective date of January 5, 2021 (Supp. 21-1).

**R18-13-1302. Special Waste Generator Manifesting Requirements**

- A. A generator shall request a generator identification number on a form provided by the Director, and shown as Appendix A to this Article, prior to shipping special waste. Within 30 days of receiving the completed form, the Director shall issue the identification number to the generator.
- B. Prior to off-site consignment of special waste, the generator shall do all of the following:
  1. Complete and sign the "Generator" section of a special waste manifest.
  2. Obtain the handwritten signature of the special waste shipper on the special waste manifest.
  3. Retain the generator's copy of the special waste manifest.
  4. Give the special waste manifest and the remaining attached copies to the special waste shipper or forward it to the receiving facility.
- C. Within 14 days after shipment was accepted by a special waste shipper for off-site consignment, the generator shall submit to the Director one legible copy of each special waste manifest with the generator's section completed and containing signatures of the generator and special waste shipper.
- D. If, within 35 days after the date the waste was accepted by the initial special waste shipper, the generator does not receive a completed copy of this special waste manifest with the handwritten signature of the special waste receiving facility operator, the generator shall contact the special waste shipper and the special waste receiving facility operator to determine the status of the special waste.
- E. The generator shall submit an exception report to the Director if the generator does not receive a completed, signed, legible copy of the special waste manifest within 45 days of the date the waste was accepted by the initial special waste shipper for off-site consignment. The exception report shall contain both of the following:
  1. A cover letter, signed by the generator, which explains the efforts made to locate the special waste and the results of those efforts.
  2. A legible copy of the special waste manifest which was signed by the generator and the special waste shipper and retained by the generator.
- F. The generator shall retain a legible copy of each signed special waste manifest for at least three years from the date of acceptance of a shipment of special waste for off-site consignment.
- G. If a person is required to have a manifest, shipping paper or shipping record under federal law for the special waste, the federal manifest, shipping paper, or shipping record may be used in lieu of the Arizona special waste manifest form so long as the federal manifest, shipping paper, or shipping record includes all the information required on the Arizona special waste manifest form.

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**Historical Note**

Section recodified from A.A.C. R18-8-302, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3). Amended by final expedited rulemaking at 27 A.A.R. 57, with an immediate effective date of January 5, 2021 (Supp. 21-1).

**R18-13-1303. Special Waste Shipper Manifesting Requirements**

- A. A special waste shipper who receives special waste in Arizona for transport to a special waste receiving facility in Arizona shall request a special waste shipper identification number on a form provided by the Director and shown as Appendix A to this Article. The Director shall issue an identification number within 30 days of receipt of the completed form.
- B. A special waste shipper shall:
  - 1. Accept special waste for intrastate shipment to a special waste receiving facility only if the waste is accompanied by a special waste manifest which is completed and signed in accordance with the provisions of R18-13-1302.
  - 2. Deliver the entire shipment of special waste to a special waste receiving facility as designated on the special waste manifest. If unable to deliver the special waste to the primary or alternate special waste receiving facility designated on the special waste manifest:
    - a. Return the special waste to the generator, or
    - b. Contact the generator and obtain instructions for an alternate special waste receiving facility and deliver the waste accordingly.
- C. Shipments of special waste between facilities owned by the same generator shall be exempt from the requirements of rules adopted pursuant to A.R.S. § 49-856.

**Historical Note**

Section recodified from A.A.C. R18-8-303, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3). Amended by final expedited rulemaking at 27 A.A.R. 57, with an immediate effective date of January 5, 2021 (Supp. 21-1).

**R18-13-1304. Special Waste Receiving Facility Manifesting Requirements**

- A. A special waste receiving facility shall request an identification number on a form provided by the Director, and shown as Appendix A to this Article, and obtain the number prior to receiving special waste. The Department shall issue the identification number within 30 days of receipt of the completed form.
- B. A special waste receiving facility shall receive only special waste for which it has a special waste manifest signed and dated by the generator and special waste shipper. In the "Facility" section of the special waste manifest, the operator of the special waste receiving facility shall do all of the following:
  - 1. Enter the identification number.
  - 2. Sign and date each copy of a special waste manifest to certify that the type and amount of special waste, as stated on the special waste manifest, was received.
  - 3. Indicate on the special waste manifest any significant discrepancies between the description, volume, or weight of the special waste as stated on the special waste manifest and the special waste received.
- C. After completing the "Facility" portion of the special waste manifest, the operator of the special waste receiving facility shall send one legible copy each of the signed special waste manifest to the Director and the generator within 30 days of the delivery of the special waste.

- D. Upon discovery of a significant manifest discrepancy in the special waste manifest and the special waste received, the operator of the special waste receiving facility shall:
  - 1. Contact the generator and special waste shipper to attempt to reconcile the discrepancy.
  - 2. If the discrepancy cannot be resolved within 15 days after receiving the waste, submit a letter to the Director, along with the special waste manifest within five days. The letter shall describe the significant manifest discrepancy and all attempts to reconcile it.

**Historical Note**

Section recodified from A.A.C. R18-8-304, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3). Amended by final expedited rulemaking at 27 A.A.R. 57, with an immediate effective date of January 5, 2021 (Supp. 21-1).

**R18-13-1305. Records**

All records required by this Article shall be retained for at least three years. If notification of an enforcement action by the Department has been received, the records shall be retained until a final determination has been made in the matter or in accordance with the final determination.

**Historical Note**

Section recodified from A.A.C. R18-8-305, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-13-1306. Reserved****R18-13-1307. Best Management Practices for Waste from Shredding Motor Vehicles**

- A. A generator of shredder residue shall follow sampling protocol as follows or submit to the Department for review and approval, at least two weeks prior to the sampling event, an alternative written sampling plan which is consistent with requirements set forth in "Test Methods for Evaluating Solid Waste," EPA SW-846, 3rd Edition, Volume II, Chapter Nine, Sampling Plan, Physical/Chemical Method, EPA, Office of Solid Waste and Emergency Response, Washington, D.C., September 1986, and updated November 1990, and no future editions or amendments, ("EPA Sampling Plan"), herein incorporated by reference and on file with the Department and the Office of the Secretary of State:
  - 1. Sample collection shall be done in accordance with one of the following:
    - a. Sampling procedure 1, consisting of both of the following steps:
      - i. The generator shall collect samples from a shredder residue sampling pile which shall consist of the average amount of shredder residue from eight hours of operation of the shredder. The shredder residue sampling pile shall be formed into a square shape for sampling purposes. Refer to Exhibit 1.
      - ii. One 2,000-gram sample shall be collected from each sample point as indicated in Exhibit 1. Samples from sample points A-1, B-1, and C-1 shall be collected from the top of the pile. Samples from sample points A-2, B-2, and C-2 shall be collected from the base of the pile. A sample from sample point C-3 shall be collected at the vertical midpoint at the center of the pile. The seven 2,000-gram samples shall be numbered consecutively. Three of the seven 2,000-gram samples shall then be chosen at random by selecting numbers from a calculator pro-

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- grammed to generate random numbers. The samples shall be analyzed for the constituents and at the frequencies listed in Table A of this Section.
- b. Sampling procedure 2, consisting of both of the following steps:
    - i. The generator shall collect seven 2,000-gram samples during or immediately following the normal generation of shredder residue. For each sample, shredder residue shall be collected for 8 to 12 minutes, during which a minimum of 500 pounds shall be generated. This process shall be performed seven times to create seven 500-pound amounts. Each 500-pound amount shall be formed into a square shape for sampling purposes. Refer to Exhibit 1.
    - ii. Twenty 100-gram samples shall be collected from throughout each of the seven 500-pound piles generated. Upon completion of collection, all 20 samples from each of the seven 500-pound piles shall be combined together into seven separate 2,000-gram samples and numbered consecutively. Three of the seven 2,000-gram samples shall then be chosen at random by selecting numbers from a calculator programmed to generate random numbers. The samples shall be analyzed for the constituents and at the frequencies listed in Table A of this Section.
  2. Each 2,000 grams of shredder residue collected shall include both large and small particles, in proportion to shredder residue generated. The generator shall use a container which is large enough to hold the entire amount of shredder residue collected from each sample point.
  3. The generator shall comply with requirements for sample preservation, temperature, and holding times, as set forth in the EPA Sampling Plan.
  4. Each one of the three 2,000-gram samples selected at random shall be divided into four equal 500-gram portions and a 200-gram subsample shall be taken from each of the four equal 500-gram portions. Each subsample shall then be passed through a 9.5mm screen. All particles which do not pass through the 9.5mm screen shall be hand cut until small enough to pass through the screen. All four 200-gram subsamples shall then be remixed together and redivided into four equal 200-gram portions. The following amounts shall be taken for constituent sampling:
    - a. 10-15 grams per 200-gram subsample for a total of 40-60 grams per 2,000-gram sample for Polychlorinated Biphenyls (PCB) analysis as set forth in subsection (A)(10).
    - b. 25 grams per 200-gram subsample for a total of 100 grams per sample for toxicity characteristic leaching procedure extractions for contaminants as set forth in 40 CFR 261.24, Table 1 (incorporated by reference in R18-8-261(A)), as set forth in subsection (A)(7).
    - c. 1.25 grams per 200-gram subsample for a total of 5 grams per 2,000-gram sample for extraction fluid determination.
  5. Each constituent sample shall be put into a container. Container labeling and chain-of-custody documentation shall be consistent with the requirements in the EPA Sampling Plan.
  6. The constituent samples shall be analyzed by a laboratory licensed by the Arizona Department of Health Services in accordance with A.R.S. § 36-495.
  7. Of the three samples selected at random, one sample amount required by subsection (A)(4)(b) shall be analyzed for the extractable heavy metals arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver, as set forth in 40 CFR 261.24, Table 1. The remaining two samples shall each be analyzed for extractable cadmium and lead.
  8. If the results of all three of the analyses for any extractable heavy metal in subsection (A)(7) are below the Regulatory Level of the Maximum Concentration of Contaminants for the Toxicity Characteristic as set forth in 40 CFR 261.24, Table 1, the simple arithmetic mean of the extractable cadmium and lead and the single analysis for the remaining six extractable heavy metals shall be used to determine if the sampled shredder residue will be classified as hazardous waste.
  9. If the analyses of any one of three selected samples exceeds the regulatory level as set forth in 40 CFR 261.24, Table 1, an additional subsample from the sample in question shall be subjected to confirmation analysis. If the confirmation sample analysis totals are in excess of the regulatory level as set forth in 40 CFR 261.24, Table 1, the remaining four of the original seven samples shall be analyzed for those extractable heavy metals which exceed the regulatory level as set forth in 40 CFR 261.24, Table 1. The simple arithmetic mean of the results of all seven samples shall be used to determine if the sampled shredder residue will be classified as hazardous waste.
  10. The three samples selected at random shall be analyzed for PCB concentration in the amounts required by subsection (A)(4)(a). If the samples contain concentrations of PCB less than 50 mg/kg, the simple arithmetic mean of the three samples shall be used for reporting to the Director. If any one of the three samples contains concentrations of PCB greater than 50 mg/kg, an additional subsample from the sample in question shall be subjected to confirmation analysis. If the PCB concentration for that sample exceeds 50 mg/kg, the remaining four of the original seven samples shall be analyzed for PCB, in amounts required by subsection (A)(4)(a), and the simple arithmetic mean of all the samples shall be used to determine if the sampled shredder residue will be classified as hazardous waste.
- B.** Shredder residue determined to be hazardous waste shall be managed in accordance with A.R.S. § 49-921 et seq. and R18-8-260 et seq.
- C.** The generator shall do all of the following:
1. Secure the facility to prevent unauthorized entry;
  2. Cover or otherwise manage the shredder residue pile to prevent wind dispersal;
  3. Place the shredder residue pile on a surface with a permeability coefficient equal to or less than  $1 \times 10^{-7}$  cm/s;
  4. Design, construct, operate, and maintain a run-on control system capable of preventing flow onto the waste pile during peak discharge from, at a minimum, a 25-year storm;
  5. Design, construct, operate, and maintain a run-off management system to collect and control at a minimum, the water volume resulting from a 24-hour, 25-year storm;
  6. Provide collection and holding facilities for run-on and run-off control systems, which shall have a permeability coefficient equal to or less than  $1 \times 10^{-7}$  cm/s;
  7. Record the date accumulation of shredder residue begins.

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- D. Shredder residue shall be treated, recycled, sorted, stored, or disposed at a Department-approved special waste facility approved in accordance with A.R.S. § 49-857. A facility which seeks to become a special waste facility shall submit a special waste management plan to the Department to ensure compliance with subsection (C).
- E. A generator shall not store shredder residue for longer than 90 days. A special waste facility shall not store shredder residue for longer than one year.
- F. The owner or operator of a special waste facility shall pay, to the Department, the fees required by A.R.S. §§ 49-855(C)(2) and 49-863 as follows:
1. \$1.49 per cubic yard of uncompacted shredder residue; or
  2. \$3.38 per cubic yard of compacted shredder residue received; or
  3. \$4.50 per ton; and
  4. Not more than \$45,000 per generator site per year for shredder residue that is transported to a facility regulated by the Department for treatment, storage or disposal.
- G. Shredder residue which has been determined to be nonhazardous pursuant to this Section shall be transported in accordance with the requirements for transportation of garbage as set forth in R18-13-310.

**Historical Note**

Section recodified from A.A.C. R18-8-307, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3). Amended by final rulemaking at 18 A.A.R. 1217, effective July 1, 2012 (Supp. 12-2).

**Table A. Target Analyses and Sampling Frequency**

Constituents	Frequency
* TCLP Metals	Quarterly
* TCLP Volatiles	Annually
* TCLP Semi-volatiles	Annually
Polychlorinated Biphenyls (PCB)	Quarterly

\* Toxicity Characteristic Leaching Procedure (TCLP)

**Historical Note**

Table A recodified from 18 A.A.C. 8, Article 3, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

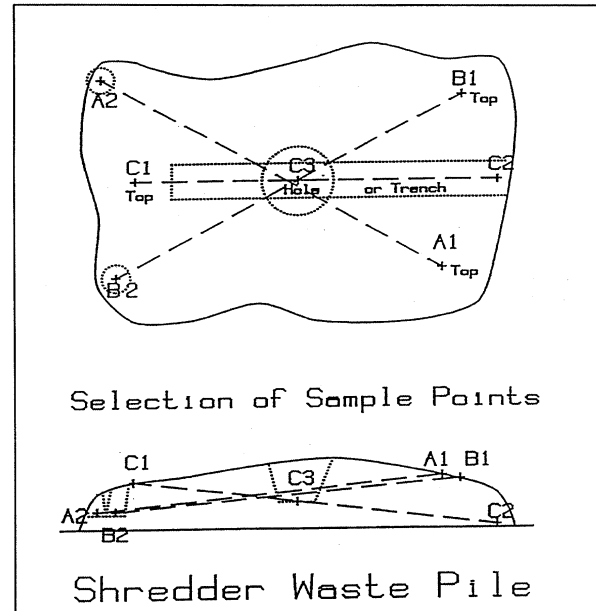
**Exhibit 1. Selection of Sample Points, Shredder Waste Pile****Historical Note**

Exhibit 1 recodified from 18 A.A.C. 8, Article 3, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).



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## Appendix A. Application for Arizona Special Waste Identification Number

Please refer to the instructions on the accompanying page before completing this form.	<h1>ADEQ</h1>	Application for Arizona Special Waste Identification Number	Date Received: (Do not write here official use only)
1. Mark Appropriate Box: <input type="checkbox"/> Generator <input type="checkbox"/> Shipper <input type="checkbox"/> Receiving Facility <input type="checkbox"/> Multiple			
2. Company/Agency Name			
3. Company/Agency Address (Physical Address, not P.O. Box or Route Number).			
4. Company/Agency Mailing Address (If different than above).			
5. Company/Agency Contact (Person to contact regarding special waste activities). Name:   Job Title: _____ Phone Number: (    ) _____			
6. Company/Agency Contact Address.			
7. Name and Address of Company's/Agency's Legal Owner.     Phone Number: (    ) _____			
Certification: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this form and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of civil penalties.			
8. Signature: _____ 9. Name and Official Title: (Type or Print) _____ 10. Date Signed: _____			
11. Please list special wastes generated, transported, stored, or received by applicant.			

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CHAPTER 13. DEPARTMENT OF ENVIRONMENTAL QUALITY - SOLID WASTE MANAGEMENT

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**Instructions for the Completion of the ADEQ Application for the Arizona Special Waste Identification Number.**

1. Place an "X" in the appropriate box indicating which type of operation you will be performing.
2. Enter the complete company/agency name.
3. Enter the complete address. Do not use P.O. Box or Route Number.
4. Enter the complete address if it is different than the address listed in item 3.
5. Enter the name, job title, and complete phone number of the person who will act as the company/agency contact.
6. Enter the complete address of the company/agency contact listed in item 5.
7. Enter the name, complete address, and phone number of the company's/agency's legal owner.
8. Enter the signature of the person who will assume the responsibility of completion of this form and its contents.
9. Enter the name and title of the responsible person listed in item 8.
10. Enter the date that the responsible person signed the document.
11. List all special wastes that the applicant generates, transports, stores, or receives.

**Historical Note**

Appendix A recodified from 18 A.A.C. 8, Article 3, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

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## Appendix B. Special Waste Manifest

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY  
SPECIAL WASTE MANIFEST

G e n e r a t o r	1. Generator's AZ ID No.		Emergency Response Notification Phone Number	
	3. Generator's Name and Mailing Address			
	Generator's Phone Number and Area Code			
	4. Transporter 1 Company Name and Mailing Address		Transporter's AZ ID No.	
			Transporter's Phone No.	
	5. Transporter 2 Company Name and Mailing Address		Transporter's AZ ID No.	
			Transporter's Phone No.	
	6. Primary Receiving Facility Name and Address (physical site location, if different)		Facility's AZ ID No.	
			Facility's Phone No.	
	7. Alternate Receiving Facility Name and Address (physical site location, if different)		Facility's AZ ID No.	
		Facility's Phone No.		
8. U.S. DOT description, (if applicable) (Non-DOT regulated materials enter shipping name, physical state and description of all contents of waste)		Containers No.	Total Quantity	Unit Wt/Vol
		Mark "X" if Haz Mat		
9. Additional information on transportation, treatment, storage, or disposal				
10. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled and are in all respects in proper condition for transport by highway according to applicable international and governmental regulations.				
				Date
Printed/Typed Name		Signature		
T r a n s p o r t	11. Transporter 1 Acknowledgment of Receipt of Materials			Date
	Printed/Typed Name		Signature	
	12. Transporter 2 Acknowledgment of Receipt of Materials			Date
	Printed/Typed Name		Signature	
F a c i l i t y	13. Discrepancy Indication Space			
	14. Facility Owner or Operator: Certification of receipt of special waste materials covered by this manifest except as noted in above item.			
	Date			
Printed/Typed Name		Signature		

## CHAPTER 13. DEPARTMENT OF ENVIRONMENTAL QUALITY - SOLID WASTE MANAGEMENT

**Instructions for the Completion of the ADEQ Special Waste Manifest**

1. Enter the generator's Arizona Identification Number in box 1.
2. Enter the Emergency Response Notification Phone Number in box 2.
3. Enter the generator's name and complete mailing address, including city, state, and zip code, along with the generator's phone number, including the area code, in box 3.
4. Enter the transporter's name, transporter's Arizona identification number, and telephone number, including the area code, in box 4.
5. Complete this box if a second transporter is to be used to transport the special waste to the receiving facility, following the instructions outlined in number 4 in box 5.
6. Enter the name, address, and physical site location of the primary special waste receiving facility. In the appropriate spaces, include the facility's Arizona identification number and the telephone number, including the area code, in box 6.
7. Enter the name, address, and physical site location of the alternate special waste receiving facility. In the appropriate spaces, include the facility's Arizona identification number and the telephone number, including the area code, in box 7.
8. Enter United States Department of Transportation description (Including proper shipping name, hazard class, and identification number, if applicable) (For all non-Department of Transportation-regulated materials, enter the proper name, physical state, and description of all contents of the waste).

Mark an "X" in this column if waste is classified as a hazardous material.

**Container Number**

Enter the number of containers being shipped for each waste.

**Total Quantity**

Numerical value representing the number of containers multiplied by the container size. Answer will be listed in pounds, gallons, or cubic yards.

**Unit weight or volume**

P - Pounds

G - Gallons

Y - Cubic Yards

9. Use this space to indicate special transportation, treatment, storage, or disposal information. Emergency response telephone numbers or similar information may be included here in box 9.
10. Print or type the generator's name followed by their signature and date in box 10.
11. Print or type the primary transporter's name followed by their signature and date in box 11.
12. Print or type the secondary transporter's name followed by their signature and date in box 12.
13. Indicate significant discrepancies in this box. Significant manifest discrepancy is defined as "a difference of more than 10% by weight for bulk shipments, any variation in a piece count for batch deliveries, or an obvious difference in a special waste type is discovered by inspection or analysis between the type or amount of a special waste designated in a special waste manifest, and the type or amount received by a special waste receiving facility" in box 13.
14. Print or type the receiving facility's owner or operator name followed by their signature and date in box 14.

**Historical Note**

Appendix B recodified from 18 A.A.C. 8, Article 3, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**ARTICLE 14. BIOHAZARDOUS MEDICAL WASTE AND DISCARDED DRUGS****R18-13-1401. Definitions**

In addition to the definitions in A.R.S. § 49-701, the following definitions apply in this Article:

1. "Alternative treatment technology" means a treatment method other than autoclaving or incineration that achieves the treatment standards described in R18-13-1415.
2. "Approved medical waste facility plan" means the document that has been approved by the Department under A.R.S. § 49-762.04, and that authorizes the operator to accept biohazardous medical waste at its solid waste facility.
3. "Autoclaving," means using a combination of heat, steam, pressure, and time to achieve sterile conditions.
4. "Biohazardous medical waste" is composed of one or more of the following:
  - a. Cultures and stocks: Discarded cultures and stocks generated in the diagnosis, treatment or immunization of a human being or animal or in any research relating to that diagnosis, treatment or immunization, or in the production or testing of biologicals.
  - b. Human blood and blood products: Discarded products and materials that are saturated and/or dripping with human blood or caked with dried human blood, including items that would release blood in a liquid or semi-liquid form if compressed or broken, and items that contain serum, plasma, and other blood components. An item would be considered caked if it could release flakes or particles when handled.
  - c. Human pathological wastes: Discarded organs, tissues, and body parts, including cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid, pericardial fluid and amniotic fluid, removed during surgery or other medical procedures, including autopsy,

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- obstetrics, or emergency care. Human pathological wastes do not include the head, spinal column, hair, nails, or teeth.
- d. Medical sharps: Discarded sharps that pose a stick hazard that have come into contact with blood, blood products, or pathological waste. Examples include hypodermic needles; scalpel blades; and needles attached to tubing or syringes.
  - e. Research animal wastes: Animal carcasses, body parts, and bedding of animals that have been infected with agents that produce, or may produce, human infection.
  - f. Tattoo and body modification waste: any waste generated during the course of physically altering a human being, including tattooing, ear piercing, or any other process where a foreign object is used to cut or pierce the skin.
  - g. Trauma scene waste: any crime scene, accident, or trauma clean-up wastes generated by individuals or commercial entities hired to clean crime scenes or accidents, such as sharps and materials that contain human blood and blood products.
5. "Biologicals" means preparations made from living organisms or their products, including vaccines, cultures, or other biological products intended for use in diagnosing, immunizing, or treating humans or animals or in research pertaining to these activities.
  6. "Biological indicator" means a representative microorganism used to evaluate treatment efficacy.
  7. "CFR" means the Code of Federal Regulations.
  8. "Chemotherapy waste" means any discarded material that has come in contact with an agent that kills or prevents the reproduction of malignant cells.
    - a. Trace contaminated chemotherapy waste includes: masks, empty drug vials, gloves, gowns, IV tubing, empty IV bags/bottles, and spill clean-up materials.
    - b. Bulk chemotherapy waste, such as full expired vials of chemotherapy drugs, is not biohazardous medical waste. Bulk chemotherapy waste may be considered hazardous wastes and must be handled according to the hazardous waste regulations if deemed a hazardous waste by the generator.
  9. "Dedicated vehicle" means a motor vehicle or trailer that is pulled by a motor vehicle used by a transporter for the purpose of transporting biohazardous medical waste in conjunction with other compatible waste according to the USDOT requirements, listed at 49 CFR 177.848, revised as of October 1, 2020, and no future editions or later amendments, is incorporated by reference in this Section and on file with ADEQ.
  10. "Department-approved facility" means a storage, transfer, treatment, or disposal facility that has undergone plan approval as described in R18-13-1410.
  11. "Discarded drug" means any prescription medicine or over-the-counter medicine used in the diagnosis, treatment, or immunization of a human being or animal, that the generator intends to abandon. The term does not include hazardous waste or controlled substances regulated by the United States Drug Enforcement Agency.
  12. "Disposal facility" means a municipal solid waste landfill that has been approved by the Department under A.R.S. § 49-762.04 to accept untreated biohazardous medical waste for disposal.
  13. "Emergency situations" include those situations where following location restrictions may result in an imminent threat to human health and the environment.
  14. "Facility plan" has the meaning given to it in A.R.S. § 49-701.
  15. "Generator" means a person whose act or process produces biohazardous medical waste, or a discarded drug, or whose act first causes medical waste or a discarded drug to become subject to regulation.
  16. "Hazardous waste" has the meaning prescribed in A.R.S. § 49-921.
  17. "Health care worker" means, with respect to R18-13-1403(B)(5), a person who provides health care services at an off-site location that is none of the following: a residence, a facility where health care is normally provided, or a facility licensed by the Arizona Department of Health Services.
  18. "Improper disposal of biohazardous medical waste" means the disposal by a person of untreated or inadequately treated biohazardous medical waste at any place that is not approved to accept untreated biohazardous medical waste.
  19. "Independent testing laboratory" means a testing laboratory independent of oversight activities by a provider of alternative treatment technology.
  20. "Medical sharps container" means a vessel that is rigid, puncture resistant, leak proof, and equipped with a cap capable of being securely closed.
  21. "Medical waste," as defined in A.R.S. § 49-701, means *"any solid waste which is generated in the diagnosis, treatment or immunization of a human being or animal or in any research relating to that diagnosis, treatment or immunization, or in the production or testing of biologicals, and includes discarded drugs but does not include hazardous waste as defined in A.R.S. § 49-921 other than conditionally exempt small quantity generator waste."*
  22. "Medical waste treatment facility" or "treatment facility" means a solid waste facility approved by the Department under A.R.S. § 49-762.04 to accept and treat biohazardous medical waste from off-site generators.
  23. "Multi-purpose vehicle" means any motor vehicle operated by a health care worker in the course of providing health care services, where the general purpose is the non-commercial transporting of people and the hauling of goods and supplies, but not solid waste. A multi-purpose vehicle is limited to hauling biohazardous medical waste generated at a location other than a hospital or clinic.
  24. "Off site" means a location that does not fall within the definition of "on site" contained in A.R.S. § 49-701.
  25. "Packaging" or "properly packaged" means the use of a container or a practice under R18-13-1407.
  26. "Putrescible waste" means waste materials capable of being decomposed rapidly by microorganisms.
  27. "Radioactive material" has the meaning under A.R.S. § 30-651.
  28. "Secure" means to lock out or otherwise restrict access to unauthorized personnel.
  29. "Spill" means either of the following:
    - a. Any release of biohazardous medical waste from its package while in the generator's storage area.
    - b. Any release of biohazardous medical waste from its package or the release of packaged biohazardous medical waste by the transporter at a place or site that is not a medical waste treatment or disposal facility.
  30. "Store" or "storage" means, in addition to the meaning under A.R.S. § 49-701, either of the following:
    - a. The temporary holding of properly packaged biohazardous medical waste by a generator in a design-

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- nated accumulation area awaiting collection by a transporter.
- b. The temporary holding of properly packaged biohazardous medical waste by a transporter or a treater at an approved medical waste storage facility or treatment facility.
31. "Technology provider" means a person that manufactures or a vendor who supplies alternative medical waste treatment technology.
  32. "Tracking document" means the written instrument that signifies acceptance of biohazardous medical waste by a transporter, or a transfer, storage, treatment, or disposal facility operator.
  33. "Transportation management plan" means the transporter's written plan consisting of both of the following:
    - a. The procedures used by the transporter to minimize the exposure to employees and the general public to biohazardous medical waste throughout the process of collecting, transporting, and handling.
    - b. The emergency procedures used by the transporter for handling spills or accidents.
  34. "Transporter" means a person engaged in the business of hauling of biohazardous medical waste from the point of generation to a Department-approved storage facility or to a Department-approved treatment or disposal facility.
  35. "Treat" or "treatment" means, with respect to the methods used to render biohazardous medical waste less infectious: incinerating, autoclaving, or using the alternative treatment technologies prescribed in this Article.
  36. "Treated medical waste" means biohazardous medical waste that has been treated and that meets the treatment standards of R18-13-1415. Treated medical waste that requires no further processing is considered solid waste.
  37. "Treater" means a person, also known as an operator, who receives solid waste facility plan approval for the purpose of operating a medical waste treatment facility to treat biohazardous medical waste that is generated off site.
  38. "Treatment certification statement" means the written document provided by either a generator who treats biohazardous medical waste on site or by a treater to inform a solid waste disposal or recycling facility that biohazardous medical waste has been treated as prescribed in this Article, and therefore is no longer subject to regulation under this Article.
  39. "Treatment standards" mean the levels of microbial inactivation, prescribed in R18-13-1415, to be achieved for a specific type of biohazardous medical waste.
  40. "USDOT" means the United States Department of Transportation.
  41. "Universal biohazard symbol" or "biohazard symbol" means a representation that conforms to the design shown in 29 CFR 1910.145(f)(8)(ii) (Office of the Federal Register, National Archives and Records Administration, July 1, 1998) and which is incorporated by reference in this rule. This incorporation does not include any later amendments or editions. Copies of the incorporated material are available for inspection at the Department of Environmental Quality and the Office of the Secretary of State.
  42. "Vehicle not dedicated to the transportation of biohazardous medical waste but which is engaged in commerce" means a motor vehicle or a trailer pulled by a motor vehicle whose primary purpose is the transporting of goods that are not solid waste or biohazardous medical waste

and that is used by a transporter for the temporary transportation of biohazardous medical waste.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3776, effective September 17, 1999 (Supp. 99-3).

Amended by final rulemaking at 27 A.A.R. 2801 (December 3, 2021), effective January 4, 2022 (Supp. 21-4).

**R18-13-1402. Applicability****A.** This Article applies to the following:

1. A generator who treats biohazardous medical waste on site, before disposing of it as treated medical waste, and to any equipment used for that purpose. Specific requirements for a generator who treats on site are prescribed in R18-13-1405.
2. A generator who contracts with a medical waste treatment facility for the purpose of treating biohazardous medical waste. Specific requirements for such a generator are prescribed in R18-13-1406.
3. A person who transports biohazardous medical waste and any motor vehicle used for that purpose.
4. A medical waste treatment facility operator, a medical waste treatment facility, and any equipment used for medical waste treatment.
5. A person who provides alternative medical waste treatment technology for the purpose of treatment, and to any technology used for treatment.
6. A person in possession of biohazardous medical waste if the waste does not meet the treatment standards in R18-13-1415.
7. An operator of a Department-approved disposal facility who accepts untreated biohazardous medical waste.
8. A person who generates medical sharps in the preparation of human remains.
9. A person who generates medical sharps in the treatment of humans or animals.
10. A generator of discarded drugs not returned to the manufacturer.

**B.** The requirements for biohazardous medical waste set out for collection do not apply to the manner in which the generator collects or handles material prior to that material becoming biohazardous medical waste.**C.** Provisions in this Article requiring placement in Department-approved facilities do not restrict the right to place materials in facilities that are out of state or in Indian Country.**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3776, effective September 17, 1999 (Supp. 99-3).

Amended by final rulemaking at 27 A.A.R. 2801 (December 3, 2021), effective January 4, 2022 (Supp. 21-4).

**R18-13-1403. Exemptions; Partial Exemptions****A.** The following persons are exempt from the requirements of this Article:

1. Law enforcement personnel handling biohazardous medical waste for law enforcement purposes.
2. A person in possession of medical waste that is regulated by a state or federal agency due to its radioactive nature.
3. A person who returns unused medical sharps to the manufacturer.
4. A household generator residing in a private, public, or semi-public residence who generates biohazardous medical waste in the administration of self care or the agent of the household generator who administers the medical

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care. This exemption does not apply to the facility in which the person resides if that facility is licensed by the Arizona Department of Health Services.

5. A generator that separates medical devices from the medical waste stream that are sent out for re-processing and returned to the generator.
  6. A person in possession of human bodies regulated by A.R.S. Title 36.
- B.** The following are conditionally exempt from the requirements of this Article:
1. A person who prepares human corpses, remains, and anatomical parts that are intended for interment or cremation. However, medical sharps must be disposed of as prescribed by this Article.
  2. A person who operates an emergency rescue vehicle, an ambulance, or a blood service collection vehicle in the course of providing medical services if the biohazardous medical waste is returned to the home facility for disposal. This facility is considered to be the point of generation for packaging, treatment, and disposal.
  3. A person who discharges liquid and semi-liquid biohazardous medical wastes, excluding cultures and stocks, to the sanitary sewer system if the operator of the wastewater sewer system and treatment facility allows, permits, authorizes, or otherwise approves of the discharges.
  4. Hazardous waste regulated by A.R.S. Title 49, Chapter 5.
  5. A health care worker who uses a multi-purpose vehicle in the conduct of routine health care business other than transporting waste is exempt from the requirements of R18-13-1409 if the health care worker complies with all of the following:
    - a. Packages the biohazardous medical waste according to R18-13-1407.
    - b. Secures the packaged biohazardous medical waste within the vehicle so as to minimize spills.
    - c. Transports the biohazardous medical waste to the place of business or to a medical waste treatment or disposal facility.
    - d. Cleans the vehicle when it shows visible signs of contamination.
    - e. Secures the vehicle to prevent unauthorized contact with the biohazardous medical waste.
  6. A person who transports biohazardous medical waste between multiple properties separated by a public thoroughfare and which is owned or operated by the same owner or governmental entity is exempt from the requirements of R18-13-1409 if the person complies with R18-13-1403(B)(5)(a) through (e).
  7. A hospital that chooses to accept medical sharps from staff physicians who generate medical sharps in a private practice is exempt from the requirement to obtain facility plan approval as long as the hospital collects medical sharps for off-site treatment or disposal.
- C.** The following are exempt from some of the requirements of this Article:
1. A generator who treats biohazardous medical waste on site and who accepts for treatment medical waste described in R18-13-1403(A)(4) is exempt from the requirement to obtain solid waste facility plan approval prescribed in R18-13-1410.
  2. A generator who self-hauls biohazardous medical waste to a Department-approved medical waste treatment, storage, transfer, or disposal facility is exempt from the requirements of R18-13-1409 if the generator complies with R18-13-1403(B)(5)(a) through (e).

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3776, effective September 17, 1999 (Supp. 99-3).  
Amended by final rulemaking at 27 A.A.R. 2801 (December 3, 2021), effective January 4, 2022 (Supp. 21-4).

**R18-13-1404. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3776, effective September 17, 1999 (Supp. 99-3).  
Repealed by final rulemaking at 27 A.A.R. 2801 (December 3, 2021), effective January 4, 2022 (Supp. 21-4).

**R18-13-1405. Biohazardous Medical Waste Treated On Site**

- A.** A person who treats biohazardous medical waste on site shall use incineration, autoclaving, or an alternative medical waste treatment method that meets the treatment standards prescribed in R18-13-1415.
- B.** A generator who uses:
1. Incineration shall follow the requirements of subsections (C), (F), (G), and (H),
  2. Autoclaving shall follow the requirements of subsections (D), (F), (G) and (H), or
  3. An alternative treatment method shall follow the requirements of subsections (E), (F), (G), and (H).
- C.** A generator who incinerates biohazardous medical waste on site shall comply with all of the following requirements:
1. Obtain a permit if required by the local or state air quality agency having jurisdiction.
  2. Reduce the biohazardous medical waste, excluding metallic items, into carbonized or mineralized ash.
  3. Determine whether incinerator ash is hazardous waste as required by hazardous waste rules promulgated under A.R.S. Title 49, Chapter 5.
  4. Dispose of the non-hazardous waste incinerator ash at a Department-approved municipal solid waste landfill.
- D.** A generator who autoclaves biohazardous medical waste on site shall comply with all of the following requirements:
1. Further process by grinding, shredding, or any other process, any recognizable animals and human tissue, organs, or body parts, to render such waste non-recognizable and ensure effective treatment.
  2. Operate the autoclave at the manufacturer's specifications appropriate for the quantity and density of the load.
  3. Keep records of operational performance levels for six months after each treatment cycle. Operational performance level recordkeeping includes all of the following:
    - a. Duration of time for each treatment cycle.
    - b. The temperature and pressure maintained in the treatment unit during each cycle.
    - c. The method used to determine treatment parameters in the manufacturer's specifications.
    - d. The method in manufacturer's specifications used to confirm microbial inactivation and the test results.
    - e. Any other operating parameters in the manufacturer's specifications for each treatment cycle.
  4. Keep records of equipment maintenance for the duration of equipment use that include the date and result of all equipment calibration and maintenance.
- E.** A generator who uses an alternative treatment method on site shall comply with all of the following requirements:
1. Use only alternative treatment methods registered under R18-13-1414.
  2. Further process by grinding, shredding, or any other process, any recognizable animals and human tissue, organs,

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or body parts, to render this waste non-recognizable and ensure effective treatment.

3. Follow the manufacturer's specifications for equipment operation.
4. Supply upon request all of the following:
  - a. The Departmental registration number for the alternative medical waste treatment technology and the type of biohazardous medical waste that the equipment is registered to treat.
  - b. The equipment specifications that include all of the following:
    - i. The operating procedures for the equipment that enable the treater to comply with the treatment standards described in this Article for the type of waste treated.
    - ii. The instructions for equipment maintenance, testing, and calibration that enable the treater to comply with the treatment standards described in this Article for the type of waste treated.
5. Maintain a training manual regarding the proper operation of the equipment.
6. Maintain a treatment record consisting of a log of the volume of medical waste treated and a schedule of calibration and maintenance performed under the manufacturer's specifications.
7. Maintain treatment records for six months after the treatment date for each load treated.
8. Maintain the equipment specifications for the duration of equipment use.

**F.** A generator shall do all of the following:

1. Package the treated medical waste according to the waste collection agency's requirements;
2. Attach to the package or container a label, placard, or tag with the following words: "This medical waste has been treated as required by the Arizona Department of Environmental Quality standards" before placing the treated medical waste out for collection as a general solid waste. The generator shall ensure that the treated medical waste meets the standards of R18-13-1415.
3. Upon request of the solid waste collection agency or municipal solid waste landfill, provide a certification that the treated medical waste meets the standards of R18-13-1415.
4. Make treatment records available for Departmental inspection upon request.

**G.** A generator of medical sharps shall handle medical sharps as prescribed in R18-13-1419.

**H.** A generator of chemotherapy waste, cultures and stocks, or animal waste shall handle that waste as prescribed in R18-13-1420.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3776, effective September 17, 1999 (Supp. 99-3).

**R18-13-1406. Biohazardous Medical Waste Transported Off Site for Treatment**

- A.** A generator of biohazardous medical waste shall cause the waste to first be packaged as prescribed in this Article and shall subsequently either self-haul or store the waste as provided under R18-13-1408 and set the waste out for collection by a properly licensed transporter under R18-13-1409.
- B.** A generator shall obtain a copy of the tracking document signed by the transporter signifying acceptance of the biohazardous medical waste. A generator shall keep a copy of the tracking document for the period required under the USDOT requirements, as listed in 49 CFR 172.201, revised as of October

1, 2020, and no future editions or later amendments, is incorporated by reference in this Section and on file with ADEQ. The tracking document shall contain all of the following information:

1. Name and address of the generator, transporter, and medical waste treatment, storage, transfer, or disposal facility, as applicable.
  2. Quantity of biohazardous medical waste collected by weight, volume, or number of containers.
  3. Identification number attached to bags or containers, as specified as by the USDOT requirements, as listed in 49 CFR 172.300 through 172.338, revised as of October 1, 2020, and no future editions or later amendments, is incorporated by reference in this Section and on file with ADEQ.
  4. Date the biohazardous medical waste is collected.
- C.** A generator of chemotherapy waste, cultures and stocks, or animal waste shall handle the waste as prescribed in R18-13-1420.
- D.** A generator of medical sharps shall handle the waste as prescribed in R18-13-1419.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3776, effective September 17, 1999 (Supp. 99-3).

Amended by final rulemaking at 27 A.A.R. 2801 (December 3, 2021), effective January 4, 2022 (Supp. 21-4).

**R18-13-1407. Non-Sharps Packaging**

- A.** A generator who sets biohazardous medical waste that does not include sharps out for collection for off-site treatment or disposal shall package the biohazardous medical waste in either of the following:

1. A red disposable plastic bag that is:
  - a. Leak resistant,
  - b. Impervious to moisture,
  - c. Of sufficient strength to prevent tearing or bursting under normal conditions of use and handling,
  - d. Sealed to prevent leakage during transport, and
  - e. Placed in a secondary container. This container shall be constructed of materials that will prevent breakage of the bag in storage and handling during collection and transportation and bear the universal biohazard symbol. The secondary container may be either disposable or reusable.
2. A reusable container that bears the universal biohazard symbol and that is:
  - a. Leak-proof on all sides and bottom, closed with a fitted lid, and constructed of smooth, easily cleanable materials that are impervious to liquids and resistant to corrosion by disinfection agents and hot water, and
  - b. Used for the storage or transport of biohazardous medical waste and cleaned after each use unless the inner surfaces of the container have been protected by disposable liners, bags, or other devices removed with the waste. "Cleaning" means agitation to remove visible particles combined with one of the following:
    - i. Exposure to hot water at a temperature of at least 180° F for a minimum of 15 seconds.
    - ii. Exposure to an EPA-approved chemical disinfectant used under established protocols and regulations.
    - iii. Any other method that the Department determines is acceptable, if the determination of



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acceptability is made in advance of the cleaning.

- B. A generator shall handle any container used for the storage or transport of biohazardous medical waste that is not capable of being cleaned as described in subsection (A)(2)(b), or that is disposable packaging, as biohazardous medical waste.
- C. A generator shall not use reusable containers described in subsection (A)(2) for any purpose other than the storage of biohazardous medical waste.
- D. A generator shall not reuse disposable packaging and liners and shall manage such items as biohazardous medical waste.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3776, effective September 17, 1999 (Supp. 99-3).  
Amended by final rulemaking at 27 A.A.R. 2801 (December 3, 2021), effective January 4, 2022 (Supp. 21-4).

**R18-13-1408. Storage**

- A. A generator may place a container of biohazardous medical waste alongside a container of solid waste if the biohazardous medical waste is identified and not allowed to co-mingle with the solid waste. The storage area shall not be used to store substances for human consumption or for medical supplies.
- B. Once biohazardous medical waste has been packaged for shipment off site, a generator shall provide a storage area for biohazardous medical waste until the waste is collected and shall comply with both of the following requirements:
  - 1. Secure the storage area in a manner that restricts access to, or contact with the biohazardous medical waste to authorized persons.
  - 2. Display the universal biohazard symbol and post warning signs worded as follows for medical waste storage areas: (in English) "CAUTION -- BIOHAZARDOUS MEDICAL WASTE STORAGE AREA -- UNAUTHORIZED PERSONS KEEP OUT" and (in Spanish) "PRECAUCION -- ZONA DE ALMACENAMIENTO DE DESPERDICIOS BIOLOGICOS PELIGROSOS -- PROHIBIDA LA ENTRADA A PERSONAS NO AUTORIZADAS."
- C. Beginning at the time the waste is set out for collection, a generator who stores biohazardous medical waste shall comply with all of the following requirements:
  - 1. Putrescible biohazardous medical waste may be kept unrefrigerated up to 72 hours if it would not otherwise cause odor detectable beyond the property line or attract vermin.
  - 2. Refrigerate at 40° F or less from hour 72 through day 90 putrescible biohazardous medical waste kept for up to 90 days.
  - 3. Nonputrescible biohazardous medical waste may be kept unrefrigerated for up to 90 days.
  - 4. Store biohazardous medical waste for 90 days or less unless the generator has obtained facility plan approval under A.R.S. § 49-762.04 and is in compliance with the design and operational requirements prescribed in R18-13-1412.
  - 5. Keep the storage area free of visible contamination.
  - 6. Protect biohazardous medical waste from contact with water, precipitation, wind, or animals. A generator shall ensure that the waste does not provide a breeding place or a food source for insects or rodents.
  - 7. Handle spills by re-packaging the biohazardous medical waste, re-labeling the containers and cleaning any soiled surface as prescribed in R18-13-1407(A)(2)(b).

- 8. Notwithstanding subsections (C)(1) and (2), a generator shall minimize the off-site migration of odors and the presence of vermin. If the Department determines that a generator has not acted or adequately addressed odors or vermin, the Department shall require the waste to be removed or refrigerated at 40° F or less.

- D. Trace chemotherapy waste shall be clearly identified as such by its label.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3776, effective September 17, 1999 (Supp. 99-3).  
Amended by final rulemaking at 27 A.A.R. 2801 (December 3, 2021), effective January 4, 2022 (Supp. 21-4).

**R18-13-1409. Transporter License; Fees; Transportation**

- A. A transporter shall obtain a transporter license from the Department as provided under subsections (B) and (C) in addition to possessing a permit, license, or approval if required by a local health department, environmental agency, or other governmental agency with jurisdiction.
- B. A transporter license is valid for five years after issuance. To renew the license, the licensee shall submit an application under subsection (B)(1) no later than 60 days prior to the license's expiration and shall pay the fee provided in subsection (B)(2). With each application submitted for approval, the applicant shall remit an initial transporter license application fee in accordance with Table 1. Fee Table - Transporter License Fees; Frequency of Application for Transporter License. This Table also lists the maximum fees that the Department will bill the applicant. All fees paid shall be payable to the state of Arizona. The Department shall deposit the fees paid into the Solid Waste Fee Fund established pursuant to A.R.S. § 49-881, unless otherwise authorized or required by law.
  - 1. To apply for or to renew a transporter license, an applicant shall submit all of the following in a Department-approved format:
    - a. The name, address, and telephone number of the transportation company or entity.
    - b. All owners' names, addresses, and telephone numbers.
    - c. All names, addresses, and telephone numbers of any agents authorized to act on behalf of the owner.
    - d. A copy of either the certificate of disclosure required by A.R.S. § 49-109 or a written acknowledgment that this disclosure is not required.
    - e. Photocopies or other evidence of the issuance of a permit, license, or approval if required by a local health department, environmental agency, or other governmental agency with jurisdiction.
    - f. A copy of the transportation management plan as defined in R18-13-1401.
    - g. A list identifying each dedicated vehicle.
    - h. The initial transporter application license fee indicated in Table 1. Fee Table - Transporter License Fees; Frequency of Application for Transporter License.
  - 2. The new or renewal application license fee shall be calculated by multiplying the hourly rate of \$122 by the number of personnel hours involved in inspecting each transporting vehicle, evaluating the application, and approving the license, which amount shall be subtracted from the initial application license fee on deposit. Any remaining surplus of the initial application license fee on deposit shall be returned to the applicant. Any cost that

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exceeds the initial application license fee on deposit shall be billed to the applicant, but shall not exceed the maximum.

3. The Department may only issue a transporter license, including a renewal, if all of the items in subsection (B)(1)(a) through (h) have been received and determined to be correct and complete, and a Department inspection of each transporting vehicle shows that the vehicle is in compliance with this Article.
- C. Transporters shall pay by the invoice due date an annual fee of \$750 for each calendar year following payment of the new or renewal application license fee and subsequent years in which a renewal application license fee is not charged and paid, such as in Table 2. Fee Table, Transporters Annual Fee.
- D. Amendments. After issuance, the licensee shall submit to the Department any change to the information listed in subsections (B)(1)(a) through (h) within 30 days of its occurrence. Vehicles may only be added to the license after a Department inspection shows that the vehicle is in compliance with this Article. Amendments adding vehicles to the license shall be processed after payment of inspection fees and other expenses at the rate listed in subsection (B)(2), except that the application fee shall be \$100 and the maximum fee \$5,000.
- E. An applicant who disagrees with the final bill received from the Department for the amendment, issuance, renewal or denial of a transporter license or vehicle inspections may make a written request to the Director for a review of the bill and may pay the bill under protest. The request for review shall specify the matters in dispute and shall be received by the Department within 10 working days of the date of receipt of the final bill.
- F. Unless the Department and applicant agree otherwise, the review shall take place within 30 days of receipt by the Department of the request. The Director shall make a final decision as to whether the time and costs billed are correct and reasonable. The final decision shall be mailed to the applicant within 10 working days after the date of the review and is subject to appeal pursuant to A.R.S. §§ 41-1092 through 1092.12.
- G. A person who transports biohazardous medical waste shall maintain in each transporting vehicle at all times a transportation management plan.
- H. A transporter who accepts biohazardous medical waste from a generator shall transmit electronically or leave a physical copy of the tracking document described in R18-13-1406(B) with the person from whom the waste is accepted. A transporter shall ensure that a copy of the tracking document accompanies the person who has physical possession of the biohazardous medical waste. Upon delivery to a Department-approved transfer, storage, treatment, or disposal facility, the transporter shall obtain a copy of the tracking document, signed by a person representing the receiving facility, signifying acceptance of the biohazardous medical waste.
- I. A transporter who transports biohazardous medical waste in a dedicated vehicle shall ensure that the cargo box, trailer, or compartment can be secured to limit access to authorized persons at all times except during loading and unloading. In addition, the cargo box, trailer, or compartment shall be constructed in compliance with one of the following:
  1. Have a fully enclosed, leak-proof cargo compartment consisting of a floor, sides, and a roof that are made of a non-porous material impervious to biohazardous medical waste and physically separated from the driver's compartment.
  2. Haul a fully enclosed, leak-proof cargo box made of a non-porous material impervious to biohazardous medical waste.
  3. Tow a fully enclosed leak-proof trailer made of a non-porous material impervious to biohazardous medical waste.
- J. A person who transports biohazardous medical waste in a vehicle not dedicated to the transportation of biohazardous medical waste, but that is used at least once weekly for a month shall comply with the following:
  1. Subsections (A) and (G) through (K).
  2. Clean the vehicle as prescribed in R18-13-1407(A)(2)(b) before it is used for another purpose.
- K. A transporter of biohazardous medical waste shall comply with all of the following:
  1. Accept only biohazardous medical waste packaged as prescribed in R18-13-1407.
  2. Accept biohazardous medical waste only after providing the generator with a signed tracking document as prescribed in R18-13-1406(B), and keep a copy of the tracking document for the period required under the USDOT requirements, as listed in 49 CFR 172.201.
  3. Deliver biohazardous medical waste to a Department-approved biohazardous medical waste storage, transfer, treatment, or disposal facility within the following timeframes:
    - a. 72 hours of collection, if putrescible and unrefrigerated; or
    - b. 90 days of collection, if putrescible and refrigerated at 40° F or less from hour 72 through day 90; or
    - c. 90 days of collection, if nonputrescible and unrefrigerated.
  4. Not hold biohazardous medical waste longer than specified under subsection (K)(3) unless the vehicle is parked at a Department-approved facility.
  5. Except in emergency situations, not unload, reload, or transfer the biohazardous medical waste to another vehicle in any location other than a Department-approved facility. Combination vehicles or trailers may be uncoupled and coupled to another cargo vehicle or truck trailer as long as the biohazardous medical waste is not removed from the cargo compartment.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3776, effective September 17, 1999 (Supp. 99-3).  
 Amended by final rulemaking at 18 A.A.R. 1217, effective July 1, 2012 (Supp. 12-2). Amended by final rulemaking at 27 A.A.R. 2801 (December 3, 2021), effective January 4, 2022 (Supp. 21-4).

**Table 1. Fee Table - Transporter License Fees; Frequency of Application for Transporter License****Transporter License Fees**

	Initial	Maximum
New Application	\$2,000	\$20,000
Renewal Application	\$2,000	\$20,000
Amendment Application	\$100	\$5,000

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**Frequency of Application for Transporter License**

Year	Type of Application	Frequency
1	New	Once
6, 11, 16, etc.	Renewal	Every 5th Year

**Historical Note**

Table 1. Fee Table, Transporter License Fees; Frequency of Application for Transporter License Fees made by final rulemaking at 27 A.A.R. 2801 (December 3, 2021), effective January 4, 2022 (Supp. 21-4).

**Table 2. Fee Table - Transporter Annual Fee**

Years	Amount
2, 3, 4, 5, 7, 8, 9, 10, etc.	\$750

**Historical Note**

Table 2. Fee Table, Transporter Annual Fee made by final rulemaking at 27 A.A.R. 2801 (December 3, 2021), effective January 4, 2022 (Supp. 21-4).

**R18-13-1410. Storage, Transfer, Treatment, and Disposal Facilities; Facility Plan Approval**

- A. A person shall obtain solid waste facility plan approval from the Department as prescribed in A.R.S. § 49-762.04 to construct any facility that will be used to store, transfer, treat, or dispose of biohazardous medical waste that was generated off site. Plan approval shall be obtained before starting construction of the medical waste treatment or disposal facility. This requirement also applies to solid waste facilities for which an operator self-certifies under A.R.S. § 49-762.05, if the facility also will receive biohazardous medical waste.
- B. If an air quality permit is required for the facility under A.R.S. Title 49, Chapter 3, the person shall include evidence of that air quality permit, or evidence of an air quality permit application with the application for solid waste facility plan approval.
- C. A person applying for facility plan approval shall ensure that the plan contains information demonstrating how the plan will comply with this Article.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3776, effective September 17, 1999 (Supp. 99-3).

**R18-13-1411. Storage and Transfer Facilities; Design and Operation**

An operator of a storage facility or transfer facility shall comply with all of the following design and operation requirements:

1. Design the facility so that biohazardous medical waste is always handled and stored separately from other types of solid waste if accepted at the facility.
2. Display prominently the universal biohazard symbol as prescribed in R18-13-1401.
3. Construct the storage area from smooth, easily cleanable non-porous material that is impervious to liquids and resistant to corrosion by disinfecting agents and hot water.
4. Protect biohazardous medical waste from contact with water, precipitation, wind, or animals.
5. Specify in the application for facility plan approval the maximum storage time that biohazardous medical waste will remain at the facility. If putrescible biohazardous medical waste will be stored for more than 72 hours, the operator shall equip the facility with a refrigerator to refrigerate putrescible biohazardous medical waste. The operator of the facility shall maintain the temperature in the refrigerator at 40° F or less.
6. Accept biohazardous medical waste only if it is accompanied by the tracking document. The operator shall sign the tracking document and keep a copy of the acceptance documentation for the period required under the USDOT requirements, as listed in 49 CFR 172.201.

7. Accept biohazardous medical waste if it is packaged as described in R18-13-1407. If a biohazardous medical waste container is damaged or leaking, improperly labeled, or otherwise unacceptable, a transfer facility operator shall do one of the following:
  - a. Reject the waste and return it to the transporter or self-hauling generator.
  - b. Accept the waste and immediately repackage it as prescribed in R18-13-1407(A).
8. Clean the storage area daily. "Clean" means to remove visible particles combined with one of the following:
  - a. Exposure to hot water at a temperature of at least 180° F for a minimum of 15 seconds.
  - b. Exposure to an EPA-approved chemical disinfectant used under established protocols and regulations.
  - c. Any other method that the Department determines is acceptable, if the determination of acceptability is made in advance of the cleaning.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3776, effective September 17, 1999 (Supp. 99-3).  
Amended by final rulemaking at 27 A.A.R. 2801 (December 3, 2021), effective January 4, 2022 (Supp. 21-4).

**R18-13-1412. Treatment Facilities; Application Requirements; Design and Operation**

- A. An operator who applies for facility plan approval shall comply with subsections (A)(1) and (2) as well as all of the requirements in subsections (B)(1) through (11):
  1. Submit to the Department the following documentation:
    - a. Equipment specifications that identify the proper type of medical waste to be treated in the equipment and any design or equipment restrictions.
    - b. Manufacturer's specifications and operating procedures for the equipment that describe the type and volume of waste to be treated, monitoring data of the treatment process, and calibration and testing of the equipment, providing specific details about the capability of the equipment to achieve the treatment standards prescribed in R18-13-1415.
    - c. Instructions for equipment maintenance, testing, and calibration that ensure the equipment achieves the treatment standards prescribed in R18-13-1415.
    - d. Training manual for the equipment.
    - e. Written certification from the manufacturer stating that the equipment, when operated properly, is capable of achieving the treatment standards prescribed in R18-13-1415.

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2. Submit to the Department and have readily available at the facility, an operations procedure manual describing how the waste will be handled from the time it is accepted by the treater through the treatment process and final disposition of the treated waste. The operations procedure manual shall include all of the following:
  - a. Provisions for treating biohazardous medical waste within 72 hours of receipt or refrigerating at 40° F or less upon determination that treatment or disposal will not occur within 72 hours. Nonputrescible biohazardous medical waste that is not immediately treated may be stored for up to 90 days unrefrigerated.
  - b. A contingency plan if the treatment equipment is out of service for an extended period of time. The plan shall address the manner and length of time for storage of the waste. An operator shall not store biohazardous medical waste more than 90 days. The plan shall be based on the capacity of the treatment equipment to treat all waste at the facility, including any backlog of stored waste and any new waste intake. If the 90-day time-frame will be exceeded, the operator shall either stop accepting waste until the backlog is treated, or contract with another treatment facility for treating the waste.
  - c. Procedures for handling hazardous chemicals, radioactive waste, and chemotherapy waste. The plan shall provide for scanning biohazardous medical waste with a Geiger counter and handling waste that measures above background level in a manner that complies with state and federal law.
- B.** An operator of a Department-approved facility shall comply with all of the following:
  1. Have readily accessible written procedures stating that biohazardous medical waste is to be accepted from a transporter only if the waste is accompanied by a tracking document, and written procedures that require compliance with both of the following:
    - a. The treater or the treater's authorized agent shall sign the tracking document and keep a copy of the acceptance documentation for the period required under the USDOT requirements, as listed in 49 CFR 172.201.
    - b. If a biohazardous medical waste container is damaged or leaking, improperly labeled, or otherwise unacceptable, a treater shall do one of the following:
      - i. Reject the waste and return it to the transporter or self-hauling generator.
      - ii. Accept the waste and transfer it directly from the transporting vehicle to the treatment processing unit.
      - iii. If the waste will not be treated immediately, repackage the waste for storage.
  2. Assure that the facility is designed to meet both of the following requirements:
    - a. Any floor or wall surface in the processing area of the facility which may come into contact with biohazardous medical waste is constructed of a smooth, easily cleanable non-porous material that is impervious to liquids.
    - b. The floor surface in the treatment and storage area either has a curb of sufficient height to contain spills or slopes to a drain that connects to an approved sanitary sewage system, septic tank system, or collection device.
  3. Store biohazardous medical waste as required in R18-13-1408.
  4. Comply with all of the following if the treatment method is incineration:
    - a. Reduce the incinerated medical waste, excluding metallic items, into carbonized or mineralized ash by incineration.
    - b. Determine whether the ash is hazardous waste as required under R18-8-262.
  5. Conduct any autoclaving according to the manufacturer's specifications for the unit.
  6. Use only alternative medical waste treatment methods that achieve the treatment standards in R18-13-1415(A).
  7. Treat animal waste, chemotherapy waste, and cultures and stocks as prescribed in R18-13-1420.
  8. Render medical sharps incapable of creating a stick hazard by using an encapsulation agent or any other process that prevents a stick hazard.
  9. Keep records of equipment maintenance and operational performance levels for three years. The records shall include the date and result of all equipment calibration and maintenance. Operational performance level records shall indicate the duration of time for each treatment cycle and:
    - a. For steam treatment and microwaving treatment records, both the temperature and pressure maintained in the treatment unit during each cycle and the method used for confirmation of temperature and pressure.
    - b. For chemical treatment, a description of the solution used.
    - c. For incineration, the temperature is maintained in the treatment unit during operation.
    - d. Any other operating parameters in the manufacturer's specifications.
    - e. A description of the treatment method used and a copy of the maintenance test results.
  10. Not open a sealed biohazardous medical waste container prior to treatment unless opening the container is required to treat the contents. Transfer of the entire contents, when performed as part of the treatment process, is permitted.
  11. Clean the storage and treatment areas as necessary to protect the public health and employee health and safety.
- C.** The treater shall make treatment records available for Departmental inspection upon request.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3776, effective September 17, 1999 (Supp. 99-3).  
 Amended by final rulemaking at 27 A.A.R. 2801 (December 3, 2021), effective January 4, 2022 (Supp. 21-4).

**R18-13-1413. Changes to Approved Medical Waste Facility Plans**

- A.** As required by A.R.S. § 49-762.06, before making any change to an approved facility plan, a facility owner or operator shall submit a notice to the Department stating the type of change requested, including but not limited to:
1. A Type I change to an approved medical waste facility plan is a change not described in subsections (A)(2), (3), or (4).
  2. A Type II change to an approved medical waste facility plan is a change in which treatment equipment is replaced with equal or like equipment, resulting in either no increase to treatment capacity or the addition of equipment that is not directly used in the treatment process.

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3. A Type III change to an approved medical waste facility plan is a change described by one of the following:
  - a. Treatment equipment is added, resulting in less than a 25% increase in treatment capacity.
  - b. The storage area is enlarged resulting in less than a 25% increase in storage capacity.
  - c. Treatment technology is changed.
4. A Type IV change to an approved medical waste facility plan is a change described by one of the following:
  - a. Treatment equipment is added, resulting in a 25% or more increase in treatment capacity.
  - b. The storage area is enlarged resulting in a 25% or more increase in storage capacity.
  - c. Treatment equipment is added that requires an environmental permit.
  - d. An expansion of the treatment facility onto land not previously described in the approved plan.
- B. As required by A.R.S. § 49-762.06, a treatment facility operator who has identified a change under subsection (A) shall comply with one of the following:
  1. For a Type I change, make the change without notice to, or approval by the Department.
  2. For a Type II change, before making any change, provide written notification that describes the change to the Department. The addition of refrigeration units only for compliance with this Article is a Type II change for which no Departmental approval is required.
  3. For a Type III or Type IV change, submit an amended plan to the Department for approval before making any change. Departmental approval is required prior to making any change.
- C. An owner or operator of an existing municipal solid waste landfill who intends to accept untreated biohazardous medical waste shall submit a notice of a Type III change and an amended facility plan.
8. The manufacturer's equipment specifications for the alternative medical waste treatment method being registered, including all of the following:
  - a. Unit model number, or serial number.
  - b. Equipment specifications that identify the proper type of biohazardous medical waste to be treated by the equipment and any design or equipment restrictions.
  - c. Operating procedures for the equipment that ensure the equipment complies with the treatment standards prescribed in this Article for the type of waste treated.
  - d. Instructions for equipment maintenance, testing, and calibration that ensure the equipment complies with the treatment standards prescribed in this Article for the type of waste treated.
9. Written documentation of registration if required by A.R.S. § 3-351.
- B. The Department shall make a determination whether to approve the registration application. If the Department approves the application, it shall issue to the applicant a certification of registration containing an alternative medical waste treatment method registration number. Only an alternative technology method with a valid Department issued registration number meets the requirements of this Article.
- C. If documentation of Departmental registration is not on file with a generator utilizing alternative medical waste treatment technology, the Department shall classify biohazardous medical waste treated using the unregistered alternative treatment technology as untreated biohazardous medical waste.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R.

3776, effective September 17, 1999 (Supp. 99-3).

Amended by final rulemaking at 27 A.A.R. 2801

(December 3, 2021), effective January 4, 2022 (Supp. 21-4).

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R.

3776, effective September 17, 1999 (Supp. 99-3).

Amended by final rulemaking at 27 A.A.R. 2801

(December 3, 2021), effective January 4, 2022 (Supp. 21-4).

**R18-13-1414. Alternative Medical Waste Treatment Methods: Registration and Equipment Specifications**

- A. A manufacturer or its agent who applies for alternative medical waste treatment method registration shall submit to the Department all of the following:
  1. The manufacturer or company name and address.
  2. The name, address, and telephone number of the person who submits the application.
  3. A description of the alternative medical waste treatment method.
  4. A list of any other states in which the treatment method is used, including a copy of any state approvals.
  5. A description of by-products generated as result of the alternative treatment method.
  6. A certification statement that the contents of the application are true and accurate to the knowledge and belief of the applicant.
  7. Written documentation demonstrating that the alternative medical waste treatment method is capable of compliance with the treatment standards in this Article for the type of waste treated. The manufacturer shall employ a laboratory independent of any oversight activities by the manufacturer to provide this analysis.
- B. A treater utilizing an alternative treatment method shall conduct efficacy studies to demonstrate that the treatment mechanisms are capable of achieving the standards in subsection (A) through either of the following:
  1. Mycobacterial species used as indicators of vegetative microorganisms:
    - a. *Mycobacterium phlei*, or
    - b. *Mycobacterium bovis* (BOG) (ATCC 35743)
  2. Spore suspensions of one of the following two bacterial species, as appropriate to the technology, used as biological indicators in efficacy tests of thermal, chemical, and irradiation treatment systems. Studies shall demonstrate a 4 log<sub>10</sub> reduction in the concentration of viable spores, through the use of an initial inoculum suspension of 5 log<sub>10</sub> or greater of:
    - a. *Bacillus stearothermophilus* (ATCC 7953), or
    - b. *Bacillus subtilis* (ATCC 19659).
- C. A treater utilizing an alternative treatment method shall quantify microbial inactivation as follows:

**R18-13-1415. Treatment Standards, Quantification of Microbial Inactivation and Efficacy Testing Protocols**

- A. A treater using an alternative treatment technology shall ensure that treatment achieves either of the following treatment standards:
  1. A 6 log<sub>10</sub> inactivation in the concentration of vegetative microorganisms.
  2. A 4 log<sub>10</sub> inactivation in the concentration of *Bacillus stearothermophilus* or *Bacillus subtilis* as is appropriate to the technology.
- B. A treater utilizing an alternative treatment method shall conduct efficacy studies to demonstrate that the treatment mechanisms are capable of achieving the standards in subsection (A) through either of the following:
  1. Mycobacterial species used as indicators of vegetative microorganisms:
    - a. *Mycobacterium phlei*, or
    - b. *Mycobacterium bovis* (BOG) (ATCC 35743)
  2. Spore suspensions of one of the following two bacterial species, as appropriate to the technology, used as biological indicators in efficacy tests of thermal, chemical, and irradiation treatment systems. Studies shall demonstrate a 4 log<sub>10</sub> reduction in the concentration of viable spores, through the use of an initial inoculum suspension of 5 log<sub>10</sub> or greater of:
    - a. *Bacillus stearothermophilus* (ATCC 7953), or
    - b. *Bacillus subtilis* (ATCC 19659).
- C. A treater utilizing an alternative treatment method shall quantify microbial inactivation as follows:

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1. Microbial inactivation, or “kill” efficacy is equated to “Log<sub>10</sub> Kill” that is defined as the difference between the logarithms of the number of viable test microorganisms before and after treatment. This definition is stated as:  

$$\text{Log}_{10}\text{Kill} = \text{Log}_{10}(\text{cfu/g "I"}) - \text{Log}_{10}(\text{cfu/g "R"})$$
 where:  
 Log<sub>10</sub>Kill is equivalent to the term Log<sub>10</sub> reduction,  
 “I” is the number of viable test microorganisms introduced into the treatment unit,  
 “R” is the number of viable test microorganisms recovered from the treatment unit, and  
 “cfu/g” are colony forming units per gram of waste solids.
2. For those treatment processes that can maintain the integrity of the biological indicator carrier of the desired microbiological test strain, biological indicators of the required strain and concentration may be used to demonstrate microbial inactivation. Quantification is evaluated by growth or no growth of the cultured biological indicator.
3. For those treatment mechanisms that cannot ensure or provide integrity of the biological indicator, quantitative measurement of microbial inactivation requires a two-step approach: Step 1 “Control” and Step 2 “Test”. The purpose of Step 1 is to account for the reduction of test microorganisms due to loss by dilution or physical entrapment.
  - a. Step 1:
    - i. Use microbial cultures of a predetermined concentration necessary to ensure a sufficient microbial recovery at the end of this step.
    - ii. Add suspension to a standardized medical waste load that is to be processed under normal operating conditions without the addition of the treatment agent (that is, heat, chemicals).
    - iii. Collect and wash waste samples after processing to recover the biological indicator organisms in the sample.
    - iv. Plate the recovered microorganism suspensions to quantify microbial recovery. The number of viable microorganisms recovered serves as a baseline quantity for comparison to the number of recovered microorganisms from wastes processed with the treatment agent.
    - v. The required number of recovered viable indicator microorganisms from Step 1 must be equal to or greater than the number of microorganisms required to demonstrate the prescribed Log reduction, either a 6 Log<sub>10</sub> reduction for vegetative microorganisms or a 4 Log<sub>10</sub> reduction for bacterial spores. This can be defined by the following equation:  

$$\text{Log}_{10}\text{RC} = \text{Log}_{10}\text{IC} - \text{Log}_{10}\text{NR}$$
 or  

$$\text{Log}_{10}\text{NR} = \text{Log}_{10}\text{IC} - \text{Log}_{10}\text{RC}$$
 where:  
 Log<sub>10</sub>RC is greater than 6 for vegetative microorganisms and greater than 4 for bacterial spores and where:  
 Log<sub>10</sub>RC is the number of viable “control” microorganisms in colony forming units per gram of waste solids recovered in the non-treated, processed waste residue;  
 Log<sub>10</sub>IC is the number of viable “control” microorganisms in colony forming units per gram of waste solids introduced into the treatment unit;
  - b. Step 2:
    - i. Use microbial cultures of the same concentration as in Step 1.
    - ii. Add suspension to the standardized medical waste load that is to be processed under normal operating conditions with the addition of the treatment agent.
    - iii. Collect and wash waste samples after processing to recover the biological indicator organisms in the sample.
    - iv. Plate recovered microorganism suspensions to quantify microbial recovery.
    - v. From data collected from Step 1 and Step 2, the level of microbial inactivation, “Log<sub>10</sub> Kill”, is calculated by employing the following equation:  

$$\text{Log}_{10}\text{Kill} = \text{Log}_{10}\text{IT} - \text{Log}_{10}\text{NR} - \text{Log}_{10}\text{RT}$$
 where:  
 Log<sub>10</sub>Kill is equivalent to the term Log<sub>10</sub> reduction;  
 Log<sub>10</sub>IT is the number of viable “Test” microorganisms in colony forming units per gram of waste solids introduced into the treatment unit.  

$$\text{Log}_{10}\text{IT} = \text{Log}_{10}\text{IC};$$
 Log<sub>10</sub>NR is the number of “Control” microorganisms in colony forming units per gram of waste solids which were not recovered in the non-treated, processed waste residue;  
 Log<sub>10</sub>RT is the number of viable “Test” microorganisms in colony forming units per gram of waste solids recovered in treated, processed waste residue.
- D. A treater shall employ the appropriate methodology to determine efficacy of the treatment technology following the protocols in subsection (C) that are congruent with the treatment method.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R.

3776, effective September 17, 1999 (Supp. 99-3).

Amended by final rulemaking at 27 A.A.R. 2801

(December 3, 2021), effective January 4, 2022 (Supp. 21-4).

**R18-13-1416. Recycled Materials**

- A. Once a generator places biohazardous medical waste in a red bag as required in R18-13-1407, a person shall not remove any of the biohazardous medical waste from the bag until the biohazardous medical waste has been treated as required in R18-13-1415.
- B. A generator of biohazardous medical waste intending to recycle any portion of the biohazardous medical waste shall segregate that portion of biohazardous medical waste from the portion of biohazardous medical waste that will not be recycled. The generator shall do either of the following:
  1. Treat the biohazardous medical waste intended for recycling as required in R18-13-1415 before sending the treated medical waste to a recycler.

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2. Follow the requirements in R18-13-1406, R18-13-1407, and R18-13-1408, before either contracting with a transporter to haul or self-hauling the biohazardous medical waste to a treatment facility for treatment. After treatment, the treated medical waste may be sent to a recycler.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3776, effective September 17, 1999 (Supp. 99-3).

**R18-13-1417. Disposal Facilities: Design and Operation**

An operator of a municipal solid waste landfill that accepts untreated biohazardous medical waste shall comply with all of the following in design and operational requirements:

1. Accept biohazardous medical waste only if packaged according to R18-13-1407.
2. Keep the biohazardous medical waste disposal area separate from the general purpose disposal area.
3. Clearly label the biohazardous medical waste disposal area, informing persons that the disposal area contains untreated medical waste.
4. Not drive directly over deposited medical waste. The operator shall achieve compaction by first spreading a layer of soil that is sufficiently thick to prevent compaction equipment from coming into direct contact with the waste, or dragging waste over the area.
5. Cover the biohazardous medical waste with 6 inches of compacted soil at the end of the working day or more often as necessary to prevent vector breeding and odors.
6. Not allow salvaging of untreated biohazardous medical waste from the landfill.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3776, effective September 17, 1999 (Supp. 99-3).

Amended by final rulemaking at 27 A.A.R. 2801 (December 3, 2021), effective January 4, 2022 (Supp. 21-4).

**R18-13-1418. Discarded Drugs**

Discarded drugs that are not hazardous waste, not returned to the manufacturer, and not segregated and labeled on site for transport to a treatment facility shall be destroyed on site by the generator of such drugs by any method that prevents the drugs' use prior to placing the waste out for collection. If federal or state law prescribes a specific method for destruction of discarded drugs, the generator shall comply with that law.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3776, effective September 17, 1999 (Supp. 99-3).

Amended by final rulemaking at 27 A.A.R. 2801 (December 3, 2021), effective January 4, 2022 (Supp. 21-4).

**R18-13-1419. Medical Sharps**

A. Medical sharps shall be handled as follows:

1. A generator who treats biohazardous medical waste on site shall place medical sharps in a sharps container after rendering them incapable of creating a stick hazard by using an encapsulation agent or any other process that prevents a stick hazard. Medical sharps encapsulated or processed in this manner are considered to be solid waste.
2. A generator who ships biohazardous medical waste off site for treatment shall either:
  - a. Place medical sharps in a medical sharps container and follow the requirements of R18-13-1406, or
  - b. Package and send medical sharps to a treatment facility via a mail-back system as prescribed by the

instructions provided by the mail-back system operator. The generator shall retain proof of shipping.

- B. Notwithstanding subsections (A)(1) and (2), the following syringes do not have to be placed in a medical sharps container:
  1. Syringes that have never had a needle (sharp) attached.
  2. Syringes where a needle or sharp had been attached and has been separated from the syringe so that no stick or puncture hazard remains with the syringe.
- C. Syringes that are exempted by subsections (B)(1) and (2) from being placed in a medical sharps container are not biohazardous medical waste, and may be treated as a solid waste, if they are not composed of biohazardous items listed in R18-13-1401(4) and do not contain discarded drugs or another regulated substance.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3776, effective September 17, 1999 (Supp. 99-3).

Amended by final rulemaking at 27 A.A.R. 2801 (December 3, 2021), effective January 4, 2022 (Supp. 21-4).

**R18-13-1420. Additional Handling Requirements for Certain Wastes**

A. A person who treats the following biohazardous medical waste categories shall meet the following additional requirements:

1. Cultures and stocks shall be incinerated, autoclaved, or treated by an alternative medical waste treatment method that meets the treatment standards set forth in R18-13-1415(A). If cultures and stocks are shipped off site for treatment or disposal, they shall be packaged inside a watertight primary container with absorbent packing materials. The primary container shall be placed inside a watertight secondary inner container that is then placed inside an outer container with sufficient cushioning material to prevent shifting between the secondary inner container and the outer container. If federal or state law prescribes specific requirements for packaging and transporting this waste, the treater shall comply with that law.
2. Trace chemotherapy waste shall be incinerated or disposed of in either an approved solid waste or hazardous waste disposal facility.
3. Experimental or research animal waste shall be handled as follows:
  - a. Autoclave bedding on site or package as described in R18-13-1407 for off-site treatment or landfilling.
  - b. Incinerate animal carcasses on site, or if taken off site for treatment, comply with one of the following requirements:
    - i. Package the waste in a leakproof, covered container, label the contents and send to an incinerator or a Department-approved landfill, or
    - ii. If treated by a method other than incineration, pre-process by grinding, then treat by a method that achieves the standards of R18-13-1415(A).

- B. If a treater uses grinding in combination with another treatment method described in this Article, the treater shall conduct it in a closed system to prevent humans from being exposed to the release of the waste into the environment. If grinding is used for medical sharps, the grinding shall render the medical sharps incapable of creating a stick hazard.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3776, effective September 17, 1999 (Supp. 99-3).

Amended by final rulemaking at 27 A.A.R. 2801

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(December 3, 2021), effective January 4, 2022 (Supp. 21-4).

**ARTICLE 15. RECODIFIED**

*Editor's Note: The recodification at 7 A.A.R. 2522 described below erroneously moved Sections into 18 A.A.C. 9, Article 9. Those Sections were actually recodified to 18 A.A.C. 9, Article 10. See the Historical Notes for more information (Supp. 01-4).*

*Article 15, consisting of Sections R18-13-1501 through R18-13-1514 and Appendix A, recodified to 18 A.A.C. 9, Article 9 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2).*

**R18-13-1501. Recodified****Historical Note**

Adopted effective April 23, 1996 (Supp. 96-2). Section recodified to R18-9-902 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Previous note correction: Section actually recodified to R18-9-1002 (Supp. 01-4).

**R18-13-1502. Recodified****Historical Note**

Adopted effective April 23, 1996 (Supp. 96-2). Section recodified to R18-9-901 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Previous note correction: Section actually recodified to R18-9-1001 (Supp. 01-4).

**R18-13-1503. Recodified****Historical Note**

Adopted effective April 23, 1996 (Supp. 96-2). Section recodified to R18-9-903 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Previous note correction: Section actually recodified to R18-9-1003 (Supp. 01-4).

**R18-13-1504. Recodified****Historical Note**

Adopted effective April 23, 1996 (Supp. 96-2). Section recodified to R18-9-904 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Previous note correction: Section actually recodified to R18-9-1004 (Supp. 01-4).

**R18-13-1505. Recodified****Historical Note**

Adopted effective April 23, 1996 (Supp. 96-2). Section recodified to R18-9-905 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Previous note correction: Section actually recodified to R18-9-1005 (Supp. 01-4).

**R18-13-1506. Recodified****Historical Note**

Adopted effective April 23, 1996 (Supp. 96-2). Section recodified to R18-9-906 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Previous note correction: Section actually recodified to R18-9-1006 (Supp. 01-4).

**R18-13-1507. Recodified****Historical Note**

Adopted effective April 23, 1996 (Supp. 96-2). Section recodified to R18-9-907 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Previous note correction: Section actually recodified to R18-9-1007 (Supp. 01-4).

**R18-13-1508. Recodified****Historical Note**

Adopted effective April 23, 1996 (Supp. 96-2). Section recodified to R18-9-908 at 7 A.A.R. 2522, effective May

24, 2001 (Supp. 01-2). Previous note correction: Section actually recodified to R18-9-1008 (Supp. 01-4).

**R18-13-1509. Recodified****Historical Note**

Adopted effective April 23, 1996 (Supp. 96-2). Section recodified to R18-9-909 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Previous note correction: Section actually recodified to R18-9-1009 (Supp. 01-4).

**R18-13-1510. Recodified****Historical Note**

Adopted effective April 23, 1996 (Supp. 96-2). Section recodified to R18-9-910 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Previous note correction: Section actually recodified to R18-9-1010 (Supp. 01-4).

**R18-13-1511. Recodified****Historical Note**

Adopted effective April 23, 1996 (Supp. 96-2). Section recodified to R18-9-911 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Previous note correction: Section actually recodified to R18-9-1011 (Supp. 01-4).

**R18-13-1512. Recodified****Historical Note**

Adopted effective April 23, 1996 (Supp. 96-2). Section recodified to R18-9-912 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Previous note correction: Section actually recodified to R18-9-1012 (Supp. 01-4).

**R18-13-1513. Recodified****Historical Note**

Adopted effective April 23, 1996 (Supp. 96-2). Section recodified to R18-9-913 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Previous note correction: Section actually recodified to R18-9-1013 (Supp. 01-4).

**R18-13-1514. Recodified****Historical Note**

Adopted effective April 23, 1996 (Supp. 96-2). Section recodified to R18-9-914 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Previous note correction: Section actually recodified to R18-9-1014 (Supp. 01-4).

**Appendix A. Recodified****Historical Note**

Appendix A, "Procedures to Determine Annual Biosolids Application Rates", adopted effective April 23, 1996 (Supp. 96-2). Appendix A recodified to 18 A.A.C. 9, Article 9 at 7 A.A.R. 2522, effective May 24, 2001 (Supp. 01-2). Previous note correction: Section actually recodified to 18 A.A.C. 9, Article 10 (Supp. 01-4).

**ARTICLE 16. BEST MANAGEMENT PRACTICES FOR PETROLEUM CONTAMINATED SOIL**

*Article 16, consisting of Sections R18-13-1601 through R18-13-1614, recodified from 18 A.A.C. 8, Article 16 at 8 A.A.R. 5172, effective November 27, 2002; Section and subsection citations within this Article were also updated under A.R.S. § 41-1011(C) (Supp. 02-4).*

**R18-13-1601. Definitions**

In addition to definitions in A.R.S. § 49-851 and A.A.C. R18-13-1301, the terms in this Article shall have the following meanings:



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1. "Accumulation site" means an area or site at which PCS from one or more points of generation under the control of the generator of PCS is accumulated for more than 12 hours but less than 90 days prior to treatment, storage, or disposal.
2. "Containment system" means a system designed to contain an accumulation of special waste which meets the design and performance standards in R18-13-1608 and either R18-13-1609 or R18-13-1611.
3. "Excavated" means removed from the earth by scraping or digging a hole or cavity in the earth's surface or otherwise removed from the earth's surface.
4. "Facility" or "special waste receiving facility" means a treatment facility, storage facility, or disposal facility which has been approved by the Director in accordance with A.R.S. § 49-857 or has qualified for Interim Use Facility status pursuant to A.R.S. § 49-858.
5. "Hazardous waste" means hazardous waste as defined in A.R.S. § 49-921(5).
6. "Non-fuel, non-solvent petroleum product" means a petroleum-based substance refined from virgin crude oil that is not used as a solvent or fuel including mineral oils and hydraulic oils.
7. "Non-regulated soils" means soils that are neither hazardous waste, PCS, nor solid waste PCS, and which do not constitute an environmental nuisance pursuant to A.R.S. §§ 49-141 through 49-144.
8. "PCS" or "petroleum-contaminated soils" means soils *excavated for storage, treatment or disposal containing* one or more of the contaminants in the list below at the following concentrations:
  - a. Benzene greater than or equal to 1.4 mg/kg,
  - b. Toluene greater than or equal to 650 mg/kg,
  - c. Ethylbenzene greater than or equal to 400 mg/kg,
  - d. Total Xylenes greater than or equal to 420 mg/kg,
  - e. Anthracene greater than or equal to 240,000 mg/kg,
  - f. Benz(A)anthracene greater than or equal to 21 mg/kg,
  - g. Benzo(A)pyrene greater than or equal to 2.1 mg/kg,
  - h. Benzo(B)fluoranthene greater than or equal to 21 mg/kg,
  - i. Benzo(K)fluoranthene greater than or equal to 210 mg/kg,
  - j. Chrysene greater than or equal to 2,000 mg/kg,
  - k. Dibenz(A,H)anthracene greater than or equal to 2.1 mg/kg,
  - l. Fluoranthene greater than or equal to 22,000 mg/kg,
  - m. Fluorene greater than or equal to 26,000 mg/kg,
  - n. Indenopyrene greater than or equal to 21 mg/kg,
  - o. Naphthalene greater than or equal to 190 mg/kg,
  - p. Pyrene greater than or equal to 29,000 mg/kg.
9. "PCS disposal facility" means a site or special waste receiving facility at which the disposal of PCS has been approved by the Director pursuant to A.R.S. § 49-857 or has qualified for Interim Use Facility status pursuant to A.R.S. § 49-858.
10. "Petroleum" means petroleum as defined in A.R.S. § 49-1001(11).
11. "Point of compliance" means point of compliance as defined in A.R.S. § 49-244.
12. "Special waste shipper" means a person who transports special waste for off-site treatment, storage, or disposal.
13. "Solid waste PCS" means excavated soils contaminated with petroleum that are not hazardous waste and not PCS but that contain one or more of the contaminants in the list below at the following concentrations:
  - a. Benzene greater than or equal to 0.65 but less than 1.4 mg/kg;
  - b. Toluene greater than or equal to 650 mg/kg;
  - c. Ethylbenzene greater than or equal to 400 mg/kg;
  - d. Total Xylenes greater than or equal to 270 but less than 420 mg/kg;
  - e. Anthracene greater than or equal to 22,000 but less than 240,000 mg/kg;
  - f. Benz(A)anthracene greater than or equal to 6.9 but less than 21 mg/kg;
  - g. Benzo(A)pyrene greater than or equal to 0.69 but less than 2.1 mg/kg;
  - h. Benzo(B)fluoranthene greater than or equal to 6.9 but less than 21 mg/kg;
  - i. Benzo(K)fluoranthene greater than or equal to 69 but less than 210 mg/kg;
  - j. Chrysene greater than or equal to 680 but less than 2,000 mg/kg;
  - k. Dibenz(A,H)anthracene greater than or equal to 0.69 but less than 2.1 mg/kg;
  - l. Fluoranthene greater than or equal to 2,300 but less than 22,000 mg/kg;
  - m. Fluorene greater than or equal to 2,700 but less than 26,000 mg/kg;
  - n. Indenopyrene greater than or equal to 6.9 but less than 21 mg/kg;
  - o. Naphthalene greater than or equal to 56 but less than 190 mg/kg;
  - p. Pyrene greater than or equal to 2,300 but less than 29,000 mg/kg.
14. "Storage" means the holding of PCS for a period of more than 90 days but less than one year.
15. "Storage facility" means a special waste receiving facility which engages in storage and which has been approved by the Director pursuant to A.R.S. § 49-857 or has qualified for Interim Use Facility status pursuant to A.R.S. § 49-858.
16. "Temporary treatment facility" means an on-site treatment facility, or an off-site treatment facility owned or operated by the generator of PCS, where the PCS is treated to reduce the contaminants that make it PCS and which complies with the requirements of R18-13-1610.
17. "Treatability study" means a study in which a special waste is subjected to a treatment process to determine any one or more of the following:
  - a. Whether the waste is amenable to the treatment process,
  - b. What pretreatment is required,
  - c. The optimal process conditions needed to achieve the desired treatment,
  - d. The efficiency of a treatment process,
  - e. The characteristics and volumes of residual contaminants from a particular treatment process,
  - f. Toxicological and health effects.
18. "Treatment facility" means a special waste receiving facility at which PCS is treated to reduce the PCS contaminants and, if in the state of Arizona, has been Department-approved pursuant to A.R.S. § 49-857 or has qualified for Interim Use Facility status pursuant to A.R.S. § 49-858.

**Historical Note**

Recodified from R18-8-1601 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4). Amended by final

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expedited rulemaking at 27 A.A.R. 57, with an immediate effective date of January 5, 2021 (Supp. 21-1).

**R18-13-1602. Applicability**

- A. The Director declares that PCS, as defined in R18-13-1601(8), constitutes a special waste as defined in A.R.S. § 49-851(A)(9). Except as otherwise provided in this Section and R18-13-1603, PCS shall be treated, stored, and disposed of in accordance with this Article. PCS shall not be diluted with any material or substance for purposes of avoiding applicability of these rules.
- B. PCS which is used in a treatability study shall comply with all of the following:
  - 1. The owner or operator of the facility where a treatability study is to be conducted shall notify the Department of its intent to conduct a treatability study at least 30 days prior to the commencement of the treatability study.
  - 2. The total quantity of PCS used in the treatability study shall not exceed 5000 kilograms, unless evidence is provided which justifies the need for a larger quantity and permission to use a larger amount is granted by the Director.
  - 3. The owner or operator of the facility shall maintain records detailing the treatability study and the results obtained in accordance with R18-13-1614.
  - 4. The treatability study shall be completed and the PCS shall be removed from the site within one year from commencement of the study.
  - 5. Upon completion of the treatability study, the owner or operator of a facility shall dispose of the PCS used in the treatability study in accordance with this Article.
  - 6. Sampling of the PCS shall be conducted in accordance with R18-13-1604(B) and (C) before and after the treatability study is performed.
  - 7. The performance of the treatability study shall not result in an environmental nuisance pursuant to A.R.S. §§ 49-141 through 49-144.
- C. PCS which is excavated pursuant to the requirements of A.R.S. Title 49, Chapter 6, Underground Storage Tank Regulation, and which is not removed from the site, shall comply with the requirements of R18-13-1610 and R18-13-1612.
- D. PCS incorporated into asphalt for use in paving is not subject to other provisions of this Article if the owner or operator of the facility where the asphalt is produced does all of the following:
  - 1. Notifies the Department in writing at least 30 days prior to commencing such incorporation,
  - 2. Maintains records in accordance with R18-13-1614,
  - 3. Stores the PCS prior to incorporation in accordance with R18-13-1611.
- E. Requirements in this Article for Department-approved facilities do not apply to facilities that are out of state or in Indian Country.

**Historical Note**

Recodified from R18-8-1602 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4). Amended by final expedited rulemaking at 27 A.A.R. 57, with an immediate effective date of January 5, 2021 (Supp. 21-1).

**R18-13-1603. Exemptions**

- A. Solid waste PCS are exempt from the provisions of this Article, except for the requirements in R18-13-1604, and are subject to A.R.S. § 49-761 et seq.
- B. Non-regulated soils are exempt from the provisions of this Article, except for the requirements in R18-13-1604, and are exempt from the requirements of A.R.S. § 49-761 et seq.

- C. Asphaltic cement which is not hazardous waste is exempt from the requirements of this Article.
- D. Soils which are contaminated with petroleum, which have been generated by households, and which are not hazardous waste, shall be exempt from the requirements of this Article.

**Historical Note**

Recodified from R18-8-1603 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4). Amended by final expedited rulemaking at 27 A.A.R. 57, with an immediate effective date of January 5, 2021 (Supp. 21-1).

**R18-13-1604. Waste Determination**

- A. A generator of excavated soil contaminated with petroleum shall determine whether the soil is PCS, solid waste PCS, or non-regulated soil. The basis for the determination shall be maintained for at least three years and shall be made available to the Department upon request. The generator shall make such determination using either of the following methods:
  - 1. Testing the soil pursuant to subsection (B) of this Section. Laboratory analysis of these samples shall be performed by a laboratory licensed by the Arizona Department of Health Services. Approved testing methods, which identify concentrations for total recoverable extraction of contaminants, shall be used.
  - 2. Application of knowledge of the characteristics of the contaminated soil in light of the known or potential source of the contamination. The Department may require sampling to confirm the accuracy of applied knowledge.
- B. Sampling of soils contaminated with petroleum shall be performed in accordance with a site-specific written sampling plan which is consistent with the requirements set forth in either of the following:
  - 1. "Test Methods for Evaluating Solid Waste", EPA SW-846, 3rd Edition Volume II: Field Manual, Physical/Chemical Method, Chapter Nine (SW-846 Third Edition), 1986, Environmental Protection Agency, Washington, D.C. and no future editions or amendments, incorporated herein by reference and on file with the Department and the Office of the Secretary of State.
  - 2. "Quality Assurance Project Plan", Chapter 9, May 1991 Edition, Arizona Department of Environmental Quality, Phoenix, Arizona and no future editions or amendments incorporated herein by reference and on file with the Department and the Office of the Secretary of State.
- C. If soil excavated during the initial investigation of a site to determine the extent of contamination is PCS, the PCS may be returned into the excavation site from which the soil was removed if all of the following conditions are met:
  - 1. There is no freestanding liquid within the excavation, unless the State Fire Marshal or other jurisdictional fire authority directs otherwise, and the requirements of subsections (C)(2) and (3) are met.
  - 2. The owner or operator provides notification to the Department that the PCS has been returned to the excavation within 14 days after the return of the PCS to the excavation.
  - 3. The owner or operator completes a site characterization within 120 days and implements remediation within 150 days after the date the site characterization began.

**Historical Note**

Recodified from R18-8-1604 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4). Amended by final

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expedited rulemaking at 27 A.A.R. 57, with an immediate effective date of January 5, 2021 (Supp. 21-1).

**R18-13-1605. Transportation**

- A. PCS transported to a special waste receiving facility in Arizona shall be transported by a special waste shipper which has met the requirements of R18-13-1303.
- B. A special waste shipper shall transport the PCS in closed containers pursuant to R18-13-1611(E) or shall ensure that any vehicle used to transport the PCS is loaded and covered in such a manner that the contents will not blow, fall, leak, or spill from the vehicle.
- C. A special waste shipper transporting PCS to a special waste receiving facility in Arizona, except a facility located on Indian country, shall deliver PCS to a special waste receiving facility approved by the Department.

**Historical Note**

Recodified from R18-8-1605 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-13-1606. Fees**

In accordance with A.R.S. §§ 49-855(C)(2) and 49-863, the treatment, storage, or disposal facility in this state that first receives a shipment of PCS shall remit to the Department a fee of \$4.50 per ton but not more than \$45,000 per generator site per year for PCS that is transported to the facility.

**Historical Note**

Recodified from R18-8-1606 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4). Amended by final rulemaking at 18 A.A.R. 1217, effective July 1, 2012 (Supp. 12-2).

**R18-13-1607. Facility Approval; Application**

- A. PCS shall be treated, stored, or disposed only at a PCS disposal facility, storage facility, treatment facility, or temporary treatment facility. A facility located in Arizona shall not be constructed or operated prior to obtaining written approval from the Department, except as provided for in A.R.S. § 49-858.
- B. The owner or operator of a PCS treatment, storage, or disposal facility shall submit an application to the Department which contains all of the information required in accordance with A.R.S. § 49-762.
- C. In addition to the requirements specified in A.R.S. § 49-762, the application shall contain all of the following:
  - 1. A vicinity map, in a scale not over 1:24,000, which shows where the facility is located with respect to the surroundings, including an indication of the use of the adjacent properties.
  - 2. An engineering report which includes all of the following:
    - a. Detailed plans and specifications for the entire facility including manufacturer's performance data and design features of treatment, pollution control, and monitoring equipment.
    - b. A site description which includes general information on the geology, hydrogeology, soils, and land use. If a facility is located within the pollution management area of a facility for which an aquifer protection permit has been issued under A.R.S. § 49-241 et seq., then the applicant may resubmit or incorporate by reference the general information.
    - c. A background soil sampling plan and results which characterize the site, including the rationale used to determine the locations, depths, and number of samples.

- 3. A site map, in a scale not to exceed 1:2,400, which clearly identifies where the PCS shall be deposited, containment berms, fencing and security measures, access roads, any improvements, wells, and location of surface water courses.
- 4. An operational plan which includes all of the following:
  - a. General description of the daily operations of the facility and the processes, techniques, or methods to be employed;
  - b. The source, amount, concentration of contaminants, and any other relevant information concerning the PCS to be handled;
  - c. The schedule for sampling the PCS during treatment to evaluate treatment methods;
  - d. Description of plans for final use and disposal of PCS and remediated soil, liners, piping, carbon canisters, and any other contaminated equipment;
  - e. Procedures to ensure that only waste which has been characterized is received and that hazardous waste is not received;
  - f. Procedures for random inspection of incoming loads to verify that only waste which has been characterized is accepted;
  - g. Procedures for collecting and managing run-off which comes in contact with PCS;
  - h. Procedures for recordkeeping of all inspection results, training of personnel, and sampling results;
  - i. Procedures to control public access, and prevent unauthorized entry and illegal dumping.
- 5. A contingency plan for emergency preparedness which describes alternatives for storage, treatment, or disposal.
- 6. A closure plan which includes:
  - a. A description of the steps necessary to close the facility, the specific proposed closure activities, and an implementation schedule;
  - b. Information on site conditions and characterization of the waste received during the life of the facility;
  - c. A description of the sampling plan utilized to sample background soil beneath the site following closure;
  - d. A description of plans for use of the land site after closure;
  - e. A description of post-closure care.
- 7. An affidavit that the proposed facility is in compliance with local zoning requirements in effect at the time the application is submitted.
- D. Following completion of construction of a facility and prior to placement of PCS on the site, the owner or operator shall submit to the Department a construction certification report, including as-built plans which indicate any changes to the design or operational plans for the facility.
- E. Plans required in accordance with this Section shall be sealed by a professional engineer registered in the state of Arizona, if required by statute.
- F. A facility shall be in compliance with all other applicable federal, state, and local approvals or permits which are required for the design, construction, and operation of the facility.

**Historical Note**

Recodified from R18-8-1607 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4). Amended by final expedited rulemaking at 27 A.A.R. 57, with an immediate effective date of January 5, 2021 (Supp. 21-1).

**R18-13-1608. General Design and Performance Standards**

- A. A facility which receives PCS for treatment, storage, or disposal shall be designed and operated to ensure compliance

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with the following performance standards relating to aquifer protection:

1. Pollutants discharged shall in no event cause or contribute to a violation of Aquifer Water Quality Standards, at the applicable point of compliance, or, if the facility is a municipal solid waste landfill, it shall comply with the requirements of A.R.S. § 49-761.01(C).
  2. Any pollutant discharged shall not further degrade, at the applicable point of compliance, the quality of any aquifer that already violates an Aquifer Water Quality Standard for that pollutant.
- B.** A facility which receives PCS for treatment, storage, or disposal shall meet the general design criteria of either subsection (B)(1) or (2) as follows:
1. The PCS shall be held within a containment system designed and constructed to preclude the migration of contaminants into subsurface soil, groundwater, or surface water. The containment system shall meet the following criteria:
    - a. Maintain a maximum permeability coefficient of no more than  $1 \times 10^{-7}$  cm/sec;
    - b. Be designed to provide structural integrity throughout the life of the facility;
    - c. Be designed in accordance with the applicable design criteria set forth in subsection (C) of this Section and R18-13-1609 through R18-13-1613; or
  2. An alternative design shall contain, at a minimum, all of the following and shall demonstrate that the design will limit discharges listed in A.R.S. § 49-243(D) to the maximum extent practicable:
    - a. The hydrogeologic setting of the facility and the capacity of the liner and soils to preclude discharge to groundwater or surface water;
    - b. The operating methods, processes, or other alternatives to be used at the facility;
    - c. Additional factors which would influence the quality and mobility of the leachate produced and the potential for that leachate to migrate to groundwater or surface water.
- C.** A PCS treatment, storage, or disposal facility shall meet the following general design criteria:
1. The facility shall be designed to prevent run-on and run-off. The design shall provide run-on control for the peak discharge from a 24-hour, 25-year storm event. Run-off shall be collected and controlled for at least the water volume resulting from a 24-hour, 25-year storm event.
  2. The facility shall not restrict the flow of the 100-year floodplain, reduce temporary water storage capacity of the floodplain, or be maintained in a manner which results in a washout or inundation of the PCS.
  3. The owner or operator shall control public access and shall prevent unauthorized vehicular traffic and illegal dumping.
  4. The owner or operator shall manage any standing water that has come into contact with the PCS in accordance with rules promulgated pursuant to A.R.S. § 49-761 et seq.
- D.** A facility which manages PCS in accordance with the requirements of this Article shall be exempt from the aquifer protection permit requirements in accordance with A.R.S. § 49-250(B)(21).
- E.** A facility which has been issued an aquifer protection permit from the Department shall be exempt from the requirements of subsections (A) and (B) of this Section but shall comply with the requirements of subsection (C).

**Historical note**

Recodified from R18-8-1608 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4). Amended by final expedited rulemaking at 27 A.A.R. 57, with an immediate effective date of January 5, 2021 (Supp. 21-1).

**R18-13-1609. Treatment Facility**

- A.** The owner or operator of a PCS treatment facility shall obtain approval from the Department prior to commencement of construction or operation and shall comply with all of the following:
1. Not dilute PCS as a method of treatment, except as allowed in the approved plan for the facility;
  2. Treat the PCS or, if the chosen treatment process fails to remediate the soil to below the regulatory thresholds, dispose of the PCS pursuant to R18-13-1613.
  3. Sample the treated soil and provide the results of the sampling to the Department within 45 days of completion of the treatment.
- B.** A PCS treatment facility designed in accordance with R18-13-1608(B)(1) shall comply with the following specific design criteria:
1. At a minimum, a containment system shall include a clay, synthetic, concrete, or asphalt liner component which is placed upon a foundation or prepared subgrade which supports the liner, and resists pressure gradients above and below the liner, to prevent failure due to settlement, compression, or uplift.
  2. During construction or installation of a containment system, liners and cover systems shall be inspected for uniformity, damage, and imperfections. Immediately after construction or installation is completed, and prior to placement of PCS within the containment system, the systems shall be checked for both of the following:
    - a. Synthetic liners and covers shall be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters.
    - b. Concrete, asphalt, and soil-based liners and covers shall be inspected for imperfections including lenses, cracks, channels, root holes, or other structural non-uniformities that may cause an increase in the permeability of the liner or cover.
  3. The liner component shall consist of one of the following:
    - a. A synthetic liner which is compatible with the waste and which has a minimum 6" buffer layer of sand or soil between the liner and the PCS.
    - b. A compacted soil or admixed liner provided with a minimum 6" buffer layer of sand or soil between the liner and the PCS.
    - c. An asphalt or reinforced concrete liner which is not in the drainage area of a dry well and is free of unsealed cracks and seams.
  4. Aeration equipment shall be limited to the area above the buffer layers indicated in subsections (B)(2)(a) and (b).
  5. The owner or operator of the facility shall utilize protective measures to ensure containment system integrity during placement, treatment, or removal of the PCS.
  6. PCS stored at a treatment facility prior to treatment shall be stored in accordance with the requirements of R18-13-1611.

**Historical Note**

Recodified from R18-8-1609 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-13-1610. Temporary Treatment Facility**

- A.** The owner or operator of a temporary treatment facility shall treat and remove all PCS from the temporary treatment facility

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within one year from the date of commencement of receipt of PCS for treatment. PCS shall not be diluted to meet any treatment requirement, except in accordance with the approved plan.

**B.** A temporary treatment facility shall obtain approval from the Department prior to commencing construction or operation. In lieu of the requirements of R18-13-1607(C), an application for approval shall contain all of the following:

1. An affidavit signed by the owner or operator of the temporary treatment facility which states that the facility will comply with the requirements of this Article;
2. An affidavit that the proposed facility is in compliance with local zoning requirements in effect at the time the application is submitted;
3. Application information required pursuant to A.R.S. § 49-762.03(C)) for plan approval for temporary treatment facilities;
4. A vicinity map, in a scale not over 1:24,000, which shows where the facility is located with respect to the surroundings, including an indication of the use of the adjacent properties;
5. A site description which includes general information on the geology, hydrogeology, soils, and land use;
6. A background soil sampling plan and results which characterize the site, including the rationale used to determine the locations, depths and number of samples;
7. A site map, in a scale not to exceed 1:2,400, which clearly identifies where the PCS shall be deposited, containment berms, fencing and security measures, access roads, any improvements, wells, and location of surface water courses;
8. An operational plan which includes all of the following:
  - a. General description of the daily operations of the facility and the processes, techniques, or methods to be employed;
  - b. The source, amount, concentration of contaminants, and any other relevant information concerning the PCS to be handled;
  - c. The schedule for sampling the PCS during treatment to evaluate treatment methods;
  - d. Description of plans for final use and disposal of PCS and remediated soil, liners, piping, carbon canisters, and any other contaminated equipment;
9. A closure and post-closure care plan which includes both of the following:
  - a. A description of the steps necessary to close the facility, the specific proposed closure activities, and an implementation schedule;
  - b. A description of the sampling plan utilized to sample background soil beneath the site following closure.

**C.** A temporary treatment facility shall not be operated for more than one year unless a one-time extension is granted by the Department. The Department may grant an extension of up to one additional year if all of the following are met:

1. The inability to perform is caused by events beyond the control of the owner or operator, including acts of God, which include flood, tornado, earthquake, and causes beyond the owner's or operator's control including fire, explosion, unforeseen strikes or work stoppages, riot, sabotage, public enemy, war, requirements established by courts of competent jurisdiction, and other governing law. Financial inability to perform shall not be justification for an extension.
2. The owner and operator submits to the Department verifiable documentation which includes all of the following:

- a. A description of the circumstances causing any delay;
  - b. Evidence of the existence of the circumstance;
  - c. A description of past, present, and future measures taken or to be taken by the owner or operator to prevent or minimize any delay;
  - d. A timetable by which the owner and operator will resume and complete required performance.
3. The request is received at least 60 days prior to the expiration of the year in which the facility first received PCS. Where the Department grants an extension, that extension shall be granted prior to the expiration of the deadline and communicated to the owner or operator in writing.
- D.** A temporary treatment facility shall meet the design criteria as specified in R18-13-1608 and R18-13-1609(B).
- E.** PCS stored at a temporary treatment facility prior to treatment shall be stored in accordance with the requirements of R18-13-1611.
- F.** In accordance with A.R.S. §§ 49-762.03(C), a temporary treatment facility shall be exempt from the notice and public hearing requirements set forth in A.R.S. § 49-762.04(A).

**Historical Note**

Recodified from R18-8-1610 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4). Amended by final expedited rulemaking at 27 A.A.R. 57, with an immediate effective date of January 5, 2021 (Supp. 21-1).

**R18-13-1611. Storage Facility**

- A.** A shipment of PCS shall not be stored for a period exceeding one year from the date the PCS is received.
- B.** Each shipment of contaminated soil shall be identified by source and stored in a manner which does not allow commingling of different shipments until all sampling results have been obtained. PCS shall be stored within an approved containment system and shall not be commingled with treated soils.
- C.** A PCS storage facility shall obtain approval from the Department prior to commencement of construction or operation. A PCS storage facility designed in accordance with R18-13-1608(B)(1) shall comply with either of the following:
1. The containment system shall meet the requirements of R18-13-1609(B).
  2. The PCS shall be stored in tanks or containers which meet the requirements of subsection (E) of this Section.
- D.** A PCS storage area or each tank or container used for storage shall be marked as follows:
- CAUTION: CONTAINS PETROLEUM-CONTAMINATED SOIL  
GENERATOR NAME:  
GENERATOR ID#:  
ACCUMULATION START DATE:
- The owner or operator of the storage facility shall fill in the accumulation start date at the time the PCS is placed into storage. The letters shall be legible, not obstructed from view, on a high contrast background, and sufficiently durable to equal or exceed the duration of storage. Lettering size shall be 2.5 cm (1 inch) and in Sans Serif, Gothic, or Block style.
- E.** A tank or container used to store PCS shall meet all of the following requirements:
1. Prevent leakage of PCS and any free liquids from the tank or container;
  2. Be made of, or lined with, materials which will not react with the PCS;
  3. Be kept closed during storage except to add or remove PCS;

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4. Not be opened, handled, or stored in a manner which may rupture the tank or container or cause it to leak;
  5. Shall be inspected monthly by the owner or operator of the storage facility for leaks and for deterioration. A written record of the inspection shall be prepared at the time of the inspection and shall document corrective action, if any, taken as a result of the inspection.
- F. A PCS storage facility at which PCS is stored in piles shall comply with both of the following:
1. All storage piles shall be covered or otherwise managed to control wind dispersal of the PCS.
  2. Storage piles of PCS shall be inspected weekly and a written record of the inspection shall be prepared at the time of the inspection which documents any corrective action taken as a result of the inspection. The record shall document detection of any of the following:
    - a. Deterioration, malfunctions, or improper operation of run-on and run-off control systems;
    - b. Malfunctioning of wind dispersal control systems;
    - c. The presence of leachate in and the malfunctioning of any leachate collection and removal systems.

**Historical Note**

Recodified from R18-8-1611 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-13-1612. Accumulation Sites**

- A. PCS from one or more points of generation under the control of a single generator may be accumulated in an accumulation site under the control of that generator for up to 90 days prior to shipment of the PCS to a storage, disposal, or treatment facility.
- B. An accumulation site shall comply with the storage facility requirements set forth in R18-13-1611, except subsection (A) of that Section. An accumulation site shall not be required to comply with the requirements in R18-13-1607.
- C. While PCS is at an accumulation site, the owner or operator shall control public access and prevent unauthorized vehicular traffic and illegal dumping. PCS shall be managed to prevent the PCS from being exposed to storm water run-on or run-off.

**Historical Note**

Recodified from R18-8-1612 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-13-1613. Disposal**

- A. PCS shall be disposed at a special waste receiving facility which has been approved for the disposal of PCS, or at a hazardous waste management facility as defined in R18-13-260(E)(13).
- B. A PCS disposal facility designed in accordance with R18-13-1608(B)(1) shall comply with the following specific design criteria:
  1. The disposal facility shall be designed with a composite liner, as defined in subsection (B)(2), and a leachate collection system that is designed and constructed to maintain less than a 12-inch depth of leachate over the liner.
  2. For purposes of this Section, "composite liner" means a system consisting of two components: the upper component shall consist of a minimum 30-mil flexible membrane liner (FML) and the lower component shall consist of at least a two-foot layer of compacted soil with a permeability coefficient of no more than  $1 \times 10^{-7}$  cm/sec. FML components consisting of high density polyethylene (HDPE) shall be at least 60 mil thick. The FML component shall be installed in direct and uniform contact with the compacted soil component.

**Historical Note**

Recodified from R18-8-1613 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4). Amended by final expedited rulemaking at 27 A.A.R. 57, with an immediate effective date of January 5, 2021 (Supp. 21-1).

**R18-13-1614. Records**

Records required to be kept pursuant to this Article shall be maintained by the owner or operator and made available for inspection by the Director for a period of three years or longer during the course of an enforcement action or litigation.

**Historical Note**

Recodified from R18-8-1614 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**ARTICLE 17. RESERVED****ARTICLE 18. RESERVED****ARTICLE 19. RESERVED****ARTICLE 20. RESERVED****ARTICLE 21. SOLID WASTE LANDFILL REGISTRATION FEES**

*Article 21, consisting of Sections R18-13-2101 through R18-13-2103, made by final rulemaking at 9 A.A.R. 1770, effective July 14, 2003 (Supp. 03-2).*

**R18-13-2101. Definitions**

In addition to the definitions in A.R.S. §§ 49-701 and 49-701.01, for the purpose of this Article, the terms used in this Article have the following meanings:

1. "Defined time period" means the 12-month period that begins on July 1 of a calendar year and ends on June 30 of the following calendar year and consists of the actual number of calendar days in that 12-month period.
2. "Disposal fee invoice" means the quarterly landfill disposal fee invoice the Department mails to a landfill operator, on which the landfill operator indicates the amount of waste received and the amount of the disposal fees owed to the Department as required under A.R.S. § 49-836.
3. "Full quarter" means any of the standard fiscal quarters of the defined time period for which a municipal solid waste landfill accepted waste on or before the first day of the quarter and on or after the last day of that quarter.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1770, effective July 14, 2003 (Supp. 03-2). Amended by final rulemaking at 18 A.A.R. 1217, effective July 1, 2012 (Supp. 12-2).

**R18-13-2102. Annual Registration Fee for an Existing Solid Waste Landfill**

- A. An existing solid waste landfill, except those described in subsection (C), shall pay an annual registration fee within 30 days of receipt of an invoice from the Department according to the following:
  1. For municipal solid waste landfills that received less than 12,000 tons during the defined time period, \$1,250.
  2. For municipal solid waste landfills that received at least 12,000 tons but less than 60,000 tons during the defined time period, \$2,500.
  3. For municipal solid waste landfills that received at least 60,000 tons but less than 225,000 tons during the defined time period, \$7,500.
  4. For municipal solid waste landfills that received 225,000 tons or more during the defined time period, \$12,500.

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5. Non-municipal solid waste landfills shall pay a flat fee of \$3,750.
  6. Solid waste landfills that are closed to the public and that accept nonhazardous waste only shall pay a flat fee of \$3,750.
- B.** The Department shall determine the amount of waste received by a municipal solid waste landfill by one of the following methods:
1. For a municipal solid waste landfill that accepted waste over the entire defined time period:
    - a. As the reported tons of solid waste received on the disposal fee invoice; or
    - b. As the reported units of compacted or uncompacted solid waste received on the disposal fee invoice and reported under A.R.S. § 49-836(A)(1); or
  2. For a municipal solid waste landfill that accepted waste for only a portion of the defined time period, but no less than a full quarter, the Department shall project the total amount of waste that would have been received by the landfill over the entire defined time period, using one of the following methods:
    - a. For a municipal solid waste landfill that reported receiving waste for at least a full three quarters but less than the entire defined period, the amount of waste for the remaining quarter is the total amount of the waste reported for the full three quarters divided by three;
    - b. For a municipal solid waste landfill that reported receiving waste for at least a full two quarters but less than three quarters, the amount of waste for the remaining two quarters is the same as the total amount of waste reported for the two full quarters; or
    - c. For a municipal solid waste landfill that reported receiving waste for at least one full quarter but less than two quarters, the amount of waste for the remaining three quarters is the total of the amount of the waste reported for the full quarter multiplied by three.
- C.** For a municipal solid waste landfill that accepted waste for less than a full quarter, the annual landfill registration fee is \$1,250.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1770, effective July 14, 2003 (Supp. 03-2). Amended by final rulemaking at 18 A.A.R. 1217, effective July 1, 2012 (Supp. 12-2).

**R18-13-2103. Annual Landfill Registration: Due Date and Fees**

- A.** An operator of a new solid waste landfill shall register the solid waste landfill and pay the landfill registration fee as follows:
1. The operator shall pay the initial landfill registration fee within 30 days of the date that the Department approves the facility plan. The initial landfill registration fee is \$1,250.
  2. Registration is valid for one year, except if the landfill is initially registered during October, November, or December of a calendar year, the next landfill registration due date is December 31 of the following calendar year and each calendar year thereafter unless released from the annual landfill registration requirement as specified in subsection (C).
  3. The annual registration fee remains \$1,250 until the first annual registration period after the first full quarter of the defined time period.

- B.** After the first full quarter, the Department shall calculate the annual registration fee according to R18-13-2102, and specify the fee on the Department's annual landfill registration invoice for the solid waste landfill. The Department shall calculate and the solid waste landfill shall pay the annual landfill registration fee until the first registration period after the solid waste landfill stops accepting waste during a fiscal quarter of the defined time period.
- C.** From the time a solid waste landfill stops accepting waste as specified in subsection (B), until the owner or operator of the solid waste landfill is released from its obligation to provide financial assurance for closure as required by A.R.S. §§ 49-761 or 49-770, the annual registration fee is \$1,250.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1770, effective July 14, 2003 (Supp. 03-2). Amended by final rulemaking at 18 A.A.R. 1217, effective July 1, 2012 (Supp. 12-2).

**ARTICLE 22. RESERVED****ARTICLE 23. RESERVED****ARTICLE 24. RESERVED****ARTICLE 25. EXPIRED****R18-13-2501. Expired****Historical Note**

Section adopted by final rulemaking at 5 A.A.R. 4654, effective November 15, 1999 (Supp. 99-4). Section expired under A.R.S. § 41-1056(J), at 23 A.A.R. 3429, effective October 10, 2017 (Supp. 17-4).

**ARTICLE 26. EXPIRED****R18-13-2601. Expired****Historical Note**

Section made by exempt rulemaking at 14 A.A.R. 4258, effective October 20, 2008 (Supp. 08-4). Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 705, effective April 6, 2010 (Supp. 10-2).

**R18-13-2602. Expired****Historical Note**

Section made by exempt rulemaking at 14 A.A.R. 4258, effective October 20, 2008 (Supp. 08-4). Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 705, effective April 6, 2010 (Supp. 10-2).

**R18-13-2603. Expired****Historical Note**

Section made by exempt rulemaking at 14 A.A.R. 4258, effective October 20, 2008 (Supp. 08-4). Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 705, effective April 6, 2010 (Supp. 10-2).

**R18-13-2604. Expired****Historical Note**

Section made by exempt rulemaking at 14 A.A.R. 4258, effective October 20, 2008 (Supp. 08-4). Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 705, effective April 6, 2010 (Supp. 10-2).

**ARTICLE 27. EXPIRED****R18-13-2701. Expired**

## CHAPTER 13. DEPARTMENT OF ENVIRONMENTAL QUALITY - SOLID WASTE MANAGEMENT

**Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 848, effective July 1, 2010 (Supp. 10-2). Amended by exempt rulemaking at 16 A.A.R. 1503, effective July 1, 2010 (Supp. 10-3). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2984, effective September 15, 2016 (Supp. 16-3).

**R18-13-2702. Expired****Historical Note**

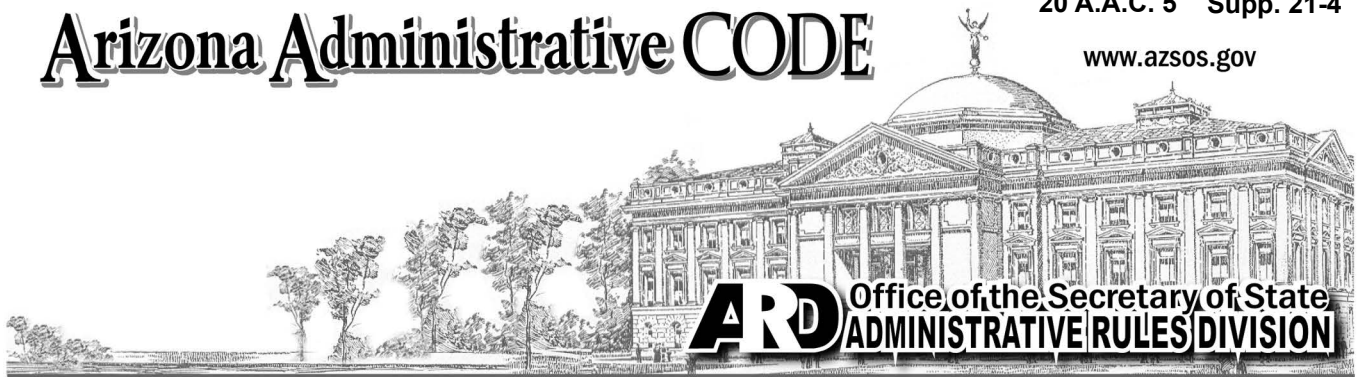
New Section made by exempt rulemaking at 16 A.A.R. 848, effective July 1, 2010 (Supp. 10-2). Section expired

under A.R.S. § 41-1056(J) at 22 A.A.R. 2984, effective September 15, 2016 (Supp. 16-3).

**R18-13-2703. Expired****Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 848, effective July 1, 2010 (Supp. 10-2). Section and fee table expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2984, effective September 15, 2016 (Supp. 16-3).





## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

### CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
October 1, 2021 through December 31, 2021

<a href="#">R20-5-1401.</a>	<a href="#">Application of the Article and Definitions .....</a>	<a href="#">105</a>	<a href="#">R20-5-1403.</a>	<a href="#">Recordkeeping and Record Inspections .....</a>	<a href="#">106</a>
<a href="#">R20-5-1402.</a>	<a href="#">Reimbursement Claims .....</a>	<a href="#">106</a>	<a href="#">R20-5-1404.</a>	<a href="#">Fund Overpayments .....</a>	<a href="#">106</a>

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#### The release of this Chapter in Supp. 21-4 replaces Supp. 21-3 1-375 pages

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

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### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

First Quarter: January 1 - March 31  
Second Quarter: April 1 - June 30  
Third Quarter: July 1 - September 30  
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2021 is cited as Supp. 21-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

### RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

### AUTHENTICATION OF PDF CODE CHAPTERS

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

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### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, [www.azsos.gov](http://www.azsos.gov) under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

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

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

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

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

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

### PERSONAL USE/COMMERCIAL USE

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



## Administrative Rules Division

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

**TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE****CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA**

Authority: A.R.S. § 23-107(A)(1)

**Supp. 21-4**

20 A.A.C. 5, consisting of R20-5-101 through R20-5-164, R20-5-201 through R20-5-224, R20-5-301 through R20-5-318, R20-5-401 through R20-5-428, R20-5-501 through R20-5-512, R20-5-601 through R20-5-682, R20-5-801 through R20-5-829, R20-5-901 through R20-5-914, and R20-5-1001 through R20-5-1007 recodified from 4 A.A.C. 13, consisting of R4-13-101 through R4-13-164, R4-13-201 through R4-13-224, R4-13-301 through R4-13-318, R4-13-401 through R4-13-428, R4-13-501 through R4-13-512, R4-13-601 through R4-13-682, R4-13-801 through R4-13-829, R4-13-901 through R4-13-914, and R4-13-1001 through R4-13-1007, pursuant to R1-1-102 (Supp. 95-1).

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*Article 2, consisting of Sections R4-13-201 through R4-13-222, adopted effective July 6, 1993 (Supp. 93-3).*

*Article 2, consisting of Sections R4-13-201 through R4-13-224, repealed effective July 6, 1993 (Supp. 93-3).*

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*Article 3, consisting of Sections R20-5-301 through R20-5-329, expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).*

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*Article 7, consisting of new Sections R20-5-701 through R20-5-739, adopted effective September 9, 1998 (Supp. 98-3).*

*R20-5-701 through R20-5-708 recodified from R4-13-701 through R4-13-708 (Supp. 95-1).*

*Article 7, consisting of Sections R4-13-701 through R4-13-708, transferred to the Department of Agriculture, Title 3, Chapter 8, Article 7, Sections R3-8-201 through R3-8-208, pursuant to Laws 1990, Ch. 374, Sec. 445 (Supp. 91-3).*

*New Article 7 adopted effective July 13, 1989. (Supp. 89-3)*

*Laws 1981, Ch. 149, effective January 1, 1982, provided for the transfer of the Office of Fire Marshal from the Industrial Commission to the Department of Emergency and Military Affairs, Division of Emergency Services (Supp. 82-2).*

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*Article 9, consisting of Sections R20-5-901 through R20-5-914, expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).*

*Former Article 9 consisting of Sections R4-13-901 through R4-13-906 repealed effective May 27, 1977. R20-5-901 through R20-5-914 recodified from R4-13-901 through R4-13-914 (Supp. 95-1).*

*Article 9 consisting of Sections R4-13-901 through R4-13-914 adopted effective May 27, 1977.*

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*Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3).*

*Article 12, consisting of Sections R20-5-1201 through R20-5-1220, made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1).*

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*Article 14, consisting of Sections R20-5-1401 through R20-5-1404 made by final exempt rulemaking at 27 A.A.R. 2920 (December 17, 2021), effective January 1, 2022 (Supp. 21-4).*

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**APPENDIX A. ARIZONA PHYSICIANS' AND  
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*Appendix A, Arizona Physicians' and Pharmaceutical Fee Schedule repealed; new Appendix A, Arizona Physicians' and Pharmaceutical Fee Schedule by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3).*

*Appendix A, Arizona Physicians' and Pharmaceutical Fee Schedule repealed; new Appendix A, Arizona Physicians' and Pharmaceutical Fee Schedule made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3).*

*Appendix A, Arizona Physicians' and Pharmaceutical Fee Schedule made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A will remain in effect though September 30, 2020 (Supp. 19-3).*

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## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

**ARTICLE 1. WORKERS' COMPENSATION PRACTICE AND PROCEDURE****R20-5-101. Application of the Article; Notice of Rules; Part of Record**

- A. This Article applies to all actions and proceedings before the Commission resulting from:
1. Injuries that occurred on or after January 1, 1969;
  2. Petitions to Reopen or Petitions for Readjustment or Rearrangement of Compensation filed on or after that date; and
  3. Requests for hearing under A.R.S. §§ 23-907(H), (I), and (J).
- B. This Article is part of the record in each action or proceeding without reference to the Article.
- C. The Commission deems all parties to have knowledge of this Article.
- D. The Commission shall provide a copy of this Article upon request to any person free of charge.

**Historical Note**

Former Rule 1. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-101 recodified from R4-13-101 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3). Amended by final rulemaking at 14 A.A.R. 4530, effective, December 2, 2008 (Supp. 08-4).

**R20-5-102. Definitions**

In this Article, unless the context otherwise requires:

"Act" means the Arizona Workers' Compensation Act, A.R.S. Title 23, Ch. 6, Articles 1 through 11.

"Authorized representative" means an individual authorized by law to act on behalf of a party who files with the Commission a written instrument advising of the individual's authority to act on behalf of the party.

"Carrier" or "insurance carrier" means the state compensation fund and every insurance carrier authorized by the Arizona Department of Insurance to underwrite workers' compensation insurance in Arizona.

"Claimant" means an employee who files a claim for workers' compensation.

"Filing" means actual receipt of a report, document, instrument, videotape, audiotape, or other written matter at a Commission office during office hours as set forth in R20-5-103.

"Physician" means a licensed physician or other licensed practitioner of the healing arts.

"Self-insured employer" means an employer or workers' compensation pool granted authority by the Commission to self-insure for workers' compensation.

"Uninsured employer" or "noncomplying employer" means an employer that is subject to and fails to comply with A.R.S. §§ 23-961 or 23-962.

"Working days" means all days except Saturdays, Sundays, and state legal holidays.

**Historical Note**

Former Rule 2. R20-5-102 recodified from R4-13-102 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-103. Location of Industrial Commission Offices and Office Hours**

The main office of the Industrial Commission of Arizona is located in Phoenix, Arizona. An office is also located in Tucson, Arizona. The offices are open for business from 8:00 a.m. until 5:00 p.m. every day except Saturdays, Sundays, and state legal holidays.

**Historical Note**

Former Rule 3. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-103 recodified from R4-13-103 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-104. Address of Claimant and Uninsured Employer**

- A. A claimant shall advise the Commission and carrier or self-insured employer of the claimant's current mailing address and place of residence. If a claimant files a workers' compensation claim against an uninsured employer, the claimant shall advise the special fund division of the claimant's current mailing address and place of residence.
- B. An uninsured employer against whom a claimant files a workers' compensation claim shall advise the special fund division of the uninsured employer's current mailing address and place of places of residence.
- C. Providing the address of a claimant's or uninsured employer's attorney or authorized representative is not sufficient to meet the requirements of this Section.

**Historical Note**

Former Rule 4. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-104 recodified from R4-13-104 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-105. Filing Requirements; Time for Filing; Computation of Time; Response to Motion**

- A. A report, document, instrument, videotape, audiotape, or other written matter required to be filed with the Commission under A.R.S. § 23-901 et seq. and this Article shall be filed at a Commission office within the time required by law and this Article.
- B. For purposes of computing time under this Article, the following applies:
1. The Commission shall not include in the computation of time the day of the act or event from which the designated period begins to run.
  2. The Commission shall include in the computation of time the last day of the designated period, unless the last day is a Saturday, Sunday, or state legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or state legal holiday.
  3. If this Article or other law requires that a report, document, instrument, videotape, audiotape, or other written matter be filed within a designated period of time before hearing, the Commission shall not include the day of the act or event from which the designated period of time begins to run. The Commission shall include the last day of the designated period unless that day is a Saturday, Sunday, or state legal holiday, in which event the period runs to the end of the next day that is not a Saturday, Sunday, or state legal holiday.
  4. If the period of time prescribed is less than 11 days, the Commission shall not include intermediate Saturdays, Sundays, or state legal holidays in the computation of time.
- C. The Commission shall deem a report, document, instrument, videotape, audiotape, or other written matter filed at the Tucson office as filed at the main office for purposes of computing time.

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- D. A person upon whom a motion to join is filed under this Article may file a response to the motion within 10 days after the motion is filed.
- E. The Commission shall not consider a discovery motion unless the moving party attaches a separate statement to the discovery motion certifying that after good faith efforts to do so, the moving party has been unable to satisfactorily resolve the matter giving rise to the discovery motion with the opposing party.

**Historical Note**

Former Rule 5. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-105 recodified from R4-13-105 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-106. Commission Forms****A.** The following forms shall be used when applicable:

1. Employer's report of industrial injury (form 101) shall contain:
  - a. Employee, employer, and carrier identification;
  - b. Description of employment;
  - c. Description of accident and injury;
  - d. Description of medical treatment received by employee;
  - e. Employee's wage data;
  - f. Date, signature, and title of employer or the employer's representative; and
  - g. Statement doubting the validity of the claim, if the employer doubts the validity of the claim.
2. The physician's portion of the worker's and physician's report of injury (form 102) shall contain:
  - a. Name and address of physician;
  - b. Information regarding preexisting conditions;
  - c. Information regarding the industrial injury, treatment, and prognosis;
  - d. Statement authorizing the attachment of a medical report that contains the information required in form 102; and
  - e. Physician's signature and date.
3. Notice of supportive medical benefits (form 103) shall contain:
  - a. Employee, employer, insurance carrier, and claim identification;
  - b. Description of authorized medical benefits;
  - c. Date the notice is mailed;
  - d. Name and telephone number of the individual issuing the notice; and
  - e. Statement regarding reopening and appeal rights including filing requirements.
4. Notice of claim status (form 104) shall contain:
  - a. Employee, employer, insurance carrier, and claim identification;
  - b. Status of the claim;
  - c. Date the notice is mailed;
  - d. Name and telephone number of the individual issuing the notice; and
  - e. Statement of a party's hearing and appeal rights including filing requirements.
5. Notice of suspension of benefits (form 105) shall contain:
  - a. Employee, employer, insurance carrier, and claim identification;
  - b. Effective date of the suspension;
  - c. Reasons for the suspension;
  - d. Date the notice is mailed;
  - e. Name and telephone number of the individual issuing the notice; and
6. Notice of permanent disability or death benefits (form 106) shall contain:
  - a. Employee, employer, insurance carrier, and claim identification;
  - b. Applicable statutory authority under which compensation is paid;
  - c. Disability and compensation information;
  - d. Date the notice is mailed;
  - e. Name and telephone number of the individual issuing the notice; and
  - f. Statement regarding hearing and appeal rights including filing requirements.
7. Notice of permanent disability and request for determination of benefits (form 107) shall contain:
  - a. Employee, employer, insurance carrier, and claim identification;
  - b. Type of disability;
  - c. Applicable statutory authority for designated disability;
  - d. Designation of dependents where death is involved;
  - e. Designation of advanced payments and amount of the advance;
  - f. Date the notice is mailed; and
  - g. Name and telephone number of the individual issuing the notice.
8. Carrier's recommended average monthly wage calculation (form 108) shall contain:
  - a. Employee, employer, insurance carrier, and claim identification;
  - b. Employment and wage history;
  - c. Designation of dependents; and
  - d. Carrier's calculations for the recommended average monthly wage and the basis for the calculation.
9. Notice of permanent compensation payment plan (form 111) shall contain:
  - a. Employee, employer, and carrier identification;
  - b. Amount of permanent compensation and description of payment plan;
  - c. Name of the responsible entity contracted by the carrier to administer the payment plan;
  - d. Statement that the carrier remains the responsible party for payment;
  - e. Statement regarding supportive care and reopening rights;
  - f. Date the notice is mailed; and
  - g. Name and telephone number of the individual issuing the notice.
10. Report of insurance coverage (form 0006) shall contain:
  - a. Name and address of the carrier;
  - b. Legal name of entity that the carrier insures;
  - c. All other insured names or subsidiary entities under which the carrier's insured does business in Arizona;
  - d. Address of all insured entities with insurance policy information for each address; and
  - e. Employer Identification Number (EIN), Taxpayer Identification Number (TIN), or Federal Identification Number (FIN) assigned to each insured person or entity.
11. Report of significant work exposure to bodily fluids or other infectious material shall contain:
  - a. The requirements set forth in A.R.S. §§ 23-1043.02(B), 23-1043.03(B), and 23-1043.04(B);
  - b. Employee identification,
  - c. Employer identification,

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- d. Source of exposure person identification (if known),
  - e. Details of the exposure including:
    - i. Date of exposure,
    - ii. Time of exposure,
    - iii. Place of exposure,
    - iv. How exposure occurred,
    - v. Type of bodily fluid or fluids,
    - vi. Source of bodily fluid or fluids,
    - vii. Part or parts of body exposed to bodily fluid or fluids,
    - viii. Presence of break or rupture in skin or mucous membrane, and
    - ix. Witnesses (if known), and
  - f. Dated signature of employee or the employee's authorized representative.
12. The medical treatment preauthorization form (MRO-1.1) shall contain five sections, as follows:
- a. Section I (Provider Request for Preauthorization) shall contain:
    - i. Injured employee identification, including name, date of injury, date of birth, and payer claim number (if known);
    - ii. Provider identification, including name, phone number, provider medical specialty, preferred method of contact, and contact information;
    - iii. Payer identification, including name and contact information (i.e., mailing address, fax number, or e-mail address);
    - iv. Information regarding requested medical treatment and/or services, including:
      - (1) Applicable diagnosis and/or ICD codes;
      - (2) A detailed statement of the treatment or services requested;
      - (3) Applicable Current Procedural Terminology (CPT) codes and/or National Drug Codes (NDC);
      - (4) Type of request (i.e., routine or urgent); and
      - (5) An indication as to whether the provider has attached documentation to support the medical necessity and appropriateness of the requested treatment and/or services; and
    - v. Dated signature or electronic signature of provider or provider's authorized representative.
  - b. Section II (Payer Decision on Request for Preauthorization) shall contain:
    - i. Payer's preferred method of contact and contact information;
    - ii. Date request for preauthorization is received;
    - iii. The Commission claim number;
    - iv. The payer's decision (i.e., approved, partial denial, denied, request for preauthorization incomplete, or IME requested);
    - v. An indication as to whether the payer has attached a statement of what treatment and/or services have been authorized, including, if applicable, a partial authorization, and, if the request for preauthorization is denied, in whole or in part, a statement of explanation that includes the medical reason supporting the payer's decision; and
    - vi. Dated signature or electronic signature of payer or payer's authorized representative.
  - c. Section III (Provider or Employee Request for Reconsideration of Payer Decision) shall contain:
    - i. An indication as to whether the provider or injured employee has attached a statement of the specific reasons and justifications to support the request for reconsideration;
    - ii. An indication as to whether the provider or injured employee has attached documentation to support the medical necessity and appropriateness of the requested treatment and/or services, if not previously provided; and
    - iii. Dated signature or electronic signature of provider, provider's authorized representative, injured employee, or injured employee's authorized representative.
  - d. Section IV (Payer Decision on Request for Reconsideration) shall contain:
    - i. Date request for reconsideration received;
    - ii. The payer's decision (e.g., approved, partial denial, denied, or IME requested);
    - iii. An indication as to whether the payer has attached a statement of what has been authorized, including if applicable, a partial authorization, and, if the request for preauthorization is denied, in whole or in part, a statement of explanation that includes the medical reason supporting the payer's decision; and
    - iv. Dated signature or electronic signature of payer or payer's authorized representative.
  - e. Section V (Provider or Employee Request for Administrative Peer Review) shall contain:
    - i. An indication of the basis for the request for administrative peer review (e.g., payer non-response, denial (in whole or in part) of requested treatment or services, the payer's decision on the request for preauthorization denied treatment or services that are subject to R20-5-1304(B));
    - ii. An indication as to whether the provider or injured employee has attached copies of relevant medical records and, if applicable, documentation related to the payer's non-response;
    - iii. An indication as to whether the provider or injured employee has attached all documentation and statements previously attached to Sections I-IV; and
    - iv. Dated signature or electronic signature of provider, provider's authorized representative, injured employee, or injured employee's authorized representative.
- B.** The following forms may be used:
- 1. The workers' portion of the worker's and physician's report of injury (form 102) requests:
    - a. Employee, employer, insurance carrier, and physician identification;
    - b. Description of the accident, including date of injury; and
    - c. Date and signature of the employee or the employee's authorized representative.
  - 2. Worker's report of injury (form 407) requests:
    - a. Employee and employer identification,
    - b. Job title,
    - c. Employment description,
    - d. Employee's wage data,
    - e. Date of injury,
    - f. Accident and injury descriptions,
    - g. Medical treatment information,

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- h. Information concerning prior injuries of the employee,
  - i. Disability income, and
  - j. Date and signature of the employee or the employee's authorized representative.
3. Worker's annual report of income (form 110-A) requests:
- a. Employee, employer, insurance carrier, and claim identification;
  - b. Employment and wage history for the preceding 12 months;
  - c. Date and signature of the employee or the employee's authorized representative attesting to the truthfulness of the employment and wage information; and
  - d. Statement that failure to submit an annual report of income may result in a suspension of benefits by the carrier or self-insured employer.
4. Notice of intent to suspend (form 110-B) requests:
- a. Employee, employer, insurance carrier, and claim identification;
  - b. Employment and wage history for the preceding 12 months;
  - c. Date and signature of the employee or the employee's authorized representative attesting to the truthfulness of the employment and wage information;
  - d. Statement that failure to submit an annual report within 30 days of the date of the notice shall result in a suspension of benefits by the carrier or self-insured employer.
5. Request for hearing requests:
- a. Names of the employee, employer, and insurance carrier;
  - b. Claim identification;
  - c. Identification of the award, notice, order, or determination protested and reason(s) for the protest;
  - d. Estimated length of time for hearing and city or town in which hearing is requested;
  - e. Name and address of any witness for whom a subpoena is requested; and
  - f. Date and signature of party or the party's authorized representative.
6. Petition to reopen requests:
- a. Names of the employee, employer, and insurance carrier;
  - b. Claim identification;
  - c. Identification or description of the new, additional, or previously undiscovered temporary or permanent disability or medical condition justifying the reopening of the claim; and
  - d. Employee's medical and employment history.
7. Petition for rearrangement or readjustment of compensation requests:
- a. Names of the employee, employer, and insurance carrier;
  - b. Claim identification;
  - c. Income and employment history;
  - d. Medical history; and
  - e. Statement of the basis for the increase or decrease in earning capacity.
8. Claim for dependent's benefits-fatality form requests:
- a. Identification of dependent filing claim;
  - b. Identification of deceased;
  - c. Date of death;
  - d. Date of injury, if different than date of death;
  - e. Name and address of employer at time of deceased's death;
  - f. Statement of cause of death;
  - g. Names and addresses of health care providers rendering treatment to deceased in two years before death;
  - h. Conditions treated by health care providers in the two years before deceased's death;
  - i. If claim is for spousal benefits, the form requests:
    - i. Name, address, and date of birth of spouse;
    - ii. Copy of marriage certificate;
    - iii. Date and place of marriage to deceased;
    - iv. History of prior marriages of deceased and deceased's spouse, including copies of divorce decrees; and
    - v. Statement of living arrangements at time of deceased's death, including reason for living apart at time of death, if applicable;
  - j. If claim is for a dependent child, the form requests:
    - i. Name, date of birth, and address of child at time of deceased's death;
    - ii. List of children in care and custody of current spouse; and
    - iii. Statement of whether unborn child is expected and date expected;
  - k. If claim is for dependent other than a child, the form requests:
    - i. Name and address of other dependent,
    - ii. Relationship of other dependent to deceased, and
    - iii. Statement of the nature and extent of dependency; and
  - l. Date, telephone number, and signature of dependent or authorized representative of dependent.
9. Request to leave the state form requests:
- a. Employee, insurance carrier, and claim identification;
  - b. Reason for requesting to leave Arizona;
  - c. Dates leaving and returning to Arizona;
  - d. Out-of-state address;
  - e. Name and telephone number of attending physician; and
  - f. Date and signature of the employee or the employee's authorized representative.
10. Request to change doctors form requests:
- a. Employee, insurance carrier, and claim identification;
  - b. Reason for requesting change of doctor;
  - c. Name and phone number of claimant's current doctor;
  - d. Name and phone number of doctor claimant requests to change to; and
  - e. Date and signature of the employee or the employee's authorized representative.
11. Complaint of bad faith and unfair claim processing practices requests:
- a. Employee, employer, and insurance carrier identification;
  - b. Description of the alleged bad faith or unfair claim processing practices;
  - c. Date of the complaint; and
  - d. Name, address, and telephone number of the person signing the complaint.
12. Certification of employer's drug and alcohol testing policy requests:

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- a. Employer's certification as described under A.R.S. § 23-1021(F),
  - b. Name and federal identification number of the employer, and
  - c. Name of all subsidiaries and locations of the employer.
- C. Optional use of a form described in subsection (B) does not affect any requirement under the Act or this Article.
- D. Forms or format for the forms described in this Section are available from the Commission.
- E. Forms prescribed under this Section shall not be changed, amended, or otherwise altered without the prior written approval of the Commission.

**Historical Note**

Former Rule 6. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). Amended effective August 28, 1992 (Supp. 92-3). R20-5-106 recodified from R4-13-106 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3). Amended by final rulemaking at 15 A.A.R. 991, effective June 2, 2009 (Supp. 09-2). Amended by final rulemaking at 24 A.A.R. 2069, effective October 1, 2018 (Supp. 18-3).

**R20-5-107. Manner of Completion of Forms and Documents**

- A. An individual completing a form or document shall fill out the form or document legibly in ink or by typewriter.
- B. A party or a party's authorized representative shall sign any form or document that is required by the Act, this Article, or other law to be signed.
- C. Unless otherwise provided in this Article, if a party is required to sign a form or document, the Commission shall not accept a typewritten name or stamped signature.
- D. If, within the time period prescribed by law, a party files an incomplete form or document, or files an instrument other than a form or document when a form or document is required, the Commission shall serve notice to the party that the form or document fails to comply with this Section. The Commission deems the report or document timely filed if the party files a properly completed and signed form or document within 14 days after the Commission serves the notice described in this subsection.

**Historical Note**

Former Rule 7. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-107 recodified from R4-13-107 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-108. Confidentiality of a Commission Claims File; Reproduction and Inspection of a Commission Claims File**

- A. Except as provided in this Section, a claims file maintained by the Commission is private and confidential and the Commission shall not make the claims file available for inspection and copying. For purposes of this Section, "claims file" means the official record maintained by the Commission for a claimant's industrial injury including the worker's report of injury, employer's report of injury, worker and physician's report of injury, and all other reports, records, instruments, videotapes, audiotapes, transcripts, and other matters scanned or otherwise placed into the file.
- B. Except as provided in subsections (D) and (E), the Commission shall make a Commission claims file relating to a current or prior claim of a claimant available for inspection and copying by any party to any proceeding currently or previously before the Commission involving the same claimant.

- C. Except as provided in subsections (D) and (E), the Commission shall not make a Commission claims file available to a non-party for inspection and copying unless the Commission receives a court order or written authorization signed by the affected claimant or the affected claimant's authorized representative.
- D. The Commission shall make a transcript contained in a Commission claims file available for inspection and copying if:
  - 1. The person requesting to inspect and copy the transcript is a person authorized under subsections (B) or (C); and
  - 2. The transcript concerns a hearing related to a claim that is not in litigation.
- E. The Commission shall make a transcript contained in a Commission claims file available only for inspection if:
  - 1. The person requesting to inspect and copy the transcript is a person authorized under subsections (B) or (C); and
  - 2. The transcript concerns a hearing related to a claim currently in litigation.
- F. The Commission shall provide copies at a charge of \$.25 per page.
- G. A Commission claims file shall not be removed from a Commission office unless in the custody of an authorized representative of the Commission.

**Historical Note**

Former Rule 8. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). Amended effective August 28, 1992 (Supp. 92-3). R20-5-108 recodified from R4-13-108 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-109. Admission into Evidence of Documents Contained in a Commission Claims File**

- A. If a party or an administrative law judge considers a document contained in a Commission claims file, including a transcript of a prior proceeding, necessary or appropriate for hearing purposes, the administrative law judge shall receive a copy of the document into evidence if the document is otherwise admissible.
- B. With the permission of the administrative law judge, instead of submitting a copy of the document into evidence, a party may refer to the document's location on the Commission's optical disk imaging system by providing an accurate description of the document that includes the claimant's claim number and image document identification number the Commission assigns to the document.

**Historical Note**

Former Rule 9. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-109 recodified from R4-13-109 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-110. Employer Duty to Report Fatality**

If an employee dies as a result of an injury by accident arising out of and in the course of employment, the employer shall report the death to the Commission's claims division by telephone, telegram, or electronic filing, no later than the next business day following the death. The report shall state the name of the employee, when, how, and where the accident occurred, and the nature of the condition causing the accident. This Section does not limit or affect an employer's duty to report a death to the Arizona Occupational Safety and Health Division of the Commission as required under R20-5-637.

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**Historical Note**

Former Rule 10. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-110 recodified from R4-13-110 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-111. Request for Autopsy**

If a claim is filed for compensation for death from an industrial injury and an autopsy is requested, the expense of the autopsy shall be borne by the requesting party.

**Historical Note**

Former Rule 11. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-111 recodified from R4-13-111 (Supp. 95-1).

**R20-5-112. Physician's Initial Report of Injury**

- A. A physician shall complete and file with the Commission a physician's initial report of injury under A.R.S. § 23-908(A) within eight days after first providing treatment to an injured worker. The physician shall report the injury:
  1. Using Commission form 102 (worker's and physician's report of injury), or
  2. Attaching to form 102 a medical report that contains the information required in form 102.
- B. The physician shall sign and date form 102 or the medical report attached to form 102. The signature of the physician may be typewritten or stamped on this form.
- C. If a claimant uses form 102 to initiate a claim, either the injured worker or the injured worker's authorized representative shall sign the worker's portion of form 102.

**Historical Note**

Former Rule 12. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). Amended effective August 28, 1992 (Supp. 92-3). R20-5-112 recodified from R4-13-112 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-113. Physician's Duty to Provide Signed Reports; Rating of Impairment of Function; Restriction Against Interruption or Suspension of Benefits; Change of Physician**

- A. If a claimant's disability extends beyond seven days, every physician who attends, treats, or examines the claimant shall provide to the insurance carrier, self-insured employer, or special fund division, at least once every 30 days while the claimant's disability continues, a personally signed report describing the:
  1. Claimant's condition,
  2. Nature of treatment,
  3. Expected duration of disability, and
  4. Claimant's prognosis.
- B. When a physician discharges a claimant from treatment, the physician:
  1. Shall determine whether the claimant has sustained any impairment of function resulting from the industrial injury. The physician should rate the percentage of impairment using the standards for the evaluation of permanent impairment as published by the most recent edition of the American Medical Association in Guides to the Evaluation of Permanent Impairment, if applicable; and
  2. Shall provide a final signed report to the insurance carrier, self-insured employer, or special fund division that details the rating of impairment and the clinical findings that support the rating.

- C. A carrier, self-insured employer, and special fund division shall not interrupt or suspend a claimant's temporary disability compensation benefits because a physician fails to comply with any requirement of subsection (A).
- D. A carrier, self-insured employer, and special fund division may withhold payment to a physician for services rendered to a claimant until the physician complies with subsection (A).
- E. Upon application of a party, the Commission shall authorize a change of physician if:
  1. The Commission determines that the health, life, or recovery of a claimant is retarded, endangered, or impaired;
  2. The attending physician agrees to the change or is unavailable to continue treatment;
  3. The Commission determines that the relationship between the attending physician and claimant renders further progress or improvement unlikely;
  4. The Commission determines that the claimant's recovery may be expedited by a change of physician or conditions of treatment; or
  5. The insurance carrier agrees to the change.
- F. Except as provided in A.R.S. § 23-1070 and this subsection, a claimant who is examined by a physician under A.R.S. § 23-908(E) is not required to obtain written authorization to change to another physician. If, however, the claimant continues to see, or treat with, a physician who the claimant initially saw or treated with under A.R.S. § 23-908(E), then that physician is an attending physician and the claimant shall obtain written authorization to change under A.R.S. § 23-1071(B) if the claimant seeks to change to another physician.

**Historical Note**

Former Rule 13. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-113 recodified from R4-13-113 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-114. Examination at Request of Commission, Carrier or Employer; Motion for Relief**

- A. If the Commission or a party requests an examination of a claimant by a physician, the party requesting the examination shall serve the claimant, or if represented, the claimant's attorney, with notice of the time, date, place, and physician conducting the examination at least 15 days before the scheduled date of the examination.
- B. If a claimant unreasonably fails to attend or promptly advise of the claimant's inability to attend an examination under this Section, the party requesting the examination may charge the claimant or deduct from the claimant's entitlement to present or future temporary or permanent disability compensation, any reasonable expense of the missed appointment.
- C. A party adverse to a party who schedules a medical examination may offer into evidence the report of any medical examination as provided in R20-5-155 or within five days after the adverse party receives the report, subject to the right of cross-examination by the party who scheduled the examination.
- D. If a carrier, self-insured employer, or special fund division requests an examination of a claimant's mental or physical condition under A.R.S. § 23-1026, the carrier, self-insured employer, or special fund division shall immediately, upon receipt of the report of the examination, provide a copy of the report to the claimant or the claimant's authorized representative. If the mental condition of an unrepresented claimant is examined under A.R.S. § 23-1026, the carrier, self-insured employer, or special fund division may, in its discretion, pro-

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vide the report to the claimant's treating physician rather than to the claimant.

- E. To protect a claimant from annoyance, embarrassment, oppression, or undue burden or expense, the Commission may order, upon good cause shown, one or both of the following:
  1. That the examination not be held; or
  2. That the examination may be conducted only on specified terms and conditions, including a designation of the time, place, and examining physician.
- F. A claimant requesting protection under subsection (E) shall file a motion with the presiding administrative law judge or chief administrative law judge if a judge has not been assigned to the case, within three days after the claimant receives notice of the examination. The claimant shall serve a copy of the motion on all parties. The party requesting the examination shall have three days after receiving the motion to file a response. The party shall serve the response on the claimant or, if represented, the claimant's attorney of record.

**Historical Note**

Former Rule 14. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-114 recodified from R4-13-114 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-115. Request to Leave the State**

- A. The effective date of an order granting or denying a request to leave the state under A.R.S. § 23-1071(A) is the date a claimant files a request to leave the state with the Commission.
- B. For purposes of A.R.S. § 23-1071(A):
  1. "While the necessity of having medical treatment continues" means the period of time in which a claimant asserts an entitlement to temporary compensation, or active medical, surgical, or hospital benefits;
  2. "Leave the state" means to travel across the state border, except when the logical or nearest medical facility is situated across the state border; and
  3. "From the date the employee first requested the written approval" means from the date the claimant's request is filed with the Commission.

**Historical Note**

Former Rule 15. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-115 recodified from R4-13-115 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-116. Payment of Claimant's Travel Expenses When Directed to Report for Medical Examination or Treatment**

- A. If a claimant is directed by a carrier, self-insured employer, or special fund division to report for a medical examination or treatment in a locality other than either the claimant's current place of residence or employment, the carrier, self-insured employer, or special fund division shall pay, in advance, the claimant's travel expenses from either the claimant's current place of residence or employment, whichever route of travel is required.
- B. For purposes of this Section, "travel expenses" means those expenses required to be paid under A.R.S. § 23-1026.
- C. The carrier, self-insured employer, or special fund division shall calculate travel expenses using the current rates applicable to state employees.

**Historical Note**

Former Rule 16. Amended subsections (A) and (B) effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). Correction to subsection (A) as certified effective March

1, 1987 (Supp. 88-4). R20-5-116 recodified from R4-13-116 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-117. Medical, Surgical, Hospital, and Burial Expenses**

- A. A carrier, self-insured employer, or special fund division, shall pay bills for medical, surgical, and hospital benefits provided under A.R.S. § 23-901 et seq. according to applicable medical and surgical fee schedules adopted by the Commission and in effect at the time the services are rendered. A physician or provider of nursing, hospital, drug or other medical services shall itemize and submit a bill for payment only to the responsible carrier, self-insured employer, or special fund division.
- B. A claimant shall not be responsible to pay any disputed amounts between the medical provider and the carrier, self-insured employer, or special fund division.
- C. If a claimant pays a bill described in subsection (A), the responsible carrier, self-insured employer, or special fund division shall reimburse the claimant the amount allowed by the fee schedules, provided that the claimant presents receipted vouchers or other proof of payment to support the claim for reimbursement.
- D. If an insured employer pays a bill described in subsection (A), the responsible carrier or self-insured employer shall reimburse the employer the amount allowed by the fee schedules, provided that the employer presents receipted vouchers or other proof of payment to support the claim for reimbursement.
- E. An insurance carrier, self-insured employer, or special fund division may pay any authorized burial expenses directly to the funeral service professional.
- F. If an employee's dependent pays burial expenses, the responsible carrier, self-insured employer, or special fund division shall reimburse the dependent the amount authorized by A.R.S. § 23-1046 provided that the dependent presents proof of payment to support the claim for reimbursement.
- G. If an insured employer pays burial expenses, the responsible carrier or self-insured employer shall reimburse the employer to the extent authorized by A.R.S. § 23-1046 provided that the employer presents proof of payment to support the claim for reimbursement.

**Historical Note**

Former Rule 17. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-117 recodified from R4-13-117 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-118. Effective Date of Notices of Claim Status and Other Determinations; Attachments to Notices of Claim Status; Form of Notices of Claim Status**

- A. If a notice of claim status accepting a claim for benefits is final, any subsequent notice of claim status that changes a claimant's amount of, or entitlement to, compensation or medical, surgical, or hospital benefits shall not have a retroactive effect for more than 30 days from the date a carrier or self-insured employer issues the subsequent notice of claim status. This subsection does not apply to a subsequent notice that affects the entitlement to or amount of death benefits. The Commission may for good cause relieve a carrier or self-insured employer of the effect of this subsection.
- B. If a notice of claim status or other determination issued by a carrier, self-insured employer, or special fund division, is based upon a physician's report:

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1. The carrier or self-insured employer shall attach a copy of the physician's complete report to the notice of claim status or other determination sent to the Commission; and
  2. The carrier, self-insured employer, or special fund division shall attach a copy of the physician's complete report to the notice of claim status or other determination served on a party, except as provided in R20-5-114(D).
- C. If a carrier, self-insured employer, or special fund division pays compensation to a claimant:
1. The carrier or self-insured employer shall close the claim by issuing a notice of claim status; and
  2. The special fund division shall close the claim by issuing a notice of determination.
- D. The inadvertent failure of a carrier, self-insured employer, or special fund division to comply with subsection (B) shall not affect the validity of a notice or determination if the carrier, self-insured employer, or special fund division issuing the notice or determination had in its possession at the time the notice or determination is issued a medical report consistent with the notice or determination.

**Historical Note**

Former Rule 18. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). Amended effective August 28, 1992 (Supp. 92-3). R20-5-118 recodified from R4-13-118 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-119. Notice of Third-party Settlement**

- A. Except as otherwise provided by law, if an employer is insured for workers' compensation insurance and a claimant, or in the event of death, the claimant's dependent, elects to proceed against a third party, the claimant shall notify the appropriate workers' compensation carrier, or self-insured employer, of any settlement or judgment in the third party suit and the basis upon which the claimant and third party agree to disburse the proceeds of the settlement or judgment.
- B. If an employer is uninsured for workers' compensation insurance and a claimant, or in the event of death, the claimant's dependent, elects to proceed against a third party, the claimant shall notify the special fund division of any settlement or judgment in the third party suit and the basis upon which the claimant and third party agree to disburse the proceeds of the settlement or judgment.
- C. If a lawsuit is filed against a third party, the claimant or the claimant's attorney shall provide copies of pleadings and all offers of settlement to the workers' compensation carrier, self-insured employer, or special fund division to whom notice is required under subsections (A) and (B).

**Historical Note**

Former Rule 19. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-119 recodified from R4-13-119 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-120. Settlement Agreements, Compromises and Releases**

- A. No settlement agreement, compromise, or waiver of rights of a workers' compensation claim, will be valid unless approved by the Commission.
- B. The acceptance of any payments or the signing of a settlement agreement, compromise, release or waiver of rights, unless approved by the Commission, shall not release the employer or his insurance carrier from any obligation imposed by the Workers' Compensation Law.

- C. The carrier or employer shall not be entitled to a credit for any sums paid to an employee under a settlement agreement which has not been approved by the Commission.

**Historical Note**

Former Rule 20. Amended subsections (A) and (B) effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-120 recodified from R4-13-120 (Supp. 95-1).

**R20-5-121. Present Value and Basis of Calculation of Lump Sum Commutation Awards**

- A. The Commission shall calculate the present value of an award that is commuted to a lump sum under R20-5-122. The Commission shall not include in the present value calculation compensation paid before the filing of a lump sum commutation petition. The Commission shall use the filing date of a lump sum commutation petition to compute the present value of an award.
- B. The Commission shall calculate the present value of an award at least annually, whether payable for a period of months or based upon the life of the employee, using the United States Life Tables, 2003, National Vital Statistics Reports, Vol. 54, Number 14, April 19, 2006, revised March 28, 2007, Table 1 incorporated by reference, and discounted at the rate established by the Commission. This incorporation does not include any later amendments or editions of the incorporated matter. A copy of this referenced material is available for review at the Commission and may be obtained from the U.S. Department of Health and Human Services, Centers for Disease Control. The rate established by the Commission is based on the following formula: The mean average of the three-month Treasury Bill rate on December 31 of each of the five years prior to July 1 of the current year. The rate, once calculated, is effective until the Commission calculates a new rate under this subsection. The discount rate is published in the minutes of the Commission meeting establishing the rate and is available upon request from the Commission.

**Historical Note**

Former Rule 21. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-121 recodified from R4-13-121 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3). Amended by final rulemaking at 10 A.A.R. 724, effective February 3, 2004 (Supp. 04-1). Amended by final rulemaking at 11 A.A.R. 2973, effective July 12, 2005 (Supp. 05-3). Amended by final rulemaking at 13 A.A.R. 4139, effective November 6, 2007 (Supp. 07-4).

**R20-5-122. Lump Sum Commutation**

- A. A petition for a lump sum commutation in an unscheduled case shall not be approved unless the carrier approves of such petition.
- B. If the lump sum commutation petition is approved by the carrier, the Commission's primary consideration in passing upon the petition will be whether more net income per month will be generated after receipt of the lump sum than the applicant is presently receiving. The granting of a lump sum petition will only be granted if the facts demonstrate a reasonable basis for financial betterment or rehabilitation of the claimant.
- C. The burden of proving that the commutation of compensation satisfies the criteria in (B) is on the applicant.



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**Historical Note**

Former Rule 22. Amended subsections (A) and (B) effective March 1, 1987, filed February 26, 1987 (Supp. 87-1).

R20-5-122 recodified from R4-13-122 (Supp. 95-1).

**R20-5-123. Rejection of the Act**

If an employee serves upon an employer written notice under A.R.S. § 23-906, rejecting the provisions of the Act, the employer shall keep one copy of the rejection in the employer's business records.

**Historical Note**

Former Rule 23. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-123 recodified from R4-13-123 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-124. Rejection Not Applicable to New Employment**

- A. An election by an employee to reject the Act is not binding upon the employee in a new employment by another employer or following re-employment by the same employer.
- B. If an employee is continuously employed and the employer changes workers' compensation insurance carriers, or form of doing business, the prior rejection is valid and remains in full force and effect.

**Historical Note**

Former Rule 24. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-124 recodified from R4-13-124 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-125. Rejection Before an Employer Complies with A.R.S. §§ 23-961(A) and 23-906(D)**

An employee's rejection of the Act received by an employer before the employer complies with the requirements of A.R.S. §§ 23-961(A) or 23-906(D) is valid and continues in full force and effect whether the employer subsequently obtains workers' compensation coverage under A.R.S. § 23-961(A), posts the notice required under A.R.S. § 23-906(D), or makes available the forms required under A.R.S. § 23-906(D).

**Historical Note**

Former Rule 25. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-125 recodified from R4-13-125 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-126. Revocation of Rejection**

- A. An employee who rejects the Act may revoke that rejection by serving upon the employee's employer an original and one copy of a written notice of revocation. The written revocation shall state that the employee revokes the employee's prior rejection of the Act.
- B. Within five days after receiving a written notice of revocation, an insured employer shall file with the employer's carrier, or workers' compensation pool, a copy of the notice of revocation. The employee has all rights to compensation and benefits provided by the Act for any injury that occurs after the employee serves the revocation notice upon the employer.

**Historical Note**

Former Rule 26. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-126 recodified from R4-13-126 (Supp. 95-1). Amended by final

rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-127. Insurance Carrier Notification to Commission of Coverage**

- A. Every insurance carrier authorized to underwrite workers' compensation insurance in Arizona shall, within five days after undertaking to insure an employer, report that information to the Commission. The carrier shall provide the information on or in the same format as Commission form 0006. Form 0006 is available upon request from the Commission.
- B. Failure to comply with this Section does not affect the validity of coverage.

**Historical Note**

Former Rule 27. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). Amended effective August 28, 1992 (Supp. 92-3). R20-5-127 recodified from R4-13-127 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-128. Medical Information Reproduction Cost Limitation; Definition of Medical Information**

- A. A health care provider shall not charge more than \$.25 per page plus \$10 per hour in associated clerical costs for reproduction of medical information when a party, an authorized representative of a party, or an entity that is authorized by a claimant in a workers' compensation matter makes a request for that information under A.R.S. § 23-908(C).
- B. This Section applies to all A.R.S. § 23-908(B) health care providers providing medical services to injured claimants including health care providers that contract with copying services, recordkeeping services, or other similar services for the reproduction of medical information. For purposes of this Section, fees for reproduction of medical information charged by these services are considered the same as if the reproduction fees are charged by a health care provider.
- C. For purposes of this Section, "medical information" means:
  - 1. A communication recorded in any form or medium and maintained for the purpose of patient care, diagnosis, or treatment, including a report, note, order, test result, photograph, videotape, X-ray, and billing record;
  - 2. A report of an independent medical examination that describes patient care or treatment;
  - 3. A psychological record;
  - 4. A medical record held by a health care provider including a medical record prepared by another provider; and
  - 5. A recorded communication between emergency medical personnel and medical personnel concerning the care or treatment of a person.
- D. For purposes of this Section, "medical information" does not include:
  - 1. Materials that are prepared in connection with utilization review, peer review, or quality assurance activities, including records that a health care provider prepares under A.R.S. §§ 36-441, 36-445 or 36-2402; and
  - 2. Recorded telephone and radio calls to and from a publicly operated emergency dispatch office relating to requests for emergency services or reports of suspected criminal activity.

**Historical Note**

Former Rule 28. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-128 recodified from R4-13-128 (Supp. 95-1). Section repealed; new Sec-

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tion made by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-129. Carrier or Workers' Compensation Pool Determinations Binding upon its Insured or Member; Self-Rater Exception**

- A. The Commission deems an insurance carrier or workers' compensation pool the agent of an employer insured by the carrier or workers' compensation pool.
- B. The Commission also deems any action or determination taken or made by the insurance carrier or workers' compensation pool binding upon the employer. The employer may not protest or petition the Commission for relief concerning an action or determination taken by the employer's insurance carrier or workers' compensation pool unless the employer notifies the carrier or workers' compensation pool, and the Commission in writing that the employer disagrees with the carrier's or worker's compensation pool's action or determination within the time described in A.R.S. § 23-947.
- C. This Section does not apply to employers insured under a Self-Rating Insurance Plan.

**Historical Note**

Former Rule 29. Amended subsection (A) effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-129 recodified from R4-13-129 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-130. Claims Office Location and Function; Requirements of Maintaining an Out-of-State Claims Office**

- A. Except as provided in subsection (B), each carrier that has or is underwriting workers' compensation insurance in Arizona, and each employer and workers' compensation pool that has been granted authority to act as a self-insurer by the Commission, shall maintain a workers' compensation claims office in Arizona. A carrier, self-insured employer, and self-insured workers' compensation pool shall process and pay workers' compensation claims and maintain the workers' compensation claims files described in R20-5-131 in its Arizona office. A carrier, self-insured employer, and self-insured workers' compensation pool shall notify the claims division of the Commission of the address of the Arizona claims office.
- B. Except as provided in subsections (C) and (D), a carrier or self-insured employer may request authorization from the Commission to maintain an out-of-state claims office. The Commission shall grant a carrier or self-insured employer authorization to maintain an out-of-state claims office no later than 20 days after the carrier or self-insured employer provides satisfactory evidence of the following:
  - 1. Existence of a toll-free telephone line to the out-of-state claims office;
  - 2. Completion of Commission claims division's training by the individuals responsible for claims processing at the out-of-state office; and
  - 3. Designation of a financial institution located in Arizona that will cash on demand checks issued by the out-of-state claims office.
- C. The Commission shall not permit a self-insured workers' compensation pool to maintain a claims office out-of-state.
- D. The Commission shall rescind its authorization to maintain an out-of-state claims office if a carrier or self-insured employer no longer meets the requirements of subsection (B) or fails to process and pay claims as required under the Act and this Article.
- E. A carrier or self-insured employer maintaining an out-of-state claims office shall print the carrier's or self-insured employer's toll-free telephone number to the out-of-state

claims office on all notices of claim status or other determinations issued by the out-of-state claims office. Failure to print the toll-free telephone number on a notice or other determination as required by this subsection does not affect the validity of the notice or determination.

- F. For claims processing purposes, a carrier, self-insured employer, or self-insured workers' compensation pool may have more than one designated representative provided the carrier, self-insured employer, or self-insured workers' compensation pool:
  - 1. Notifies the Commission at the time an insurance policy is issued or authorization to self-insure is granted; and
  - 2. Notifies the Commission each time that the insurance policy or authorization to self-insure is renewed.

**Historical Note**

Former Rule 30. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-130 recodified from R4-13-130 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-131. Maintenance of Carrier and Self-insured Employer Claims Files; Contents; Inspection and Copying; Exchange of Medical Reports; Authorization to Obtain Medical Records**

- A. A carrier and self-insured employer shall maintain a workers' compensation claims file for each claimant. A carrier and self-insured employer shall include in a workers' compensation claims file all employer's reports, medical and hospital reports, awards, orders, notices of claims status, wage data, and all other items affecting the claim required by law to be maintained by a carrier or self-insured employer.
- B. Subject to subsection (C), all parties, authorized representatives of parties, and authorized representatives of the Commission may inspect and copy items contained in a carrier's or self-insured employer's claims file within five days from the date the item is filed in the claims file.
- C. If a carrier or self-insured employer maintains a claims file at an out-of-state claims office, the carrier or self-insured employer shall make the claims file available for copying and inspection to the persons listed in subsection (B) within 10 days after receiving a request for the file at a location in Arizona designated by the carrier or self-insured employer.
- D. A carrier or self-insured employer shall furnish copies of a claims file within 10 days after receiving a request from any party, authorized representative of a party, and authorized representative of the Commission at a charge not to exceed \$.25 per page. A carrier or self-insured employer may require prepayment of the copying charges if the requester or authorized representative has an account with the carrier or self-insured employer that is more than 30 days overdue.
- E. A carrier or self-insured employer is not required to maintain in a claims file, or produce for inspection and copying:
  - 1. Documents or matters representing the work product of the carrier or self-insured employer;
  - 2. Documents or matters representing the work product of a carrier's or self-insured's attorney; or
  - 3. Investigation and rehabilitation reports.
- F. All medical records concerning a claimant's mental or physical condition that are in a party's possession shall be furnished, upon request, to another party in the same Commission proceeding.
- G. Within 10 days of a request, a claimant shall provide to a party in a Commission proceeding involving the claimant, a release of information authorizing any attending, treating, or examin-

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ing physician to provide records described in A.R.S. § 23-908(C).

**Historical Note**

Former Rule 31. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-131 recodified from R4-13-131 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-132. Parties' Notice to Commission of Intention to Impose Liability upon A.R.S. § 23-1065 Special Fund**

If the notices required by A.R.S. § 23-1065 are not given to the Commission, the Commission shall not be bound by the testimony and evidence presented at a hearing as it relates to the imposition of liability upon the special fund.

**Historical Note**

Former Rule 32. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-132 recodified from R4-13-132 (Supp. 95-1).

**R20-5-133. Claimant's Petition to Reopen Claim**

- A. A petition to reopen filed with the Commission under A.R.S. § 23-1061(H) shall be in writing, signed, and dated by the claimant or the claimant's authorized representative. A petition to reopen form is available from the Commission upon request.
- B. A claimant shall provide to the Commission a copy of a medical report supporting the disability or condition justifying the reopening of the claim.
- C. If the Commission does not receive the medical report described in subsection (B) within 14 days of receipt of a petition to reopen, the Commission shall notify all parties, in writing, that it has received a petition to reopen without the required medical report. A carrier or self-insured employer is not required to act on a petition to reopen that is received without the required medical report.
- D. If the Commission receives a medical report in support of a petition to reopen and a claimant does not file a petition to reopen within 14 days of receipt of the medical report, the Commission shall forward the medical report to the carrier or self-insured employer for information purposes only. A carrier or self-insured employer is not required to take any action upon receipt of the medical report.
- E. If the Commission receives a medical report in support of a petition to reopen from an out-of-state physician and a party objects to the report at least 20 days before a scheduled hearing, the Commission shall not consider the report or place the report in evidence unless the party submitting the report produces the author of the report for cross-examination either at the hearing or at a deposition. The party submitting into evidence the medical report prepared by an out-of-state physician shall pay the expenses of a deposition under this subsection.

**Historical Note**

Former Rule 33. Amended subsections (A), (C), (D) and (E) effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). Amended effective August 28, 1992 (Supp. 92-3). R20-5-133 recodified from R4-13-133 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-134. Petition for Rearrangement or Readjustment of Compensation Based Upon Increase or Reduction of Earning Capacity**

- A. A petition for rearrangement or readjustment of compensation filed with the Commission under A.R.S. § 23-1044(F) shall be in writing. A form is available from the Commission upon request.

- B. A party or a party's authorized representative shall sign a petition for rearrangement or readjustment and include in the petition:
  1. A statement of the basis upon which the rearrangement or readjustment of compensation is sought, and
  2. Documentation in support of the petition.
- C. The petition shall be signed by the employee or the employee's authorized representative, the employer, or, in the case of an insurance carrier, by its authorized representative, and shall include a statement of the basis upon which the rearrangement of compensation is sought accompanied by supportive documentary evidence.
- D. If a self-insured employer, carrier, special fund division, or uninsured employer requests a hearing protesting the Commission's determination under A.R.S. § 23-1044(F) and the claimant resides outside of Arizona, the Commission may order the self-insured employer, carrier, special fund division, or uninsured employer to pay the claimant's transportation and living expenses to attend any scheduled hearing.

**Historical Note**

Former Rule 34. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). Amended effective August 28, 1992 (Supp. 92-3). R20-5-134 recodified from R4-13-134 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-135. Requests for Hearing; Form**

- A. Any interested party or the party's authorized representative, except as otherwise provided by law or this Article, may request a hearing on a claim. A request for hearing shall be in writing.
- B. A Request for Hearing form is available upon request from the Commission and requests the following:
  1. Employee, employer, insurance carrier, authorized representative, and claim identification;
  2. Issue upon which the request for hearing is filed;
  3. Requests for subpoenas of witnesses;
  4. Desired location and length of time for the hearing;
  5. Signature and address of requesting party.

**Historical Note**

Former Rule 35. Amended subsections (A) and (B) effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). Amended effective August 28, 1992 (Supp. 92-3). R20-5-135 recodified from R4-13-135 (Supp. 95-1).

**R20-5-136. Expired****Historical Note**

Former Rule 36. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-136 recodified from R4-13-136 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 3475, effective November 8, 2016 (Supp. 16-4).

**R20-5-137. Service of a Request for Hearing**

A party filing a request for hearing shall serve a copy of the party's request for hearing upon all other parties at the same time that the party files the request for hearing with the Commission. The failure to serve a copy of a request for hearing upon other parties does not affect the validity of the hearing request.

**Historical Note**

Former Rule 37. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-137 recodified

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from R4-13-137 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-138. Hearing Calendar and Assignment to Administrative Law Judge; Notification of Hearing**

- A. The chief administrative law judge shall maintain a hearing calendar. The chief administrative law judge shall ensure that a request for hearing filed in accordance with this Article is:
  1. Placed on the hearing calendar, and
  2. Assigned to an administrative law judge who is designated as the presiding administrative law judge.
- B. A presiding administrative law judge may hold a hearing at an earlier date than required under A.R.S. § 23-941(D), if all parties to the proceeding agree.

**Historical Note**

Former Rule 38. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-138 recodified from R4-13-138 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-139. Administrative Resolution of Issues by Stipulation Before Filing a Request for Hearing**

- A. At any time before the filing of a request for hearing, parties may resolve issues by written stipulation. The parties shall file the stipulation with the Commission for approval or other action as may be appropriate.
- B. If the Commission determines that a written stipulation is reasonably supported by the facts, the Commission may approve the stipulation or enter an appropriate award without a request for hearing or hearing.

**Historical Note**

Former Rule 39. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-139 recodified from R4-13-139 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-140. Informal Conferences**

- A. A presiding administrative law judge may hold an informal conference to:
  1. Resolve and dispose of disputed issues;
  2. Narrow or limit the scope of the issues to be considered at a subsequent hearing;
  3. Simplify the method of proof at a hearing; or
  4. Eliminate the need for hearing if the facts appear to be uncontested.
- B. A party may request that a pending hearing be disposed of by an informal conference, by filing a written request that:
  1. Specifies the purpose for the conference consistent with subsection (A), and
  2. Does not contain any argument regarding the merits of the case.
- C. If the presiding administrative law judge determines that an informal conference is appropriate, the judge shall give notice to the parties of the time and place of the conference. The presiding administrative law judge may, without a request from a party, schedule an informal conference by giving five days notice to the parties of the time, place, and subject matter of the informal conference. The parties may waive the five day notice requirement of this subsection.
- D. If a presiding administrative law judge disposes of issues in controversy at an informal conference, the presiding administrative law judge may enter an award without convening a hearing.

- E. If a presiding administrative law judge disposes of, narrows, or limits some, but not all issues in controversy, the presiding administrative law judge shall prepare and mail to the parties a statement setting forth the issues to be resolved at a hearing. The presiding administrative law judge shall limit the hearing to the issues contained in the statement unless at the hearing all parties and, the presiding administrative law judge agree that the judge may consider issues beyond the scope of the statement.
- F. Upon request by a party or upon a presiding administrative law judge's own motion, the presiding administrative law judge may order the parties to file a joint statement listing the disputed issues to be considered at formal hearing. The presiding administrative law judge shall give the parties at least 10 days to file the statement and shall order the parties to file the statement three to 10 days before the first scheduled hearing.

**Historical Note**

Former Rule 40. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-140 recodified from R4-13-140 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-141. Subpoena Requests for Witnesses; Objection to Documents or Reports Prepared by Out-of-State Witness**

- A. Subpoena requests for witnesses.
  1. Subpoena request for non-medical witness. A party may request a presiding administrative law judge to issue a subpoena to compel the appearance of a non-medical witness by filing a written request with the presiding administrative law judge at least 10 days before the date of the first scheduled hearing.
  2. Subpoena request for expert medical witness. A party may request a presiding administrative law judge to issue a subpoena to compel the appearance of an expert medical witness by filing a written request with the presiding administrative law judge at least 20 days before the date of the first scheduled hearing.
  3. Statement of expected testimony. In the discretion of the presiding administrative law judge, the judge may order the party requesting a subpoena to file within five days of the order a written statement summarizing the substance of the testimony expected of the witness.
  4. Issuance of Subpoena. A presiding administrative law judge shall issue a subpoena requested under this Section if the judge determines that the testimony of the witness is material and necessary and, if applicable:
    - a. The party files a timely statement under subsection (A)(3); or
    - b. The party shows at or before the first scheduled hearing that good cause exists for the party's failure to respond timely to the judge's order under subsection (A)(3).
  5. Service of a subpoena. The Commission may serve a subpoena by mail unless the party requesting the subpoena requests personal service. If a party requests personal service of a subpoena, the Commission shall prepare the subpoena and the party requesting personal service shall:
    - a. Ensure that the subpoena is served in the same manner as in a civil action; and
    - b. Pay all expenses of the service.
- B. A presiding administrative law judge shall not grant a party a continued hearing because a subpoenaed witness fails to appear at hearing unless the party filed a timely request for subpoena as required by subsection (A). If a party timely requested a subpoena for a witness who fails to appear at a

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scheduled hearing, the presiding administrative law judge may grant a continued hearing if the party requesting the subpoena demonstrates that:

1. The testimony of the witness is material and necessary, and
2. Good cause is shown as to why the witness failed to appear.

**C. Witness Fees.**

1. If a non-medical witness requests a witness fee, the party requesting the subpoena shall pay the non-medical witness fees and mileage provided for witnesses in civil actions in the Superior Court. If more than one party subpoenas the same witness, the parties shall divide the witness fee equally.
2. The Commission shall pay the witness fee to a medical witness under the Commission's medical fee schedule after the presiding administrative law judge approves the fee.

**D. Objection to an out-of-state physician's report.**

1. A presiding administrative law judge shall not consider or place into evidence a timely filed physician's report authored by a physician residing outside Arizona if a party files an objection to that report at least 20 days before the scheduled hearing, unless the party submitting the report produces the author for cross-examination either at the hearing or at a deposition.
2. Nothing in R20-5-143(G) precludes a party from taking or submitting into evidence a deposition of a physician taken under this subsection.
3. The party submitting into evidence a report of an out-of-state physician shall pay the expenses of a deposition taken under this subsection.

**E. Objection to document prepared by out-of-state non-medical witness.**

1. A presiding administrative law judge shall not consider or place into evidence a timely filed document prepared by a non-medical witness who resides outside Arizona if a party files an objection to that document at least seven days before the scheduled hearing unless the party submitting the document produces the author for cross-examination either at the hearing or at a deposition.
2. Nothing in R20-5-143 precludes a party from taking or submitting into evidence a deposition within the time limits set by a presiding administrative law judge.
3. The party submitting into evidence a document prepared by an out-of-state non-medical witness shall pay the expenses of a deposition taken under this subsection.

**F. If a presiding administrative law judge approves, the testimony of a party's out-of-state non-medical or expert medical witness may be taken telephonically.**

**Historical Note**

Former Rule 41. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-141 recodified from R4-13-141 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-142. In-State Oral Depositions**

- A.** A party may take the oral deposition of another party or a witness residing in Arizona by serving a Notice of Deposition by Oral Examination upon the deponent and every party at least 10 days before the date of the oral deposition and at least 40 days before the first scheduled hearing.
- B.** A party may file with the presiding administrative law judge a written objection to the taking of an oral deposition within five days after service of the Notice of Deposition. If no request for

hearing has been filed, a party shall file the written objection with the chief administrative law judge. The party objecting to the deposition shall:

1. State the basis for objecting to the deposition; and
2. Serve a copy of the party's objections on all parties.

**C.** The oral deposition shall not commence until the presiding administrative law judge rules on the written objection. The presiding administrative law judge shall rule on the written objection to the taking of an oral deposition within seven days after a party files a written objection by:

1. Ordering the deposition to proceed;
2. Ordering the deposition not be taken; or
3. Entering any other appropriate protective order.

**D.** The party taking the deposition shall comply with the Arizona Rules of Civil Procedure governing the taking of depositions.

**E.** The expense of any deposition shall be borne by the party taking the deposition but shall not include the expense of any other interested party.

**F.** A presiding administrative law judge shall not cancel or continue a hearing because a party fails to take or complete a deposition under this Section.

**G.** A deposition taken under this Section shall only be used to impeach a witness during a hearing, except that, in the exercise of discretion, the presiding administrative law judge may admit a deposition into evidence for another purpose if:

1. The deponent is deceased at the time of the hearing, or
2. All parties agree.

**H.** A party may take a telephonic deposition under this Section either by agreement of the parties or by order of the presiding administrative law judge in the exercise of the judge's discretion.

**Historical Note**

Former Rule 42. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-142 recodified from R4-13-142 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-143. Out-of-State Oral Depositions**

**A.** A party shall obtain permission from a presiding administrative law judge before taking an out-of-state oral deposition of another party or a witness by filing a written request with the presiding administrative law judge that contains:

1. The name and address of the party or witness to be deposed, and
2. Each reason why the party's or witness' testimony is necessary.

**B.** The party requesting permission to take the out-of-state deposition shall serve a copy of the request upon each party.

**C.** If no objection to the request for permission to take the deposition is filed under subsection (D) the presiding administrative law judge shall, within seven days from the date of the request, grant or deny permission to take the deposition.

**D.** A party may file with the presiding administrative law judge a written objection to the taking of an out-of-state oral deposition within five days after being served with a request to take the out-of-state deposition. The party objecting to the out-of-state deposition shall:

1. State the basis for objecting to the deposition; and
2. Serve a copy of the party's objections on each party.

**E.** The oral deposition shall not commence until the presiding administrative law judge rules on the written objection. The presiding administrative law judge shall rule on the written objection to the taking of an out-of-state oral deposition within seven days after a party files the written objection by:

1. Ordering the deposition to proceed,

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2. Ordering the deposition not be taken, or
  3. Entering any other appropriate protective order.
- F.** A party shall not take more than two depositions per hearing under this Section unless a presiding administrative law judge, upon a showing of good cause, approves the taking of additional depositions.
- G.** In the exercise of discretion, the presiding administrative law judge may admit into evidence a deposition taken under this Section if the transcript of the deposition is filed with the Commission at least five days before any scheduled hearing or as otherwise directed by the presiding administrative law judge. If the transcript of the deposition is not timely filed under this subsection, the administrative law judge shall not consider the deposition for any purpose unless the parties and the administrative law judge agree that the deposition may be considered.
- H.** Parties may take telephonic depositions under this Section either by agreement of the parties or by order of a presiding administrative law judge in the exercise of the administrative law judge's discretion.
- I.** A party taking a deposition taken under this Section shall comply with R20-5-142(A), (D), (E) and (F).

**Historical Note**

Former Rule 43. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-143 recodified from R4-13-143 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-144. Written Interrogatories**

- A.** After a party files a request for hearing with the Commission, any party may serve written interrogatories upon another party. A party shall serve written interrogatories at least 40 days before the scheduled hearing.
- B.** A party shall not serve more than 25 interrogatories, including subsections.
- C.** A party shall serve answers to the interrogatories upon all parties within 10 days after service of the interrogatories. A party shall not file answers to the interrogatories with the Commission.
- D.** A presiding administrative law judge shall not cancel or continue a hearing because a party fails to answer interrogatories under this Section.
- E.** A party shall only use written interrogatories served under this Section to impeach a witness during a hearing, except that, in the exercise of discretion, the presiding administrative law judge may admit the interrogatory answers into evidence for another purpose if the party answering the interrogatories is deceased at the time of the scheduled hearing.

**Historical Note**

Former Rule 44. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-144 recodified from R4-13-144 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-145. Refusal to Answer or Attend; Motion to Compel; Sanctions Imposed**

- A.** If a party or deponent refuses to answer any question asked at a deposition under R20-5-142 or R20-5-143, the party asking the question shall either complete the deposition in other matters or adjourn the deposition. With notice to all persons affected by the deponent's refusal to answer a question, the party asking the question may apply to the presiding administrative law judge for an order compelling the deponent to answer the question.

- B.** If a party refuses to answer an interrogatory served under R20-5-144, the party serving the interrogatory may submit the interrogatory to the presiding administrative law judge and apply for an order compelling the answer.
- C.** If a presiding administrative law judge issues an order compelling an answer under subsection (A) or (B) and finds that a refusal to answer is without substantial justification, the presiding administrative law judge shall require the party or witness refusing to answer or the authorized representative advising that party or witness not to answer, or both of them, to pay to the party asking the question:
1. Reasonable attorney's fees incurred to obtain the order compelling the answer, and
  2. Reasonable expenses that will be incurred to obtain the requested answer.
- D.** If a presiding administrative law judge denies a motion to compel an answer under subsection (A) or (B), and finds that the motion was made without substantial justification, the presiding administrative law judge shall require the party filing the motion, or the parties' authorized representative advising that party to make the motion, or both of them, to pay to the party or witness refusing to answer, reasonable attorney's fees incurred in opposing the motion.
- E.** In addition to the sanctions authorized under R20-5-157, a presiding administrative law judge may, upon a party's motion, impose the following sanctions upon a party if the party, or an officer or managing agent of that party, willfully fails to appear for a deposition after being served with proper notice of the deposition, or fails to serve answers to interrogatories after proper service of the interrogatories:
1. Strike out all or any part of a document filed by the party;
  2. Dismiss the action or proceeding, or any part of the action or proceeding;
  3. Order the suspension or forfeiture of compensation; or
  4. Preclude the introduction of evidence.
- F.** The party filing a motion under subsections (A), (B), or (E) shall attach to the motion:
1. The statement required under R20-5-105(E) and
  2. A proposed order that includes the relief requested and a service page with the names and addresses of all parties served.

**Historical Note**

Former Rule 45. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-145 recodified from R4-13-145 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-146. Repealed****Historical Note**

Former Rule 46. R20-5-146 recodified from R4-13-146 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-147. Videotape Recordings and Motion Pictures**

- A.** A party proposing to offer a videotape recording or motion picture into evidence at a Commission hearing shall provide written notice to the Commission and all parties at least 40 days before the first scheduled hearing.
- B.** If a party serves a written request to view a videotape recording or motion picture upon the party proposing to submit the videotape recording or motion picture into evidence, the party proposing to offer the videotape recording or motion picture into evidence shall provide the necessary facilities and equipment to allow the other party to view the videotape recording

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or motion picture no later than 25 days before the first scheduled hearing.

- C. A presiding administrative law judge may admit into evidence a videotape recording or motion picture if the videotape recording or motion picture:
  1. Is a reasonable and accurate representation of the scene, person, object, or action portrayed; and
  2. Will aid in the understanding of the issues before the presiding administrative law judge.
- D. The party submitting the videotape recording or motion picture into evidence shall ensure that commentary, interrogation, dialogue, or testimony are not a part of the videotape recording or motion picture.
- E. A presiding administrative law judge shall not cancel or continue a hearing because a party fails to view a videotape recording or motion picture as provided in this Section.
- F. This Section does not apply to:
  1. Videotape recordings or motion pictures obtained by surveillance, or
  2. Videotape recordings or motion pictures of medical procedures performed by a physician.

**Historical Note**

Former Rule 47. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-147 recodified from R4-13-147 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-148. Burden of Presentation of Evidence; Offer of Proof**

- A. A party shall rest at the conclusion of the presentation of the party's evidence. If there is a dispute as to which party has the burden of proof, the presiding administrative law judge shall direct who has the burden of proof.
- B. If a presiding administrative law judge prohibits a witness from answering a question, the presiding administrative law judge shall permit an offer of proof in the form of an avowal or in writing.

**Historical Note**

Former Rule 48. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-148 recodified from R4-13-148 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-149. Presence of Claimant at Hearing; Notice of a Parties' Non-Appearance at Hearing; Assessment of Hearing Costs for Non-Appearance**

- A. A claimant, whether or not represented by an attorney, shall appear personally at any hearing without the necessity of subpoena unless excused by the presiding administrative law judge.
- B. Subject to subsection (A), at least three days before a scheduled hearing a party shall notify the presiding administrative law judge of any non-appearance by a party or party's authorized representative that requires the judge to cancel or reschedule the hearing.
- C. If a party fails to notify the presiding administrative law judge as required under subsection (B), the presiding administrative law judge may order the party or the party's authorized representative to reimburse the Commission for hearing expenses and costs incurred by the Commission including fees of expert medical witnesses and other witness fees.

**Historical Note**

Former Rule 49. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-149 recodified

from R4-13-149 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-150. Joinder of a Party**

- A. An administrative law judge may join as a party any person, firm, corporation, or other entity in favor of whom or against whom a right to relief may exist and over whom the Commission may acquire jurisdiction.
- B. Joinder may be made upon application of any party or upon the presiding administrative law judge's own motion.
- C. A party seeking to join another person, firm, corporation, or other entity shall file a motion requesting joinder with the presiding administrative law judge at least 30 days before hearing. The moving party shall serve a copy of the motion upon the person, firm, corporation, or other entity for whom joinder is requested, and upon all other parties.
- D. If the requirements of this Section are met, the presiding administrative law judge shall join as a party the person, firm, corporation, or other entity for whom joinder is requested and shall issue a notice advising the parties of the joinder.

**Historical Note**

Former Rule 50. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-150 recodified from R4-13-150 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-151. Special Appearance**

Any party against whom a claim may exist under the Act, or against whom a contingent liability may exist under the Act, and over whom the Commission has not acquired jurisdiction, may enter a special appearance. A special appearance made under this Section does not invoke the jurisdiction of the Commission.

**Historical Note**

Former Rule 51. R20-5-151 recodified from R4-13-151 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-152. Resolution of Issues by Stipulation After the Filing of a Request for Hearing; Notice of Resolution; Assessment of Hearing Costs**

- A. Subject to the requirement of subsection (D), parties may stipulate to any fact or issue after a party files a request for hearing. The stipulation may be in writing or made orally at the time of hearing.
- B. A stipulation is binding upon the parties unless a presiding administrative law judge or the Commission grants the parties permission to withdraw the stipulation.
- C. If a stipulation is not reasonably supported by the evidence, a presiding administrative law judge or the Commission, may set aside or refuse to accept the stipulation and proceed to determine the true facts.
- D. A party shall notify a presiding administrative law judge of any stipulation, compromise or settlement agreement, or withdrawal of a hearing request that makes a hearing unnecessary at least three days before a scheduled hearing.
- E. The presiding administrative law judge may order a party or parties to reimburse the Commission for hearing expenses and costs incurred by the Commission including fees of expert medical witnesses and other witness fees if a party fails to notify the presiding administrative law judge as required under subsection (D).

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**Historical Note**

Former Rule 52. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-152 recodified from R4-13-152 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-153. Exclusion of Witnesses**

Any party may request that all other witnesses except the parties be excluded from the hearing until called to testify. The presiding administrative law judge may, in the judge's discretion, grant or deny the request. If the request is granted, the presiding administrative law judge shall admonish each witness not to discuss the witness's testimony with anyone other than attorneys on the case.

**Historical Note**

Former Rule 53. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-153 recodified from R4-13-153 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-154. Correspondence to Administrative Law Judge**

A person submitting correspondence, including subpoena requests, to an administrative law judge concerning a matter pending before the administrative law judge, shall contemporaneously serve a copy of the correspondence upon all other parties, or if represented, the parties' authorized representatives. The administrative law judge shall not consider correspondence or subpoena requests to be evidence except by agreement of all parties to the matter.

**Historical Note**

Former Rule 54. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-154 recodified from R4-13-154 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-155. Filing of Medical and Non-Medical Reports Into Evidence; Request for Subpoena to Cross-examine Author of Report Submitted into Evidence; Failure to Timely Request Subpoena for Author**

- A. Except as provided in R20-5-114(C), a party filing a medical report or hospital record into evidence ("medical report") that is not already contained in the Commission's claims file, shall file the medical report with the presiding administrative law judge at least 25 days before the first scheduled hearing.
- B. A party filing into evidence a document, report, instrument, or other written matter not described in subsection (A) ("non-medical report") that is not already contained in the Commission's claims file, shall file the non-medical report with the presiding administrative law judge at least 15 days before the first scheduled hearing.
- C. The party filing a medical or non-medical report into evidence shall serve a copy of the report to all other parties.
- D. A presiding administrative law judge shall not receive into evidence any medical or non-medical report that is not filed as required under this Section. If the report has been placed in the Commission's claims file, the presiding administrative law judge shall remove the report from the Commission's claims file and return the report to the filing party.
- E. The presiding administrative law judge may suspend the requirements of this Section;
  1. Upon a showing of good cause; or
  2. If the parties agree that the judge may accept the medical or non-medical report into evidence.
- F. The party filing a medical or non-medical report under this Section shall file a cover letter with the report stating:

1. The party's identity;
2. The reports filed; and
3. Proof of service of the reports upon the other parties.

- G. A party seeking to cross-examine the author of any medical or non-medical report filed into evidence shall request a subpoena under R20-5-141.
- H. If a party fails to timely request a subpoena under this Section and R20-5-141, the party waives the right to cross-examine the author of any medical or non-medical report filed into evidence and the presiding administrative law judge shall admit the medical or non-medical report in evidence.

**Historical Note**

Former Rule 55. Amended subsections (A) and (D) effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-155 recodified from R4-13-155 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-156. Continuance of Hearing**

- A. A party may request a continuance of a scheduled hearing. If a party shows good cause, a presiding administrative law judge may grant a request that a hearing be continued.
- B. If at the conclusion of a hearing a party seeks to continue the hearing to introduce additional evidence, the party shall state specifically and in detail:
  1. The nature and substance of the additional evidence,
  2. The names and addresses of additional witnesses, and
  3. The reason the party was unable to produce the evidence or witnesses at the hearing.
- C. A presiding administrative law judge may deny a request for a continuance under subsection (B) if the presiding administrative law judge determines that, with the exercise of due diligence, the evidence or testimony could have been produced or the evidence or testimony would be cumulative, immaterial, or unnecessary.
- D. A presiding administrative law judge may, on the judge's own motion, continue a hearing and order further examinations or investigations that the judge determines are warranted.
- E. If more than 40 days before the first scheduled hearing, a presiding administrative law judge reschedules the hearing discovery and filing deadlines under this Article shall be calculated with respect to the new hearing date.
- F. If less than 40 days before the first scheduled hearing, a presiding administrative law judge reschedules the hearing discovery and filing deadlines under this Article shall be calculated with respect to the original hearing date.

**Historical Note**

Former Rule 56. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-156 recodified from R4-13-156 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-157. Sanctions**

- A. A presiding administrative law judge may impose the following sanctions against any party or authorized representative of a party who fails to comply with this Article or fails to comply with an order of the presiding administrative law judge or Commission:
  1. Dismissal of the party's request for hearing;
  2. Refusal to permit the introduction of evidence by the party; or
  3. Assessment of reasonable attorney's fees and costs against the sanctioned party or authorized representative of a party.



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- B. If a party shows good cause, a presiding administrative law judge or the Commission may relieve a party of sanctions imposed under subsection (A).

**Historical Note**

Former Rule 57. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-157 recodified from R4-13-157 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-158. Service of Awards and Other Matters**

- A. An award, decision, order, subpoena, notice, document, or other matter required by the Act, this Article, or other law to be served shall be made upon a party or, if represented, the party's authorized representative. Service upon the authorized representative is service upon the party.
- B. Service may be made and is deemed complete by:
1. Depositing the document or matter in the United States mail, with postage prepaid, addressed to the party served at the address as shown by the records of the Commission; or
  2. Personal service in the same manner as a summons is served in a civil action.
- C. Proof of service may be made by an affidavit or oral testimony of the person making such service.

**Historical Note**

Former Rule 58. Amended subsection (C) effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-158 recodified from R4-13-158 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-159. Record for Award or Decision on Review**

A presiding administrative law judge's award or decision under A.R.S. § 23-942 or award or decision upon review under A.R.S. § 23-943 shall be based upon:

1. The record as it exists at the conclusion of the hearings, and
2. Any memoranda provided under A.R.S. § 23-943(E) or requested by the presiding administrative law judge.

**Historical Note**

Former Rule 59. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-159 recodified from R4-13-159 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-160. Application to Set Attorney Fees Under A.R.S. § 23-1069**

- A. For purposes of A.R.S. § 23-1069, "final disposition of a case" occurs when all compensation benefits have been released to a claimant.
- B. A claimant or attorney filing an application for attorney's fees under A.R.S. § 23-1069 shall serve notice of the application to all parties, including if applicable, the insurance carrier, self-insured employer, or special fund division.
- C. Upon the filing of an application, the attorney and claimant shall, provide information to the Commission to enable the Commission to award reasonable attorney's fees.
- D. Attorney's fees awarded under this Section shall be set by the Commission, an administrative law judge, or other authorized representative of the Commission.

**Historical Note**

Former Rule 60. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-160 recodified

from R4-13-160 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-161. Stipulations for Extensions of Time**

Stipulations for extensions of time in which to file papers or briefs in the various courts shall be received and signed by the Chief Counsel or other members of the Legal Department.

**Historical Note**

Former Rule 61. R20-5-161 recodified from R4-13-161 (Supp. 95-1).

**R20-5-162. Legal Division Participation**

The chief counsel and other members of the legal staff of the Commission who participate in proceedings or matters under the Act and this Article do so on behalf of the Commission.

**Historical Note**

Former Rule 62. R20-5-162 recodified from R4-13-162 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-163. Bad Faith and Unfair Claim Processing Practices**

- A. For purposes of A.R.S. § 23-930, an employer, self-insured employer, insurance carrier, or claims processing representative commits "bad faith" if the employer, self-insured employer, insurance carrier, or claims processing representative:
1. Institutes a proceeding or interposes a defense that is not:
    - a. Well-grounded in fact;
    - b. Warranted by existing law; or
    - c. A good faith argument for the extension, modification, or reversal of existing law;
  2. Unreasonably delays:
    - a. Payment of benefits; or
    - b. Authorization for, or receipt of, medical benefits or treatment;
  3. Unreasonably underpays benefits;
  4. Unreasonably terminates benefits;
  5. Intentionally misleads a claimant as to applicable statutes of limitation, benefits, or remedies available to the claimant under the Act or under this Article; or
  6. Unreasonably interferes with or obstructs the claimant's right to choose the claimant's attending physician, except in cases involving a self-insured employer under A.R.S. § 23-1070.
- B. For purposes of A.R.S. § 23-930, an employer, self-insured employer, insurance carrier, or claims processing representative commits "unfair claim processing practices" if the employer, self-insured employer, insurance carrier, or claims processing representative:
1. Unreasonably issues a notice of claim status without adequate supporting information in its possession or available to it;
  2. Unreasonably fails to acknowledge communications from the Commission, an unrepresented claimant, or a claimant's attorney with respect to a claim;
  3. Fails to act reasonably and promptly upon communications from the Commission, an unrepresented claimant, or a claimant's attorney with respect to a claim;
  4. Directly advises a claimant not to consult or obtain the services of an attorney; or
  5. Communicates directly, for an improper purpose, with a claimant represented by an attorney.
- C. A person alleging bad faith or unfair claim processing practices ("complainant") shall file a written complaint with the

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claims manager of the Commission. The complainant, or the complainant's authorized representative, shall sign the complaint.

- D. The complaint shall describe the specific actions of the employer, self-insured employer, insurance carrier, or claims processing representative, that are alleged to constitute bad faith or unfair claim processing practices. A complaint form is available upon request from the Commission.
- E. Upon receipt of a complaint under this subsection, the claims manager of the Commission shall serve the complaint upon all parties.
- F. If the Commission acts on its own motion under A.R.S. § 23-930(A), the claims manager shall mail a notice of alleged bad faith or unfair claim processing practices to the claimant or the claimant's authorized representative and the:
  1. Employer;
  2. Self-insured employer;
  3. Insurance carrier; or
  4. Claims processing representative.
- G. The person or entity named in a complaint or notice served under A.R.S. § 23-930 and this Section shall file with the claims manager a written response to the complaint or notice, within 30 days after service by the Commission of the complaint or notice.
- H. The person or entity filing a written response shall serve a copy of the response upon the complainant, or the complainant's authorized representative, if represented.
- I. If the person or entity named in a complaint or notice served under A.R.S. § 23-930 and this Section fails to file a written response, the Commission shall consider the absence of a response a denial of the allegations of the complaint or notice.
- J. Upon receipt of a written response, or upon the expiration of 30 days if no response is filed, the Commission shall enter an award as it deems, in its discretion, appropriate under A.R.S. §§ 23-930(B) or (C).

**Historical Note**

Adopted as an emergency effective February 1, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Amended and readopted as an emergency effective April 29, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-2). Readopted without change as an emergency effective August 1, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Readopted without change as an emergency effective November 9, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Amended and readopted as an emergency effective July 11, 1989 (Supp. 89-3). Adopted as a permanent rule effective October 4, 1989 (Supp. 89-4). R20-5-163 recodified from R4-13-163 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-164. Human Immunodeficiency Virus, Hepatitis C, Methicillin-resistant *Staphylococcus Aureus*, Spinal Meningitis and Tuberculosis; Significant Exposure; Employee Notification; Reporting; Documentation; Forms**

- A. An employer subject to the Act shall notify its employees of the requirements of A.R.S. §§ 23-1043.02, 23-1043.03, and 23-1043.04 by posting the Commission notices titled "Work Exposure to Bodily Fluids" and "Work Exposure to methicillin-resistant *Staphylococcus Aureus* (MRSA), Spinal Meningitis, or Tuberculosis (TB)" in a conspicuous place immediately next to the "Notice to Employees" notice required under A.R.S. § 23-906(D).

- B. Properly posted "Work Exposure to Bodily Fluids" and "Work Exposure to Methicillin-resistant *Staphylococcus Aureus* (MRSA), Spinal Meningitis, or Tuberculosis (TB)" notices constitute sufficient notice to employees of the requirements of a prima facie case under A.R.S. §§ 1043.02(B), 23-1043.03(B), and 23-1043.04(B).
- C. An employer's insurance carrier, claims processor, or workers' compensation pool shall provide the notices specified in subsection (A) to the employer. These notices are also available from the Commission upon request.
- D. An employer shall make readily available to its employees the Commission form described in R20-5-106 titled "Report of Significant Work Exposure to Bodily Fluids or Other Infectious Material." An employer's insurance carrier, claims processor, or workers' compensation pool shall provide the "Report of Significant Work Exposure to Bodily Fluids or Other Infectious Material" to the employer. This form is also available from the Commission upon request.
- E. If an employee sustains a significant exposure as defined in A.R.S. §§ 23-1043.02(G), 23-1043.03(G), or 23-1043.04(H)(2), the employee shall complete, date, and sign a "Report of Significant Work Exposure to Bodily Fluids or Other Infectious Material" form. The employee or employee's authorized representative shall give to the employer the completed, dated, and signed form. The employer shall return one copy of the completed form to the employee or to the employee's authorized representative. Nothing in this subsection limits the requirements to report an injury or file a claim under the Act.
- F. If an employee submits a written report of a significant exposure to an employer, but does not use the Commission form titled "Report of Significant Work Exposure to Bodily Fluids or Other Infectious Material," the employer shall provide the employee the Commission form within five calendar days after receiving the employee's initial written report.
- G. The date of the receipt by the employer or its authorized representative of the employee's initial report is the date used to compute the time period prescribed in A.R.S. §§ 23-1043.02(B)(2), 23-1043.03(B)(2), and 23-1043.04(B)(2) if:
  1. The initial report contains the information required in the "Report of Significant Work Exposure to Bodily Fluids or Other Infectious Material" form, or
  2. The employee gives to the employer the completed Commission form within 10 calendar days after the employee's receipt of the Commission form.
- H. Failure or refusal by the employer to provide the Commission form to the employee shall not be a defense to a prima facie claim under A.R.S. §§ 23-1043.02(B), 23-1043.03(B), and 23-1043.04(B).
- I. In investigating the circumstances and facts surrounding an employee's report to an employer of a significant exposure under A.R.S. §§ 23-1043.02(C), 23-1043.03(C), and 23-1043.04(C), the employer, or its carrier, or any employees, agents or contractors of either the employer or carrier, shall not disclose to any person, except as authorized or required by law, that the reporting employee, or any witness or alleged source of exposure, may have or did contract the human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, methicillin-resistant *Staphylococcus aureus*, spinal meningitis, or tuberculosis. However, an employer, its carrier or their respective attorneys, may:
  1. Direct an agent to investigate the employee's report of significant exposure, and
  2. Communicate with the investigating agent about the conduct and results of the investigation.

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- J. As required under the federal Occupational Safety and Health Standard for Bloodborne Pathogens, 29 CFR 1910.1030, an employer shall pay for the testing required by A.R.S. § 23-1043.02.

**Historical Note**

Adopted effective April 9, 1992 (Supp. 92-2). R20-5-163 recodified from R4-13-163 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3). Amended by final rulemaking at 15 A.A.R. 991, effective June 2, 2009 (Supp. 09-2).

**R20-5-165. Calculation of Maximum Average Monthly Wage**

In using the Bureau of Labor Statistics Employment Cost Index to adopt the amount of an increase to the maximum average monthly wage under A.R.S. § 23-1041(E), the Commission shall use the *Bureau of Labor Statistics, Employment Cost Index for Wages and Salaries, for Civilian Workers, by Occupational Group and Industry, All Workers*, available at <http://www.bls.gov/>.

**Historical Note**

New Section made by final rulemaking at 19 A.A.R. 1925, effective July 10, 2013 (Supp. 13-3).

**ARTICLE 2. SELF-INSURANCE REQUIREMENTS FOR  
INDIVIDUAL EMPLOYERS AND WORKERS'  
COMPENSATION POOLS ORGANIZED UNDER A.R.S. §§  
11-952.01(B) AND 41-621.01**

**R20-5-201. Definition of Self-insurer**

"Self-insurer" or "self-insured" means an individual employer or a workers' compensation pool as defined in A.R.S. §§ 11-952.01(B) or 41-621.01(A) that is authorized by the Commission to self-insure for workers' compensation.

**Historical Note**

Former Rule I. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-201 recodified from R4-13-201 (Supp. 95-1). Amended effective October 9, 1998 (Supp. 98-4).

**R20-5-202. Self-insurance Application; Requirements**

- A. All applicants who initially apply for self-insurance on or after the certification of the 1993 rule amendments by the Attorney General and filing of those amendments with the Secretary of State shall:

1. Complete, date, sign, and file with the Commission an application for authority to self-insure on a form that can be obtained from the Commission and contains the following information:
  - a. Applicant identification including names, addresses, corporation, subsidiary, and partnership information;
  - b. Nature of business;
  - c. History of business in Arizona and elsewhere;
  - d. Payroll data;
  - e. Work force data;
  - f. Insurance data;
  - g. Claims history;
  - h. Method proposed to finance self-insurance liability and reserves;
  - i. Program for compliance with occupational safety and health standards, rules, and laws of this state;
  - j. Program to finance medical, surgical, and hospital benefits including information on organization responsible for processing claims;
  - k. Names and addresses of Arizona agents upon whom legal notice of proceedings before the Commission is served;
  - l. Authorization for signator;

- m. Authorization by corporate resolution, or board of trustees resolution, if applicable; and
- n. Statement attesting to the truthfulness of the information in the application.

2. Maintain an office in Arizona. Payroll reports and other materials relating to the calculation of premiums shall be readily available at this office for inspection and audit by the Commission or its authorized representative.

3. In the first year of operation, obtain a guaranty bond and specific excess insurance or excess of loss insurance in an amount as provided in R20-5-206(D)(1) to adequately protect against catastrophic losses. Starting with the second year of operation, an individual self-insurer shall choose one of the two options provided in R20-5-206(D). The insurance shall contain:
  - a. A 60-day notice of termination; and
  - b. A provision that insolvency of the self-insurer does not relieve the excess insurer of liability assumed under the contract.

- B. An individual applicant for self-insurance that is not a member of a workers' compensation pool, in addition to complying with subsection (A) of this rule, shall:

1. Have been engaged in business in Arizona for at least five years prior to the date of application.
2. Provide an annual payroll in this state of at least \$2,000,000 (this payroll may include the combined payrolls of all subsidiary companies carried under the self-insurance authorization; the requirements of this subsection do not apply to political subdivisions of this state) and meet either of the following thresholds:
  - a. Total reported assets of at least \$50,000,000; or
  - b. Combination of \$10,000,000 in net worth and a cash flow ratio of .25.
3. Provide the Commission with an internally certified copy of the employer's audited or reviewed financial statements for the most current and prior two years. The Commission's review of the applicant's financial statements includes the following:
  - a. Calculation of the following ratios:
    - i. Cash Flow Ratio - Cash flow from operations divided by current liabilities which is an indication of the ability of the applicant to meet current obligations out of cash flow.
    - ii. Current Ratio - Current assets divided by current liabilities which indicate the applicant's ability to service current obligations.
    - iii. Debt Status Ratio - Net worth divided by total liabilities which indicate the proportion of funds supplied by the applicant relative to the funds supplied by creditors.
    - iv. Profitability Ratio - Profit before taxes, divided by total assets, multiplied by 100 which measures the return on assets and the efficiency of assets employed by the firm.
    - v. Quick Ratio - Cash and equivalents, plus trade receivables, divided by current liabilities which express the degree to which the applicant's liabilities are covered by the most liquid current assets.
    - vi. Working Capital Ratio - Working capital divided by sales which measures the sufficiency of working capital to support sales.
  - b. Comparison of the applicant's ratios with the ratios of existing self-insurers in the same or a closely related industry.
  - c. Review of notes to the financial statement.

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- d. Review of management report of operation and other information published in the annual statement.
  4. Provide the Commission with the names of all other jurisdictions in which it has been granted authority to self-insure and the effective dates of such authorization.
  5. Provide the Commission with the names of all other jurisdictions in which its application to self-insure has been denied or its authority to self-insure has been suspended or revoked, and the dates and reasons for such denials, suspensions, or revocations.
- C.** In addition to the requirements of subsection (A), a workers' compensation pool applicant for self-insurance shall:
1. File with the application for self-insurance a completed indemnity agreement on a form that can be obtained from the Commission, signed by a duly authorized agent of the pool jointly and severally binding the pool and each of its members to comply with the provisions of A.R.S. Title 23, Chapter 6 and rules adopted pursuant to Chapter 6. The indemnity agreement shall contain the following information:
    - a. Name of the group, with names of trustees and members;
    - b. Amount of the corporate surety bond;
    - c. Name of the service agent of the group, including a description of the agent's duties and responsibilities; and
    - d. Statement that the group will defend and assume liabilities in the name of and on behalf of any member of the group.
  2. Provide a copy of the most recently audited financial report of the pool prepared by a certified public accountant, including a copy of the examination report prepared by the Department of Insurance and that Department's recommendations, if any.
  3. Provide the names and addresses of the members of the board of trustees of the pool.
  4. Provide the agreement indicating the terms and conditions of coverage within the pool including any exclusions of coverage.
  5. An intergovernmental agreement filed with the Commission pursuant to A.R.S. § 11-952.01(G)(7) shall contain the provisions of A.R.S. § 11-952.01(I).
2. Provide a continuation certificate for the guaranty bond or letter of credit signed by an authorized representative of the surety or bank. The amount of the bond, letter of credit, or securities shall equal the amount submitted on the Option Election form.
  3. Submit a copy of the most recent certified annual financial statement at least 30 days prior to the anniversary date of the authorization to self-insure. A parent company that has executed a guaranty for a subsidiary shall also submit a copy of its most recent certified annual financial statement within the same time period required by this subsection.
  4. Provide a Guaranty To Satisfy Compensation Claims Under Workers' Compensation Act in Arizona form as provided in R20-5-206(C) completed, signed, and dated by the parent company of a subsidiary self-insurer if the parent company of the self-insurer is different from the last filing approved by the Commission.
- B.** All workers' compensation pool applicants for self-insurance renewal authority shall:
1. Provide information to the Commission as required under subsections (A)(1), (2), and (3).
  2. Provide an updated indemnity agreement pursuant to R20-5-202(C)(2) for changes occurring since the last filing approved by the Commission.
- C.** All applicants for renewal shall continue to maintain an office in Arizona as described in R20-5-202(A)(2).
- D.** The Commission's analysis for renewal includes the following:
1. A review of the items required by R20-5-202(A).
  2. A review of the claims profile which includes a review of the preceding year's claims filed, claims denied, and denial rate. Denial rates in excess of 8% require additional analysis by the Commission's Claims Division to establish the reasons for the denials.
  3. A review of the self-insurer's financial profile which includes a review of the financial data as described in R20-5-202(B)(3).

**Historical Note**

Former Rule III. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-203 recodified from R4-13-203 (Supp. 95-1).

**R20-5-204. Denial of Authorization to Self-insure**

If the Commission denies an application for authorization to self-insure for failure to comply with A.R.S. § 23-961(A)(2) or for failure to comply with the requirements of R20-5-202 or R20-5-203, the Commission shall issue an Order to the applicant refusing authorization to self-insure. An appeal of such denial may be made pursuant to A.R.S. § 23-945.

**Historical Note**

Former Rule IV. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-204 recodified from R4-13-204 (Supp. 95-1).

**R20-5-205. Resolution of Authorization**

If the Commission grants authorization to self-insure, a Resolution of Authorization to Self-insure will be issued. The issuance of the Resolution shall be conditioned upon the deposit with the Commission, prior to the effective date stated in the Resolution, of the bonds or other securities specified by A.R.S. § 23-961(A)(2) and this Article.

**Historical Note**

Former Rule II. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-202 recodified from R4-13-202 (Supp. 95-1).

**R20-5-203. Self-insurance Renewal Application; Requirements**

- A.** All individual applicants for self-insurance renewal authority shall:
1. Complete, date, sign, and file with the Commission an Option Election form that can be obtained from the Commission when providing a bond or other security as required by R20-5-206(D) for the payment of workers' compensation liabilities. The Option Election form shall list the following:
    - a. Total outstanding workers' compensation accrued liabilities for all previous periods of self-insurance;
    - b. Amount of future reserves;
    - c. Amount of calculated bond based on the amount of total estimated future liability x 125%.
- For those self-insurers complying with R20-5-206(D)(1), the self-insurer shall additionally provide a certificate of excess insurance.

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**Historical Note**

Former Rule V. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-205 recodified from R4-13-205 (Supp. 95-1).

**R20-5-206. Posting of Guaranty Bond; Effective Date; Execution; Subsidiary Company Guaranty Bond; Parent Company Guaranty; Bond Amounts**

- A. Any guaranty bond filed with the Commission shall bear the same effective date as the effective date of the Resolution of Authorization to Self-insure and shall be for a minimum of one year, subject to annual renewal.
- B. A guaranty bond shall be made by a company authorized and licensed to transact the business of fidelity and surety insurance in Arizona. The guaranty bond shall be executed by a duly authorized agent of the surety and be countersigned by a licensed resident agent. A bond form can be obtained from the Commission and contains the following information:
  - 1. Applicant identification;
  - 2. Amount of the bond;
  - 3. Conditions of the bond obligations; and
  - 4. Statement regarding responsibility for fees and costs associated with collection of the bond and responsibility for payment of any award or judgment against the surety.
- C. For the Commission to issue a Resolution of Authorization to Self-insure to a subsidiary company, the parent company shall first execute a guaranty for the subsidiary on a form that can be obtained from the Commission. The parent company shall submit its most recent audited financial statement to the Commission for analysis to determine the ability of the parent company to meet its obligations under the guaranty and under A.R.S. § 23-961(A)(2). The guaranty shall state that the parent company agrees and guarantees on behalf of the subsidiary that any and all liabilities against the subsidiary, under or by virtue of the Workers' Compensation Laws of Arizona, shall be promptly and fully paid, and the subsidiary company has on deposit a guaranty bond or securities. The guaranty for a subsidiary company, and the Resolution of Authorization to Self-insure issued to such subsidiary company, shall be valid and effective only as long as the parent company has on file with the Commission a valid guaranty to satisfy compensation claims of the subsidiary. A parent company is one which owns sufficient stock in the subsidiary company to control the subsidiary and does not mean a company in which all or a majority of the stockholders are the same as in the subsidiary. The guaranty shall be accompanied by a verified certificate as to stock ownership of the subsidiary, a certified copy of the charter or articles of incorporation of the parent company and a certified copy of the resolution of the directors of the parent company authorizing a designated officer to execute the guaranty.
- D. In compliance with this Article and the Workers' Compensation Laws of Arizona, an individual self-insurer that is not a member of a workers' compensation pool shall post either:
  - 1. A minimum \$250,000 guaranty bond and a specific excess reinsurance policy with a self-insured retention of \$250,000 and a policy limit of liability of not less than \$10,000,000.
  - 2. A guaranty bond equal to 125% of the total outstanding accrued liability as reflected in the Option Election form from the self-insurer to the Commission or a minimum guaranty bond in the amount of \$100,000, whichever is greater. The total outstanding accrued liabilities shall be determined by certification from the self-insurer for the Commission's approval.
- E. In compliance with this Article and the Workers' Compensation Laws of Arizona, a workers' compensation pool shall post

a guaranty bond equal to 125% of the total outstanding accrued liability as reflected in the Option Election form from the self-insured pool to the Commission or a minimum guaranty bond in the amount of \$100,000, whichever is greater. The total outstanding accrued liabilities shall be determined by certification from the self-insured pool for the Commission's approval.

**Historical Note**

Former Rule VI; Amended effective February 27, 1975 (Supp. 75-1). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-206 recodified from R4-13-206 (Supp. 95-1).

**R20-5-207. Posting of Securities in Lieu of Guaranty Bond; Registration; Deposit**

- A. In lieu of posting a guaranty bond as provided in R20-5-206, the self-insurer may deposit with the Commission for transmittal to the State Treasurer bonds of the United States.
- B. Any securities deposited with the State Treasurer shall be registered to: "The Industrial Commission of Arizona, in trust for the fulfillment by ----- of its obligations under the Arizona Workers' Compensation Laws. The securities shall be held by the State Treasurer, as custodian subject to the order of, and in trust for, The Industrial Commission of Arizona, with the power in the Commission to collect or order collection of the principal as it becomes due, to sell or order the sale of these securities or any part of these securities, and to apply or order the application of the proceeds to the payment of any award rendered against the self-insurer in the event of the default in the payment of its obligations. The interest coupons on such securities shall be remitted by the Commission to the self-insurer upon request as they mature.
- C. The securities deposited in compliance with subsections (A) and (B) shall have a face value at maturity in the amount specified by the Commission.

**Historical Note**

Former Rule VII. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-207 recodified from R4-13-207 (Supp. 95-1).

**R20-5-208. Posting Other Securities**

If the Commission accepts securities other than those specified in R20-5-207, including letters of credit, these securities shall be registered in the same manner as provided in R20-5-207.

**Historical Note**

Former Rule VIII. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-208 recodified from R4-13-208 (Supp. 95-1).

**R20-5-209. Authorization Limitation**

If the Resolution of Authorization to Self-insure is validated by a deposit of acceptable securities, or by a guaranty bond, the resolution shall remain in full force and effect for a period of one year unless revoked by the Commission.

**Historical Note**

Former Rule IX. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-209 recodified from R4-13-209 (Supp. 95-1).

**R20-5-210. Continuation of Authorization**

If timely and sufficient application for renewal is made pursuant to R20-5-203, the existing authorization to self-insure shall continue, subject to compliance with A.R.S. Title 23, Chapter 6 and this Article, until the renewal application has been finally determined by the Commission.

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**Historical Note**

Former Rule X. R20-5-210 recodified from R4-13-210 (Supp. 95-1).

**R20-5-211. Revocation of Authorization; Notice of Insolvency; Notice of Change of Ownership**

- A. The Commission may revoke a resolution of authorization to self-insure for good cause. Good cause includes:
1. The impairment of the solvency of the self-insurer.
  2. The failure of the self-insurer to respond within 10 days of a demand by the Commission to substitute a satisfactory guaranty bond or securities when in the Commission's judgment the bond or securities on deposit are unsatisfactory or insufficient in amount or character.
  3. The failure of the self-insurer to pay tax assessments levied by the Commission within 30 days of the due dates prescribed by A.R.S. §§ 23-961 and 23-1065.
  4. The failure of the self-insurer to promptly provide the Commission within 60 days the reports required by the Commission under this Article concerning the business, operations, employees, wages, injuries, and other subjects under Commission jurisdiction.
  5. The failure to comply with state workers' compensation laws.
  6. The failure of the self-insurer to pay or comply with any award of the Commission within 30 days after the award becomes final.
  7. The willful misstating of any material fact in a payroll report, injury report, or other report or statement made to the Commission.
  8. The deliberate refusal of the self-insurer to comply with Commission rules.
  9. The failure of the workers' compensation pool to notify the Commission within 30 days before termination or cancellation that a member has been terminated or cancelled.
  10. The failure of the workers' compensation pool to notify the Commission within 30 days of receipt of notification that, as a result of the annual audit or examination by the Director of the Department of Insurance, it appears that the assets of the pool are insufficient to enable the pool to discharge its legal liabilities and other obligations and the resulting notification by the Director of the Department of Insurance to the administrator and board of trustees of the workers' compensation pool of the insufficiency and the Director's list of recommendations to abate the deficiency.
  11. The failure of the pool to comply with the recommendation of the Director of the Department of Insurance within 60 days of the date of notice as prescribed in A.R.S. §§ 11-952.01(L) and 41-621.01(J).
- B. The self-insurer shall notify the Commission within 24 hours of any bankruptcy filing under federal law or insolvency proceeding under any state's laws.
- C. The self-insurer shall notify the Commission within 24 hours of any change in the ownership status of the employer.

**Historical Note**

Former Rule XI. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-211 recodified from R4-13-211 (Supp. 95-1).

**R20-5-212. Notice of Revocation of Resolution of Authorization to Self-insure**

The registration and deposit in the United States mail of a Notice of Revocation of the Resolution of Authorization to Self-insure, addressed to the last known address of the employer as shown by the records of the Commission, and signed by the Commission,

shall be deemed to constitute actual delivery of such notice to a self-insurer.

**Historical Note**

Former Rule XII. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-212 recodified from R4-13-212 (Supp. 95-1).

**R20-5-213. Substitution of Bond or Securities**

No bond or other security deposited as a condition precedent to validating a Resolution of Authorization to Self-insure shall be returned nor shall any substitution be allowed, except upon written order of the Commission. No return of such bond or other security shall be authorized except upon proof that the employer has placed with the Commission an amount or amounts as determined by the Commission to be sufficient to provide for the present value of all death benefits, awards, and determinations previously made by the Commission or the self-insurer, with an adequate contingency amount to apply to reopened claims that have been closed and become final during the period of self-insurance.

**Historical Note**

Former Rule XIII. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-213 recodified from R4-13-213 (Supp. 95-1).

**R20-5-214. Rating Plans Available for Self-insurers**

- A. Any of the following rating plans are available to self-insured employers for the purpose of calculating the taxes required by A.R.S. §§ 23-961(G) and 23-1065(A).
1. Fixed Premium Plan
  2. Ex-medical Plan
  3. Guaranteed Cost Plan
  4. Retrospective Rating Plan
- B. The provisions of the rating plans apply only to operations and payroll in Arizona, and all such operations in Arizona shall be combined as a single base for the calculation of any premium modifications to all such operations.

**Historical Note**

Former Rule XIV. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-214 recodified from R4-13-214 (Supp. 95-1).

**R20-5-215. Fixed Premium Plan: Definition; Formula; Eligibility**

- A. A Fixed Premium Plan means a plan in which neither losses nor incurred loss reserves are used for calculation. The only discount is for premium size.
- B. The formula for calculation of the fixed premium plan is as follows: Payroll x Applicable Rate Less Premium Discount.
- C. Fixed Premium Plan shall be the exclusive plan available to:
1. Those self-insurers electing this plan.
  2. Those self-insurers whose annual net taxable premium does not exceed \$100,000 annually.
  3. Those self-insurers not eligible for any other plan authorized by the Commission for rating purposes.

**Historical Note**

Former Rule XV. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-215 recodified from R4-13-215 (Supp. 95-1).

**R20-5-216. Ex-medical Plan: Definition; Formula; Eligibility; Modification**

- A. An Ex-Medical Plan means a plan for premium calculation which provides for rate revisions based upon the self-insurer operating a medical facility with a program for providing medical, surgical, or hospital services to all of the self-insurer's employees for their benefit and that has complied with the

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requirements specified in A.R.S. § 23-1070. Neither losses nor incurred loss reserves are used in such plan.

- B. The formula for calculation of the Ex-Medical Plan is as follows:  $[(\text{Payroll} \times \text{Applicable Rate}) \times (1 - \text{Ex-Medical Factor})] \text{ less Premium Discount}$ .
- C. Only those self-insurers whose program for medical, surgical, or hospital services has been authorized by the Commission are eligible to utilize this plan, for premium calculation.
- D. To be eligible for this plan the self-insurer's annual net taxable premium must exceed \$100,000.

**Historical Note**

Former Rule XVI. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-216 recodified from R4-13-216 (Supp. 95-1).

**R20-5-217. Guaranteed Cost Plan: Definition; Formula; Eligibility; Cost of Calculation**

- A. A Guaranteed Cost Plan means a plan providing for the direct relationship, on an annual basis, of the premium for tax purposes and the experience modification developed to reflect the loss payment and incurred loss experience of the self-insured employer. Loss data for three complete years must be provided to calculate the experience modification factor. This plan shall be calculated annually and the premium shall not be subject to further adjustment during the subsequent year.
- B. The formula for the calculation of the Guaranteed Cost Plan is as follows:  $\text{Payroll} \times \text{Applicable Rate} \times \text{Experience Modification Factor} \text{ Less Premium Discount}$ .
- C. Only those self-insurers who satisfy all of the following requirements shall be eligible to use the Guaranteed Cost Plan:
  - 1. The submission of data concerning paid loss determinations and incurred loss reserves for each workers' compensation claimant. The information is used to calculate an experience modification factor for the self-insurer. Three years of loss data shall be formulated to calculate the experience modification factor.
  - 2. An annual net taxable premium exceeding \$100,000.

**Historical Note**

Former Rule XVII. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-217 recodified from R4-13-217 (Supp. 95-1).

**R20-5-218. Retrospective Rating Plan: Definition; Formula; Eligibility**

- A. Retrospective rating plan means a plan providing for the relationship between the premium for tax purposes, the experience modification factor developed to reflect the loss payment and incurred loss experience of the self-insured employer, and the actual incurred losses for the tax year. This plan is to be calculated annually and the premiums shall not be subject to further adjustment during the tax year.
- B. The formula for calculating the retrospective rating plan is as follows:  $[\text{Payroll} \times \text{Applicable Rate} \times \text{Experience Modification Factor} \times \text{Basic Premium Factor} + (\text{losses current year} + \text{adjusted losses previous year}) \times \text{loss conversion factor}] \times \text{Tax Multiplier} = \text{Net Taxable Premium (NTP)}$ . The NTP is subject to a maximum and minimum premium level depending on which one of the four rating option plans specified in the rating systems filed by the rating organization used by the State Compensation Fund pursuant to A.R.S. Title 20, Chapter 2, Article 4 is used.
- C. Only those self-insurers who satisfy all of the following requirements shall be eligible to use the retrospective rating plan:
  - 1. The submission of data concerning paid loss determinations and incurred loss reserved for each worker's com-

pensation claimant. The information is used to calculate an experience modification factor for the self-insurer. Four years of loss data must be formulated. The oldest three years of data is used to calculate the rate and the most current year's data is used in the actual tax calculation.

- 2. An annual net taxable premium exceeding \$100,000.

**Historical Note**

Former Rule XVIII. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-218 recodified from R4-13-218 (Supp. 95-1).

**R20-5-219. Payment of Taxes by Self-insurers**

The tax payments described in A.R.S. §§ 23-961(G) through (J) and 23-1065(A) shall be processed in accordance with the following:

- 1. All self-insurers shall submit their payroll, loss, medical, and other information to the Commission by January 31 of each year.
- 2. All self-insurers shall pay their annual taxes on or before March 31 based on premiums calculated for the preceding calendar year. The payment for each tax shall not be less than \$250.00 per year.
- 3. Those self-insurers who paid \$2,000.00 or more for the administrative fund tax (A.R.S. § 23-961(G)) for the preceding calendar year shall pay a quarterly tax in the following year. One of two methods can be used to calculate the payment. The first method is a quarterly payment of 25% of the tax calculated for the previous year. The second method is based on actual payroll and premiums calculated for each quarter. Those self-insured employers who paid \$2,000.00 or more for the Special Fund tax (A.R.S. § 23-1065(A)) for the preceding calendar year must pay a quarterly tax using the same methods to calculate payment. The quarterly payments are due April 30, July 31, October 31, and January 31 for the periods ending March 31, June 30, September 30, and December 31, respectively.
- 4. Upon calculation of the annual taxes, it shall be determined by the Commission if the self-insured employer has overpaid or underpaid its taxes. If the total of the quarterly payments is less than the actual taxes calculated for the year, then the amount representing the difference is due on or before March 31. If the total of the quarterly payments exceeds the amount of the actual taxes calculated for the year, a refund will be paid to the self-insurer.
- 5. If the self-insurer fails to pay the annual or quarterly taxes when due, a penalty of the greater of \$25.00 or 5% of the tax or payment due plus interest at the rate of 1% per month from the date the tax or payment was due shall be paid by the self-insurer.

**Historical Note**

Former Rule XIX. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-219 recodified from R4-13-219 (Supp. 95-1).

**R20-5-220. Basis; Definitions**

For determining the premium for purposes of R20-5-214, the Commission shall utilize as the basis for classifications, rating procedures, and plans those specified in the rating systems filed by the rating organization used by the State Compensation Fund pursuant to A.R.S. Title 20, Chapter 2, Article 4.

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**Historical Note**

Former Rule XX. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-220 recodified from R4-13-220 (Supp. 95-1).

**R20-5-221. Book and Record Review by the Commission**

All reports, books, and records of the self-insurer relating to classifications, payroll, incurred loss reserves, and procedures for development of statistical information for the development of rating information are subject to review by the Commission and its authorized representatives. If, in the judgment of the Commission, reports, records, and data relating to payroll or claims are not valid or credible, the Commission reserves the right to require correction of procedure and data to better determine the information needed to evaluate the rating programs.

**Historical Note**

Former Rule XXI. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-221 recodified from R4-13-221 (Supp. 95-1).

**R20-5-222. Audits; Cost of Audit**

The Commission may, at any time upon three working days' notice, perform or have performed for its benefit an audit of the payroll, loss payment, and loss reserve records for incurred losses of the self-insurer for the purpose of determining the scope and adequacy of the maintained records. The entire cost of the audit will be borne by the self-insurer.

**Historical Note**

Former Rule XXII. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-222 recodified from R4-13-222 (Supp. 95-1).

**R20-5-223. Time-frames for Processing Initial and Renewal Applications for Authorization to Self-insure****A. Administrative completeness review.**

1. Initial application.
  - a. The Administration Division shall review an initial application for authority to self-insure within 20 days of receipt of the application to determine whether the application contains the information required by A.R.S. § 23-961 and this Article.
  - b. The Administration Division shall inform an applicant by written notice whether the application is complete within the time-frame provided in this subsection. If the application is incomplete, the Administration Division shall include in its written notice to the applicant a complete list of the missing information.
  - c. The Administration Division shall deem the application withdrawn if an applicant fails to file a complete application within 45 days of being notified by the Administration Division that the application is incomplete, unless the applicant obtains an extension to provide the missing information under subsection (D).
2. Renewal application.
  - a. The Administration Division shall review a renewal application for authority to self-insure within 20 days of receipt of the application to determine whether the application contains the information required by A.R.S. § 23-961 and this Article.
  - b. The Administration Division shall inform a self-insurer by written notice whether the application is complete within the time-frame provided in subsection (A)(2)(a). If the application is incomplete, the Administration Division shall include in its written

notice to the self-insurer a complete list of the missing information.

- c. The Administration Division shall deem the application withdrawn if a self-insurer fails to file a complete application within 45 days of being notified by the Administration Division that the application is incomplete, unless the self-insurer obtains an extension to provide the missing information under subsection (D).

**B. Substantive review.**

1. Initial application. Within 70 days after the Administration Division determines an initial application complete, the Commission shall determine whether an initial application for authority to self-insure meets the substantive criteria of A.R.S. § 23-961 and this Article and shall issue an order granting or denying authority to self-insure.
2. Renewal application. Within 40 days after the Administration Division determines a renewal application complete, the Commission shall determine whether a renewal application for authority to self-insure meets the substantive criteria of A.R.S. § 23-961 and this Article and shall issue an order granting or denying authority to self-insure.

**C. Overall review.**

1. Initial application. The overall review period shall be 90 days, unless extended under A.R.S. § 41-1072 et seq.
2. Renewal application. The overall review period shall be 60 days, unless extended under A.R.S. § 41-1072 et seq.

- D. If an applicant or self-insurer cannot timely submit to the Administration Division information to complete an initial or renewal application, the applicant or self-insurer may obtain an extension to submit the missing information by filing a written request with the Administration Division no later than 40 days after receipt of the notice from the Administration Division that the initial or renewal application is incomplete. The written request for an extension shall state the reasons the applicant or self-insurer is unable to meet the 45-day deadline. If an extension will enable the applicant or self-insurer to assemble and submit the missing information, the Administration Division shall grant an extension of not more than 30 days and provide written notice of the extension to the applicant or self-insurer.

**Historical Note**

Former Rule XXIII. Section repealed effective July 6, 1993 (Supp. 93-3). R20-5-223 recodified from R4-13-223 (Supp. 95-1). New Section adopted October 9, 1998 (Supp. 98-4).

**R20-5-224. Computation of Time**

- A. In computing any period of time prescribed or allowed by this Article, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday. When the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.
- B. Except as otherwise provided by law, the Commission may extend time limits prescribed by this Article for good cause.

**Historical Note**

Former Rule XXIV. Section repealed effective July 6, 1993 (Supp. 93-3). R20-5-224 recodified from R4-13-224 (Supp. 95-1). New Section adopted effective October 9, 1998 (Supp. 98-4).



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**ARTICLE 3. EXPIRED****R20-5-301. Expired****Historical Note**

Former Rule I. R20-5-301 recodified from R4-13-301 (Supp. 95-1). Section R20-5-301 repealed; new Section R20-5-301 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-302. Expired****Historical Note**

Former Rule II; Amended effective March 9, 1981 (Supp. 81-2). R20-5-302 recodified from R4-13-302 (Supp. 95-1). Section R20-5-302 repealed; new Section R20-5-302 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-303. Expired****Historical Note**

Former Rule III; Amended effective March 9, 1981 (Supp. 81-2). R20-5-303 recodified from R4-13-303 (Supp. 95-1). Section R20-5-303 repealed; new Section R20-5-303 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-304. Expired****Historical Note**

Former Rule IV; Amended effective March 9, 1981 (Supp. 81-2). R20-5-304 recodified from R4-13-304 (Supp. 95-1). Section R20-5-304 repealed; new Section R20-5-304 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-305. Expired****Historical Note**

Former Rule V; Former Section R4-13-305 renumbered and amended as Section R4-13-306, new Section R20-5-305 adopted effective March 9, 1981 (Supp. 81-2). R20-5-305 recodified from R4-13-305 (Supp. 95-1). Section R20-5-305 repealed; new Section R20-5-305 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-306. Expired****Historical Note**

Former Rule VI. Former Section R4-13-306 renumbered and amended as Section R4-13-307, former Section R4-13-305 renumbered and amended as Section R4-13-306 effective March 9, 1981 (Supp. 81-2). R20-5-306 recodified from R4-13-306 (Supp. 95-1). Section R20-5-306 repealed; new Section R20-5-306 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-307. Expired****Historical Note**

Former Rule VII. Former Section R4-13-307 renumbered as Section R4-13-309, former Section R4-13-306 renumbered and amended as Section R4-13-307 effective March 9, 1981 (Supp. 81-2). R20-5-307 recodified from

R4-13-307 (Supp. 95-1). Section R20-5-307 repealed; new Section R20-5-307 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-308. Expired****Historical Note**

Former Rule VIII. Former Section R4-13-308 renumbered as Section R4-13-310, new Section R4-13-308 adopted effective March 9, 1981 (Supp. 81-2). R20-5-308 recodified from R4-13-308 (Supp. 95-1). Section R20-5-308 repealed; new Section R20-5-308 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-309. Expired****Historical Note**

Former Rule IX. Former Section R4-13-309 repealed, former Section R4-13-307 renumbered as Section R4-13-309 effective March 9, 1981 (Supp. 81-2). R20-5-309 recodified from R4-13-309 (Supp. 95-1). Section R20-5-309 repealed; new Section R20-5-309 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-310. Expired****Historical Note**

Former Rule X. Former Section R4-13-310 renumbered and amended as Section R4-13-312, former Section R4-13-308 renumbered as Section R4-13-310 effective March 9, 1981 (Supp. 81-2). R20-5-310 recodified from R4-13-310 (Supp. 95-1). Section R20-5-310 repealed; new Section R20-5-310 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-311. Expired****Historical Note**

Former Rule XI. Former Section R4-13-311 repealed, new Section R4-13-311 adopted effective March 9, 1981 (Supp. 81-2). R20-5-311 recodified from R4-13-311 (Supp. 95-1). Section R20-5-311 repealed; new Section R20-5-311 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-312. Expired****Historical Note**

Former Rule XII. Former Section R4-13-312 renumbered as Section R4-13-314, former Section R4-13-310 renumbered and amended as Section R4-13-312 effective March 9, 1981 (Supp. 81-2). R20-5-312 recodified from R4-13-312 (Supp. 95-1). Section R20-5-312 repealed; new Section R20-5-312 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-313. Expired****Historical Note**

Former Rule XIII. Former Section R4-13-313 renumbered and amended as Section R4-13-318 effective

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March 9, 1981 (Supp. 81-2). R20-5-313 recodified from R4-13-313 (Supp. 95-1). New Section adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-314. Expired****Historical Note**

Former Section R4-13-312 renumbered as Section R4-13-314 effective March 9, 1981 (Supp. 81-2). R20-5-314 recodified from R4-13-314 (Supp. 95-1). Section R20-5-314 repealed; new Section R20-5-314 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-315. Expired****Historical Note**

Adopted effective March 9, 1981 (Supp. 81-2). R20-5-315 recodified from R4-13-315 (Supp. 95-1). Section R20-5-315 repealed; new Section R20-5-315 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-316. Expired****Historical Note**

Adopted effective March 9, 1981 (Supp. 81-2). R20-5-316 recodified from R4-13-316 (Supp. 95-1). Section R20-5-316 repealed; new Section R20-5-316 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-317. Expired****Historical Note**

Adopted effective March 9, 1981 (Supp. 81-2). R20-5-317 recodified from R4-13-317 (Supp. 95-1). Section R20-5-317 repealed; new Section R20-5-317 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-318. Expired****Historical Note**

Former Section R4-13-313 renumbered and amended as Section R4-13-318 effective March 9, 1981 (Supp. 81-2). R20-5-318 recodified from R4-13-318 (Supp. 95-1). Section R20-5-318 repealed; new Section R20-5-318 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-319. Expired****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-320. Expired****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-321. Expired****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-322. Expired****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-323. Expired****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-324. Expired****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-325. Expired****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-326. Expired****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-327. Expired****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-328. Expired****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-329. Expired****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**ARTICLE 4. ARIZONA BOILERS AND LINED HOT WATER HEATERS****R20-5-401. Applicability**

This Article applies to all boilers, lined hot water heaters and pressure vessels operated in Arizona, except the following:

1. Boilers, lined hot water heaters and pressure vessels regulated by the United States Government;
2. Boilers, lined hot water heaters and pressure vessels operated in private residences or apartment complexes of not more than six units; and
3. Boilers, lined hot water heaters and pressure vessels operated on Indian reservations.

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4. A lined hot water heater that does not exceed any of the following:
  - a. Heat input of 200,000 BTU per hour,
  - b. Water temperature of 210° F, and
  - c. Nominal water containing capacity of 120 gallons.

**Historical Note**

Former Rules B-1.1 and B-1.2. Former Section R4-13-401 repealed, new Section R4-13-401 adopted effective April 12, 1979 (Supp. 79-2). Section R4-13-401 repealed, new Section adopted effective April 9, 1992 (Supp. 92-2).

R20-5-401 recodified from R4-13-401 (Supp. 95-1).

Amended effective October 9, 1998 (Supp. 98-4).

Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3).

**R20-5-402. Definitions**

In this Article, unless the text otherwise requires:

1. "Act" means A.R.S. Title 23, Chapter 2, Article 11.
2. "Alteration" means any change in the item described on the original manufacturer's data report which affects the pressure-containing capability of the boiler or pressure vessel, including but not limited to:
  - a. Non physical changes such as an increase in the maximum allowable working pressure either internal or external, or
  - b. A reduction in minimum design temperature of a boiler or pressure vessel requiring additional mechanical tests.
3. "ANSI" means American National Standards Institute, Inc., located at 25 W. 43rd Street, 4th Floor, New York, NY 10036 or at <http://www.ansi.org/>.
4. "Apartment house" means a building with multiple family dwelling units, not used for commercial purposes, including condominiums and townhouses, where boilers are located in a common area outside of the individual dwelling units, such as a boiler room.
5. "Applicant" means an individual requesting permission to act as a special inspector under A.R.S. § 23-485.
6. "ASME Code" means the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Sections I, II, IV, V, VIII and IX, published by ASME International.
7. "ASME International" means a not for profit professional organization that promotes the art, science and practice of mechanical and multidisciplinary engineering and allied sciences throughout the world.
8. "Authorized Inspector" means an authorized representative under A.R.S. § 23-471(1) or a special inspector under A.R.S. § 23-485.
9. "Authorized representative" means the boiler chief or boiler inspector employed by the Division.
10. "Blowdown tank" or "Blowdown separator" means an ASME-stamped vessel designed to receive discharged steam or hot water from a boiler blowoff or blowdown piping system.
11. "Boiler" means a closed vessel in which fluid is heated for use external to itself by the direct application of heat resulting from the combustion of fuel, solid, liquid, or gaseous, or by the use of electricity.
12. "Certificate of Competency" means a person who has passed the National Board Exam.
13. "Certificate Inspection" means an internal inspection, when construction allows; otherwise, it means as complete an inspection as possible.
14. "Condemned" means a boiler or lined hot water heater that has been inspected and found to be unsafe by the Director or authorized inspector and has been stamped or tagged with the code XXX AZ8 XXX.
15. "CSD-1" means Controls and Safety Devices for Automatically Fired Boilers, published by ASME International, incorporated by reference in R20-5-404(A)(4).
16. "Direct fired jacketed steam kettle" means a pressure vessel with inner and outer walls that is subject to steam pressure and stress, is used to boil or heat liquids or to cook food, and falls under the scope of Section VIII, Division 1, Appendix 19 (Electrically Heated or Gas Fired Jacketed Steam Kettles) of the ASME Boiler and Pressure Vessel Code incorporated by reference in R20-5-404(A).
17. "External inspection" means an examination of a boiler or lined hot water heater performed by an authorized inspector when the boiler or lined hot water heater is in operation.
18. "Forced circulation hot water heater" means a hot water heater used for potable water, a hot water heater requiring movement of water to prevent overheating and failure of the tubes or coils, and has no definitive waterline.
19. "Fully attended power boiler" means a power boiler that is operated by an individual who meets the requirements of R20-5-408(C), and whose primary function is the care, maintenance, and operation of the boiler and the equipment associated with the boiler system.
20. "High temperature water boiler" means a boiler in which water is heated and operates at a pressure in excess of 160 psig (1.1 MPa) and/or temperature in excess of 250° F.
21. "Historical boilers" means steam boilers of riveted construction, preserved, restored, or maintained for hobby or demonstration use.
22. "Inspection certificate" means a document issued by the Division for the operation of a boiler, lined hot water heater or direct fired jacketed steam kettles when a certificate inspection has been successfully completed.
23. "Internal inspection" means a complete examination of the internal and external surfaces of a boiler or lined hot water heater by an authorized inspector after the boiler or lined hot water heater is shut down.
24. "Lined hot water heater" means the same as lined hot water storage heater defined in A.R.S. § 23-471(10) as a vessel which is closed except for openings through which water can flow, that includes the apparatus by which heat is generated and on which all controls and safety devices necessary to prevent pressures greater than 160 psig (1100 kPa gage) and water temperature greater than 210° F are provided, in which potable water is heated by the combustion of fuels, electricity, or any other heat source and removed for external use.
25. "MAWP" means maximum allowable working pressure.
26. "National Board Commissioned Inspector" means an individual who holds a valid and current National Board Commission issued by the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, OH 43229-1183.
27. "National Board Registration Number" means a unique number issued to a boiler, hot water heater or pressure vessel by the manufacturer and recorded with the National Board of Boiler and Pressure Vessel Inspectors.
28. "NFPA" means National Fire Protection Association.
29. "Non-Standard Boiler" means any boiler, hot water heater or pressure vessel that is not constructed or maintained to the standards incorporated by reference of this Article.

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30. "Owner" or "Operator" means any individual or organization, including this state and all political subdivisions of this state, who have title, control or duty to control, the operation of one or more boilers, lined hot water heaters or pressure vessels.
31. "Portable boiler" means a boiler permanently affixed to a trailer with wheels, that is totally self-contained while operating, and not attached to any other object either by pipe, hose or wire.
32. "Relief valve" means an ASME-stamped automatic pressure relieving device designed for liquid service which is actuated by the pressure upstream of the valve and opens further with an increase in pressure above the stamped pressure.
33. "Repairs" means work necessary to restore a boiler, lined hot water heater or pressure vessel to operating condition that complies with this Article.
34. "Safety relief valve" means an ASME-stamped automatically pressure-actuated relieving device designed for use either as a safety valve or as a relief valve.
35. "Safety valve" means an ASME-stamped automatic pressure relieving device designed for steam or vapor service which is actuated by the pressure upstream of the valve and characterized by full opening pop-action.
36. "Secondhand" means a boiler, lined hot water heater or pressure vessel that has changed both location and ownership since original installation.
37. "Shelter" means a permanent structure that provides protection from the weather.
38. "Special Inspector" means any authorized inspector who is issued an Arizona Commission but is not employed by the state of Arizona.
39. "State Identification Number" means a unique number assigned by the Division to a boiler, hot water heater or pressure vessel installed in Arizona.
40. "User" means a person or entity that does not have legal title to a boiler, lined hot water heater or pressure vessel, but has control and responsibility for the operation of a boiler, lined hot water heater or pressure vessel.

**Historical Note**

Former Rules B-2.1 through B-2.6. Former Section R4-13-402 repealed, new Section R4-13-402 adopted effective April 12, 1979 (Supp. 79-2). Amended effective March 31, 1981 (Supp. 81-2). Amended effective May 11, 1981 (Supp. 81-3). Amended effective May 31, 1985 (Supp. 85-3). Section R4-1-402 repealed, new Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-402 recodified from R4-13-402 (Supp. 95-1). Amended effective October 9, 1998 (Supp. 98-4). Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3).

**R20-5-403. Boiler Advisory Board**

- A. Members of the boiler advisory board appointed by the Commission pursuant to A.R.S. § 23-474(2) shall serve for a period of three years. At the end of each three year term, the Commission may extend a member's term an additional three years or replace any member with an individual representing similar interest within the industry. The board shall be composed of persons in the boiler industry and shall be balanced in representation with respect to industry, owner/operators, labor and the public.
- B. The board shall hold an annual meeting and such other meetings as may be appropriate and shall conduct business at times and places arranged by the Commission.

**Historical Note**

Former Rules B-3.1 through B-3.3. Former Section R4-13-403 repealed, new Section R4-13-403 adopted effective April 12, 1978 (Supp. 79-2). Section R4-13-403 repealed, new Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-403 recodified from R4-13-403 (Supp. 95-1). Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3).

**R20-5-404. Standards for Boilers, Lined Hot Water Heaters and Pressure Vessels****A.** The following apply to this Article:

1. An owner or user of a boiler installed, repaired, replaced, or reinstalled in Arizona, six months after the effective date of this Article shall comply with the 2007 ASME Boiler and Pressure Vessel Code, Sections I, II, IV, V, VIII Division 1, 2, 3, IX, and B31.1 Power Piping, and addenda as of July 1, 2007, incorporated by reference. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 W. Washington Street, Phoenix, AZ 85007 and may be obtained from ASME International at Three Park Avenue, New York, NY 10016-5990 or at <http://www.asme.org/>.
2. An owner or user of a boiler, lined hot water heater or pressure vessel installed, repaired, replaced, or reinstalled in Arizona, before the effective date of this Article shall comply with subsection (A)(1), or the ASME Boiler and Pressure Vessel Code in effect at the time of the last installation, repair, replacement, or reinstallation of the boiler, lined hot water heater or pressure vessel in Arizona.
3. An owner or user of a gas-fired lined hot water heater installed, operated, repaired, replaced, or reinstalled in Arizona shall comply with the American National Standard for Gas Water Heaters, ANSI Z21.10.3-2004, incorporated by reference. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 W. Washington Street, Phoenix, AZ 85007 and may be obtained from ANSI, Attn: Customer Service Department, 25 W. 43rd Street, 4th Floor, New York, NY 10036 or at <http://www.ansi.org/>.
4. An owner or user of a boiler installed, repaired, replaced or reinstalled in Arizona after the effective date of this Article shall comply with the American National Standard for Controls and Safety Devices for Automatically Fired Boilers, ANSI/ASME CSD-1-2006, incorporated by reference. This incorporation does not include any later amendments or editions of the incorporated matter. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 W. Washington Street, Phoenix, AZ 85007 and may be obtained from ASME International, Three Park Avenue, New York, NY 10016-5990 or at <http://www.asme.org/>.
5. An owner or user of a boiler installed, repaired, replaced, or reinstalled in Arizona before the effective date of this Article shall comply with the American National Standard for Controls and Safety Devices for Automatically Fired Boilers in effect at the time of the last installation, repair, replacement or reinstallation of a boiler in Arizona. As an alternative, an owner or user of a boiler described in this subsection may comply with subsection (A)(4).

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6. A permanent source of outside air shall be provided for each boiler and lined hot water heater room to assure complete combustion of the fuel as required by ANSI Z223.1-2006, NFPA 54, National Fuel Gas Code incorporated by reference. This incorporation does not include any later amendments or editions of the incorporated matter. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 W. Washington Street, Phoenix, AZ 85007 and may be obtained from ANSI, Attn: Customer Service Department, 25 W. 43rd Street, 4th Floor, New York, NY 10036 or at <http://www.ansi.org/>.
- B.** The following registration requirements apply to this Article:
1. All boilers and lined hot water heaters, including reinstalled and secondhand boilers, shall be registered with the National Board of Boiler and Pressure Vessel Inspectors except for:
    - a. Non-standard boilers installed up to six months after the effective date of this Section,
    - b. Cast iron boilers, and
    - c. Cast aluminum boilers.
  2. All fired and unfired pressure vessels installed or reinstalled on or after July 1, 2009, shall be registered with the National Board of Boiler and Pressure Vessel Inspectors.
- C.** The following installation, maintenance, and repair requirements apply to this Article.
1. An owner or user shall keep a signed copy of the Manufacturer's Data Report for a boiler or lined hot water heater at the location of the boiler or lined hot water heater and make the report available for review upon request from an authorized inspector.
  2. A boiler shall have masonry or structural supports of sufficient strength and rigidity to safely support the boiler and its contents without any vibration in the boiler or its connecting piping.
  3. There shall be at least 36 in. (915 mm) of clearance on each side of the boiler or lined hot water heater. Alternative clearances according to the manufacturer's recommendations are subject to approval by the Division prior to installation of boiler or lined hot water heater.
  4. A boiler with a manhole shall have at least five feet clearance between the boiler manhole and any wall, ceiling, or piping.
  5. A newly constructed boiler room in excess of 500 square feet of floor area and containing one or more boilers with a fuel capacity of 1,000,000 BTU per hour or a heating capacity greater than 285 Kw (electric), shall have at least two exits on each level of the boiler or boilers. The owner or user shall ensure each exit is remotely located from other exits.
  6. An owner or user shall keep a boiler or lined hot water heater room clean and with no obstructions to the boiler or lined hot water heater.
  7. An owner or user shall not store flammable or explosive materials in a boiler or lined hot water heater room.
  8. An owner or user shall not store combustibles less than three feet from any part of a boiler or lined hot water heater.
  9. If a boiler or lined hot water heater is moved outside Arizona for temporary use or repairs, the owner or user shall not reinstall the boiler or lined hot water heater in Arizona until the owner or user notifies and receives verbal or written approval from the Division under R20-5-419 to reinstall the boiler or lined hot water heater. If the Division grants approval to reinstall the boiler or lined hot water heater, the owner or user shall not operate the reinstalled boiler or lined hot water heater until the owner or user receives an inspection certificate from the Division under this Article.
  10. Before a new power boiler or a used or secondhand boiler or pressure vessel is installed, an inspection shall be made by an authorized inspector of this state, or by a National Board Commission Inspector. This inspection is to assess the integrity of the vessel and evaluate the original design specification. Prior to installation, an application shall be filed by the owner or user of the boiler or pressure vessel with the Division for approval. This application shall contain the following information:
    - a. Name of the owner or user;
    - b. Mailing address of owner or user;
    - c. Business telephone number of owner or user;
    - d. Installation name and address;
    - e. Installation date;
    - f. Start up date;
    - g. Name and address of boiler/pressure vessel insurance company;
    - h. Arizona serial number of the boiler/pressure vessel being replaced, if applicable;
    - i. Description of the new, used or secondhand power boiler/ pressure vessel as to include:
      - i. Manufacture's name,
      - ii. Date manufactured,
      - iii. Maximum allowable pressure or temperature of boiler/pressure vessel, and
      - iv. National Board registration number;
    - j. Name, address, business phone number, cell phone number, fax number and state contractor's license number of company or individual that will be installing the object;
    - k. Name, title and phone number of the contact person on the site of installation; and
    - l. Signature, title and date of the person submitting the application.
  11. Before the owner or user installing a used boiler or pressure vessel, the boiler or pressure vessel shall pass a hydrostatic test that is witnessed by an authorized inspector, authorized representative or by any National Board Commissioned inspector in accordance with R20-5-411.
  12. An owner or user of a portable boiler shall notify an authorized inspector before installing the portable boiler and shall not operate the portable boiler until the owner or user receives an inspection certificate from the Division.

**Historical Note**

Former Rules B-4.1 through B-4.3. Former Section R4-13-404 repealed, new Section R4-13-404 adopted effective April 12, 1979 (Supp. 79-2). Amended subsection (P) by adding paragraph (7) and amended subsection (Q) effective October 3, 1980 (Supp. 80-5). Section R4-13-404 repealed, new Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-404 recodified from R4-13-404 (Supp. 95-1). Amended effective October 9, 1998 (Supp. 98-4). Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3).

**R20-5-405. Repealed****Historical Note**

Former Section R4-13-405 repealed effective April 12, 1979 (Supp. 79-2). New Section R4-13-405 adopted effective June 13, 1980 (Supp. 80-3). Section R4-13-405 repealed, new Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-405 recodified from R4-13-405

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(Supp. 95-1). Repealed by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3).

**R20-5-406. Repairs and Alterations**

- A. If repairs or alterations may affect the working pressure or safety of a boiler, an owner, user, or operator shall consult with an authorized inspector before having the repairs or alterations made. The authorized inspector shall provide the owner, user, or operator information regarding the best method to repair or alter the boiler. The owner, user, or operator shall ensure that an authorized inspector inspects and approves the repairs and alterations after the repairs or alterations are made.
- B. Repairs and alterations to boilers shall conform to the applicable provisions of the National Board Inspection Code, ANSI/NB-23-2007 Edition and 2007 addenda, incorporated by reference. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 W. Washington Street, Phoenix, AZ 85007, and may be obtained from the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, OH 43229-1183 or at <http://www.national-board.org/>.
- C. An owner or user shall not permit an individual to remove or repair a safety appliance of a boiler or lined hot water heater in operation. An owner or user shall not permit a person to remove or repair a safety appliance of a boiler or lined hot water heater not in operation except as provided under the ASME Code. If an owner or user permits a person to remove a safety appliance from a boiler or lined hot water heater as provided under the ASME Code, then the owner or user shall ensure that the safety appliance is reinstalled in proper working order before the boiler or lined hot water heater is placed back into operation.
- D. No person shall alter in any manner a safety valve, relief valve, or safety relief valve, except by an organization qualified in accordance with The National Board Inspection Code, ANSI/NB-23 2007 Edition and 2007 addenda incorporated by reference. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 W. Washington Street, Phoenix, AZ 85007, and may be obtained from the National Board of Boiler and Pressure Vessel Inspectors at 1055 Crupper Avenue, Columbus, OH 43229-1183 or at <http://www.national-board.org/>.
- E. Repairs of fittings or appliances shall comply with the requirements of the National Board Inspection Code, ANSI/NB-23-2007 Edition and 2007 addenda incorporated by reference. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 W. Washington Street, Phoenix, AZ 85007 and may be obtained from the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, OH 43229-1183 or at <http://www.nationalboard.org/>.
- F. Beginning six months after the effective date of this Section replacement of fittings or appliances shall comply with the requirements of the 2007 ASME Boiler and Pressure Vessel Code, Sections I, II, IV, V, VIII, Division 1, 2, 3, IX and B31.1 Power Piping, and addenda, incorporated by reference. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 W. Washington Street, Phoenix, AZ 85007. A copy of the incorporated material may also be obtained from

ASME International, Three Park Avenue, New York, NY 10016-5990 or at <http://www.asme.org>.

**Historical Note**

Former Section R4-13-406 repealed effective April 12, 1979 (Supp. 79-2). New Section R4-13-406 adopted effective June 13, 1980 (Supp. 80-3). Section R4-13-406 repealed, new Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-406 recodified from R4-13-406 (Supp. 95-1). Amended effective October 9, 1998 (Supp. 98-4). Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3).

**R20-5-407. Inspection of Boilers, Lined Hot Water Heaters, Direct Fired Jacketed Steam Kettles and Issuance of Inspection Certificates**

- A. An authorized inspector shall comply with the guidelines set forth in The National Board Inspection Code, ANSI/NB-23-2007 Edition and 2007 addenda, incorporated by reference. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 W. Washington Street, Phoenix, AZ 85007 and may be obtained from the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, OH 43229-1183 or at <http://www.nationalboard.org/>.
- B. If an owner, user, or operator fails to comply with the requirements for an inspection or pressure test under this Article, the Division shall withhold the inspection certificate until the owner, user, or operator complies with the requirements.
- C. An authorized inspector shall not engage in the sale of any object or device relating to boilers, lined hot water heaters, direct fired jacketed steam kettles or equipment associated with boilers, or lined hot water heaters or direct fired jacketed steam kettles.
- D. Under A.R.S. § 23-485(D), the Special Inspector shall file the inspection reports by entering data into the Division's Web-based inspection entry form, by submitting a paper inspection report issued by the Division or by electronic transfer of data between the insurance company's database and the Division's database. The inspection report shall contain the following:
  1. Whether it is a Certificate or non-Certificate inspection;
  2. Whether it is an internal or external inspection;
  3. Name of location, address and phone number of the object;
  4. Name, address and phone number of owner or responsible party;
  5. Contact person's name and phone number at the inspection location;
  6. State Identification Number;
  7. Certificate due date;
  8. Certificate duration;
  9. Whether the object is active, inactive or scrapped;
  10. MAWP permitted or allowed;
  11. National Board registration number;
  12. Name of the manufacturer and the year the object was built;
  13. Special location in plant, if applicable;
  14. Boiler type;
  15. Purpose of the boiler;
  16. Specify type of fuel used;
  17. Whether the firing method is automatic, manual or unknown;
  18. Whether the fuel train is in compliance with CSD-1, NFPA 85, Z21.10.3 or other;
  19. Whether the boiler is fully attended as per R20-5-408(C);

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20. Heating Surface/BTU Input/ Kilowatt (Kw) Input, as applicable;
  21. Whether the heating surface type is stamped, computed or unknown;
  22. Minimum safety valve relief capacity required;
  23. Whether the minimum safety valve relief capacity type is BTU/Hr, LBS/Hr or unknown;
  24. Number of temperature/pressure controls, as applicable;
  25. Owner number assigned by the owner to specifically identify object's location;
  26. Inspection date;
  27. Whether the certificate is posted;
  28. Safety Valve Total Capacity;
  29. Safety Valve #1 set pressure;
  30. Safety Valve #2 set pressure;
  31. Safety Valve #3 set pressure;
  32. Whether the object has been hydro tested;
  33. Hydro Test (psi), if applicable;
  34. Whether Pressure/Altitude Gage was tested;
  35. Whether the condition of the object is okay to issue a certificate;
  36. Inspection comments, condition of boiler;
  37. Violations noted;
  38. Inspector name and Arizona Commission number; and
  39. National Board Commission number.
- E.** The Division shall issue to an owner or user an inspection certificate within 30 calendar days of receipt of an inspection report that documents a boiler, lined hot water heater or direct fired jacketed steam kettle that complies with the Act and this Article. An owner or user of a boiler, lined hot water heater or direct fired jacketed steam kettle shall post the inspection certificate in the establishment where the boiler, lined hot water heater or direct fired jacketed steam kettle is located.
- F.** An owner, user, or operator shall ensure than an authorized inspector tags or stamps a steam boiler with an identification number assigned by the Division immediately after installing, but before operating, a new steam boiler, or when an authorized inspector performs an initial certificate inspection of an existing steam boiler. The identification number shall be at least 5/16" in height and in the following format: AZ-# # # #.
- G.** The Division shall mark with a metal dye stamp a boiler or lined hot water heater identified by the Division as not safe for further service, with the code "XXX AZ8 XXX" which shall designate that the boiler or lined hot water heater is condemned.
- H.** For any conditions not covered by this Article, the applicable provisions of the ASME Code that was in effect in Arizona at the time of the installation of the boiler or lined hot water heater shall apply.

**Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). New Section adopted effective April 9, 1992 (Supp. 92-2).

R20-5-407 recodified from R4-13-407 (Supp. 95-1).

Amended effective October 9, 1998 (Supp. 98-4).

Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3).

**R20-5-408. Frequency of Inspection**

- A.** An owner, user, or operator of a power boiler shall ensure that an authorized inspector performs a certificate inspection and external inspection of the power boiler every 12 months. An authorized inspector shall perform the external inspection while the power boiler is in operation to ensure that safety devices of the power boiler are operating properly.
- B.** An authorized inspector shall perform an internal inspection and pressure test on a boiler, lined hot water heater or pressure

vessel if the inspector determines from an external inspection of the boiler, lined hot water heater or pressure vessel that continued operation of the boiler, lined hot water heater or pressure vessel is a danger to the public or worker safety.

- C.** The Division shall issue a 12 month inspection certificate to an owner or user to operate a fully attended power boiler if:
1. An owner or user ensures that an authorized inspector performs an external safety inspection and audit of the operational methods and logs of the fully attended power boiler at least every 12 months and performs an internal inspection of the fully attended power boiler at least every 36 months;
  2. Continuous boiler water treatment is under the direct supervision of persons trained and experienced in water treatment for the purpose of controlling and limiting corrosion and deposits.
  3. Records are available for review, that indicate:
    - a. The date, time, and reason the boiler is out of service; and
    - b. Daily analysis of water samples that adequately show the conditions of the water and elements or characteristics that are capable of producing corrosion or other deterioration to the boiler or its parts; and
  4. Controls, safety devices, instrumentation, and other equipment necessary for safe operation are current, in service, calibrated, and meet the requirements of an appropriate safety code for the size boilers, such as NFPA 85, ASME CSD-1 Controls and Safety Devices for Automatically Fired Boilers, National Board Inspection Code ANSI/NB-23, and state requirements.
  5. Inspection reports of an authorized inspector document that the fully attended power boiler complies with A.R.S. § 23-471 et seq. and this Article.
- D.** An owner, user, or operator of a direct-fired jacketed steam kettle shall ensure that an authorized inspector performs a certificate inspection of the direct-fired jacketed steam kettle every 24 months.
- E.** An owner, user, or operator of a heating or process boiler, not exceeding 15 p.s.i. maximum allowable working pressure, steam or vapor, shall ensure that an authorized inspector performs a certificate inspection of the heating or process boiler every 24 months.
- F.** An owner or user of a hot water heating or hot water supply boiler, or lined hot water heater shall ensure that an authorized inspector performs a certificate and external inspection of the hot water heating or hot water supply boiler or lined hot water heater at the time the hot water heating or hot water supply boiler or lined hot water heater is installed. An inspection certificate issued by the Division following an inspection under this subsection shall not state an expiration date.

**Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). New Section adopted effective April 9, 1992 (Supp. 92-2).

R20-5-408 recodified from R4-13-408 (Supp. 95-1).

Amended effective October 9, 1998 (Supp. 98-4).

Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3).

**R20-5-409. Notification and Preparation for Inspection**

- A.** An authorized inspector shall perform a certificate inspection at a time mutually agreeable to the inspector and owner, user, or operator.
- B.** Before an authorized inspector performs an internal inspection of a boiler, an owner, user, or operator shall:
1. Cool the furnace and combustion chambers;

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2. Drain the water from the boiler;
3. Remove the manhole and handhole plates, wash-out plugs, and inspection plugs in water column connections;
4. Remove insulation or brickwork if necessary to determine the condition of the boiler, headers, furnace, supports, and other parts;
5. Remove the pressure gauge for testing;
6. Prevent any leakage of steam or hot water into the boiler by disconnecting the involved pipe or valve;
7. Close, tag, and padlock the non-return and steam stop valves before opening the manhole or handhole covers and entering any part of the steam generating unit that is connected to a common header with other boilers. Open the free blow drain or cock between the non-return and steam stop valves;
8. Close, tag, and padlock the blowoff valves after draining the boiler; and
9. Open all drains and vent lines.

**Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). New Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-409 recodified from R4-13-409 (Supp. 95-1). Amended effective October 9, 1998 (Supp. 98-4).

**R20-5-410. Report of Accident**

An owner or user shall notify the Division within 24 hours of an explosion, severe overheating, or personal injury involving a boiler, lined hot water heater or direct fired jacketed steam kettle. A person shall not remove or disturb the involved boiler, lined hot water heater, direct fired jacketed steam kettle or parts of the boiler, lined hot water heater or direct fired jacketed steam kettle before an investigation by an authorized inspector, except for the purpose of preventing personal injury or limiting consequential damage.

**Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). New Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-410 recodified from R4-13-410 (Supp. 95-1). Amended effective October 9, 1998 (Supp. 98-4). Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3).

**R20-5-411. Hydrostatic Tests**

The owner or user shall perform a hydrostatic or pneumatic pressure test in accordance with the code incorporated by reference in R20-5-404(A) and R20-5-406(B).

**Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). New Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-411 recodified from R4-13-411 (Supp. 95-1). Amended effective October 9, 1998 (Supp. 98-4). Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3).

**R20-5-412. Automatic Low-water Fuel Cutoff Devices or Combined Water Feeding and Fuel Cutoff Devices**

- A. An owner, user, or operator shall ensure that low-water fuel cutoff devices or combined water feeding and fuel cutoff devices do not interfere with an operator's or inspector's ability to safely clean, repair, or inspect a boiler or lined hot water heater.
- B. A low-water fuel cutoff device shall have a pressure rating not less than the set pressure of the safety valve or safety relief valve.
- C. In addition to the requirements of subsections (A) and (B), all low-water fuel cutoffs and flow sensing devices shall be constructed and installed in accordance with applicable ASME

Code and standards for boilers and steam jacketed kettles in R20-5-404(A).

**Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). New Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-412 recodified from R4-13-412 (Supp. 95-1). Amended effective October 9, 1998 (98-4). Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3).

**R20-5-413. Safety and Safety Relief Valves**

- A. A valve shall not be placed between a safety valve or a safety relief valve and installed on a boiler or lined hot water heater, or between a safety valve or a safety relief valve and the discharge pipe attached to the boiler or lined hot water heater.
- B. When a power boiler is supplied with feed-water directly from a water main without the use of a feeding apparatus, safety valves shall not be set at a pressure greater than 94% of the lowest pressure obtained in the water main feeding the boiler;
- C. Safety valves, safety relief valves and relief valves shall conform to the requirements of the 2007 ASME Boiler and Pressure Vessel Code, Section I, IV or VIII, and addenda as of January 1, 2008, incorporated by reference as applicable. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 W. Washington Street, Phoenix, AZ and may be obtained from the ASME, Three Park Avenue, New York, NY 10016-5990 or at <http://www.asme.org/>.

**Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). New Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-413 recodified from R4-13-413 (Supp. 95-1). Amended effective October 9, 1998 (Supp. 98-4). Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3).

**R20-5-414. Repealed****Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). New Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-414 recodified from R4-13-414 (Supp. 95-1). Repealed by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3).

**R20-5-415. Boiler Blowdown, Blowoff Equipment and Drains**

- A. Except as provided in this Section, an owner or user of blowdown and blowoff equipment shall comply with the National Board Rules and Recommendations for the Design and Construction of Boiler Blowoff Systems, 1991 Edition, incorporated by reference. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 W. Washington Street, Phoenix, AZ 85007 and may be obtained from the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, OH 43229-1183 or at <http://www.nationalboard.org/>.
- B. Blowdown from a boiler is a hazard to life and property.
- C. Blowdown from a boiler shall pass through blowdown equipment that reduces pressure and temperature to levels not exceeding 5 p.s.i.g. and 140° F.
- D. The thickness of a blowdown vessel shall be at least 3/16".
- E. All blowdown equipment shall be fitted with openings that allow cleaning and inspection of the equipment.



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- F. Blowdown separators may be used with boilers instead of boiler blowdown tanks, provided that blowdown separators are operated with a temperature gauge and water cooler to prevent drain water temperature from exceeding 140° F.
- G. In addition to the requirements of subsections (A) through (F), the following requirements apply to blowdown piping, valves and drains for power boilers: Each power boiler and high temperature water boiler shall be installed and maintained according to ASME Code, Section 1 and B31.1, incorporated by reference in R20-5-404, at the time of installation.
- H. In addition to the requirements of subsections (A) through (F), the following requirements apply to bottom blowdown or drain valves for heating boilers and hot water heaters:
1. A hot water heating boiler or hot water heater shall have a bottom blowdown or drain pipe connection fitted with a valve or cock connected with the lowest available water space with the minimum size of blowdown piping and valves as required by ASME Code, Section IV, incorporated by reference, in R20-5-404(A).
  2. Discharge outlets of blowdown pipes, safety valves and other piping shall be located and structurally supported to prevent injury to individuals.
3. On a monthly basis, the owner or user shall:
    - a. Test all fan and air pressure interlocks,
    - b. Check the main burner safety shutoff valve,
    - c. Check the low fire start switch,
    - d. Test fuel pressure and temperature interlocks of oil-fired units, and
    - e. Test the high and low fuel pressure switch of gas-fired units.
  4. Every six months, the owner or user shall:
    - a. Inspect burner components;
    - b. Check flame failure system components, such as vacuum tubes, amplifier and relays;
    - c. Check wiring of all interlocks and shutoff valves;
    - d. Recalibrate all indicating and recording gauges; and
    - e. Check steam and blowdown piping and valves.
  5. Annually, the owner or user shall:
    - a. Replace vacuum tubes, scanners, or flame rods in the flame failure system according to the manufacturer's instructions;
    - b. Check all coils and diaphragms; and
    - c. Test operating parts of all safety shutoff and control valves.

**Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). New Section adopted effective April 9, 1992 (Supp. 92-2).

R20-5-415 recodified from R4-13-415 (Supp. 95-1).

Amended effective October 9, 1998 (Supp. 98-4).

Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3).

**R20-5-416. Maximum Allowable Working Pressure**

- A. The ASME Code under which a boiler was constructed and stamped shall determine the maximum allowable working pressure for the ASME-stamped boiler.
- B. If components in the boiler or hot water system such as valves, pumps, expansion tanks, storage tanks or piping have a lesser working pressure rating than the boiler or hot water heater, the pressure setting for the safety or safety relief valve on the boiler or hot water heater shall be based upon the component with the lowest maximum allowable working pressure rating.

**Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). New Section adopted effective April 9, 1992 (Supp. 92-2).

R20-5-416 recodified from R4-13-416 (Supp. 95-1).

Amended effective October 9, 1998 (Supp. 98-4).

Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3).

**R20-5-417. Maintenance and Operation of Boilers, Hot Water Heaters and Direct Fired Jacketed Steam Kettles**

- A. An owner or user of a boiler, hot water heater or direct fired jacketed steam kettle constructed under the ASME Code, Sections I, IV or VIII Division 1, incorporated by reference in R20-5-404(A) shall comply with the manufacturer's maintenance and operation instructions for the boiler, hot water heater or direct fired jacketed steam kettle.
- B. In addition to the requirements of subsection (A), an owner or user of a boiler constructed under the ASME Code, Sections I, IV, shall comply with the following preventive maintenance schedule if the boiler contains the component or system listed.
1. On a daily basis, the owner or user shall:
    - a. Test the low-water fuel cutoff and alarm, and
    - b. Check the burner flame for proper combustion.
  2. On a weekly basis, the owner or user shall:
    - a. Check for proper ignition, and
    - b. Check the flame failure detection system.

- C. An owner or user of a power boiler or high temperature boiler shall designate an individual who meets the requirements of subsection (D) to operate the boiler. An owner or user may operate the boiler if the owner or user meets the requirements of subsection (D).
- D. An operator of a power boiler or high temperature water boiler shall meet the following minimum requirements:
1. Knowledge of and an ability to explain the function and operation of all safety controls of the boiler,
  2. Ability to start the boiler in a safe manner,
  3. Knowledge of all safe methods of feeding water to the boiler,
  4. Knowledge of and the ability to blow down the boiler in a safe manner,
  5. Knowledge of safety procedures to follow if water exceeds or drops below permissible safety levels, and
  6. Knowledge of and the ability to safely shut down the boiler.

**Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). New Section adopted effective April 9, 1992 (Supp. 92-2).

R20-5-417 recodified from R4-13-417 (Supp. 95-1).

Amended effective October 9, 1998 (Supp. 98-4).

Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3).

**R20-5-418. Non-standard Boilers**

An owner or user shall remove from service a boiler, hot water heater or pressure vessel that does not bear an ASME stamp unless the boiler owner or user request a variance under R20-5-429.

**Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). New Section adopted effective April 9, 1992 (Supp. 92-2).

R20-5-418 recodified from R4-13-418 (Supp. 95-1).

Amended effective October 9, 1998 (Supp. 98-4).

Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3).

**R20-5-419. Request to Reinstall Boiler or Lined Hot Water Heater**

- A. The Division shall grant or deny approval to reinstall a boiler or lined hot water heater within three business days after an owner or user requests approval to reinstall the boiler or lined

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hot water heater. The order of the Division granting or denying approval to reinstall a boiler shall be in writing.

- B. The Division shall grant approval to reinstall a boiler or lined hot water heater if the boiler or lined hot water heater complies with A.R.S. § 23-471 et seq. and this Article. The Division shall deny approval to reinstall a boiler or lined hot water heater if the boiler or lined hot water heater does not comply with A.R.S. § 23-471 et seq. and this Article.
- C. An order of the Division denying approval to reinstall a boiler shall be final unless an owner or user requests a hearing under A.R.S. § 23-479 within 15 days after the Division mails the order. The owner or user requesting a hearing shall have the burden to prove that a boiler meets the requirements of A.R.S. § 23-471 et seq. and this Article.

**Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). R20-5-419 recodified from R4-13-419 (Supp. 95-1). New Section adopted effective October 9, 1998 (Supp. 98-4). Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3).

**R20-5-420. Special Inspector Certificate under A.R.S. § 23-485****A. Review Time-frames.**

1. Administrative Completeness Review.
  - a. The Division shall determine whether an application to take a written examination or request for a special inspector certificate under A.R.S. § 23-485 is complete within three days of receipt of the application or request. The Division shall inform the applicant whether the application or request is complete or incomplete by written notice. If the application or request is incomplete, the Division shall include in its written notice to the applicant a complete list of the missing information.
  - b. The Division shall deem an application or request withdrawn if an applicant fails to file a complete application or request within 10 days of being notified by the Division that the application or request is incomplete, unless the applicant obtains an extension to provide the missing information. An applicant may obtain an extension to submit the missing information by filing a written request with the Division no later than 10 days after the Division mails notice that the application or request is incomplete. The written request for an extension shall state the reasons the applicant is unable to meet the 10-day deadline. If an extension will enable the applicant to assemble and submit the missing information, the Division shall grant an extension of not more than 10 days and provide written notice of the extension to the applicant.
2. Substantive review.
  - a. Application to take written examination under A.R.S. § 23-485(A). Within three days after the Division deems an application complete under subsection (B), the Division shall determine whether the applicant is eligible to take the National Board Examination.
  - b. Request for special inspector certificate under A.R.S. § 23-485. Within three days after the Division deems a request complete under subsection (C), the Division shall determine whether the applicant meets the criteria of A.R.S. § 23-485 and subsection (C).

3. Overall review. The overall review period shall be six days, unless extended under A.R.S. § 41-1072 et seq.

**B. Application to take Written Examination under A.R.S. § 23-485(A).**

1. An individual requesting to take the written examination under A.R.S. § 23-485(A) shall complete an application to take the National Board Examination and submit the application to the Division at least 45 days before the date of the examination.
2. The application to take the National Board Examination shall be filed with the Division. An application is considered filed when it is received at the office of the Division and stamped by the Division with the date of filing.
3. An application to take the National Board Examination shall be on a legible form, paper or electronic, issued to the Division, with the following information:
  - a. Full legal name,
  - b. State or country of residency,
  - c. Mailing address,
  - d. Telephone number,
  - e. E-mail address, and
  - f. Employer's name and address.

**C. Application for Special Inspector Certificate under A.R.S. § 23-485.** An application for a special inspector certificate under A.R.S. § 23-485 is deemed complete under subsection (A)(1) when the following is filed with the Division:

1. The applicant provides written documentation that the applicant holds a certificate of competency as an inspector of boilers or lined hot water heaters for a state that has a standard of examination equal to that of Arizona or the applicant is a National Board Commissioned Inspector, and
2. The applicant provides proof of employment as a full time inspector for a company conducting business in Arizona and whose duties as an inspector include making inspections of boilers or lined hot water heaters to be used or insured by the company and not for resale.

**D. If an applicant meets the criteria of A.R.S. § 23-485 and subsection (C), the Division shall issue a certificate to the applicant under subsection (C). If an applicant fails to meet the criteria of A.R.S. § 23-485 and subsection (C), the Division shall issue a written notice denying eligibility to the applicant. The Commission shall deem the notice denying eligibility final if an applicant does not request a hearing within 15 calendar days after the Division mails the notice.****E. Written Examination under A.R.S. § 23-485(A).**

1. The written examination described in A.R.S. § 23-485(A) shall be the National Board Examination of the National Board of Boiler and Pressure Vessel Inspectors.
2. The Division shall administer the National Board Examination the first Wednesday and Thursday of every March, June, September, and December to eligible applicants. Within two days after the Division administers the National Board Examination, the Division shall return the examinations of eligible applicants to the National Board of Boiler and Pressure Vessel Inspectors. Examinations shall be graded by the National Board of Boiler and Pressure Vessel Inspectors.
3. The Division shall provide written notice to an applicant of the applicant's grade for the National Board Examination within three days after the Division receives notice of the grade from the National Board of Boiler and Pressure Vessel Inspectors.
4. The Division shall issue a certificate of competency to an applicant who passes the National Board Examination.

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- F. Issuance of Special Inspector Certificate. The Division shall issue a special inspector certificate, A.R.S. § 23-485, to an applicant no later than 15 calendar days after the Division determines that an applicant meets the criteria of A.R.S. § 23-485 and subsection (C).
- G. Hearing on Denial of Eligibility for Special Inspector Certificate.
1. A request for hearing protesting a notice of eligibility shall be in writing and signed by the applicant or the applicant's legal representative. The applicant shall file the request for hearing with the Division.
  2. The Commission shall hold a hearing under A.R.S. § 41-1065. The hearing shall be stenographically recorded.
  3. The Chair of the Commission or designee shall preside over hearings held under this Section. The Chair shall apply the provisions of A.R.S. § 41-1062 et seq. to hearings held under this Section and shall have the authority and power of a presiding officer as described in A.R.S. § 41-1062.
  4. A decision of the Commission to deny or grant eligibility for a special inspector certificate shall be based upon the criteria set forth in A.R.S. § 23-485 and this Section and shall be made by a majority vote of the quorum of Commission members present when the decision is rendered at a public meeting. After a decision is rendered at a public meeting, the Commission shall issue a written decision upon hearing which shall include findings of fact and conclusions of law, separately stated. An order of the Commission denying a special inspector certificate is final unless an applicant files a request for review within 15 days after the Commission mails its order.
  5. A request for review shall be based upon one or more of the following grounds which have materially affected the rights of an applicant:
    - a. Irregularities in the hearing proceedings or any order or abuse of discretion whereby the applicant seeking review was deprived of a fair hearing;
    - b. Misconduct by the Division;
    - c. Accident or surprise which could not have been prevented by ordinary prudence;
    - d. Newly discovered material evidence that could not have been discovered with reasonable diligence and produced at the hearing;
    - e. Excessive or insufficient sanctions or penalties imposed at hearing;
    - f. Error in the admission or rejection of evidence, or errors of law occurring at, or during the course of, the hearing;
    - g. Bias or prejudice of the Division; and
    - h. The order, decision, or findings of fact are not justified by the evidence or are contrary to law.
  6. The Commission shall issue a decision upon review no later than 30 days after receiving a request for review.
  7. The Commission's decision upon review is final unless an applicant seeks judicial review as provided in A.R.S. § 23-483.

**Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). R20-5-420 recodified from R4-13-420 (Supp. 95-1). New Section adopted effective October 9, 1998 (Supp. 98-4). Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3).

**R20-5-421. Repealed****Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). R20-5-

421 recodified from R4-13-421 (Supp. 95-1).

**R20-5-422. Repealed****Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). R20-5-422 recodified from R4-13-422 (Supp. 95-1).

**R20-5-423. Repealed****Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). R20-5-423 recodified from R4-13-423 (Supp. 95-1).

**R20-5-424. Repealed****Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). R20-5-424 recodified from R4-13-424 (Supp. 95-1).

**R20-5-425. Repealed****Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). R20-5-425 recodified from R4-13-425 (Supp. 95-1).

**R20-5-426. Repealed****Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). R20-5-426 recodified from R4-13-426 (Supp. 95-1).

**R20-5-427. Repealed****Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). R20-5-427 recodified from R4-13-427 (Supp. 95-1).

**R20-5-428. Repealed****Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). R20-5-428 recodified from R4-13-428 (Supp. 95-1).

**R20-5-429. Variance**

- A. Any owner or user may apply to the Director for a variance from the requirements of this Article, upon demonstrating the construction, installation, and operation of the boiler or pressure vessel will maintain the same level of safety as prescribed by this Chapter. The Director shall issue a variance if the Director determines that the proponent of the variance has demonstrated the construction, installation, and operation of the boiler or pressure vessel will maintain the same level of safety as prescribed by this Chapter. The variance issued shall prescribe the construction, installation, operation, maintenance, and repair conditions that the owner or user shall maintain.
- B. A variance may be modified or revoked upon application by an owner, user or the Director, on the Director's own motion at any time after six months from issuance if the owner or user has not complied with the variance or if the variance does not protect the health and safety of employees or general public.
- C. The application for a variance shall be made on the form issued by the Division and contains the following information:
1. Owner or user's name and company name;
  2. Mailing address;
  3. Telephone number;
  4. Fax number;
  5. Contact person;
  6. Contact person's telephone number;
  7. Address or location of proposed variance;
  8. Type of facility to include;
    - a. Variance description;

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- b. Justification for variance;
  - c. Component or system involved;
  - d. Supporting documentation for variance;
  - e. Identify the statute, rule, code or standard to justify the variance; and
9. Printed name and title of owner or user, signature of owner or user and date.
- D.** If an owner or user does not agree with the variance issued or revoked by the Director, a request for a hearing under A.R.S. § 23-479 can be made with the Commission.

**Historical Note**

New Section made by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3).

**R20-5-430. Forced Circulation Hot Water Heaters**

- A.** All water tube or coil-type hot water heaters that require forced circulation to prevent overheating and failure of the tubes or coils shall have a safety control, to prevent burner operation at a flow rate inadequate to protect the hot water heater unit against overheating, at all allowable firing rates. The safety control shall shut down the burner and prevent restarting until an adequate flow is restored.
- B.** All water tube or coil-type hot water heaters that require forced circulation to prevent overheating and failure of the tubes or coils, shall have a manually operated remote shutdown switch or circuit breaker and shall be located just outside the hot water heater room door and marked for easy identification. The shutdown switch shall be installed in a manner to safeguard against tampering. If a hot water heater room door is on the building exterior, the switch shall be located just inside the door. If there is more than one door to the hot water heater room there shall be a switch located at each door. The remote shutdown switch or circuit breaker shall disconnect all power to the burner controls.

**Historical Note**

New Section made by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3).

**R20-5-431. Code Cases**

Code cases approved for use by the ASME Code Committee are allowed to be used in the design, fabrication and testing of boilers and pressure vessels provided approval from the Chief Boiler Inspector is obtained prior to use.

**Historical Note**

New Section made by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3).

**R20-5-432. Historical Boilers**

Historical boilers shall require an initial Certificate inspection by an authorized inspector, followed by a Certificate inspection every three years thereafter if stored inside a shelter, or annually if stored outdoors. The initial Certificate inspection shall include ultrasonic thickness testing of all pressure boundaries. Thinning of the pressure retaining boundary shall be monitored and recorded on the inspection report, in accordance with R20-5-407(D), to the owner and the Division's electronic copy.

**Historical Note**

New Section made by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3).

**ARTICLE 5. ELEVATOR SAFETY****R20-5-501. Repealed****Historical Note**

Former Rule E-1. Amended effective November 9, 1979 (Supp. 79-6). R20-5-501 recodified from R4-13-501

(Supp. 95-1). Section repealed by final rulemaking at 9 A.A.R. 381, effective March 15, 2003 (Supp. 03-1).

**R20-5-502. Definitions**

The following definitions apply to this Article unless otherwise specified:

1. "ASME" means American Society of Mechanical Engineers.
2. "AZFS Key" means Arizona Firefighters Service Key, a universal key used by a firefighter to operate a conveyance during an emergency.
3. "Chief" means the head inspector of the Elevator Safety Section of the Division of Occupational Safety and Health.
4. "Elevator Safety Section" means the Elevator Safety Section of the Division of Occupational Safety and Health of the Industrial Commission of Arizona.
5. "Inspection" means the official determination by an inspector of the condition of all parts of the equipment on which the safe operation of an elevator depends.
6. "Major Alteration" means work performed to any conveyance that is not routine maintenance or repair.
7. "State Serial Number" is a unique number assigned by the Chief Elevator Inspector to each individual elevator, dumbwaiter, escalator, and moving walks.

**Historical Note**

Former Rule E-2. R20-5-502 recodified from R4-13-502 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 381, effective March 15, 2003 (Supp. 03-1). Amended by final rulemaking at 15 A.A.R. 872, effective May 5, 2009 (Supp. 09-2).

**R20-5-503. Repealed****Historical Note**

Former Rule E-3. R20-5-503 recodified from R4-13-503 (Supp. 95-1). Section repealed by final rulemaking at 9 A.A.R. 381, effective March 15, 2003 (Supp. 03-1).

**R20-5-504. Safety Standards for Platform Lifts and Stairway Chairlifts**

Every owner or operator under A.R.S. § 23-491.02 shall comply with the American Society of Mechanical Engineers Safety Standard for Platform Lifts and Stairway Chairlifts ASME A18.1-2005, with amendments as of November 29, 2005, which are incorporated by reference. This incorporation by reference does not include any later amendments or editions of the incorporated matter. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 West Washington Street, Phoenix, Arizona 85007, and ASME at Three Park Avenue, New York, New York 10016-5990 or at <http://www.asme.org>.

**Historical Note**

Former Rule E-4. R20-5-504 recodified from R4-13-504 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 381, effective March 15, 2003 (Supp. 03-1). Amended by final rulemaking at 15 A.A.R. 872, effective May 5, 2009 (Supp. 09-2).

**R20-5-505. Certificate of Inspection**

The owner or operator under A.R.S. § 23-491.02 shall keep the Industrial Commission's Certificate of Inspection at the same location as the elevator, dumbwaiter, escalator, moving walk, or related equipment and make the certificate available for inspection and copying upon request. The State Serial Number shall be posted or displayed in the elevator cab, and on the escalators, the State Serial Number shall be affixed to the right, at the lower end of the unit.

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**Historical Note**

Former Rule E-5. R20-5-505 recodified from R4-13-505 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 381, effective March 15, 2003 (Supp. 03-1). Amended by final rulemaking at 15 A.A.R. 872, effective May 5, 2009 (Supp. 09-2).

**R20-5-506. Recordkeeping**

- A. The Elevator Safety Section shall assign a State Serial Number to every elevator, dumbwaiter, escalator, and moving walk for recordkeeping purposes. The State Serial Number shall be on a tag that is affixed to the controller or mainline disconnect in the elevator machine room.
- B. The owner or operator shall notify the Elevator Safety Section at least 90 days before installation, relocation, or major alteration of a dumbwaiter with automatic transfer device within the state, elevator, escalator, dumbwaiter, moving walk, material lift, wheelchair lift, stairway chairlift, or platform lift.
- C. The building owner or operator shall notify the Elevator Safety Section within 24 hours of every accident involving personal injury or disabling damage to a dumbwaiter with automatic transfer device, an elevator, escalator, dumbwaiter, moving walk, material lift, wheelchair lift, stairway chairlift, or platform lift.

**Historical Note**

Former Rule E-6. Amended effective November 9, 1979 (Supp. 79-6). R20-5-506 recodified from R4-13-506 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 381, effective March 15, 2003 (Supp. 03-1). Amended by final rulemaking at 15 A.A.R. 872, effective May 5, 2009 (Supp. 09-2).

**R20-5-507. Safety Code for Elevators, Escalators, Dumbwaiters, Moving Walks, Material Lifts, and Dumbwaiters with Automatic Transfer Devices**

- A. Every owner or operator of an elevator, escalator, dumbwaiter, moving walk, material lift, or dumbwaiter with automatic transfer device, installed on or after August 6, 2009 shall comply with the ASME A17.1-2007 (Safety Code for Elevators and Escalators) or ASME A17.7-2007 (Performance-Based Safety Code for Elevators and Escalators) as referenced in ASME A17.1-2007, which are incorporated by reference. Except as stated in subsection (B), this incorporation by reference does not include any later amendments or editions of the incorporated matter. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 West Washington Street, Phoenix, Arizona 85007, and may be obtained from ASME at Three Park Avenue, New York, New York 10016-5990 or at <http://www.asme.org>. Every owner or operator of an elevator, escalator, dumbwaiter, moving walk, material lift, or dumbwaiter with an automatic transfer device, installed between May 5, 2009 and August 6, 2019, shall comply with ASME A17.1-2007 or, as an alternative, may comply with ASME A17.7-2007. Every owner or operator of an elevator, escalator, dumbwaiter, moving walk, material lift, or dumbwaiter with an automatic transfer device, installed before May 5, 2009, shall comply with the ASME A17.1 Safety Code for Elevators and Escalators in effect at the time of installation or, as an alternative, may comply with ASME A17.1-2007 or ASME 17.7-2007.
- B. For installations of a residential elevator, escalator, dumbwaiter, moving walk, material lift, or dumbwaiter with an automatic transfer device, installed after the effective date of this subsection, the distance between the hoistway face of the hoistway doors and the hoistway edge of the landing sill shall not exceed 19 mm (0.75 in.) for swinging doors and 57 mm (2.25 in.) for sliding doors.

**Historical Note**

Former Rule R4-13-507 repealed, new Section R4-13-507 adopted effective November 9, 1979 (Supp. 79-6). Amended effective March 30, 1981 (Supp. 81-2). Amended effective June 23, 1983 (Supp. 83-3). Amended effective July 24, 1985 (Supp. 85-4). Amended effective September 5, 1989 (Supp. 89-3). Amended effective March 20, 1992 (Supp. 91-2). R20-5-507 recodified from R4-13-507 (Supp. 95-1). Amended effective October 8, 1996 (Supp. 96-4). Amended by final rulemaking at 5 A.A.R. 2935, effective August 4, 1999 (Supp. 99-3). Amended by final rulemaking at 9 A.A.R. 381, effective March 15, 2003 (Supp. 03-1). Amended by final rulemaking at 15 A.A.R. 872, effective May 5, 2009 (Supp. 09-2). Amended by final rulemaking at 25 A.A.R. 2182, with an immediate effective date of August 6, 2019 (Supp. 19-3). Amended by final rulemaking at 26 A.A.R. 311, with an immediate effective date of February 6, 2020 (Supp. 20-1).

**R20-5-508. Safety Standards for Belt Manlifts**

Every owner or operator under A.R.S. § 23-491.02 shall comply with the standards of the American National Standard Institute Safety Standard for Belt Manlifts, ASME A90.1-2003, which is incorporated by reference. This incorporation by reference does not include any later amendments or editions of the incorporated matter. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 West Washington Street, Phoenix, Arizona 85007, and ASME at Three Park Avenue, New York, New York 10016-5990 or at <http://www.asme.org/>.

**Historical Note**

Adopted effective November 9, 1979 (Supp. 79-6). R20-5-508 recodified from R4-13-508 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 381, effective March 15, 2003 (Supp. 03-1). Amended by final rulemaking at 15 A.A.R. 872, effective May 5, 2009 (Supp. 09-2).

**R20-5-509. Safety Requirements for Personnel Hoists and Employee Elevators for Construction and Demolition Operations**

Every owner or operator under A.R.S. § 23-491.02 shall comply with the standards of the American National Standard Institute Safety Requirements for Personnel Hoists and Employee Elevators for Construction and Demolition Operations, ANSI, A10.4-2007, which is incorporated by reference. This incorporation by reference does not include any later amendments or editions of the incorporated matter. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 West Washington Street, Phoenix, Arizona 85007, and ASME at Three Park Avenue, New York, New York 10016-5990 or at <http://www.asme.org>.

**Historical Note**

Adopted effective November 9, 1979 (Supp. 79-6). Amended effective June 23, 1983 (Supp. 83-3). R20-5-509 recodified from R4-13-509 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 381, effective March 15, 2003 (Supp. 03-1). Amended by final rulemaking at 15 A.A.R. 872, effective May 5, 2009 (Supp. 09-2).

**R20-5-510. Safety Requirements for Material Hoists**

Every owner or operator under A.R.S. § 23-491.02 shall comply with the standards of the American National Standard Institute Safety Requirements for Material Hoists, ANSI, A10.5-2006, which is incorporated by reference. This incorporation by reference does not include any later amendments or editions of the incorporated matter. A copy of this referenced material is also available for

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review at the Industrial Commission of Arizona, 800 West Washington Street, Phoenix, Arizona 85007, and ASME at Three Park Avenue, New York, New York 10016-5990 or at <http://www.asme.org>.

**Historical Note**

Adopted effective November 9, 1979 (Supp. 79-6). Amended effective June 23, 1983 (Supp. 83-3). R20-5-510 recodified from R4-13-510 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 381, effective March 15, 2003 (Supp. 03-1). Amended by final rulemaking at 15 A.A.R. 872, effective May 5, 2009 (Supp. 09-2).

**R20-5-511. Guide for Inspection of Elevators, Escalators, and Moving Walks**

Every Elevator Inspector under A.R.S. § 23-491.05 shall use the American National Standard Institute, Guide for Inspection of Elevators, Escalators, and Moving Walks, ASME, A17.2-2004, which is incorporated by reference. This incorporation by reference does not include any later amendments or editions of the incorporated matter. A copy of this referenced material is also available for review at the Industrial Commission of Arizona, 800 West Washington Street, Phoenix, Arizona 85007, and ASME at Three Park Avenue, New York, New York 10016-5990 or at <http://www.asme.org>.

**Historical Note**

Adopted effective March 30, 1981 (Supp. 81-2). R20-5-511 recodified from R4-13-511 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 381, effective March 15, 2003 (Supp. 03-1). Amended by final rulemaking at 15 A.A.R. 872, effective May 5, 2009 (Supp. 09-2).

**R20-5-512. Expired****Historical Note**

Adopted effective March 30, 1981 (Supp. 81-2). R20-5-512 recodified from R4-13-512 (Supp. 95-1). Section expired under A.R.S. § 41-1056(E) at 11 A.A.R. 2320, effective May 19, 2005 (Supp. 05-2).

**R20-5-513. Firefighters' Emergency Operation**

All conveyances provided with firefighters' emergency operation installed per ASME, A17.1-2007, incorporated by reference, shall utilize the AZFS Key.

**Historical Note**

New Section made by final rulemaking at 15 A.A.R. 872, effective May 5, 2009 (Supp. 09-2).

**ARTICLE 6. OCCUPATIONAL SAFETY AND HEALTH STANDARDS****R20-5-601. The Federal Occupational Safety and Health Standards for Construction, 29 CFR 1926**

Each employer shall comply with the standards in the Federal Occupational Safety and Health Standards for Construction, as published in 29 CFR 1926, with amendments as of February 7, 2019, incorporated by reference. Copies of these referenced materials are available for review at the Industrial Commission of Arizona and may be obtained from the United States Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. These standards shall apply to all conditions and practices related to construction activity by all employers, both public and private, in the state of Arizona. This incorporation by reference does not include amendments or editions to 29 CFR 1926 published after February 7, 2019.

**Historical Note**

Editorial correction (Supp. 75-1). Amended as an emergency effective November 16, 1977 pursuant to A.R.S. §

41-1003, valid for only 90 days (Supp. 77-6). Amended as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-601 repealed, former emergency adoption effective October 29, 1980, adopted effective March 2, 1981 (Supp. 81-2). Amended effective June 17, 1981 (Supp. 81-3). Amended effective November 14, 1984 (Supp. 84-6). Amended effective March 3, 1987 (Supp. 87-1). Amended effective April 22, 1988; amended effective May 26, 1988 (Supp. 88-2). Amended effective October 14, 1988 (Supp. 88-4). Amended effective September 14, 1989 (Supp. 89-3). Amended effective April 2, 1990 (Supp. 90-2). Amended effective August 6, 1990 (Supp. 90-3). Amended effective February 8, 1991 (Supp. 91-1). Amended effective November 21, 1991 (Supp. 91-4). Amended effective February 28, 1992 (Supp. 91-2). Amended effective October 22, 1992; amended effective December 23, 1992 (Supp. 92-4). Amended effective September 13, 1993 (Supp. 93-3). Amended effective October 21, 1993; amended effective December 17, 1993 (Supp. 93-4). Amended effective May 11, 1994 (Supp. 94-2). Amended effective November 18, 1994 (Supp. 94-4). Amended effective January 12, 1995; R20-5-601 recodified from R4-13-601 (Supp. 95-1). Amended effective August 28, 1996 (Supp. 96-3). Amended effective April 1, 1997 (Supp. 97-2). Amended effective December 12, 1997 (Supp. 97-4). Amended effective August 27, 1998 (Supp. 98-3). Amended by final rulemaking at 6 A.A.R. 592, effective January 14, 2000 (Supp. 00-1). Amended by final rulemaking at 8 A.A.R. 851, effective February 5, 2002 (Supp. 02-1). Amended by final rulemaking at 9 A.A.R. 2108, effective June 2, 2003 (Supp. 03-2). Amended by final rulemaking at 12 A.A.R. 4102, effective December 4, 2006 (Supp. 06-4). Amended by final rulemaking at 13 A.A.R. 1417, effective March 30, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 2711, effective June 17, 2008 (Supp. 08-2). Amended by final rulemaking at 16 A.A.R. 1469, effective September 11, 2010 (Supp. 10-3). Amended by final rulemaking at 17 A.A.R. 1264, effective June 13, 2011 (Supp. 11-2). Amended by final rulemaking at 18 A.A.R. 1492, effective August 5, 2012 by Notice of Public Information at 18 A.A.R. 1653 (Supp. 12-2). Amended by final rulemaking at 18 A.A.R. 3007, effective October 24, 2012 (Supp. 12-4). Amended by final rulemaking at 22 A.A.R. 773, effective March 16, 2016 (Supp. 16-1). Amended by final rulemaking at 22 A.A.R. 1391, effective May 10, 2016 (Supp. 16-2). Amended by final rulemaking at 24 A.A.R. 2316, effective July 23, 2018 (Supp. 18-3). Amended by final rulemaking at 26 A.A.R. 373, with an immediate effective date of February 11, 2020 (Supp. 20-1).

**R20-5-601.01. Expired****Historical Note**

New Section made by exempt rulemaking at 18 A.A.R. 1144, effective May 25, 2012 (Supp. 12-2). Section expired under A.R.S. § 41-1056(J) at 26 A.A.R. 290, effective January 15, 2020 (Supp. 20-1).

**R20-5-602. The Federal Occupational Safety and Health Standards for General Industry, 29 CFR 1910**

Each employer shall comply with the standards in Subparts B through Z inclusive of the Federal Occupational Safety and Health Standards for General Industry, as published in 29 CFR 1910, with amendments as of July 6, 2018, incorporated by reference. Copies of these reference materials are available for review at the Industrial

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Commission of Arizona and may be obtained from the United States Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. These standards shall apply to all conditions and practices related to general industry activity by all employers, both public and private, in the state of Arizona; provided that this Section shall not apply to those conditions and practices which are the subject of R20-5-601. This incorporation by reference does not include amendments or editions to 29 CFR 1910 published after July 6, 2018.

**Historical Note**

Editorial correction (Supp. 75-1). Amended as an emergency effective November 16, 1977 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6). New Section R4-13-602 adopted effective July 30, 1980 (Supp. 80-4). Amended as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-602 repealed, former emergency adoption effective October 29, 1980, adopted effective March 2, 1981 (Supp. 81-2). Amended effective June 17, 1981 (Supp. 81-3). Amended subsection (A) effective October 1, 1981 (Supp. 81-5). Amended subsection (A) effective March 5, 1982 (Supp. 82-2). Amended subsection (A) effective May 6, 1983 (Supp. 83-3). Amended subsection (A) effective April 6, 1984 (Supp. 84-2). Amended subsection (A) effective July 3, 1984 (Supp. 84-4). Amended subsection (A) effective October 18, 1984 (Supp. 84-5). Editorial correction, amendment October 18, 1984, withdrawn for subsequent certification. Amended effective November 14, 1984, and December 14, 1984 (Supp. 84-6). Amended subsection (A) effective June 9, 1986 (Supp. 86-3). Amended subsection (A) effective March 3, 1987 (Supp. 87-1). Amended subsection (A) effective June 26, 1987 (Supp. 87-2). Amended subsection (A) effective April 22, 1988; amended subsection (A) effective May 26, 1988 (Supp. 88-2). Amended subsection (A) effective October 14, 1988 (Supp. 88-4). Amended effective September 14, 1989 (Supp. 89-3). Amended effective April 2, 1990 (Supp. 90-2). Amended effective August 6, 1990 (Supp. 90-3). Amended effective February 8, 1991 (Supp. 91-1). Amended effective November 21, 1991 (Supp. 91-4). Amended effective February 28, 1992 (Supp. 91-2). Amended effective March 20, 1992 (Supp. 91-2). Amended effective June 16, 1992 (Supp. 92-2). Amended effective October 22, 1992; amended effective December 23, 1992 (Supp. 92-4). Amended effective May 14, 1993 (Supp. 93-2). Amended effective September 13, 1993 (Supp. 93-3). Amended effective October 21, 1993; amended effective December 17, 1993 (Supp. 93-4). Amended effective May 11, 1994 (Supp. 94-2). Amended effective July 19, 1994 (Supp. 94-3). Amended effective November 18, 1994 (Supp. 94-4). Amended effective January 12, 1995; Amended effective February 10, 1995; R20-5-602 recodified from R4-13-602 (Supp. 95-1). Amended effective August 28, 1996 (Supp. 96-3). Amended effective April 1, 1997 (Supp. 97-2). Amended effective December 12, 1997 (Supp. 97-4). Amended effective August 27, 1998 (Supp. 98-3). Amended by final rulemaking at 6 A.A.R. 592, effective January 14, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 5137, effective October 19, 2001 (Supp. 01-4). Amended by final rulemaking at 9 A.A.R. 2108, effective June 2, 2003 (Supp. 03-2). Amended by final rulemaking at 11 A.A.R. 576, effective January 4, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 4102, effective December 4, 2006 (Supp. 06-4). Amended by final

rulemaking at 13 A.A.R. 1417, effective March 30, 2007 (Supp. 07-1). Amended by final rulemaking at 13 A.A.R. 2927, effective July 31, 2007 (07-3). Amended by final rulemaking at 14 A.A.R. 193, effective January 8, 2008 (Supp. 08-1). Amended by final rulemaking at 14 A.A.R. 2711, effective June 17, 2008 (Supp. 08-2). Amended by final rulemaking at 14 A.A.R. 4337, effective December 30, 2008 (Supp. 08-4). Amended by final rulemaking at 15 A.A.R. 1564, effective August 31, 2009 (Supp. 09-3). Amended by final rulemaking at 16 A.A.R. 1469, effective September 11, 2010 (Supp. 10-3). Amended by final rulemaking at 17 A.A.R. 109, effective January 12, 2011 (Supp. 11-1). Amended by final rulemaking at 17 A.A.R. 1264, effective June 13, 2011 (Supp. 11-2). Amended by final rulemaking at 18 A.A.R. 1492, effective August 5, 2012 by Notice of Public Information at 18 A.A.R. 1653 (Supp. 12-2). Amended by final rulemaking at 18 A.A.R. 3007, effective October 24, 2012 (Supp. 12-4). Amended by final rulemaking at 22 A.A.R. 773, effective March 16, 2016 (Supp. 16-1). Amended by final rulemaking at 24 A.A.R. 2316, effective July 23, 2018 (Supp. 18-3). Amended by final rulemaking at 26 A.A.R. 373, with an immediate effective date of February 11, 2020 (Supp. 20-1).

**R20-5-602.01. Subpart T, Commercial Diving Operations**

Each employer shall comply with the standards in Subpart T of the Federal Occupational Safety and Health Standards for the General Industry as published in 29 CFR 1910, with amendments as specified in R20-5-602, except that the exemption set forth in 29 CFR 1910.401(a)(2)(ii) shall not apply. Subpart T shall apply to any diving operation performed solely for search, rescue, or related public safety purposes by or under the control of a governmental agency.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 193, effective January 8, 2008 (Supp. 08-1).

**R20-5-603. The Federal Occupational Safety and Health Standards for Agriculture, 29 CFR 1928**

Each employer shall comply with the standards in Subparts A through D inclusive of the Federal Occupational Safety and Health Standards for Agriculture, as published in 29 CFR 1928, with amendments as of March 7, 1996, incorporated by reference and on file with the Office of the Secretary of State. Copies of these referenced materials are available for review at the Industrial Commission of Arizona and may be obtained from the United States Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. This incorporation by reference does not include amendments or editions to 29 CFR 1928 published after March 7, 1996.

**Historical Note**

Adopted effective February 28, 1975 (Supp. 75-1). Former Section R4-13-603 repealed, new Section R4-13-603 adopted as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6). Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-603 repealed, former emergency adoption effective October 29, 1980, adopted effective March 2, 1981 (Supp. 81-2). Amended effective April 22, 1988 (Supp. 88-2). Amended effective December 17, 1993 (Supp. 93-4). Amended effective May 11, 1994 (Supp. 94-2). Amended effective November 18, 1994 (Supp. 94-4). Amended effective February 10, 1995. R20-5-603 recodified from R4-13-603 (Supp.

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95-1). Amended effective April 1, 1997 (Supp. 97-2).

**R20-5-604. Rules of Agency Practice and Procedure concerning OSHA Access to Employee Medical Records, 29 CFR 1913**

Each employer pursuant to A.R.S. § 23-403(B) shall comply with Federal Regulations, Title 29, Part 1913, with amendments as of May 23, 1980 (amendments of May 23, 1980 on file with the Secretary of State), which are hereby adopted and incorporated by reference as if set forth fully herein. This regulation applies to OSHA Access to Employee Medical Records.

**Historical Note**

Adopted effective February 28, 1975 (Supp. 75-1). Repealed as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6). Repealed as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Repealed effective March 2, 1981 (Supp. 81-2). New rule adopted effective November 14, 1984 (Supp. 84-6). R20-5-604 recodified from R4-13-604 (Supp. 95-1).

**R20-5-605. Hoes for Weeding or Thinning Crops**

- A. The use of a hoe with a handle less than four feet in length for weeding or thinning crops is prohibited. This prohibition is based upon the existence of other practical and adequate alternatives to the use of these short-handle hoes.
- B. This rule does not apply to greenhouse or nursery operations.

**Historical Note**

Adopted effective February 28, 1975 (Supp. 75-1). Repealed as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Repealed effective March 2, 1981 (Supp. 81-2). New Section R4-13-605 adopted effective September 7, 1984 (Supp. 84-5). R20-5-605 recodified from R4-13-605 (Supp. 95-1).

**R20-5-606. State Definition of Terms Used in Adopting Federal Standards Pursuant to R20-5-601, R20-5-602, R20-5-603 and R20-5-604**

For the purposes of the standards enumerated in the federal occupational safety and health standards incorporated into R20-5-601, R20-5-602, R20-5-603, and R20-5-604:

1. "Agency" means the Industrial Commission of Arizona.
2. "Assistant Secretary" means the Director of the Arizona Division of Occupational Safety and Health of the Industrial Commission of Arizona.
3. "Assistant Secretary of Labor for Occupational Safety and Health" means the Director of the Arizona Division of Occupational Safety and Health of the Industrial Commission of Arizona.
4. "Office of the Solicitor of Labor" means Legal Counsel for the Industrial Commission of Arizona.
5. "OSHA" means Arizona Division of Occupational Safety and Health.

**Historical Note**

Adopted effective February 28, 1975 (Supp. 75-1). Repealed as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Repealed effective March 2, 1981 (Supp. 81-2). New Section R4-13-606 adopted effective May 31, 1985 (Supp. 85-3). R20-5-606 recodified from R4-13-606 (Supp. 95-1).

**R20-5-607. Expired**

**Historical Note**

Adopted effective February 28, 1975 (Supp. 75-1).

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-607 repealed, former emergency adoption effective October 29, 1980, adopted and amended effective March 2, 1981 (Supp. 81-2). R20-5-607 recodified from R4-13-607 (Supp. 95-1). Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 5062, effective September 30, 2003 (Supp. 03-4).

**R20-5-608. Definitions**

- A. "Act" means the Arizona Occupational Safety and Health Act of 1972, with amendments effective August 27, 1977 (Arizona Revised Statutes, Title 23, Chapter 2, Article 10).
- B. The definitions and interpretations contained in A.R.S. § 23-401 of the Act shall be applicable to such terms when used in these rules.
- C. "Working days" means Mondays through Fridays but shall not include Saturdays, Sundays, or state holidays. In computing fifteen working days, the day of the receipt of any notice shall not be included, and the last day of the fifteen working days shall be included.
- D. "Compliance Safety and Health Officer" means a person authorized by the Occupational Safety and Health Division, Industrial Commission of Arizona, to conduct inspections.
- E. "Establishment" means a single physical location where business is conducted or where services or industrial operations are performed. (For example: a factory, mill, stores, hotel, restaurant, movie theatre, farm, ranch, bank, sales office, warehouse, or central administrative office.) Where distinctly separate activities are performed at a single physical location (such as contract construction activities from the same physical location as a lumber yard), each activity shall be treated as a separate physical establishment, and a separate notice or notices shall be posted in each such establishment, to the extent that such notices have been furnished by the Industrial Commission of Arizona, Division of Occupational Safety and Health. Where employers are engaged in activities which are physically dispersed, such as agriculture, construction, transportation, communications, and electric, gas and sanitary services, the notice or notices required by this Section shall be posted at the location to which employees report each day. Where employees do not usually work at, or report to, a single establishment, such as traveling salesmen, technicians, engineers, etc., such notice or notices shall be posted at the location from which the employees operate to carry out their activities. In all cases, such notice or notices shall be posted in accordance with requirements of subsection (A) of this Section.

**Historical Note**

Adopted effective February 28, 1975 (Supp. 75-1). Repealed as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6). Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-608 repealed, new Section R4-13-608 adopted effective March 2, 1981 (Supp. 81-2). R20-5-608 recodified from R4-13-608 (Supp. 95-1).

**R20-5-609. Posting of Notice: Availability of the Act, Regulations and Applicable Standards**

- A. Each employer shall post and keep posted a notice or notices, to be furnished by the Industrial Commission of Arizona, Division of Occupational Safety and Health, informing employees of the protections and obligations provided for in the Act, and that for assistance and information, including copies of the Act and of specific safety and health standards, employees should contact the employer or the nearest office of



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the Industrial Commission. Such notice or notices shall be posted by the employer in each establishment in a conspicuous place or places where notices to employees are customarily posted. Each employer shall take steps to ensure that such notices are not altered, defaced, or covered by other material.

- B. Copies of the Act, all regulations published in this Chapter and applicable standards will be available at all offices of the Arizona Division of Occupational Safety and Health. If an employer has obtained copies of these materials, he shall make them available upon request to any employee or his authorized representative for review in the establishment where the employee is employed on the same day the request is made or at the earliest time mutually convenient to the employee or his authorized representative and the employer.
- C. Any employer failing to comply with the provisions of this Section shall be subject to citation and penalty in accordance with the provisions of A.R.S. § 23-418 of the Act.

**Historical Note**

Adopted effective February 28, 1975 (Supp. 75-1).  
 Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-609 repealed, former Section R4-13-608 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-609 effective March 2, 1981 (Supp. 81-2).  
 R20-5-609 recodified from R4-13-609 (Supp. 95-1).

**R20-5-610. Authority for Inspection**

- A. The Director of the Division of Occupational Safety and Health or his authorized representative upon presentation of credentials shall be permitted to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, or place of environment where work is performed by an employee of an employer; to inspect and investigate during regular working hours and in a reasonable manner, any such place of employment, and all pertinent conditions, structures, machines, apparatus, devices, equipment and materials therein; to question privately any employer, owner, operator, agent or employee and to review records required by the Act and regulations published in this Article and other records which are directly related to the purpose of the inspection.
- B. Representatives of the Secretary of Health, Education, and Welfare are authorized to make inspections and to question employers and employees in order to carry out the functions of the Secretary of Health, Education, and Welfare under the Williams-Steiger Occupational Safety and Health Act. Inspections conducted by Department of Labor Compliance Safety and Health Officers and representatives of the Secretary of Health, Education and Welfare under Section 8 of the Williams-Steiger Occupational Safety and Health Act and pursuant to 29 CFR Part 1903 shall not affect the authority of any state to conduct inspections in accordance with agreements and plans under Section 18 of the Williams-Steiger Occupational Safety and Health Act.
- C. Prior to inspecting areas containing information which is classified by an agency of the United States government in the interests of national security, Compliance Safety and Health Officers shall have obtained the appropriate security clearance.

**Historical Note**

Adopted effective February 28, 1975 (Supp. 75-1).  
 Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-610 repealed, former Section R4-13-609 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-610 effective March 2, 1981 (Supp. 81-2).

R20-5-610 recodified from R4-13-610 (Supp. 95-1).

**R20-5-611. Objection to Inspection**

- A. Upon a refusal to permit a Compliance Safety and Health Officer, in the exercise of his official duties, to enter without delay and at reasonable times any place of employment or any place therein, to inspect, to review records, or to privately question any employer, owner, operator, agent, or employee, in accordance with rule R20-5-610, or to permit a representative of employees to accompany the Compliance Safety and Health Officer during the physical inspection of any workplace in accordance with rule R20-5-615, the Compliance Safety and Health Officer shall terminate the inspection or confine the inspection to other areas, conditions, structures, machines, apparatus, devices, equipment, materials, records, or interviews concerning which no objection is raised. The Compliance Safety and Health Officer shall endeavor to ascertain the reason for such refusal and shall immediately report the refusal and the reason therefore to the Director of the Division. The Director shall immediately consult with the Industrial Commission and its legal counsel, who shall promptly take appropriate action, including compulsory process if necessary.
- B. Compulsory process may be sought in advance of an inspection or reinvestigation if, in the judgment of the Director of the Division and the Industrial Commission Chief Legal Counsel, circumstances exist including but not limited to specific evidence of an existing violation or reasonable legislative or administrative standards for conducting an inspection which make pre-inspection process desirable or necessary.
- C. With the approval of the Industrial Commission, and the Industrial Commission Chief Legal Counsel, compulsory process may also be obtained by the Director of the Division or his designee.
- D. For purposes of this Section, the term compulsory process shall mean the institution of any appropriate action, including ex parte application for an inspection warrant or its equivalent.

**Historical Note**

Adopted effective June 19, 1975 (Supp. 75-1). Repealed as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6).  
 Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-611 repealed, former Section R4-13-610 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-611 effective March 2, 1981 (Supp. 81-2). R20-5-611 recodified from R4-13-611 (Supp. 95-1).

**R20-5-612. Entry Not a Waiver**

Any permission to enter, inspect, review records, or question any person shall not imply or be conditioned upon a waiver of any cause of action, citation, or penalty under the Act. Compliance Safety and Health Officers are not authorized to grant any such waiver.

**Historical Note**

Adopted effective June 19, 1975 (Supp. 75-1). Repealed as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6).  
 Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-612 repealed, former Section R4-13-611 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-612 effective March 2, 1981 (Supp. 81-2).  
 R20-5-612 recodified from R4-13-612 (Supp. 95-1).

**R20-5-613. Advance Notice of Inspections**

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- A. Advance notice of inspections may not be given except in the following situations:
1. In cases of apparent imminent danger, to enable the employer to abate the danger as quickly as possible;
  2. In circumstances where the inspection can most effectively be conducted after regular business hours or where special preparations are necessary for an inspection;
  3. Where necessary to ensure the presence of representatives of the employer and employees or the appropriate personnel needed to aid in an inspection; and
  4. In other circumstances where the Division Director determines that the giving of advance notice would enhance the probability of an effective and thorough inspection.
- B. In the situations described in subsection (A) of this Section, advance notice of inspections may be given only if authorized by the Division Director. When advance notice is given, it shall be the employer's responsibility promptly to notify the authorized representative of employees of the inspection, if the identity of such representative is known to the employer. (See rule R20-5-615(B) as to situations where there is no authorized representative of employees.) Upon the request of the employer, the Compliance Safety and Health Officer will inform the authorized representative of employees of the inspection, provided that the employer furnishes the Compliance Safety and Health Officer with the identity of such representative and with such other information as is necessary to enable him promptly to inform such representative of the inspection. An employer who fails to comply with his obligation under this subsection promptly to inform the authorized representative of the employees of the inspection or to furnish such information as is necessary to enable the Compliance Safety and Health Officer to promptly inform such representative of the inspection may be subject to citation and penalty under A.R.S. § 23-408 of the Act. Advance notice in any of the situations described in subsection (A) of this Section shall not be given more than 24 hours before the inspection is scheduled to be conducted, except in apparent imminent danger situations and other unusual circumstances.

**Historical Note**

Adopted effective July 28, 1975 (Supp. 75-1). Repealed as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6).

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-613 repealed, former Section R4-13-612 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-613 effective March 2, 1981 (Supp. 81-2). R20-5-613 recodified from R4-13-613 (Supp. 95-1).

**R20-5-614. Conduct of Inspections**

- A. At the beginning of an inspection, Compliance Safety and Health Officers shall present their credentials to the owner, operator, or agent in charge at the establishment; explain the nature and purpose of the inspection; and indicate generally the scope of the inspection and the records specified in rule R20-5-610 which they wish to review.
- B. Compliance Safety and Health Officers shall have authority to take environmental samples and to take or obtain photographs related to the purpose of the inspection, employ other reasonable investigative techniques, and question privately any employer, owner, operator, agent or employee of an establishment.
- C. In taking photographs and samples, Compliance Safety and Health Officers shall take reasonable precautions to ensure that such actions with flash, spark producing, or other equipment would not be hazardous. Compliance Safety and Health Officers shall comply with all employer safety and health rules and practices at the establishment being inspected, and they shall wear and use appropriate protective clothing and equipment.
- D. The conduct of inspections shall be such as to preclude unreasonable disruption to the operations of the employer's establishment.
- E. At the conclusion of an inspection, a Compliance Safety and Health Officer shall confer with the employer or his representative and informally advise him of any apparent safety or health violations disclosed by the inspection. During such conference, the employer shall be afforded an opportunity to bring to the attention of the Compliance Safety and Health Officer any pertinent information regarding conditions in the workplace.

**Historical Note**

Adopted effective March 2, 1976 (Supp. 76-2). Repealed as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6).

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-614 repealed, former Section R4-13-613 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-614 effective March 2, 1981 (Supp. 81-2).

R20-5-614 recodified from R4-13-614 (Supp. 95-1).

**R20-5-615. Representatives of Employers and Employees**

- A. Compliance Safety and Health Officers shall be in charge of inspections and questioning of persons. A Compliance Safety and Health Officer may permit additional employer representatives and additional representatives authorized by employees to accompany him where he determines that such additional representatives will further aid the inspection. A different employer and employee representative may accompany the Compliance Officer during each different phase of an inspection if this will not interfere with the conduct of the inspection.
- B. Compliance Safety and Health Officers shall have authority to resolve all disputes as to who is the representative authorized by the employer and employees for the purpose of this rule. If there is no authorized representative of employees, or if the Compliance Safety and Health Officer is unable to determine with reasonable certainty who is such representative, he shall consult with a reasonable number of employees concerning matters of safety and health in the workplace.
- C. The representative(s) authorized by employees shall be an employee(s) of the employer. However, if in the judgment of the Compliance Safety and Health Officer, good cause has been shown why accompaniment by a third party who is not an employee is reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace, such third party may accompany the Compliance Safety and Health Officer during the inspection.
- D. Compliance Safety and Health Officers are authorized to deny the right of accompaniment under this Section to any person whose conduct interferes with a fair and orderly inspection. The right of accompaniment in areas containing trade secrets shall be subject to the provisions of rule R20-5-616(B). With regard to information classified by an agency of the United States government in the interest of national security, only persons authorized to have access to such information may accompany a Compliance Safety and Health Officer in areas containing such information.

**Historical Note**

Adopted effective March 2, 1976 (Supp. 76-2). Repealed

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as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6). Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-615 repealed, former Section R4-13-614 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-615 effective March 2, 1981 (Supp. 81-2). R20-5-615 recodified from R4-13-615 (Supp. 95-1).

**R20-5-616. Trade Secrets**

- A.** At the commencement of an inspection, the employer may identify areas in the establishment which contain or which might reveal a trade secret. If the Compliance Safety and Health Officer has no clear reason to question such identification, information obtained in such areas, including all negatives and prints of photographs, environmental samples, shall be labeled "confidential-trade secret" and shall not be disclosed except in accordance with provisions of A.R.S. § 23-426.
- B.** Upon the request of an employer, any authorized representative of employees under rule R20-5-615 in an area containing trade secrets shall be an employee in that area or an employee authorized by the employer to enter that area. Where there is no such representative or employee, a Compliance Safety and Health officer shall consult with a reasonable number of employees who work in that area concerning matters of safety and health.

**Historical Note**

Adopted effective March 2, 1976 (Supp. 76-2). Repealed as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6). Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-616 repealed, former Section R4-13-615 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-616 effective March 2, 1981 (Supp. 81-2). R20-5-616 recodified from R4-13-616 (Supp. 95-1).

**R20-5-617. Consultation with Employees**

Compliance Safety and Health Officers may privately consult with employees concerning matters of occupational safety and health to the extent they deem necessary for the conduct of an effective and thorough inspection. During the course of an inspection, any employee shall be afforded an opportunity to bring any violation of the Act, which he has reason to believe exists in the workplace, to the attention of the Compliance Safety and Health Officer.

**Historical Note**

Adopted effective January 21, 1976 (Supp. 76-1). Repealed as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6). Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-617 repealed, former Section R4-13-616 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-617 effective March 2, 1981 (Supp. 81-2). R20-5-617 recodified from R4-13-617 (Supp. 95-1).

**R20-5-618. Complaints by Employees**

- A.** A copy of a complaint submitted pursuant to A.R.S. § 23-408(E) shall be provided to the employer or his agent by the Director of the Division of Occupational Safety and Health or his representative no later than the time of inspection, except that, upon the request of the person giving such notice, his

name shall not appear in such copy or in any record published, released, or made available by the Arizona Division of Occupational Safety and Health.

- B.** If upon receipt of such notification the Division Director determines that the complaint meets the requirements set forth in subsection (A) of this rule, and that there are reasonable grounds to believe that the alleged violation exists, he shall cause an inspection to be made as soon as practicable, to determine if such alleged violation exists. Inspections under this rule shall not be limited to matters referred to in the complaint.

**Historical Note**

Adopted effective January 21, 1976 (Supp. 76-1). Repealed as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6). Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-618 repealed, former Section R4-13-617 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-618 effective March 2, 1981 (Supp. 81-2). R20-5-618 recodified from R4-13-618 (Supp. 95-1).

**R20-5-619. Inspection Not Warranted; Informal Review**

If the Division Director determines that an inspection is not warranted because there are no reasonable grounds to believe that a violation or danger exists with respect to a complaint in accordance with A.R.S. § 23-408(E), he shall notify the complaining party in writing of such determination. The complaining party may obtain review of such determination by submitting a written statement of position with the Industrial Commission and, at the same time, providing the employer with a copy of such statement by certified mail. The employer may submit an opposing written statement of position with the Industrial Commission and, at the same time, provide the complaining party with a copy of such statement by certified mail. Upon the request of the complaining party or the employer, the Industrial Commission, at their discretion, may hold an informal conference in which the complaining party and the employer may orally present their views. After considering all written and oral views presented, the Industrial Commission shall affirm, modify, or reverse the determination of the Division Director and furnish the complaining party and the employer a written notification of their decision and the reasons therefore. The decision of the Industrial Commission shall be final and not subject to further review. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of A.R.S. § 23-408(E).

**Historical Note**

Adopted effective May 25, 1977 (Supp. 77-3). Repealed as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6). Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-619 repealed, former Section R4-13-618 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-619 effective March 2, 1981 (Supp. 81-2). R20-5-619 recodified from R4-13-619 (Supp. 95-1).

**R20-5-620. Expired****Historical Note**

Adopted effective May 25, 1977 (Supp. 77-3). Repealed as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6). Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-620 repealed, for-

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mer Section R4-13-619 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-620 effective March 2, 1981 (Supp. 81-2). R20-5-620 recodified from R4-13-620 (Supp. 95-1). Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 5062, effective September 30, 2003 (Supp. 03-4).

**R20-5-621. Citations: Notices of De Minimis Violations**

- A. The Division Director shall review the inspection reports of the Compliance Safety and Health Officer. If, on the basis of the report, the Division Director believes that the employer has violated a requirement of A.R.S. § 23-403 of the Act, of any standard, rule or order promulgated pursuant to A.R.S. § 23-410 of the Act, or of any substantive rule published in these rules, he shall, if appropriate, consult with the Industrial Commission's counsel and shall issue to the employer either a citation or notice of de minimis violations. An appropriate citation or notice of de minimis violation shall be issued even though after being informed of an alleged violation by the Compliance Safety and Health Officer, the employer immediately abates, or initiates steps to abate, such alleged violation. Any citation or notice of de minimis violations shall be issued with reasonable promptness after termination of the inspection. No citation may be issued under this rule after the expiration of six months following the occurrence of any alleged violation.
- B. If a citation or notice of de minimis violation issued for a violation alleged in a request for inspection under A.R.S. § 23-408(E), a copy of the citation or notice of de minimis violation shall also be sent to the employee or representative of employees who made such request or notification.
- C. After an inspection, if the Division Director determines that a citation is not warranted with respect to a danger or violation alleged to exist in a request for inspection under A.R.S. § 23-408(E), the informal review procedures prescribed in rule R20-5-619(A) shall be applicable. After considering all views presented, the Industrial Commission shall affirm the determination of the Division Director, order a reinspection, or issue a citation if the Industrial Commission believes that the inspection disclosed a violation. The Industrial Commission shall furnish the complaining party and the employer with a written notification of their determination and the reasons therefore. The determination of the Industrial Commission shall be final and not subject to review.
- D. Every citation shall state that the issuance of a citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless a citation is affirmed by the Hearing Division or the Review Commission.

**Historical Note**

Adopted as an emergency effective May 24, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-3). Repealed as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6). Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-620 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-621 effective March 2, 1981 (Supp. 81-2). R20-5-621 recodified from R4-13-621 (Supp. 95-1).

**R20-5-622. Proposed Penalties**

- A. All employers shall be notified of any proposed penalties, issued pursuant to A.R.S. § 23-418, by certified mail or by a signed verification in person.
- B. The Division Director shall determine the amount of any proposed penalty, giving due consideration to the appropriateness

of penalty with respect to the size of the business of the employer being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations in accordance with the provisions of A.R.S. § 23-418 of the Act.

- C. Appropriate penalties may be proposed with respect to an alleged violation even though after being informed of such alleged violation by the Compliance Safety and Health Officer, the employer immediately abates, or initiates steps to abate, such alleged violation. Penalties shall not be proposed for de minimis violations which have no direct or immediate relationship to safety or health.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-621 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-622 effective March 2, 1981 (Supp. 81-2). R20-5-622 recodified from R4-13-622 (Supp. 95-1).

**R20-5-623. Posting of Citations**

- A. Upon receipt of any citation under the Act, the employer shall immediately post such citation, or a copy thereof, unedited, at or near each place an alleged violation referred to in the citation occurred, except as provided below. Where, because of the nature of the employer's operations, it is not practicable to post the citation at or near each place of alleged violation, such citation shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, where employers are engaged in activities which are physically dispersed, the citation may be posted at the location to which the employees report each day. Where employees do not primarily work at or report to a single location, the citation may be posted at the location from which the employees operate to carry out their activities. The employer shall take steps to ensure that the citation is not altered, defaced, or covered by other material. Notices of de minimis violations need not be posted.
- B. Each citation, or a copy thereof, shall remain posted until the violation has been abated, or for three working days, whichever is later. The filing by the employer of a notice of intention to contest under A.R.S. § 23-471(A) shall not affect his posting responsibility under this rule unless and until the Hearing Division and/or Review Commission issues a final order vacating the citation.
- C. An employer to whom a citation has been issued may post a notice in the same location where such citation is posted indicating that the citation is being contested before the Hearing Division and/or Review Commission, and such notice may explain the reasons for such contest. The employer may also indicate that specified steps have been taken to abate the violation.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-622 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-623 effective March 2, 1981 (Supp. 81-2). R20-5-623 recodified from R4-13-623 (Supp. 95-1).

**R20-5-624. Employer and Employee Contests before the Hearing Division**

- A. All notices to contest citations and/or penalties shall be submitted to the Division Director and immediately transmitted to

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the Hearing Division in accordance with the Rules of Procedure prescribed by the Industrial Commission.

- B.** Any affected employee or employee representative appealing the period allowed an employer to abate a particular violation shall submit the notice of contest to the Division Director who shall immediately transmit such notice to the Hearing Division in accordance with the Rules of Procedure prescribed by the Industrial Commission.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-623 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-624 effective March 2, 1981 (Supp. 81-2). R20-5-624 recodified from R4-13-624 (Supp. 95-1).

**R20-5-625. Failure to Correct a Violation for Which a Citation Has Been Issued**

- A.** All employers failing to correct an alleged violation for which a citation has been issued, within the period permitted for its correction, shall be notified of such failure and any proposed penalties issued pursuant to A.R.S. § 23-418 by certified mail or by signed verification in person.
- B.** All notices to contest a notification of failure to correct a violation and of proposed additional penalty shall be submitted to the Division Director and immediately transmitted to the Hearing Division in accordance with the Rules of Procedure prescribed by the Industrial Commission.
- C.** Each notification of failure to correct a violation and of proposed additional penalty shall state that it shall be deemed to be the final order of the Industrial Commission and not subject to review by any court or agency unless within fifteen working days from the receipt of such notification, the employer notifies the Division Director in writing that he intends to contest the notification or the proposed additional penalty before the Hearing Division.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-624 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-625 effective March 2, 1981 (Supp. 81-2). R20-5-625 recodified from R4-13-625 (Supp. 95-1).

**R20-5-626. Informal Conferences**

At the request of an affected employer, employee, or representative of employees, the Industrial Commission, or their designee, may hold an informal conference for the purpose of discussing any issues raised by an inspection, citation, notice of proposed penalty, or notice of intention to contest. The settlement of any issue at such conference shall be subject to rules and procedures prescribed by the Industrial Commission. If the conference is requested by the employer, an affected employee or his representative shall be afforded an opportunity to participate, at the discretion of the Industrial Commission or their designee. If the conference is requested by an employee or representative of employees, the employer shall be afforded an opportunity to participate, at the discretion of the Industrial Commission or their designee. Any party may be represented by counsel in such conference. No such conference or request for such conference shall operate as a stay of any fifteen working day period for filing a notice of intention to contest as prescribed in rule R20-5-624.

**Historical Note**

Adopted as an emergency effective October 29, 1980,

pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-625 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-626 effective March 2, 1981 (Supp. 81-2). R20-5-626 recodified from R4-13-626 (Supp. 95-1).

**R20-5-627. Abatement Verification**

- A.** Scope and application. This Section applies to employers, as defined in A.R.S. § 23-401, who receive a citation for a violation of the Arizona Occupational Safety and Health Act.

**B.** Definitions:

1. Abatement means action by an employer to comply with a cited standard or rule or to eliminate a recognized hazard, as defined in A.R.S. § 23-401, identified by the Division during an inspection.
  2. Abatement date means:
    - a. For an uncontested citation item, the later of:
      - i. The date in the citation for abatement of the violation;
      - ii. The date approved by the Division as a result of a petition for modification of the abatement date (PMA); or
      - iii. The date for abatement completion as established in a citation by an informal conference agreement.
    - b. For a contested citation item for which an administrative law judge has issued a final decision affirming the violation, the later of:
      - i. The date identified in the final decision for completion of abatement;
      - ii. The date computed by adding the original period allowed for abatement in the citation to begin 15 days from the final decision date of an administrative law judge; or
      - iii. The date established by a formal settlement agreement.
  3. Affected employee means an employee who is exposed to the hazard identified as a violation in a citation.
  4. Final order date means:
    - a. The date on which an uncontested citation is deemed final under A.R.S. § 23-417 (A); or
    - b. For a contested citation item: The date on which a decision or order of an administrative law judge becomes final under A.R.S. § 23-421 or § 23-423.
  5. Movable equipment means a hand-held or non-hand-held machine or device, powered or unpowered, that is used to do work and is moved within or between workplaces.
- C.** Abatement certification.
1. Within 10 calendar days after the abatement date, an employer shall certify to the Division that the employer has abated each cited violation except as provided in subsection (C)(2). An employer may use Appendix A to certify abatement.
  2. An employer is not required to certify abatement if a Compliance Safety and Health Officer, during an onsite inspection:
    - a. Observes, within 24 hours after a violation is identified, that abatement has occurred; and
    - b. Notes the abatement action on the citation.
  3. An employer's certification that abatement is complete shall include, for each cited violation, in addition to the information required by subsection (H), the completion date and method of abatement and a statement that affected employees and their representatives have been informed of the completed abatement.
- D.** Abatement documentation.

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1. Within 10 days after the abatement date, an employer shall submit to the Division, documents which evidence that abatement is complete for each willful or repeat violation and for any serious violation for which abatement documentation is required.
  2. Documents which evidence that abatement is complete may include documents for purchase or repair of equipment, photographs or videos of the abatement, or other written records.
- E. Abatement plans.**
1. The Division may require an employer to submit an abatement plan, except for a nonserious violation, when the time permitted for abatement is more than 90 days. The citation shall state that an abatement plan is required. An employer may use Appendix B for an abatement plan.
  2. An employer shall submit an abatement plan for each cited violation within 25 days from the date of a final order when the citation states that a plan is required. In the abatement plan, the employer shall identify:
    - a. The violation,
    - b. The steps necessary to achieve abatement,
    - c. A schedule for completing abatement, and
    - d. How the employer will protect employees from the violative condition until abatement is complete.
- F. Progress reports.**
1. The Division may require an employer who submits an abatement plan under subsection (E), to submit periodic progress reports for each cited violation. If the Division requires a periodic progress report, the citation shall include the following information:
    - a. Periodic progress reports are required and the cited violations for which periodic progress reports are required;
    - b. The date on which an initial progress report must be submitted. The date of the initial progress report shall be no sooner than 30 days after the submission date required for abatement;
    - c. Whether additional progress reports are required; and
    - d. The date on which additional progress reports shall be submitted.
  2. For each violation, the employer shall summarize in the progress report, the action taken to achieve abatement and the date the action was taken.
- G. Employee notification.**
1. An employer shall inform affected employees and the employees' representative of abatement activities covered by this Section by posting a copy of each document submitted to the Division or a summary of the document at the location of the cited violation.
  2. For employers who have mobile work operations, the employer shall:
    - a. Post each document or a summary of the document submitted to the Division in a conspicuous place where it can be readily seen by employees and the employee representative; or
    - b. Take other steps to communicate fully to affected employees and the employees' representative about abatement actions.
  3. The employer shall inform employees and the employees' representative of the right to examine and copy all abatement documents submitted by the employer to the Division.
    - a. An employee or an employee representative shall submit a written request to examine and copy abatement documents within three working days of receiving notice that the documents have been submitted to the Division.
- b. An employer shall comply with an employee's or employee representative's written request to examine and copy abatement documents within five working days of receiving the request.
4. An employer shall ensure that notice in subsection (G)(1) to employees and a employee representative is provided at the same time or before the information is provided to the Division and that abatement documents are:
    - a. Not altered, defaced, or physically covered by other material; and
    - b. Remain posted for at least three working days after submission to the Division.
- H. Transmitting abatement documents.**
1. An employer shall include, in each submission required by this Section, the following information:
    - a. The employer's name and address;
    - b. The inspection number to which the submission relates;
    - c. The citation, item number, and location to which the submission relates;
    - d. A statement that the information submitted is accurate; and
    - e. The signature of the employer or the employer's authorized representative.
  2. The date of postmark is the date of submission for mailed documents. For documents transmitted by other means, the date the Division receives the document is the date of submission.
- I. Movable equipment.**
1. For serious, repeat, and willful violations involving movable equipment, an employer shall attach a warning tag or a copy of the citation to the operating controls or to the cited component of equipment that is moved within or between workplaces. The Division shall deem attaching a copy of the citation to the equipment to meet the tagging requirement of subsection (I)(3) and the posting requirement of R20-5-623.
  2. The employer shall use a warning tag to warn employees about the nature of the violation involving the movable equipment and identifies the location of the violation. An employer may use the tag in Appendix C to meet this requirement.
  3. If a violation has not been abated, an employer shall attach a warning tag or a copy of the citation to the equipment as follows:
    - a. For hand-held equipment, the employer shall attach a warning tag or copy of the citation within eight hours after the employer receives the citation; and
    - b. For non-hand-held equipment, the employer shall attach a warning tag or copy of the citation before moving the equipment within or between workplaces.
  4. For the construction industry, a tag that is designed and used in accordance with 29 CFR 1926.20(b)(3) and 29 CFR 1926.200(h) is deemed by the Division to meet the requirements of this Section when the information required by subsection (I)(2) is included on the tag.
  5. An employer shall ensure that the tag or copy of the citation attached to movable equipment is not altered, defaced, or physically covered by other material.
  6. An employer shall ensure that the tag or copy of the citation attached to movable equipment remains attached until:

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- a. The employer has abated the violation and all abatement verification documents required by this Section have been submitted to the Division;
- b. The employer has permanently removed the cited equipment from service or the cited equipment is no longer within the employer's control; or
- c. The Division, administrative law judge, or Review Board vacates the citation.

**Historical Note**

Adopted effective June 26, 1998 (Supp. 98-2).

**Appendix A. Sample Abatement - Certification Letter (Non-mandatory)**

[Name], Director  
The Industrial Commission of Arizona  
Division of Occupational Safety and Health  
P. O. Box 19070  
Phoenix, Arizona 85005

[Company's Name]  
[Company's Address]  
The hazard referenced in Inspection Number [Insert 9-digit #] for violation identified as:

Citation [insert #] and item [insert #] was corrected on [insert date] by:

\_\_\_\_\_  
Citation [insert #] and item [insert #] was corrected on [insert date] by:

\_\_\_\_\_  
Citation [insert #] and item [insert #] was corrected on [insert date] by:

\_\_\_\_\_  
Citation [insert #] and item [insert #] was corrected on [insert date] by:

\_\_\_\_\_  
Citation [insert #] and item [insert #] was corrected on [insert date] by:

I attest that the information contained in this document is accurate.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name

**Historical Note**

Appendix A adopted effective June 26, 1998 (Supp. 98-2).

**Appendix B. Sample Abatement Plan or Progress Report (Nonmandatory)**

(Name), Director  
The Industrial Commission of Arizona  
Division of Occupational Safety and Health  
P. O. Box 19070  
Phoenix, Arizona 85005

[Company's Name]  
[Company's Address]

Check one:

Abatement Plan ☐

Progress Report ☐

Inspection Number \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_  
Citation Number(s)\* \_\_\_\_\_  
Item Number(s)\* \_\_\_\_\_

Action	Proposed Completion Date (for abatement plans only)	Completion Date (for progress reports only)
1. .... ..... .....	.....	.....
2. .... ..... .....	.....	.....
3. .... ..... .....	.....	.....
4. .... ..... .....	.....	.....
5. .... ..... .....	.....	.....

Date required for final abatement: \_\_\_\_\_

I attest that the information contained in this document is accurate.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name

Name of primary point of contact for questions: (optional)

Telephone number: \_\_\_\_\_

\*Abatement plans or progress reports for more than one citation item may be combined in a single abatement plan or progress report if the abatement actions, proposed completion dates, and actual completion dates (for progress reports only) are the same for each of the citation items.

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**Historical Note**

Appendix B adopted effective June 26, 1998 (Supp. 98-2).

**Appendix C. Sample Warning Tag (Nonmandatory)**

**O**

**WARNING:**

EQUIPMENT HAZARD  
BY ADOSH

EQUIPMENT CITED:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

HAZARD CITED:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

FOR DETAILED INFORMATION:  
SEE ADOSH CITATION POSTED AT:

\_\_\_\_\_

\_\_\_\_\_

BACKGROUND COLOR--ORANGE  
MESSAGE COLOR--BLACK

**Historical Note**

Appendix C adopted effective June 26, 1998 (Supp. 98-2).

**R20-5-628. Safe Transportation of Compressed Air or Other Gases**

An employer shall not use Polyvinyl Chloride (PVC) piping in a place of employment for the transportation and distribution of compressed air or other compressed gases in an above-ground installation.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1161, effective March 11, 2003 (Supp. 03-1).

**R20-5-629. The Occupational Injury and Illness Recording and Reporting Requirements, 29 CFR 1904**

Each employer shall comply with the standards in the Federal Occupational Safety and Health Standards for Recordkeeping, as published in 29 CFR 1904, with amendments as of February 25, 2019, incorporated by reference. Copies of the incorporated materials are available for review at the Industrial Commission of Arizona and may be obtained from the United States Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. These standards shall apply to all conditions and practices related to recordkeeping by all employers, both public and private, in the state of Arizona. This incorporation by reference does not include amendments or editions to 29 CFR 1904 published after February 25, 2019.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4). Amended by final rulemaking at 9 A.A.R. 874, effective February 19, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 318, effective January 1, 2004 (Supp. 03-4). Amended by final rulemaking at 22 A.A.R. 775, effective March 16, 2016 (Supp. 16-1). Amended by final rulemaking at 24 A.A.R. 2263, effective July 23, 2018 (Supp. 18-3). Amended by final rulemaking at 26 A.A.R. 373, with an immediate effective date of February 11, 2020 (Supp. 20-1).

**R20-5-630. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-640 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-630 effective March 2, 1981 (Supp. 81-2). R20-5-630 recodified from R4-13-631 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-631. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former emergency adoption effective October 29, 1980, adopted effective March 2, 1981 (Supp. 81-2). R20-5-631 recodified from R4-13-631 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-632. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former emergency adoption effective October 29, 1980, adopted effective March 2, 1981 (Supp. 81-2). R20-5-632 recodified from R4-13-632 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-633. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former emergency adoption effective October 29, 1980, adopted effective March 2, 1981 (Supp. 81-2). R20-5-633 recodified from R4-13-633 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-634. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former emergency adoption effective October 29, 1980, adopted effective March 2, 1981 (Supp. 81-2). R20-5-634 recodified from R4-13-634 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-635. Repealed**



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**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former emergency adoption effective October 29, 1980, adopted effective March 2, 1981 (Supp. 81-2). R20-5-635 recodified from R4-13-635 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-636. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former emergency adoption effective October 29, 1980, adopted and amended effective March 2, 1981 (Supp. 81-2). R20-5-636 recodified from R4-13-636 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-637. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former emergency adoption effective October 29, 1980, adopted effective March 2, 1981 (Supp. 81-2). Amended effective December 14, 1994 (Supp. 94-4). R20-5-637 recodified from R4-13-637 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-638. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former emergency adoption effective October 29, 1980, adopted effective March 2, 1981 (Supp. 81-2). R20-5-638 recodified from R4-13-638 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-639. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former emergency adoption effective October 29, 1980, adopted effective March 2, 1981 (Supp. 81-2). R20-5-639 recodified from R4-13-639 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-640. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-641 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-640 effective March 2, 1981 (Supp. 81-2). R20-5-640 recodified from R4-13-640 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-641. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-642 adopted as an

emergency effective October 29, 1980, renumbered and adopted as Section R4-13-641 effective March 2, 1981 (Supp. 81-2). R20-5-641 recodified from R4-13-641 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-642. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-643 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-642 effective March 2, 1981 (Supp. 81-2). R20-5-642 recodified from R4-13-642 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-643. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-644 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-643 effective March 2, 1981 (Supp. 81-2). R20-5-643 recodified from R4-13-643 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-644. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-645 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-644 effective March 2, 1981 (Supp. 81-2). R20-5-644 recodified from R4-13-644 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-645. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-646 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-645 effective March 2, 1981 (Supp. 81-2). R20-5-645 recodified from R4-13-645 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-646. Emergency Expired****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Emergency expired. R20-5-646 recodified from R4-13-646 (Supp. 95-1).

**R20-5-647. Reserved****R20-5-648. Reserved****R20-5-649. Reserved****R20-5-650. Definitions**

As used in rules R20-5-650 through R20-5-669 inclusive, unless the context clearly requires otherwise:

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1. "Act" means the Arizona Occupational Safety and Health Act of 1972 (Arizona Revised Statutes, Title 23, Chapter 2, Article 10).
2. "Commission" means the Industrial Commission of Arizona.
3. "Person" means an individual, partnership, association, corporation, business trust, legal representative, an organized group of individuals, or political subdivision.
4. "Party" means a person admitted to participate in a hearing conducted in accordance with subsection (3). An applicant for relief and any affected employee shall be entitled to be named as parties.
5. "Affected employee" means an employee or any one of his authorized representatives, such as his collective bargaining agent, who would be affected by the granting or denial of a variance.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-651 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-650 effective March 2, 1981 (Supp. 81-2). R20-5-650 recodified from R4-13-650 (Supp. 95-1).

**R20-5-651. Petitions for Amendments**

Any person may at any time petition the Commission in writing to revise, amend, or revoke any provisions of rules R20-5-650 through R20-5-669 inclusive. The petition should set forth either the terms or the substance of the rule desired, with a concise statement of the reasons therefor and the effects thereof.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-652 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-651 effective March 2, 1981 (Supp. 81-2). R20-5-651 recodified from R4-13-651 (Supp. 95-1).

**R20-5-652. Effects of Variances**

All variances granted hereunder shall have only future effect. In their discretion, the Commission may decline to entertain an application for variance on the subject or issue concerning which a citation has been issued to the employer involved and a proceeding on the citation or a related issue concerning a proposed penalty or period of abatement is pending before the Federal Occupational Safety and Health Review Commission, State of Arizona Hearing Division or the Arizona Review Board until the completion of such proceeding.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-654 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-652 effective March 2, 1981 (Supp. 81-2). R20-5-652 recodified from R4-13-652 (Supp. 95-1).

**R20-5-653. Public Notice of a Granted Variance**

Every final action granting a variance, shall be published in statewide newspapers. Every such final action shall specify the alternative to the standard involved which the particular variance permits.

**Historical Note**

Adopted as an emergency effective October 29, 1980,

pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-655 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-653 effective March 2, 1981 (Supp. 81-2). R20-5-653 recodified from R4-13-653 (Supp. 95-1).

**R20-5-654. Form of Documents; Subscription; Copies**

- A. No particular form is prescribed for applications and other papers which may be filed in proceedings hereunder. However, any applications and other papers shall be clearly legible. An original and six copies of any application and other papers shall be filed. The original shall be typewritten. Clear carbon copies or printed or processed copies are acceptable copies.
- B. Each application or other paper which is filed in proceedings hereunder shall be signed by the person filing the same or by his attorney or other authorized representative and where required by these regulations shall be verified by the applicant.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-646 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-654 effective March 2, 1981 (Supp. 81-2). R20-5-654 recodified from R4-13-654 (Supp. 95-1).

**R20-5-655. Variances**

- A. Application for variance. Any employer, or class of employers, desiring a variance from a standard or regulation or any portion thereof, authorized by A.R.S. § 23-411 of the Act may file a written application containing the information specified in subsection (B) of this Section with the Industrial Commission of Arizona, 1601 West Jefferson, Phoenix, Arizona 85005.
- B. Contents. An application filed pursuant to subsection (A) of this Section shall contain the information specified in A.R.S. § 23-411(B) and (C) of the Act.
- C. Interim order.
  1. Application. In accordance with A.R.S. § 23-411(B)(3) of the Act, an application may also be made for an interim order to be effective until a decision is rendered on the application for the variance filed previously or concurrently. An application for an interim order shall include a verified statement of facts and arguments supporting such application. The Commission may rule ex parte upon the application.
  2. Notice of denial of application. If an application filed pursuant to subsection (C)(1) is denied, the applicant shall be given prompt notice of the denial, which shall include, or be accompanied by, a brief statement of the grounds therefore.
  3. Notice of the grant of an interim order. If an interim order is granted, a copy of the order shall be served upon the applicant for the order and other parties and the terms of the order shall be published in statewide newspapers. It shall be a condition of the order that the affected employer shall give notice thereof to affected employees by the same means to be used to inform them of an application for variance.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-657 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-655 effective March 2, 1981

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(Supp. 81-2). R20-5-655 recodified from R4-13-655  
(Supp. 95-1).

**R20-5-656. Variances under A.R.S. § 23-412**

- A.** Application for variance. Any employer, or class of employers, desiring a variance authorized by A.R.S. § 23-412 of the Act may file a written application containing the information specified in subsection (B) of this Section, with the Industrial Commission of Arizona, 1601 W. Jefferson, Phoenix, Arizona 85005.
- B.** Contents. An application filed pursuant to subsection (A) of this Section shall contain the information specified in A.R.S. § 23-412 of the Act.
- C.** Interim order
  1. Application. An application may also be made for an interim order to be effective until a decision is rendered on the application for the variance filed previously or concurrently. An application for an interim order shall include a verified statement of facts and arguments supporting such application. The Commission may rule ex parte upon the application.
  2. Notice of denial of application. If an application filed pursuant to subsection (C)(1) is denied, the applicant shall be given prompt notice of the denial, which shall include, or be accompanied by, a brief statement of the grounds therefore.
  3. Notice of the grant of an interim order. If an interim order is granted, a copy of the order shall be served upon the applicant and other parties, and the terms of the order shall be published in statewide newspapers. It shall be a condition of the order that the affected employer shall give notice thereof to affected employees by the same means to be used to inform them of an application for a variance.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-658 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-656 effective March 2, 1981 (Supp. 81-2). R20-5-656 recodified from R4-13-656 (Supp. 95-1).

**R20-5-657. Renewal of Rules or Orders: Federal Multi-state Variances**

- A.** Renewal or rules or orders. Any final rule or order issued under A.R.S. § 23-411 of the Act may be renewed or extended as permitted by the applicable Section and in the manner prescribed for its issuance.
- B.** Multi-state variances. Where a federal variance has been granted with multi-state applicability, including applicability in this state operating under a state plan approved under Section 18 of the Act, from a standard or portion thereof identical to this state's standard or regulation or portion thereof such variance shall likewise be deemed an authoritative interpretation of the employer(s)' compliance obligation with regard to the state standard or portion thereof provided no objections of substance are found to be interposed by the Commission.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-659 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-657 effective March 2, 1981 (Supp. 81-2). R20-5-657 recodified from R4-13-657

(Supp. 95-1).

**R20-5-658. Action on Applications**

- A.** Defective applications
  1. If an application filed pursuant to rule R20-5-655, R20-5-656, R20-5-657 and R20-5-658 does not conform to the applicable Section, the Commission may deny the application.
  2. Prompt notice of the denial of an application shall be given to the applicant.
  3. A notice of denial shall include, or be accompanied by, a brief statement of the grounds for denial.
  4. A denial of an application pursuant to this subsection shall be without prejudice to the filing of another application.
- B.** Adequate applications
  1. If an application has not been denied pursuant to subsection (A) of this Section, the Commission shall cause to be published in statewide newspapers a notice of the filing of the application.
  2. A notice of the filing of an application shall include:
    - a. The terms, or an accurate summary, of the application;
    - b. A reference to the Section of the Act under which the application has been filed;
    - c. An invitation to interested persons to submit within a stated period of time written data, views, or arguments regarding the application; and
    - d. Information to affected employers, employees, of any right to request a hearing on the application.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-660 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-658 effective March 2, 1981 (Supp. 81-2). R20-5-658 recodified from R4-13-658 (Supp. 95-1).

**R20-5-659. Request for Hearings on Petition**

- A.** Request for hearing. Any employer, employee, authorized employee representative, representative, or other person interested in or affected by an order of the Commission may petition for a hearing on the reasonableness and lawfulness of an order issued under A.R.S. §§ 23-411 or 23-412, by a verified petition filed with the Commission.
- B.** Contents of a petition. A request for a hearing filed pursuant to subsection (A) of this Section shall include:
  1. The name and address of the applicant;
  2. A concise statement of facts showing how the employer, employee, authorized employee representative, representative, or other person would be affected by the relief applied for;
  3. A petition shall set forth specifically and in detail the order upon which a hearing is desired;
  4. The reasons why the order is unreasonable or unlawful;
  5. The issue to be considered by the Commission on the hearing. Objections other than those set forth in the petition are deemed finally waived.
  6. If the applicant is an employer, a certification that the applicant has informed his affected employees of the application by:
    - a. Giving a copy thereof to their authorized representative;
    - b. Posting at the place or places where notices to employees are normally posted, a statement giving a summary of the petition specifying where a copy of

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the full petition may be examined (or, in lieu of the summary, posting the application itself); and  
c. Other appropriate means.

7. If the applicant is an affected employee, a certification that a copy of the petition has been furnished to the employer.
- C. The Commission may on its own motion proceed to modify or revoke a rule or order issued under A.R.S. §§ 23-411 or 23-412 of the Act. In such event, the Commission shall cause to be published in statewide newspapers a notice of its intention, affording interested persons an opportunity to submit written data, views, or arguments regarding the proposal and informing the affected employer and employees of their right to request a hearing and shall take such other action as may be appropriate to give actual notice to the affected employees. Any request for a hearing shall include a short and plain statement of:
  1. How the proposed modification or revocation would affect the requesting party; and
  2. What the requesting party would seek to show on the subjects or issues involved.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-661 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-659 effective March 2, 1981 (Supp. 81-2). R20-5-659 recodified from R4-13-659 (Supp. 95-1).

**R20-5-660. Consolidation of Proceedings**

The Commission on its own motion or that of any party may consolidate or contemporaneously consider two or more proceedings which involve the same or closely related issues.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-662 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-660 effective March 2, 1981 (Supp. 81-2). R20-5-660 recodified from R4-13-660 (Supp. 95-1).

**R20-5-661. Notice of Hearing**

- A. Service. Upon request for a hearing as provided in this Section, or upon its own initiative, the Commission shall serve, or cause to be served, a reasonable notice of hearing.
- B. Contents. A notice of hearing served under subsection (A) of this Section shall include:
  1. The time, place, and nature of the hearing;
  2. The legal authority under which the hearing is to be held;
  3. A specification of issues of fact and law.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-663 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-661 effective March 2, 1981 (Supp. 81-2). R20-5-661 recodified from R4-13-661 (Supp. 95-1).

**R20-5-662. Manner of Service**

Service of any document upon any party may be made by personal delivery of, or by mailing, a copy of the document to the last known address of the party. The person serving the document shall certify to the manner and the date of the service.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-664 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-662 effective March 2, 1981 (Supp. 81-2). R20-5-662 recodified from R4-13-662 (Supp. 95-1).

**R20-5-663. Industrial Commission; Powers and Duties**

- A. Powers. The Commissioners shall have all powers necessary or appropriate to conduct a fair, full, and impartial hearing, including the following:
  1. To administer oaths and affirmations;
  2. To rule upon offers of proof and receive relevant evidence;
  3. To provide for discovery and to determine its scope;
  4. To regulate the course of the hearing and the conduct of the parties and their counsel therein;
  5. To consider and rule upon procedural requests;
  6. To hold conferences for the settlement or simplification of the issues by consent of the parties;
  7. To make, or to cause to be made, an inspection of the employment or place of employment involved;
  8. To make decisions in accordance with A.R.S. §§ 23-405.5, 23-411, 23-412, and 23-945; and
  9. To take any other appropriate action authorized by the Act, this Section, or A.R.S. § 23-945.
- B. Contumacious conduct; failure or refusal to appear or obey the rulings of the Commission.
  1. Contumacious conduct at any hearing before the Commission shall be grounds for exclusion from the hearing.
  2. If a witness or a party refuses to answer a question after being directed to do so, or refuses to obey an order to provide or permit discovery, the Commission may make such orders with regard to the refusal as are just and appropriate, including an order denying an application of an applicant or regulating the contents of the record of the hearing.
- C. Referral to Rules of Procedure for Occupational Safety and Health hearings. On any procedural question not regulated by this Section, the Act, or A.R.S. § 23-945, Commission shall be guided to the extent practicable by any pertinent provisions of the Rules of Procedure for Occupational Safety and Health hearings before the Industrial Commission of Arizona.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-665 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-663 effective March 2, 1981 (Supp. 81-2). R20-5-663 recodified from R4-13-663 (Supp. 95-1).

**R20-5-664. Prehearing Conferences**

- A. Convening a conference. Upon its own motion or the motion of a party, the Commission may direct the parties or their counsel to meet with them for a conference to consider:
  1. Simplification of the issues;
  2. Necessity or desirability of amendments to documents for purposes of clarification, simplification, or limitation;
  3. Stipulations, admissions of fact, and of contents and authenticity of documents;
  4. Limitation of the number of parties and of expert witnesses; and

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5. Such other matters as may tend to expedite the disposition of the proceeding and to assure a just conclusion thereof.
- B.** Record of conference. The Commission shall make an order which recites the action taken at the conference, the amendments allowed to any documents which have been filed, and the agreements made between the parties as to any of the matters considered, and which limits the issues for hearings to those not disposed of by admission or agreements; and such order when entered controls the subsequent course of the hearing, unless modified at the hearing, to prevent manifest injustice.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-666 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-664 effective March 2, 1981 (Supp. 81-2). R20-5-664 recodified from R4-13-664 (Supp. 95-1).

**R20-5-665. Consent Findings and Rules or Orders**

- A.** General. At any time before the reception of evidence in any hearing, or during any hearing, a reasonable opportunity may be afforded to permit the negotiation by the parties of an agreement containing consent findings and a rule or order disposing of the whole or any part of the proceeding. The allowance of such opportunity and the duration thereof shall be in the discretion of the Commission. After consideration of the nature of the proceeding, the requirements of the public interest, the representations of the parties, and the probability of an agreement which will result in a just disposition of the issues involved.
- B.** Contents. Any agreement containing consent findings in rule or other disposing of a proceeding shall also provide:
1. That the rule or order shall have the same force and effect as if made after a full hearing;
  2. That the entire record on which any rule or order may be based shall consist solely of the application and the agreement;
  3. A waiver of any further procedural steps before the Commission; and
  4. A waiver of any right to challenge or contest the validity of the findings and of the rule or order made in accordance with the agreement.
- C.** Submission. On or before the expiration of the time granted for negotiations, the parties or their counsel may:
1. Submit the proposed agreement to the Commission for its consideration; or
  2. Inform the Commission that agreement cannot be reached.
- D.** In the event an agreement containing consent findings and rule or order is submitted within the time allowed therefor, the Commission may accept such agreement by issuing its decision based upon the agreed findings.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-667 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-665 effective March 2, 1981 (Supp. 81-2). R20-5-665 recodified from R4-13-665 (Supp. 95-1).

**R20-5-666. Discovery****A. Depositions**

1. For reasons of unavailability or for other good cause shown, the testimony of any witness may be taken by deposition. Depositions may be taken orally or upon written interrogatories before any person designated by the Commission and having power to administer oaths.
  2. Application. Any party desiring to take the deposition of a witness may make application in writing to the Commission, setting forth:
    - a. The reasons why such deposition should be taken;
    - b. The time when, the place where, and the name and post office address of the person before whom the deposition is to be taken;
    - c. The name and address of each witness; and
    - d. The subject matter concerning which each witness is expected to testify.
  3. Notice. Such notice as the Commission may order shall be given by the party taking the deposition to every other party.
  4. Taking and receiving in evidence. Each witness testifying upon deposition shall be sworn, and the parties not calling him shall have the right to cross-examine him. The questions propounded and the answers thereto, together with all objections made, shall be reduced to writing, read to the witness, subscribed by him, and certified by the officer before whom the deposition is taken. Thereafter, the officer shall seal the deposition, with two copies thereof, in an envelope and mail the same by registered mail to the presiding hearing examiner. Subject to such objections to the questions and answers as were noted at the time of taking the deposition and would be valid were the witness personally present and testifying, such deposition may be read and offered in evidence by the party taking it as against any party who was present, represented at the taking of the deposition, or who had due notice thereof. No part of a deposition shall be admitted in evidence unless there is a showing that the reasons for the taking of the deposition in the first instance exist at the time of the hearing.
- B.** Other discovery. Whenever appropriate to a just disposition of any issue in a hearing, the Commission may allow discovery by any other appropriate procedure, such as by written interrogatories upon a party, production of documents by a party, or by entry for inspection of the employment or place of employment involved.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-668 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-666 effective March 2, 1981 (Supp. 81-2). R20-5-666 recodified from R4-13-666 (Supp. 95-1).

**R20-5-667. Hearings**

- A.** Order of proceeding. Except as may be ordered otherwise by the Commission, the party applicant for relief shall proceed first at a hearing.
- B.** Burden of proof. The party applicant shall have the burden of proof.
- C.** Evidence
1. Admissibility. A party shall be entitled to present its case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be

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received, but the Commission shall exclude evidence which is irrelevant, immaterial, or unduly repetitious.

2. Testimony of witnesses. The testimony of a witness shall be upon oath or affirmation administered by the Commission.

- D. Official notice. Official notice may be taken of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice: provided that the parties shall be given adequate notice, at the hearing or by reference in the Commission's decision, of the matters so noticed and shall be given adequate opportunity to show the contrary.
- E. Record. Minutes shall be taken of the Commission hearings. Copies of the minutes may be obtained by the parties upon written application filed with the secretary of the Commission and upon the payment of fees at the rate provided in the agreement with the Commission.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-669 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-667 effective March 2, 1981 (Supp. 81-2). R20-5-667 recodified from R4-13-667 (Supp. 95-1).

**R20-5-668. Decisions of the Commission**

- A. Proposed findings of fact, conclusions, and rules or orders. Within 10 days after completion of the hearing or such additional time as the Commission may allow, each party may file with the Commission proposed findings of fact, conclusions of law, and rule or order, together with a supporting brief expressing the reasons for such proposals. Such proposals and brief shall be served on all other parties and shall refer to all portions of the record and to all authorities relied upon in support of each proposal.
- B. Decisions of the Commission. Within a reasonable time after the time allowed for the filing of proposed findings of fact, conclusions of law, and rule or order, the Commission shall make and serve upon each party its decision, which shall become final upon the 30th day after service thereof, unless exceptions are filed thereto, as provided in rule R20-5-669. The decision of the Commission shall include:
  1. A statement of findings and conclusions, with reasons and basis therefor, upon each material issue of fact, law, or discretion presented on the record, and
  2. The appropriate rule, order, relief, or denial thereof. The decision of the hearing examiner shall be based upon a consideration of the whole record and shall state all facts officially notice and relied upon. It shall be made on the basis of a preponderance of reliable and probative evidence.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-670 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-668 effective March 2, 1981 (Supp. 81-2). R20-5-668 recodified from R4-13-668 (Supp. 95-1).

**R20-5-669. Judicial Review**

Any employer, employee, authorized employee representative, representative, or any person in interest is dissatisfied with an order of the Commission may appeal in accordance with A.R.S. § 23-413 of the Act.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-674 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-670 effective March 2, 1980 (Supp. 81-2). R20-5-669 recodified from R4-13-669 (Supp. 95-1).

**R20-5-670. Field Sanitation**

- A. This Section applies to any agricultural establishment where a crew of five or more employees are engaged on any given day in hand-labor operations in one location.
- B. As used in this Section:
  1. "Agricultural establishment" means a business operation that uses paid employees in the production of food, fiber or other material such as seed, seedlings, plants or parts of plants.
  2. "Crew of employees" means a group of persons who are employed to perform hand-labor operations as a unit at an agricultural establishment. "Crew of employees" does not include the employer and the employer's immediate family members.
  3. "Hand-labor operations" means agricultural activities or operations performed in the field by hand or with hand tools. Hand-labor operations include the hand-harvest of vegetables, nuts and fruits, hand-weeding of crops and hand-planting of seedlings. Hand-labor operations do not include such activities as logging operations, irrigation operations, the care or feeding of livestock or hand-labor operations in permanent structure, such as canning facilities or packing houses. Hand-labor operations do not include activities in which persons are acting as equipment operators.
  4. "Handwashing facility" means a facility providing either a basin, container or outlet with an adequate supply of potable water, soap and single-use towels.
  5. "Potable water" means water that meets the standards for drinking purposes prescribed by the state or local authority having jurisdiction or water that meets the quality standards prescribed by the United States Environmental Protection Agency's National Interim Primary Drinking Water Regulations, published in 40 CFR Part 141 (July 1983), incorporated by reference and on file in the Office of the Secretary of State.
  6. "Toilet facility" means a facility designed for the purpose of both defecation and urination, including biological or chemical toilets, combustion toilets or sanitary privies, which is supplied with toilet paper adequate for employee needs. Toilet facilities may be either fixed or portable.
- C. Employers shall provide the following for employees engaged in hand-labor operations at an agricultural establishment without cost to the employee:
  1. Potable drinking water as follows:
    - a. Potable water shall be provided and shall be placed in locations readily accessible to all employees.
    - b. The water shall be suitably cool, no more than 80°F, and in sufficient amounts, a minimum of two gallons per employee, taking into account the air temperature, humidity and the nature of the work performed, to meet employees' need.
    - c. The water shall be dispensed in single-use drinking cups or by fountains. The use of common drinking cups or dippers is prohibited.
  2. Toilet and handwashing facilities as follows:
    - a. One toilet facility and one handwashing facility shall be provided for each 40 employees or fraction

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thereof, except as provided in subsection (D) of this Section.

- b. Toilet facilities shall have doors that can be closed and latched from the inside and shall be constructed to ensure privacy.
- c. Toilet and handwashing facilities shall be accessibly located, in close proximity to each other and within 1/4 mile of each employee's place of work in the field. If it is not feasible to locate facilities accessibly and within the required distance due to the terrain, facilities shall be located at the point of closest vehicular access.
- D. Toilet and handwashing facilities are not required for employees who perform field work for a period of three hours or less (including transportation time to and from the field) during the day.
- E. Potable drinking water and toilet and handwashing facilities shall be maintained in accordance with appropriate public health sanitation practices, including all of the following:
  - 1. Drinking water containers shall be covered, cleaned and refilled daily.
  - 2. Toilet facilities shall be operational and maintained in clean and sanitary condition and shall be supplied with toilet paper adequate for employee needs.
  - 3. Handwashing facilities shall be maintained in clean and sanitary condition.
  - 4. Disposal of wastes from facilities shall not cause unsanitary conditions.
- F. Employees shall be allowed reasonable opportunities during the workday to use the facilities.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Adopted effective May 2, 1986 (Supp. 86-3). R20-5-670 recodified from R4-13-670 (Supp. 95-1).

**R20-5-671. Reserved**

**R20-5-672. Reserved**

**R20-5-673. Reserved**

**R20-5-674. Emergency expired**

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Emergency expired. R20-5-674 recodified from R4-13-674 (Supp. 95-1).

**R20-5-675. Reserved**

**R20-5-676. Reserved**

**R20-5-677. Reserved**

**R20-5-678. Reserved**

**R20-5-679. Reserved**

**R20-5-680. Protected Activity**

- A. All complaints pursuant to A.R.S. § 23-425 shall relate to conditions at the workplace. The filing of complaints need not be in writing for purposes of this subsection except that those complaints filed pursuant to R20-5-682 shall comply with R20-5-682. The term "filed any complaint" as used in A.R.S. § 23-425(A) includes:
  - 1. Employee requests for inspection pursuant to A.R.S. § 23-408(F);
  - 2. Complaints registered with other state, local or federal governmental agencies which have the authority to regu-

late or investigate occupational safety and health conditions;

- 3. Complaints lodged with employers; or
- 4. Complaints filed as specified in R20-5-682.
- B. The term "instituted or caused to be instituted any proceeding" as used in A.R.S. § 23-425(A) includes:
  - 1. Inspections of worksites under A.R.S. § 23-408(A);
  - 2. Employee contest of abatement date under A.R.S. § 23-417(D);
  - 3. Employee initiation of proceedings for promulgation of an occupational safety and health standard under A.R.S. § 23-410(A);
  - 4. Employee application for modification or revocation of a variance under A.R.S. § 23-413;
  - 5. Employee judicial challenge to a standard under A.R.S. § 23-410(E);
  - 6. Employee appeal of an Administrative Law Judge Division order under A.R.S. § 23-421(C);
  - 7. Exercise of rights by any employee pursuant to A.R.S. § 23-418.01;
  - 8. Any other employee action authorized by the Arizona Occupational Safety and Health Act of 1972; or
  - 9. Setting into motion the activities of others which result in the proceedings specified in subsections (B)(1) through (8).
- C. The term "testified or is about to testify in any such proceeding" as used in A.R.S. § 23-425(A) includes:
  - 1. Testimony in proceedings instituted or caused to be instituted by the employee; or
  - 2. Any statements given in the course of judicial, quasi-judicial or administrative proceedings. For this purpose, administrative proceedings include inspections, investigations and administrative rulemaking or adjudicative functions.
- D. The term "the exercise by such employee on behalf of himself or others of any right afforded by this Article" as used in A.R.S. § 23-425(A) includes:
  - 1. The right to participate as a party in enforcement proceedings pursuant to A.R.S. § 23-408(D);
  - 2. The right to request information from the Industrial Commission; or
  - 3. To cooperate with inspections or investigations by the Industrial Commission.
- E. If the employee, with no reasonable alternative, refuses in good faith to expose himself to a dangerous condition, the employee is engaged in protected activity. The condition causing the employee's apprehension of death or injury must be of such a nature that a reasonable person, under the circumstances then confronting the employee, would conclude there is a real danger of death or serious injury and that there is insufficient time, due to the urgency of the situation, to eliminate the dangers through resort to regular statutory enforcement channels. In addition, in such circumstances, the employee, where possible, must also have sought from his employer and been unable to obtain a correction of the dangerous condition.
- F. Employees who refuse to comply with valid occupational safety and health standards or valid safety rules implemented by the employer are not protected by A.R.S. § 23-425.

**Historical Note**

Adopted effective May 3, 1989 (Supp. 89-2). R20-5-680 recodified from R4-13-680 (Supp. 95-1).

**R20-5-681. Elements of a Violation of A.R.S. § 23-425**

To establish a violation of A.R.S. § 23-425(A), the employee shall prove all of the following:

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1. The employee was engaged in protected activities as defined in R20-5-680.
2. The employer had knowledge of the employee's protected activities prior to the adverse action which the employee claims to be a discharge or discrimination.
3. The action claimed to be discharge or discrimination was adverse to the employee.
4. The protected activity was a substantial reason for the alleged discharge or discrimination or the alleged discharge or discrimination would not have taken place but for the employee's engagement in the protected activity.

**Historical Note**

Adopted effective May 3, 1989 (Supp. 89-2). R20-5-681  
recodified from R4-13-681 (Supp. 95-1).

**R20-5-682. Procedure**

- A. A complaint of A.R.S. § 23-425(A) discharge or discrimination shall be filed with the Division of Occupational Safety and Health by the employee or by a representative authorized by A.R.S. § 23-408(F) to do so on the employee's behalf. The complaint shall be written and shall be signed by the person filing the complaint.
- B. The date of filing a complaint under A.R.S. § 23-425(B) is the date of receipt of the complaint by the Division.
- C. The Division may accept or deny an employee's withdrawal of a complaint. The Industrial Commission's investigatory jurisdiction shall not be foreclosed by unilateral action of the employee.
- D. The Industrial Commission may resolve an A.R.S. § 23-425 complaint with the employer without the consent of the employee.
- E. The Industrial Commission's jurisdiction to investigate and determine A.R.S. § 23-425 complaints is independent of the jurisdiction of other agencies or bodies. The Industrial Commission may defer to the results of other such proceedings where:
  1. The rights asserted in those other proceedings are substantially the same as the rights pursuant to A.R.S. § 23-425;
  2. The factual issues in such proceedings are substantially the same as the factual issues before the Industrial Commission;
  3. The proceedings were fair and regular; and
  4. The outcome of the proceedings was not inconsistent with the purposes of this Chapter and the Act.
- F. A determination pursuant to A.R.S. § 23-425(C) includes:
  1. A decision to not proceed with the case;
  2. To defer the case to another forum; or
  3. To proceed to litigation in Superior Court.

**Historical Note**

Adopted effective May 3, 1989 (Supp. 89-2). R20-5-682  
recodified from R4-13-682 (Supp. 95-1).

**ARTICLE 7. SELF-INSURANCE REQUIREMENTS FOR  
WORKERS' COMPENSATION POOLS ORGANIZED  
UNDER A.R.S. § 23-961.01**

**R20-5-701. Definitions**

In addition to the definitions provided in A.R.S. § 23-901, the following definitions apply to this Article:

"Administrator" means an individual or organization chosen by a board to manage the daily operations of a pool.

"Applicant" means a worker compensation pool organized under A.R.S. § 23-961.01 that has filed an initial application for authority to self-insure.

"Board of trustees" or "board" means a body of individuals that manage all operations of a worker compensation pool.

"Cash flow ratio" means a numerical relationship that reflects an ability to meet current financial obligations out of cash flow and is calculated by dividing funds received from operations of a business by current liabilities.

"Certificate of authority" means a document issued by the Commission granting a pool authority to be self-insured for purposes of workers' compensation.

"Claim" means a worker compensation claim.

"Code classification" means a number assigned by an approved rating organization that classifies employees.

"Current ratio" means a numerical relationship that reflects an ability to pay current obligations and is calculated by dividing current assets by current liabilities.

"Debt status ratio" means a numerical relationship that reflects the proportion of funds supplied internally relative to the funds supplied by creditors and is calculated by dividing net worth by total liabilities.

"Division" means the Administration Division of the Industrial Commission of Arizona.

"Excess insurance carrier" means an insurance carrier authorized by the Arizona Department of Insurance to issue policies of excess insurance coverage and casualty insurance coverage to a self-insured.

"Experience modification rate" means a ratio comparing actual losses to expected losses based on a formula determined by an approved rating organization and which includes three years of loss information.

"Financial rating organization" means a nationally recognized organization such as Standard & Poor's or Moody's that evaluates and rates securities.

"Fiscal year" means a 12 month cycle that begins from the effective date of authority to self-insure.

"Loss fund" means an account from which money is used to pay all workers' compensation expenses including current and contingent liabilities of a worker's compensation claim of a pool.

"Member" means an employer described in A.R.S. § 23-961.01 that has joined with other employers to form a pool.

"Pool" means a workers' compensation group organized under A.R.S. § 23-961.01.

"Profitability ratio" means a numerical relationship that represents the return on assets and the efficiency of assets and is calculated by dividing profit before taxes by total assets, multiplied by 100.

"Quick ratio" means a numerical relationship that represents the degree to which liabilities are covered by the most liquid current assets and is calculated by dividing cash and equivalents, plus trade receivables, by current liabilities.

"Rate" means an assignment of a code classification based on risk as established by a rating organization and approved by the Arizona Department of Insurance.

"Rating organization" means an entity that meets the requirements of A.R.S. § 20-363(F) and is approved by the Arizona Department of Insurance to establish rates, codes, and formulas used to calculate worker compensation premiums.



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“Service company” means an entity or organization that is contracted by a pool to receive, process, and pay workers’ compensation claims for a pool.

“Trustee fund” means an account into which premiums, investment proceeds, and other revenues are deposited and are used to cover all administrative or operational expenses of a pool.

“Working capital ratio” means a numerical relationship that measures the sufficiency of working capital to support sales and is calculated by dividing working capital by sales.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-702. Computation of Time**

- A. In computing any period of time prescribed or allowed by this Article, the Commission shall not include the day of the act or event from which the period of time begins to run. The Commission shall include the last day of the period computed unless it is a Saturday, Sunday, or legal holiday in which event the period shall run until the end of the next day that is not a Saturday, Sunday, or legal holiday. When the period of time prescribed or allowed is less than 11 days, the Commission shall exclude intermediate Saturdays, Sundays, and legal holidays in the computation of time.
- B. Except as otherwise provided by law, the Commission may extend time limits prescribed by this Article for good cause.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-703. Forms Prescribed by the Commission**

The following forms are available upon request from the Commission and contain requests for the information listed in each subsection.

1. Initial Application for Authority to Self-insure:
  - a. Name of the pool;
  - b. Address and telephone number of the pool’s principal office;
  - c. Effective date of formation of the pool;
  - d. Name and address of each member of the pool;
  - e. Two digit standard industrial classification code for each member of the pool;
  - f. Name and address of the industry or trade association, or professional organization to which members of the pool belong;
  - g. Effective date of formation of the industry or trade association, or professional organization to which members of the pool belong;
  - h. Type of business in which members are engaged and length of time in business for each member;
  - i. Explanation of how businesses of members are the same or similar;
  - j. Amount of workers’ compensation insurance premiums paid by each member in the preceding year;
  - k. Names and addresses of the board of trustees;
  - l. Name, address, and telephone number of the administrator appointed by the board of trustees;
  - m. Name, address, and telephone number of the service company, if applicable;
  - n. Names, titles, addresses, and telephone numbers of the persons in charge of the loss control and underwriting programs;
  - o. Premium tax plan selection;
  - p. Authorized signature and title of person signing initial application;

- q. Statement that all information and assertions contained in the application and the documents accompanying the application are factually correct and true; and
- r. Date of execution of the initial application.
2. Renewal Application:
  - a. Name of the pool;
  - b. Address and telephone number of the pool’s principal office;
  - c. Name and address of each member of the pool and the effective date of membership;
  - d. Renewal date of the pool;
  - e. Effective date of initial authority to self-insure;
  - f. Total number of member employees covered by the pool;
  - g. Total payroll of the pool for the last fiscal year;
  - h. Name, address, and telephone number of the administrator;
  - i. Name, address, and telephone number of the service company, if applicable;
  - j. Name, address, and telephone number of the excess insurance carrier;
  - k. Name and address of the companies providing guaranty bond and fidelity policy;
  - l. Name and address of individuals serving on the board of trustees;
  - m. Names, titles, addresses, and telephone numbers of persons in charge of loss control and underwriting programs;
  - n. Authorized signature and title of person signing renewal application;
  - o. Statement that all information and assertions contained in the renewal application and the documents accompanying the renewal application are factually correct and true; and
  - p. Date of execution of the renewal application.
3. Self-Insurance Guaranty Bond Form:
  - a. Pool identification;
  - b. Names of fidelity and surety insurance companies;
  - c. Description of the bond, including the amount and conditions of the bond obligations and liability of surety;
  - d. Statement regarding the responsibility for fees and costs associated with the collection of the bond and the responsibility for payment of any award or judgment against the surety;
  - e. Authorized signatures and titles by pool, surety, and agent; and
  - f. Date of execution of the guaranty bond form.
4. Option Election Form:
  - a. Calculation and selection of type of guaranty bond and securities;
  - b. Description of incurred liability and anticipated future liability (compensation and medical) on all open cases for the preceding four years and the current year;
  - c. Authorized signature and title of person signing option election form;
  - d. Statement that all information and assertions contained in the form are factually correct and true; and
  - e. Date of execution of the option election form.
5. Self-insured Payroll Report:
  - a. Description of the cumulative payroll for all members of the pool (classification codes, methods and types of pay);
  - b. Amount paid in the preceding calendar year;

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- c. Authorized signature and title of person signing self-insured payroll report;
- d. Statement that all information and assertions contained in the report are factually correct and true; and
- e. Date of execution of self-insured payroll report.
6. Self-insured Medical Report:
  - a. Description of costs relating to industrial injuries;
  - b. Reinsurance premiums paid;
  - c. Total expenditures for workers' compensation and occupational disease claims;
  - d. Authorized signature and title of person signing self-insured medical report;
  - e. Statement that all information and assertions contained in the report are factually correct and true; and
  - f. Date of execution of the self-insured medical report.
7. Self-insured Injury Report:
  - a. Description of specific information for the current year and three preceding years for each injury requiring payment in excess of \$5000 which includes accumulated amount paid and reserved for each claim in excess of \$5,000;
  - b. Description of all injuries for the current year and three preceding years if individual injury required payment of less than \$5,000;
  - c. Authorized signature, title, and telephone number of person signing self-insured injury report;
  - d. Statement that all information and assertions contained in the report are factually correct and true; and
  - e. Date of execution of the self-insured injury report.
8. Quarterly Tax Payment Form:
  - a. Name and address of the pool;
  - b. Description and calculation of the quarterly tax and designation of the applicable quarter;
  - c. Amount of annual tax paid in the previous calendar year; amount of the quarterly tax paid adjusted for change in the tax rate;
  - d. Description and calculation of any penalty due;
  - e. Authorized signature, title and telephone number of person signing the quarterly tax payment form;
  - f. Statement that all information and assertions contained in the form are factually correct and true; and
  - g. Date of execution of the quarterly tax payment form.
9. Application to Add a Member to Self-insured Pool:
  - a. Name of the pool and name of the member to be added to the pool, including if applicable, addresses, corporation, subsidiary, partnership, and trust information;
  - b. Nature and years in business of the member to be added;
  - c. History of business in Arizona and elsewhere for the member to be added;
  - d. Payroll data for each member to be added;
  - e. Work force data for each member to be added;
  - f. Financial data for each member to be added;
  - g. Insurance data for each member to be added;
  - h. Two digit standard industrial classification code for each member of the pool;
  - i. Workers' compensation claims, loss and performance history for the member to be added;
  - j. Authorization by board resolution approving addition of each new member;
  - k. Authorized signature and title of person signing application;
  - l. Statement that all information and assertions contained in the application are factually correct and true; and
  - m. Date of execution of the application.
10. Notice Confirming Addition of Member to Pool:
  - a. Name of the pool;
  - b. Name and address of the new member;
  - c. Effective date of membership;
  - d. Rate and code classification to be applied to new member;
  - e. Standard industrial classification code for new member;
  - f. Authorized signature and title of person signing notice;
  - g. Statement that all information and assertions contained in the notice are factually correct and true; and
  - h. Date of execution of the notice.
11. Notice of Termination of Membership:
  - a. Name and address of pool;
  - b. Effective date of termination;
  - c. Name and address of the member to be terminated, identified as follows:
    - i. All names and addresses of every location used by the member;
    - ii. If the member is a partnership, the names and addresses of all the partners;
    - iii. If the member is a corporation doing business under a number of divisions, the notice shall state the names of all the divisions of the corporation; and
    - iv. If a member changes names, both the new and former names.
  - d. Authorized signature, title and telephone number of person signing notice;
  - e. Statement that all information and assertions contained in the notice are factually correct and true; and
  - f. Date of execution of the notice.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-704. Requirement for Commission Approval to Act as Self-insurer**

A pool does not have authority to act as a self-insurer under A.R.S. §§ 23-961 and 23-961.01 unless the pool receives and maintains a certificate of authority from the Commission.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-705. Duration of Certificate of Authority**

Except as provided in this subsection, a certificate of authority is valid for one fiscal year. The Commission may renew the certificate on an annual basis upon application by a pool. If a pool timely files a complete renewal application under this Article, the Commission shall consider the existing certificate of authority valid, subject to compliance with A.R.S. § 23-901 et seq. and this Article, until a new certificate of authority is issued or an order of the Commission denying a renewal application becomes final.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-706. Time-frames for Processing Initial and Renewal Application for Authority to Self-insure**

A. Administrative completeness review.

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1. Initial application. The Division shall review an initial application for authority to self-insure within 20 days of receipt of the application to determine if the application contains the information required by A.R.S. § 23-961.01 and this Article. The Division shall inform an applicant by written notice whether the application is complete or is deficient within the time-frame provided in this subsection. If the application is incomplete, the Division shall include in its written notice to the applicant a complete list of the missing information. The Division shall deem the application withdrawn if an applicant fails to file a complete application within 45 days of being notified by the Division that its application is incomplete or deficient.
  2. Renewal application. The Division shall review a renewal application for authority to self-insure within 20 days of receipt of the application to determine if the application contains the information required by A.R.S. § 23-961.01 and this Article. The Division shall inform a pool by written notice whether the application is complete or is deficient within the time-frame provided in this subsection. If the renewal application is incomplete, the Division shall include in its written notice to the pool a complete list of the missing information. The Division shall deem the application withdrawn if a pool fails to file a complete application within 45 days of being notified by the Division that its application is incomplete or deficient, except that failure to file the financial and actuarial reports required under R20-5-708(C) shall not cause the Division to deem the application withdrawn if a pool files the financial and actuarial reports with the Division within 120 days after the end of the pool's fiscal year.
- B. Substantive review.**
1. Initial application. Within 70 days after the Division deems an initial application complete, the Commission shall determine whether an initial application for authority to self-insure meets the substantive criteria of A.R.S. § 23-961.01 and this Article and shall issue an order granting or denying authority to self-insure.
  2. Renewal application. Within 40 days after the Division deems a renewal application complete, the Commission shall determine whether a renewal application for authority to self-insure meets the substantive criteria of A.R.S. § 23-961.01 and this Article and shall issue an order granting or denying authority to self-insure.
- C. Overall review.**
1. Initial application. The overall review period shall be 90 days, unless extended under A.R.S. § 41-1072 et seq.
  2. Renewal application. The overall review period shall be 60 days, unless extended under A.R.S. § 41-1072 et seq.
- Historical Note**  
Adopted effective September 9, 1998 (Supp. 98-3).
- R20-5-707. Filing Requirements for Initial Application for Self-Insurance License**
- A. Initial application for authorization to self-insure.**
1. An application for authority to self-insure shall be completed on forms approved by the Commission.
  2. An application for authority to self-insure shall be filed with the Division. An application is considered filed when it is received at the office of the Division.
  3. An application shall be typewritten or written in ink in legible text.
  4. The administrator of a pool shall sign the application. The signature of the administrator shall be notarized.
  5. The administrator shall verify, in writing, that the information contained in and submitted with the application is true and correct.
- B. The Commission shall deem an initial application for authority to self-insure complete if an applicant provides the following information with the initial application:**
1. A copy of the contract required under A.R.S. § 23-961.01 establishing the pool;
  2. A copy of the articles of incorporation establishing the pool, if applicable;
  3. A copy of the trust agreement establishing the pool, if applicable;
  4. A copy of the by-laws governing the operations of the pool;
  5. An original, signed application to join the pool from every employer receiving approval from the board to join the pool;
  6. A resolution from the board approving employers for membership in the pool;
  7. A certified copy of an audited financial statement or an internally reviewed and signed financial statement for each employer applying for membership in the pool for the most current and prior two years that, considered collectively, demonstrate that the combined net worth of the employers applying for membership at the time of the initial application is not less than \$1,000,000;
  8. A copy of the following financial ratios for each employer applying for membership in the pool:
    - a. Cash flow ratio;
    - b. Current ratio;
    - c. Debt status ratio;
    - d. Profitability ratio;
    - e. Quick ratio; and
    - f. Working capital ratio.
  9. A detailed description of the loss control program required under R20-5-727, including a description of training programs and safety requirements implemented or to be implemented;
  10. A written statement from each member with an experience modification rate greater than 1.10 describing the causes of the member's experience modification rate and outlining remedial measures the member has taken and will take to lower the member's experience modification rate;
  11. An original, signed fidelity policy, or a certified copy, that meets the requirements of R20-5-712, or written confirmation from an authorized insurance company that it will provide fidelity coverage to the applicant as required under R20-5-712 which coverage is effective on the date the applicant is approved by the Industrial Commission to begin self-insurance;
  12. An original, signed guaranty bond, securities, or letter of credit that meets the requirements of R20-5-713 or any of the following:
    - a. Written confirmation from an authorized insurance company that it will provide a guaranty bond to the applicant as required under R20-5-713 which shall be deposited with the Industrial Commission before approval for self-insurance is effective,
    - b. Written confirmation from a financial institution that it will provide a letter of credit to the applicant as required under R20-5-713 which is effective when approval for self-insurance is effective, or
    - c. Written confirmation from a pool that it will obtain securities as required under R20-5-713 which shall

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- be deposited with the Arizona State Treasurer before approval for self-insurance is effective.
13. A completed and signed Option Election Form and Self-Insurance Bond Form;
  14. A copy of excess insurance policies issued by an authorized carrier that meet the requirements of R20-5-715 or written confirmation from an authorized insurance company that it will provide excess insurance coverage to the applicant as required under R20-5-715. The excess coverage shall be effective on the date the applicant is approved by the Industrial Commission to begin self-insurance;
  15. A copy of the signed agreement or contract of hire between a board and the administrator of the pool;
  16. A designation of a service company and a copy of the signed agreement between the service company and pool that meet the requirements of R20-5-725 or a written statement with supporting documentation required under R20-5-726 requesting authorization to process claims in-house;
  17. A list of all rates by code classification to be used by the pool to calculate premiums;
  18. A statement showing how premiums shall be calculated for members;
  19. A detailed description of the underwriting program required under R20-5-727;
  20. A feasibility study by a member of the American Academy of Actuaries (MAAA) or a Fellow of the Casualty Actuarial Society (FCAS) that documents the rate structure needed to set premium levels to cover potential losses and expenses of the pool; and
  21. A schedule showing net workers' compensation premiums paid, total losses incurred, and experience modification rates for the three preceding years for each employer applying for membership in the pool.
2. A continuation certificate for the guaranty bond or letter of credit signed by an authorized representative of the surety or bank in an amount equal to the amount set forth in the updated Option Election Form and that meets the requirements of R20-5-713;
  3. A confirmation of excess insurance policies issued by an authorized carrier that meet the requirements of R20-5-715;
  4. A copy of a signed service contract that meets the requirements of R20-5-725 designating an approved service company or a written statement with supporting documentation required under R20-5-726 requesting authorization to process claims in-house;
  5. A continuation certificate for the fidelity policy that meets the requirements of R20-5-712;
  6. A statement of any change made in the rates and code classifications utilized by the pool to calculate workers' compensation premiums;
  7. A statement of any change in the calculation method of a premium for each member;
  8. A statement describing the expenses paid from the trustee fund and the loss fund expressed in a dollar amount and as a percentage of the total premiums collected by the pool in the preceding fiscal year;
  9. A copy of the current contract or agreement of hire between the pool and administrator; and
  10. A copy of the current delegation agreement between the board of trustees and administrator, if applicable, under R20-5-719(C).
- D.** No later than 120 days after the end of a pool's fiscal year, the pool shall file with the Division a copy of the pool's most recent audited annual financial statements and a copy of the pool's most recent actuarial review of:
1. Losses and reserves for all known claims, and
  2. Reserves for incurred but not reported claims.
- E.** The Commission shall deem a renewal application complete when a pool provides the information required under subsections (C) and (D).
- F.** If a pool does not file a renewal application, each member of the pool shall provide the Commission proof of compliance with A.R.S. § 23-961(A) no later than 10 days after the pool's certificate of authority expires.
- G.** If a pool's renewal application is deemed withdrawn under this Section, each member of the pool shall provide proof of compliance with A.R.S. § 23-961(A) no later than 10 days after the date the Commission deems the application withdrawn.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-708. Filing Requirements for Renewal Application for Self-Insurance License**

- A.** A self-insured pool seeking renewal of an authority to self-insure for workers' compensation insurance shall file a renewal application 30 days before the existing certificate of authority expires. A pool shall maintain all bonds, policies, and contracts required under this Article while a renewal application is pending before the Commission. The Commission shall deem a renewal application withdrawn if a pool fails to maintain all bonds, policies, and contracts required under this Article.
- B.** A renewal application shall meet the following requirements:
1. An application for renewal of authority to self-insure shall be completed on a form approved by the Commission;
  2. An application for renewal of authority to self-insure shall be filed with the Division. An application is considered filed when it is received at the office of the Division;
  3. An application shall be typewritten or written in ink in legible text;
  4. The administrator of a pool shall sign the application. The signature of the administrator shall be notarized; and
  5. The administrator shall verify, in writing, that the information contained in and submitted with the application is true and correct.
- C.** A self-insured pool shall provide the following information at the time the pool files a renewal application:
1. An updated, completed and signed Option Election Form;

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-709. Combined Net Worth**

A pool shall ensure that the combined net worth of its members is at least \$1 million at the time the pool files an initial application for authority to self-insure.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-710. Similar Industry Requirement**

The Commission shall consider the following in determining whether two or more employers meet the similar industry requirement of A.R.S. § 23-961.01:

1. Two digit standard industrial classification code established by the 1987 Standard Industrial Classification Manual assigned to an employer applying for membership in the pool; and
2. Other information describing or concerning the business of an employer applying for membership in the pool. The

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Commission may solicit additional written or oral information from a pool or others to assist the Commission in determining whether two or more employers are engaged in a similar industry.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-711. Joint and Several Liability of Members**

- A. The joint and several liability provision described under A.R.S. § 23-961.01(E) shall include the following meaning:
1. Liability of members. Each member is liable for its own workers' compensation claims or losses incurred during the member's period of membership in the pool to the extent that the pool does not pay the claims or losses. A member's liability for its own claims or losses continues for the life of the claims and continues notwithstanding the pool's inability to process or pay the member's claims or losses. Failure of the pool to comply with the provisions of the Arizona Workers' Compensation Act relating to payment and processing of claims shall result in the assignment of the claims to the State Compensation Fund under A.R.S. § 23-966 and shall not relieve a member of liability for its own losses or claims. In the event that claims are assigned to the State Compensation Fund under A.R.S. § 23-966, the Industrial Commission shall have a right of reimbursement against the member for the amount paid by the State Compensation Fund for the member's own claims and losses, including costs, necessary expenses and reasonable attorney's fees, to the extent that such claims and losses are not covered by the pool's bonds or assets.
  2. Liability of a pool. The pool shall pay all claims for which each member incurs liability during each member's period of membership. The pool shall defend, in the name of and on behalf of any member, any action or other proceeding which may arise or be instituted against a member as a result of injury or death covered by the Arizona Workers' Compensation Act and accompanying rules. The pool shall pay all legal costs and all expenses incurred for investigation, negotiation or defense related to such action or proceeding. The pool shall also pay all judgments or awards, and all interest due and accruing after a judgment.
- B. The joint and several liability clause required under A.R.S. § 23-961.01 to be included in each agreement or contract to establish a pool shall include the language in subsection (A)(1) and (2).
- C. The joint and several liability clause required under A.R.S. § 23-961.01(E) applies to any agreement used to form a pool on a cooperative or contract basis, through a joint formation of a nonprofit corporation, or by the execution of a trust agreement.
- D. A pool shall ensure that all members read and agree, in writing, to the joint and several clause required under A.R.S. § 23-961.01 and described in subsection (A).
- E. Failure to comply with the requirements of A.R.S. § 23-961.01(E) and this Section is cause for revocation of authority to self-insure.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-712. Fidelity Policy**

- A. A pool shall obtain and maintain during all periods of self-insurance a fidelity policy to protect the pool from unlawful actions of the following:
1. Individuals appointed to the pool's board of trustees (individual and collective liability),

2. Administrator of the pool, and
3. Employees of the pool.

- B. The amount of the fidelity policy in subsection (A) shall be at least \$1 million. A pool may purchase a fidelity policy in excess of \$1 million if the pool determines that a policy in excess of \$1 million is necessary to protect members of the pool from damages resulting from misrepresentation or misuse of any monies or securities owned, controlled, or managed by the board, administrator, or employees of the pool.
- C. The pool shall provide the Commission proof of the fidelity policy as required under R20-5-707 and R20-5-708.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-713. Guaranty Bond**

- A. A pool shall obtain and maintain during all periods of self-insurance a guaranty bond equal to the greater of either:
1. 125% of the total outstanding accrued liability as reflected in the option election form described in subsection (B); or
  2. \$200,000.
- B. A pool shall complete and sign an option election form when an initial or renewal application is filed to determine the amount of the bond or securities required to cover the pool's losses. A pool shall ensure that the information contained in the option election form is in agreement with the data provided in the actuarial report. A guaranty bond or continuation certificate for the guaranty bond shall be in the amount established in the option election form.
- C. A guaranty bond or continuation certificate for the guaranty bond filed with the Commission shall bear the effective date of the certificate of authority under which the pool is authorized to self-insure. The guaranty bond or continuation certificate shall be valid for a period of one year, subject to annual renewal in the amount established in the Option Election Form filed with a renewal application.
- D. A guaranty bond or continuation certificate for the guaranty bond shall be issued by an insurance carrier authorized by the Arizona Department of Insurance to transact fidelity and surety insurance in Arizona. The guaranty bond and continuation certificate shall be executed by an authorized agent of a surety, as evidenced by a certified power of attorney, and countersigned by a licensed resident agent.
- E. Instead of posting a guaranty bond, a pool may either deposit with the Commission for transmittal to the Arizona State Treasurer, bonds of the United States or other securities. The amount of the bond or securities shall bear a face value equal to the requirements of subsections (A) and (B).
- F. Instead of posting a guaranty bond, a pool may obtain a letter of credit. The amount of the letter of credit shall be equal to the requirements of subsections (A) and (B).
- G. The Commission shall not accept certificates of deposit instead of a guaranty bond, securities, or letter of credit.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-714. Securities Deposited with the Arizona State Treasurer**

- A. Any securities deposited with Arizona State Treasurer under R20-5-713(E) shall be registered as follows: "The Industrial Commission of Arizona, in trust for the fulfillment by (name of pool), of (name of pool's) obligations under the Arizona Workers' Compensation Act."
- B. The securities shall be held by the State Treasurer, as custodian, subject to the order of and in trust for, the Industrial Commission of Arizona.

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- C. The Commission shall have the following powers with regard to securities held by the State Treasurer:
1. To collect or order the collection of the securities as they become due;
  2. To sell or order the sale of the securities, or any part of the securities; and
  3. To apply or order the application of the proceeds of the sale of securities, to the payment of any award rendered against the pool in the event of a default in the payment of a pool's obligations under the Arizona Workers' Compensation Act.
- D. The Commission shall remit, upon request from a pool that has deposited securities for transmittal to the State Treasurer, interest coupons on securities as they mature.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-715. Aggregate and Specific Excess Insurance Policies**

- A. A pool shall maintain aggregate and specific excess insurance policies during all periods of self-insurance.
- B. The Commission shall not consider policies of aggregate and specific excess insurance when determining a pool's ability to fulfill its financial obligations under the Arizona Workers' Compensation Act, unless the policies are issued by a casualty insurance company authorized by the Arizona Department of Insurance to transact business in Arizona.
- C. A pool or insurance company seeking to cancel or refuse renewal of aggregate and specific excess insurance policies shall provide 90 days written notice of the proposed cancellation or non-renewal to the other party to the policies and to the Commission. The written notice shall be by registered or certified mail. Failure to provide notice as required by this Section precludes cancellation or non-renewal of the policies.
- D. Policy and Retention Amounts.
1. Policy and retention amounts for specific and aggregate excess insurance for a pool shall be as follows:
    - a. Retention for specific excess insurance shall not be less than \$100,000 nor exceed \$1,250,000 without advance written approval by the Commission. Specific excess insurance shall be provided to the statutory limit; and
    - b. Maximum retention of aggregate excess insurance shall not exceed 150% of collected premiums. Total aggregate insurance coverage shall not be less than \$1,000,000.
  2. Aggregate and specific excess insurance policies shall state that payments of workers' compensation benefits on a claim made by a member employer, pool, or surety under a bond or through the use of other approved securities shall be applied toward reaching the retention level in the policy.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

Amended by final rulemaking at 22 A.A.R. 2782, effective September 7, 2016 (Supp. 16-3).

**R20-5-716. Rates and Code Classifications; Penalty Rate**

- A. A pool shall only use rates and code classifications obtained from a rating organization licensed by the Arizona Department of Insurance.
- B. A pool may apply a penalty rate in excess of an annual premium to any member with an unfavorable loss experience, provided the pool provides written notice to the member 30 days before the effective date of the change in rate.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-717. Gross Annual Premium of Pool; Calculation and Payment of Workers' Compensation Premiums; Discounts; Refunds**

- A. The gross annual workers' compensation premium for a pool shall be sufficient to fund the administrative expenses and total incurred losses of the pool.
- B. A pool shall calculate a member's workers' compensation premium and experience modification rate using formulas described in a rating plan that meets the following:
  1. The rating plan is filed by an Arizona licensed rating organization, and
  2. The rating plan has not been disapproved by the Arizona Department of Insurance.
- C. Each member shall pay to a pool the premium due in equal monthly or quarterly payments for the premium year, except that upon admission into a pool, a new member shall pay no later than five days after the effective date of membership not less than 25% of the annual premium calculated for the new member. The remaining premium due after a new member has advanced 25% of the annual premium shall be paid in equal monthly or quarterly payments for the premium year. A pool shall permit a member to pay a premium in advance of the monthly or quarterly schedule.
- D. Deviations from rates.
  1. A pool shall not deviate from established workers' compensation rates unless the pool complies with the following:
    - a. The deviation is based upon the expense and loss experience of the pool,
    - b. The deviation is supported and justified by an actuary's feasibility study, and
    - c. The pool provides the information required under this subsection to the Division and receives approval from the Division.
  2. The Division shall approve the deviation if the deviation is based upon the expense and loss experience of a pool and is justified in an actuary's feasibility study.
- E. Refunds. A pool may declare a refund of surplus money, including excess investment income, to its members under the following conditions:
  1. Surplus money exists, including excess investment money, for a fiscal year in excess of the amount necessary to meet all financial obligations for the fiscal year, including financial obligations arising from incurred but not reported claims;
  2. Total assets of a pool are greater than total liabilities for each fiscal year;
  3. An actuary approves the amount of the refund;
  4. The amount of refund is a fixed liability of the pool at the time the refund is declared; and
  5. The board sets a date for the refund that shall not be less than 12 months after the end of the fiscal year in which the excess is reported.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-718. Financial Statements**

- A. A pool shall ensure that a financial statement is prepared annually at the end of its fiscal year by a certified public accountant who has experience in auditing insurance carriers or self-insured pools. The financial statement shall be accompanied by an actuarial report regarding reserves for claims and associated expenses, and claims incurred, but not reported.

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- B. A pool shall ensure that reported reserves in a financial statement are established based on 110% of an actuary's best estimate.
- C. A pool shall ensure that an actuarial opinion is rendered by an actuary who is a member of the Academy of Actuaries (MAAA) or a fellow of the Casualty Actuarial Society (FCAS).
- D. A pool shall ensure that the pool's annual financial statement described in subsection (A) is audited by a certified public accountant. The audit shall include:
  - 1. An evaluation and statement from the certified public accountant whether invested surplus money was invested in compliance with R20-5-724;
  - 2. A description of how the pool operates; and
  - 3. A statement whether the pool complied with statutes and rules governing self-insured workers' compensation pools as it relates to financial matters.
- E. Upon request by the Commission or within 120 days after a pool's fiscal year ends, a pool shall file its annual financial statement with the Commission. If a pool stops providing coverage on an ongoing basis or fails to file a renewal application for authorization to self-insure, then the pool shall provide its annual financial statement within 120 days after the pool's fiscal year ends.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-719. Board of Trustees**

- A. A pool shall be managed by a board of trustees consisting of at least five individuals elected for a stated term of office. At least 2/3 of a board shall be from the membership of the pool.
- B. Minimum duties and responsibilities of a board. In addition to those duties and responsibilities provided by law, the duties of a board shall include:
  - 1. Responsibility for all operations of a pool;
  - 2. Ensuring compliance with this Article and the applicable provisions of the Arizona Workers' Compensation Act;
  - 3. Hiring of an administrator to manage the daily operations of a pool;
  - 4. Reviewing and taking action on applications for membership in a pool;
  - 5. Contracting with a service company or seeking authorization from the Commission to process workers' compensation claims in-house;
  - 6. Determining the premium to be charged to a member;
  - 7. Investing surplus monies in compliance with this Article and other applicable law;
  - 8. Enacting procedures that limit disbursement of money to payment and expenses associated with claims processing and administrative expenses necessary to conduct the operations of the pool;
  - 9. Ensuring that the pool complies with statutory accounting principles (SAP) and provides accurate financial information to enable complete and accurate preparation of financial reports;
  - 10. Maintaining all records and documents relating to the formation and ongoing operations of the pool; and
  - 11. Ensuring that accounts and records of the pool are audited as required under this Article.
- C. Delegation of board duties to administrator.
  - 1. Except as prohibited by law, a board may delegate to an administrator the duties the board determines proper.
  - 2. Delegation of duties from a board to an administrator shall be in writing. A copy of the delegation agreement shall be provided to the Commission with each renewal application.

- D. Board prohibitions. A board or board trustee shall not commit or perform the following acts:
  - 1. Extend credit to members for payment of a premium;
  - 2. Utilize money collected as premiums for a purpose unauthorized by this Article;
  - 3. Borrow money from a pool or in the name of a pool without providing written notice to the Commission of the nature and purpose of the loan; and
  - 4. Approve admission into a pool an employer who has a negative net worth and whose admission would impair the ability of the pool to meet its financial obligations under the Arizona Workers' Compensation Act.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-720. Administrator; Prohibitions; Disclosure of Interest**

- A. An administrator of a pool shall not be a member of a board of trustees of a workers' compensation pool.
- B. An administrator shall not commit any of the acts described in R20-5-719(D).
- C. An administrator shall disclose to a board any actual or perceived employment or financial interest that the administrator or administrator's family has in any potential provider of services or insurance coverage to the pool. The administrator shall disclose the interest before a contract or agreement is reached with the company or business providing the service or coverage. If a pool has an existing contract or agreement in which a prospective administrator or administrator's family has an actual or perceived employment or financial interest, the administrator shall disclose the interest before accepting a position as administrator for the pool. It is the responsibility of a board to identify for a prospective administrator current providers of services and coverage to the pool.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-721. Admission of Employers into an Existing Workers' Compensation Pool**

- A. An employer that meets the requirements of A.R.S. § 23-961.01 and this Article that seeks to join an existing pool shall submit an application for membership to the board of trustees of the pool, or the board's designee, on a form approved by the Commission.
- B. Consideration of application by a board.
  - 1. A board shall approve or deny admission in the pool according to the bylaws of the pool and other applicable statutes and rules.
  - 2. Upon approval of admission of an employer by a board, the board shall transmit the original application of the employer and board resolution approving membership to the Commission for consideration and approval.
- C. Commission Approval.
  - 1. Except as provided in subsection (C)(2), within seven days after receiving an employer application described in subsection (B)(2), the Division shall advise the pool whether the employer application is complete. Within 45 days after receiving a complete employer application described in subsection (B)(2), the Commission shall consider the application and shall approve the admission of an employer into a pool if each of the following requirements are met:
    - a. The employer meets the requirements of A.R.S. § 23-961.01 and this Article;

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- b. Admission of the employer into the pool does not impair the ability of the pool to meet the requirements of A.R.S. § 23-961.01 and this Article;
  - c. Admission of the employer into the pool does not impair the ability of the pool to meet its financial obligations under the Arizona Workers' Compensation Act.
2. After a pool has completed one year of operation, the pool may request Commission authorization to admit new members without Commission approval. Within 30 days after receiving such a request, the Commission shall consider and approve the request to add members to a pool without Commission approval if the pool meets the following:
- a. The pool uses the similar industry requirement set forth in R20-5-710 and provides a list or description of businesses that the pool will consider as being similar; and
  - b. The pool adopts as its own criteria for admission of new employers the criteria set forth in subsection (C)(1) and provides financial standards that the pool shall apply to employers seeking admission into the pool.
3. The Commission shall issue written findings and an order either approving or denying admission of an employer into a pool under subsection (C)(1) or approving or denying authorization to add members without Commission approval under subsection (C)(2). The Commission shall mail the findings and order upon the interested parties. The written findings and order is final unless a party files a request for hearing with the Administration Division within 10 days after the findings and order is issued. Hearing rights and procedure are governed by R20-5-736, R20-5-737, and R20-5-738.
- D. Admission of an employer under subsection (C)(2).**
- 1. A pool shall require an employer applying for membership in the pool to provide a financial report that is either a certified audited financial statement or an internally reviewed and signed financial statement certified by an officer or representative of the employer applying for membership.
  - 2. If a pool approves admission of a new employer into the pool, the pool shall send written notice to the Commission, on a form approved by the Commission, within 10 days and prior to the effective date of membership, confirming that the pool has admitted a new member.
  - 3. In addition to the notice required under subsection (D)(2), the pool shall also provide to the Commission, the board resolution approving membership and a copy of the employer's application for admission into the pool.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-722. Termination by a Member in a Pool; Cancellation of Membership by a Pool; Final Accounting**

- A.** A member of a pool may terminate its participation in the pool or submit to cancellation by a pool under the bylaws of the pool and other applicable statutes and rules.
- B.** A pool shall provide the Commission written notice of a member's intent to terminate membership or a pool's intent to cancel a member's participation in the pool at least 30 days before the termination or cancellation is effective on a form approved by the Commission.
- C.** A pool shall provide a final accounting and settlement of the obligations of or refunds to a terminated or canceled member when all incurred claims are concluded, settled, or paid.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-723. Trustee Fund; Loss Fund**

- A.** A pool shall maintain a trustee fund and a loss fund.
- B.** Trustee fund.
  - 1. All premiums and assessments charged to members of a pool shall be paid to the trustee fund which fund shall be placed in a designated federally insured depository in Arizona.
  - 2. A pool shall create a loss fund from the trustee fund.
  - 3. A pool shall pay administrative expenses of the pool from the trustee fund.
  - 4. Money from the trustee fund shall be transferred to the loss fund as needed to enable a pool to pay from the loss fund cash needs related to liabilities imposed or arising under the Arizona Workers' Compensation Act.
- C.** Loss fund.
  - 1. A pool shall place its loss fund in a designated federally insured depository in Arizona.
  - 2. A pool shall pay all workers' compensation expenses from the loss fund.
  - 3. A loss fund shall be maintained at all times by an authorized service company or administrator charged with processing and paying workers' compensation claims.
  - 4. A pool shall ensure that its loss fund is financially able to cover current cash needs related to liabilities imposed or arising under the Arizona Workers' Compensation Act.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-724. Investment Activity of a Pool**

A pool may invest surplus money not needed for immediate cash needs under the following conditions:

- 1. Investments are limited to:
  - a. United States Government bonds;
  - b. United States Treasury notes;
  - c. Municipal and corporate bonds described under subsections (A)(2), (3), and (4);
  - d. Certificates of deposit;
  - e. Savings accounts in banks located in Arizona that are federally insured; and
  - f. Common or preferred stock.
- 2. Corporate and municipal bonds are restricted to the top three major investment grades as determined by two financial rating services;
- 3. Not more than 5% of a corporate municipal bond portfolio is invested in any one corporation or municipality;
- 4. Not more than 30% of the market value of a portfolio is in corporate and municipal bonds;
- 5. Not more than 20% of the market value of an investment portfolio is in common and preferred stocks; and
- 6. Not more than 5% of a common and preferred stock portfolio is invested in any one corporation.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-725. Service Companies; Qualifications; Contracts; Transfer of Claims**

- A.** A pool shall obtain the services of a service company to process the pool's workers' compensation claims unless the pool obtains permission to process its own workers' compensation claims from the Commission under R20-5-726.
- B.** Qualifications of a service company.



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1. A service company shall have facilities and equipment to manage, process, and store workers' compensation claims;
  2. If required by law, a service company shall ensure that a licensed claims adjuster processes all workers' compensation claims. If a licensed claims adjuster is not required by law to process claims, then the service company shall ensure that workers' compensation claims are processed by persons with experience, training, and knowledge of the following:
    - a. Processing of Arizona workers' compensation claims; and
    - b. Arizona Worker's Compensation Act;
  3. Service company personnel processing workers' compensation claims shall attend and complete training provided by the Commission Claims Division.
- C.** A service company shall process and pay each worker's compensation claim in compliance with the Arizona Workers' Compensation Act and the rules. A contract between a pool and service company shall include this requirement.
- D.** Transfer of claims from one service company to another service company.
1. The transfer of claims from one service company to another service company shall be handled in a way that does not interfere with or interrupt the processing of a worker's compensation claim.
  2. A service company transferring a worker's compensation claim shall communicate to the new service company the historical claims processing activity associated with the worker's compensation claim, and shall provide an original or copy of every document required for continued processing of the worker's compensation claim.
  3. A pool shall immediately provide written notice to the Industrial Commission Claims Division of any transfer of a worker's compensation claim from one service company to another.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-726. Processing of Workers' Compensation Claims by a Pool**

- A.** The Commission shall permit a pool to process its own workers' compensation claims if the pool provides information and supporting documentation establishing the following:
1. The pool has facilities and equipment to manage, process, and store its own workers' compensation claims;
  2. If required by law, a pool shall ensure that a licensed claims adjuster processes all workers' compensation claims. If a licensed claims adjuster is not required by law to process claims, then the pool shall ensure that workers' compensation claims are processed by persons with experience, training, and knowledge of the following:
    - a. Processing of Arizona workers' compensation claims; and
    - b. Arizona Workers' Compensation Act;
  3. Pool personnel processing workers' compensation claims shall attend and complete training provided by the Commission Claims Division.
- B.** A pool shall pay and process workers' compensation claims in compliance with the Arizona Workers' Compensation Act and the rules.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-727. Loss Control and Underwriting Programs**

- A.** A pool shall maintain during all periods of self-insurance a loss control program that includes, at a minimum, written safety requirements and training programs for all employees of members.
- B.** A pool shall maintain during all periods of self-insurance an underwriting program that enables the pool to calculate and determine workers' compensation premiums due and to discharge the pool's responsibilities under the Arizona Workers' Compensation Act and this Article.
- C.** A pool shall ensure those persons with education, experience, or training in loss control administer the loss control program.
- D.** A pool shall ensure those persons with education, experience, or training in underwriting administer the underwriting program.
- E.** A pool shall maintain facilities and equipment to implement the loss control and underwriting programs.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-728. Insufficient Assets or Funds of a Pool; Plans of Abatement; Notice of Bankruptcy**

- A.** A pool shall immediately provide written notice to the Commission if collected premiums and earned investment income for a fiscal year are insufficient to pay benefits under the Arizona Workers' Compensation Act for all reported workers' compensation claims and expenses for the year. When a pool provides notice to the Commission of the deficiency, the pool shall also provide a written proposal to achieve 100% funding. The proposal may include the following:
1. Use of premiums collected in other fiscal years, but not necessary for payment of claims or expenses in the year collected;
  2. Use of investment earnings associated with other fiscal years, but not necessary for payment of claims or expenses in the year in which associated; or
  3. Assessment of members.
- B.** The Commission shall review the proposal submitted under subsection (A) and approve the proposal within 10 days if the Commission determines that the proposal will abate the deficiency. A pool shall implement the plan no later than 30 days after the date the Commission approves the plan and shall achieve 100% funding within one year after the date the Commission approves the plan. Failure to implement the plan is cause for revocation of the pool's certificate of authority under R20-5-739.
- C.** If, as a result of an audit or examination by either a pool or the Commission, it appears that the assets of a pool are insufficient to enable the pool to discharge the pool's responsibilities under the Arizona Workers' Compensation Act and this Article, the Commission shall notify the administrator and the board of the deficiency and issue an order to abate the deficiency.
- D.** The Commission has authority to include in its order of abatement issued under subsection (C) a provision that a pool shall not add new members to the pool until the deficiency is abated.
- E.** Failure to comply with an order of abatement within 60 days after the order is issued constitutes cause for revocation of a pool's certificate of authority under R20-5-739.
- F.** A pool shall provide immediate written notice to the Commission of any bankruptcy filing by the pool.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-729. Arizona Office; Recordkeeping; Records Available for Review**

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- A. A pool shall maintain an office in Arizona.
- B. A pool shall ensure that all financial reports and minutes are signed by an authorized representative of the pool.
- C. A pool shall make board meeting minutes, reports or other documents concerning payroll, audits, investments, experience rating, or other information concerning the pool available to the Commission upon request.
- D. A pool shall retain records relating to the formation and operation of the pool. The pool's current board shall know the current location of the records.
- E. Records of a pool are the property of the pool. If records of a pool are in the control or custody of a third party, the third party shall immediately surrender the records to a pool, upon request by the pool.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-730. Order for Additional Financial Information; Examination of Accounts and Records by Commission**

If the Commission questions a pool's financial ability to pay workers' compensation claims under the Arizona Workers' Compensation Act, the Commission may order the pool to provide additional financial information from the pool's auditor or may order an independent financial examination of the pool.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-731. Assignment of Claims Under A.R.S. § 23-966; Obligation of Member to Reimburse the Commission**

The Commission shall assign all workers' compensation claims of a pool to the State Compensation Fund under A.R.S. § 23-966 in the event that a pool files for bankruptcy or a pool is unable to process or pay benefits as required under the Arizona Workers' Compensation Act. In the event that the Commission assigns workers' compensation claims to the State Compensation Fund under A.R.S. § 23-966, the Commission shall have a right of reimbursement against any member of a pool for the amount paid by the State Compensation Fund for the member's claims and losses, including reasonable administrative costs, to the extent that such claims and losses are not covered by the pool's bonds or assets.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-732. Calculation and Payment of Taxes under A.R.S. § 23-961 and A.R.S. § 23-1065**

- A. Subject to subsection (B), the Commission shall determine the taxes to be paid under A.R.S. § 23-961(G) and A.R.S. § 23-1065(A) by calculating a pool's premiums using one of the following insurance plans selected by a pool:
  - 1. Fixed premium plan:
    - a. A plan in which neither losses nor incurred loss reserves are used to calculate a premium;
    - b. A discount is allowed for premium size; and
    - c. The taxable premium is calculated as follows: Payroll x applicable rate - premium discount.
  - 2. Guaranteed cost plan:
    - a. A plan that provides for a direct relationship, on an annual basis, of the premium for tax purposes and the experience modification rate developed to reflect the loss payments and incurred loss experience of an insured;
    - b. The taxable premium is calculated as follows: (Payroll x applicable rate x experience modification rate) - premium discount.
  - 3. Retrospective plan:
    - a. A plan that provides for a relationship between the premium for tax purposes, the experience modification rate developed to reflect the loss payment and incurred loss experience of an insured, and the actual incurred losses for the tax year;
    - b. Plan is calculated annually and premium is not subject to further adjustment during the tax year;
    - c. The net taxable premium is calculated as follows: (payroll x applicable rate x experience modification rate x basic premium factor) + (losses for current year + adjusted losses for premium year x conversion factor) x tax multiplier; and
    - d. The net taxable premium is subject to a maximum and minimum premium level depending on which one of the four rating insurance option plans specified in the rating system filed by the rating organization is used by the State Compensation Fund under A.R.S. Title 20, Chapter 2, Article 4;

- B. A pool shall not select a retrospective plan unless the pool meets the following criteria:
  - 1. The pool has an annual net taxable premium exceeding \$100,000; and
  - 2. The pool submits and calculates four years of data concerning paid loss determinations and incurred loss reserved for each workers' compensation claim which information shall be used to calculate an experience modification factor for the pool. The oldest three years of data is used to calculate the rate and the current year data is used to calculate the tax.
- C. A pool shall submit to the Commission information required on the following forms no later than February 15 of each year:
  - 1. Self-insured Payroll Report, and
  - 2. Self-insured Injury Report.
- D. Payment of quarterly tax.
  - 1. The Commission shall calculate quarterly taxes owed under A.R.S. § 23-961(H) or A.R.S. § 23-1065(A) in one of the following ways:
    - a. 25% of the tax calculated for the previous year and adjusted for changes in the tax rate; or
    - b. Calculation based on actual payroll and premiums collected for each quarter.
  - 2. A pool shall file a completed and signed Self-insurers' Quarterly Tax Payment Form with each quarterly tax payment.
  - 3. Quarterly payments are due April 30, July 31, October 31, and January 31, for the periods ending March 31, June 31, September 30, and December 31, respectively.
  - 4. Quarterly tax payments may be adjusted because of changes in the annual tax rate.
- E. After receipt of the information required under A.R.S. § 23-961 and this Article, the Commission shall determine the annual taxes owed by a pool. The Commission shall also determine whether the pool has underpaid or overpaid the annual taxes required to be paid by the pool. If the quarterly tax payments paid by a pool are less than the actual tax calculated for the year, then the pool shall pay the difference on or before March 31 of the calendar year in which the taxes are due. If a pool has overpaid its annual taxes, then the Commission shall refund the amount as described in A.R.S. § 23-961(I). A pool shall pay to the Industrial Commission the pool's annual tax on or before March 31 based on premiums calculated for the preceding calendar year and adjusted for quarterly taxes previously paid.
- F. In addition to the penalty described under A.R.S. § 23-961(J), failure to pay annual or quarterly taxes as required is cause for revocation of a pool's certificate of authority.

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**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-733. Review of Initial and Renewal Applications for Authority to Self-insure by the Division**

- A.** Upon the filing of a completed initial or renewal application for authority to self-insure, the Division shall review the initial or renewal application to determine and verify whether the information contained in and submitted with the initial or renewal application for authorization to self-insure is complete and accurate. The Division shall also review the information provided to determine the following:
1. Whether the pool has met the requirements of A.R.S. § 23-961.01;
  2. Whether the pool has met the requirements of this Article; and
  3. Whether the pool has the ability to process and pay benefits required under the Arizona Workers' Compensation Act. A determination of a pool's financial ability to pay shall include a review of the ratios provided by each member at the time of an initial application and review of the following ratios for a pool at the time of renewal:
    - a. Total cash, receivables, and investments to total assets; and
    - b. Total revenue to total expenditures for loss fund and trustee fund.
- B.** The Division shall present the findings of its review described in subsection (A) to the Commission. The Division shall also present its recommendations to the Commission regarding an initial or renewal application.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-734. Decision by the Commission on Initial or Renewal Applications for Authority to Self-insure**

- A.** The Commission shall consider the following before granting or denying an initial or renewal application to self-insure:
1. The information submitted by an applicant or pool,
  2. The information and recommendations of the Division, and
  3. The requirements of A.R.S. § 23-961.01 and this Article.
- B.** The Commission shall deny an application for authority to self-insure if the Commission finds one or more of the following conditions:
1. An applicant or pool does not meet the requirements of A.R.S. § 23-961.01,
  2. An applicant or pool does not meet the requirements of this Article, or
  3. An applicant or pool is unable to process and pay benefits required under the Arizona Workers' Compensation Act.
- C.** A decision of the Commission shall be made by a majority vote of the quorum of Commission members present when the decision is rendered at a public meeting. The Commission shall issue written findings and an order granting or denying authorization to self-insure.
- D.** The Division shall mail a copy of the Commission's written findings and order upon the applicant or pool within 10 days of the date the Commission issues its findings and order.
- E.** In the case of an initial application, an applicant shall substitute written confirmation from an authorized insurance carrier to provide fidelity coverage with evidence of fidelity insurance coverage as required under R20-5-712 no later than 10 days after the Commission grants authority to self-insure under this Section. The grant of authority to self-insure under this Section shall not become effective until the applicant provides evidence of actual fidelity coverage. The Commission shall deem an initial application withdrawn and the grant of author-

ity to self-insure rescinded if an applicant fails to substitute written confirmation of fidelity coverage with evidence of fidelity coverage as required under this subsection.

- F.** In the case of an initial application, an applicant shall substitute written confirmation from an authorized insurance carrier to provide excess insurance coverage with evidence of excess insurance coverage as required under R20-5-715 no later than 10 days after the Commission grants authority to self-insure under this Section. The grant of authority to self-insure under this Section shall not become effective until the applicant provides evidence of actual excess insurance coverage. The Commission shall deem an initial application withdrawn and the grant of authority to self-insure rescinded if an applicant fails to substitute written confirmation of excess insurance coverage with evidence of excess insurance coverage as required under this subsection.
- G.** In the case of an initial application, an applicant shall deposit the guaranty bond, letter of credit, or other securities as required under R20-5-713 no later than 10 days after the Commission grants authority to self-insure under this Section. The grant of authority to self-insure under this Section shall not become effective until the applicant deposits the guaranty bond, letter of credit, or other security. The Commission shall deem an initial application withdrawn and the grant of authority to self-insure rescinded if an applicant fails to deposit the guaranty bond, letter of credit, or other securities as required under this subsection.
- H.** Subject to subsections (E), (F), and (G), no later than 10 days after the Commission grants authorization to self-insure, the Division shall prepare a certificate of authority to self-insure and shall mail the certificate to the self-insured at the business address of the pool listed on the initial or renewal application.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-735. Right to Request a Hearing**

- A.** An applicant or pool shall have 10 days from the date the Commission mails the findings and order under R20-5-734 to request a hearing.
- B.** A request for hearing shall comply with A.R.S. § 23-945 and be signed by an authorized representative of the applicant or pool or the applicant's or pool's legal representative. The applicant or pool shall file the request for hearing with the Division.
- C.** The Commission shall deem its findings and order final if a request for hearing is not received by the Division within the time specified in subsection (A).

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-736. Hearing Rights and Procedures**

- A.** Burden of proof.
1. Except as provided in subsection (A)(2), in all proceedings arising out of this Article, the applicant or pool shall have the burden of proof to establish that it has met the requirements of A.R.S. § 23-901 et seq. and this Article.
  2. In a revocation hearing, the Commission shall have the burden of proof to establish that the self-insured has committed the acts described in R20-5-739.
- B.** Roles of Chair and Chief Counsel.
1. The Chair of the Commission or designee shall preside over hearings held under this Article. Except as otherwise provided in this Section, the Chair shall apply the provisions of A.R.S. § 41-1062 to hearings held under this Article and shall have the authority and power of a presiding officer as described in A.R.S. § 41-1062.

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2. The Chief Counsel of the Commission shall represent the Commission in hearings held before the Commission and upon direction of the Chair of the Commission shall issue on behalf of the Commission all notices and subpoenas required under this Section. In the discretion of the Chief Counsel, the Chief Counsel may assign an attorney from the Legal Division of the Commission to represent the Division.
- C. Appearance by a party.**
1. Except as otherwise provided by law, the parties may appear on their own behalf or through counsel.
  2. When an attorney appears or intends to appear before the Commission, the attorney shall notify the Commission, in writing, of the attorney's name, address, and telephone number and the name and address of the person on whose behalf the attorney appears.
- D. Filing and service.**
1. For purposes of this Section, a document is considered filed when the Commission receives the document. All documents required to be filed in this Section with the Commission shall be served upon the Chief Counsel of the Industrial Commission and upon all parties to the proceeding.
  2. Except as otherwise provided in A.R.S. § 23-901, et seq. and this Article, service of all documents upon the Commission, applicant or pool shall be by personal service or by mail. Personal service includes delivery upon the Commission or party. Service by mail includes every type of service except personal service and is complete on mailing.
- E. Notice of hearing.**
1. The Commission shall give the parties at least 20 days notice of hearing.
  2. A notice of hearing shall be in writing and mailed to the last known address of the applicant or pool as shown on the record of the Commission or upon the applicant's or pool's representative if a notice of appearance has been filed by a representative.
  3. A notice of hearing shall comply with the requirements in A.R.S. § 41-1061(B).
- F. Evidence.**
1. The civil rules of evidence do not apply to hearings held under this Section.
  2. A party may make an opening and closing statement with the permission of the Chair if the Chair determines that the statement will be helpful to a determination of the issues.
  3. All witnesses at a hearing shall testify under oath or affirmation.
  4. A party may present evidence and conduct cross-examination of witnesses.
  5. Documentary evidence may be received into evidence and shall be filed no later than 15 days before the date of the hearing. Upon request or upon direction from the chair of the Commission, the Commission may issue a subpoena to the author of any document submitted into evidence to appear and testify at the hearing.
  6. Upon written request by a party or upon direction from the Chair of the Commission, the Commission may issue a subpoena requiring the attendance and testimony of a witness whose testimony is material. A subpoena shall be requested no later than 10 days before the date of the hearing.
  7. Upon written request by a party or upon direction from the Chair of the Commission, the Commission may issue a subpoena duces tecum requiring the production of documents or other tangible evidence. The written request by a party shall contain a statement explaining the general relevance, materiality, and reasonable particularity of the documentary or other tangible evidence and the facts to be proven by them.
- G. Transcript of Proceedings.** Hearings before the Commission shall be stenographically reported or mechanically recorded. Any party desiring a copy of the transcript shall obtain a copy from the court reporter.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-737. Decision Upon Hearing by Commission**

- A.** A decision of the Commission to deny an initial or renewal application shall be based upon the grounds in R20-5-734(B) and shall be made by a majority vote of the quorum of Commission members present when the decision is rendered at a public meeting.
- B.** A decision of the Commission to revoke authority to self-insure shall be based upon the grounds in R20-5-739 and shall be made by a majority vote of the quorum of Commission members present when the decision is rendered at a public meeting.
- C.** A decision of the Commission to deny admission of an employer into a pool or deny authorization to add members without Commission approval shall be based upon the grounds in R20-5-721 and shall be made by a majority vote of the quorum of Commission members present when the decision is rendered at a public meeting.
- D.** After a decision is rendered at a public meeting, the Commission shall issue a written decision upon hearing which shall include findings of fact and conclusions of law, separately stated.
- E.** A Commission decision is final unless an applicant or pool requests review under R20-5-738 no later than 15 days after the written decision is mailed to the parties.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-738. Request for Review**

- A.** A party may request review of a Commission decision issued under R20-5-737 by filing with the Commission a written request for review no later than 15 days after the written decision is mailed to the parties.
- B.** A request for review shall be based upon one or more of the following grounds which have materially affected the rights of a party:
  1. Irregularities in the hearing proceedings or any order or abuse of discretion that deprives a party seeking review of a fair hearing;
  2. Accident or surprise which could not have been prevented by ordinary prudence;
  3. Newly discovered material evidence that could not have been discovered with reasonable diligence and produced at the hearing;
  4. Error in the admission or rejection of evidence, or errors of law occurring at, or during the course of, the hearing;
  5. Bias or prejudice of the Division or Commission; and
  6. The order, decision, or findings of fact are not justified by the evidence or are contrary to law.
- C.** A request for review shall state the specific facts and law in support of the request and shall specify the relief sought by the request.
- D.** The Commission shall issue a decision upon review no later than 30 days after receiving a request for review.

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- E. The Commission's decision upon review is final unless an applicant or pool seeks judicial review as provided in A.R.S. § 23-946.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

**R20-5-739. Revocation of Authority to Self-insure**

- A. In addition to those specific grounds set forth in this Article, the following constitute grounds for revocation of authority to self-insure for workers' compensation:
1. Failure to comply with requirements of this Article or applicable requirements of 20 A.A.C. 5, Article 1;
  2. Failure to comply with applicable requirements of A.R.S. § 23-901 et seq.;
  3. Unless otherwise provided, failure to comply with an order or award of the Commission within 30 days after the order or award becomes final;
  4. An inability to process and pay claims under the Arizona Workers' Compensation Act;
  5. The failure of a pool to provide the Commission the reports and taxes required under this Article; and
  6. The willful misstatement of any material fact in an application, report, or statement made to the Commission.
- B. Upon receipt of information demonstrating that a pool has committed an act described in subsection (A), the Division shall conduct an investigation of the facts of the alleged misconduct. If, upon completion of the investigation, the Division determines that sufficient evidence exists to warrant revocation of a pool's authority to self-insure, then the Division shall present its findings to the Commission.
- C. The Commission shall consider the findings and recommendation of the Division before revoking a pool's authority to self-insure.
- D. The Commission shall revoke a pool's authority to self-insure if the Commission finds one or more of the grounds set forth in subsection (A). The Commission shall issue written findings and an order revoking the authority to self-insure and shall serve a copy of the findings and order upon the pool.
- E. A pool shall have 10 days from the date the Commission serves the findings and order described in subsection (D) to request a hearing. The request for hearing shall comply with the requirements of A.R.S. § 23-945.
- F. R20-5-736, R20-5-737, and R20-5-738 govern hearing rights and procedures for revocation hearings.
- G. A pool shall immediately inform each of its members, in writing, of the Commission's order of revocation.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).

## ARTICLE 8. OCCUPATIONAL SAFETY AND HEALTH RULES OF PROCEDURE BEFORE THE INDUSTRIAL COMMISSION OF ARIZONA

**R20-5-801. Notice of Rules**

Sections R20-5-801 et seq. apply to all actions and proceedings of or before the Commission and Review Board pertaining to those issues arising out of Title 23, Chapter 2, Article 10.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-801 recodified from R4-13-801 (Supp. 95-1).

**R20-5-802. Location of Office and Office Hours**

The main office of the Industrial Commission of Arizona is located in Phoenix, Arizona. An office is also located in Tucson, Arizona. The offices are open for the transaction of business from 8:00 a.m. until 5:00 p.m. every day except Saturdays, Sundays and legal holidays.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-802 recodified from R4-13-802 (Supp. 95-1).

**R20-5-803. Definitions**

In these Rules of Procedures, unless the context otherwise requires, the following words and terms shall have the following meanings:

1. "Commission" means the Industrial Commission of Arizona.
2. "Affected employee" means an employee of a cited employer who is exposed to the alleged hazard described in the citation, as a result of his assigned duties.
3. "Authorized employee representative" means a labor organization which has a collective bargaining relationship with the cited employer and which represents affected employees.
4. "Representative" means any person, including an authorized employee representative, authorized by a party to represent him in a proceeding.
5. "Citation" means a written communication issued by the Division of Occupational Safety and Health of the Industrial Commission of Arizona pursuant to A.R.S. § 23-415.
6. "Notification of proposed penalty" means a written communication issued by the Industrial Commission of Arizona pursuant to A.R.S. § 23-418.
7. "Party" means the Occupational Safety and Health Division of the Commission, the affected employer and affected employees.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-803 recodified from R4-13-803 (Supp. 95-1).

**R20-5-804. Computation of Time**

In computing any period of time prescribed or allowed in these rules, the day from which the designated period begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-804 recodified from R4-13-804 (Supp. 95-1).

**R20-5-805. Record Address**

The initial pleading filed by any person shall contain his name, address and telephone number. Any change in such information must be communicated promptly in writing to the Commission and to all other parties. A party who fails to furnish such correct and current information shall be deemed to have waived his right to object to the validity of any notice and/or service which has been made to the last known address of the party as shown by the records of the Commission.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-805 recodified from R4-13-805 (Supp. 95-1).

**R20-5-806. Service and Notice**

- A. At the time of filing pleadings or other documents a copy thereof shall be served by the filing party on every other party.
- B. Service upon a party who has appeared through a representative shall be made only upon such representative.
- C. Unless otherwise herein indicated, service may be accomplished by postage prepaid first class mail or by personal delivery. Service is deemed effected at the time of mailing (if

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by mail) or at the time of personal delivery (if by personal delivery).

- D. Proof of service shall be accomplished by a written statement of the same which sets forth the date and manner of service. Such statement shall be filed with the pleading or document.
- E. Service and notice to employees represented by an authorized employee representative shall be deemed accomplished by serving the representative in the manner prescribed in subsection (C).
- F. In the event that there are any affected employees who are not represented by an authorized employee representative, the employer shall, immediately upon receipt of Notice of the Date of Hearing, post, where the citation is required to be posted, a copy of the Notice of Date of Hearing and a notice informing such affected employees of their right to appear at the hearing and state their position and of the availability of all pleadings for inspection and copying at reasonable times. A notice in the following form shall be deemed to comply with this subsection:  
(Name of employer)

Your employer has been cited by the Industrial Commission of Arizona for violation of the Arizona Occupational Safety and Health Act of 1972. The citation has been contested and will be the subject of a hearing before the Industrial Commission. Affected employees are entitled to appear in this hearing under the terms and conditions established by the Industrial Commission in its Rules of Procedure. Notice of Intent to Participate should be sent to:

THE INDUSTRIAL COMMISSION  
OF ARIZONA  
1601 West Jefferson Street,  
Phoenix, Arizona 85007.

All papers relevant to this matter may be inspected at:  
(Place reasonably convenient to employees, preferably at or near workplace.)

Where appropriate, the second sentence of the above Notice will be deleted and the following sentence will be substituted:

The reasonableness of the period prescribed by the Industrial Commission for abatement of the violation has been contested and will be the subject of a hearing before the Industrial Commission.

- G. Where service is accomplished by posting, proof of such posting shall be filed not later than the first working day following the posting.
- H. The authorized employee representative, if any, shall be served with the notice set forth in subsection (G) and with a copy of the Notice of the Date of Hearing.
- I. A copy of the Notice of the Date of Hearing shall be served by the employer on affected employees who are not represented by an authorized employee representative by posting a copy of the Notice of such hearing at or near the place where the citation is required to be posted.
- J. A copy of the Notice of the Date of Hearing shall be served by the employer on the authorized employee representative of affected employees in the manner prescribed in subsection (C) of this Section, if the employer has not been informed that the authorized employee representative has entered an appearance as of the date such Notice is received by the employer.
- K. Where a petition for hearing is filed by an affected employee who is not represented by an authorized employee representative and there are other affected employees who are represented by an authorized employee representative, the

unrepresented employee shall, upon receipt of the Notice of the Date of Hearing, serve a copy thereof on such authorized employee representative in the manner prescribed in subsection (C) of this Section and shall file proof of such service.

- L. Where a Petition for Hearing is filed by an affected employee or an authorized employee representative, a copy of the Petition for Hearing shall be provided to the employer for posting by the employer at the place the citation is required to be posted.
- M. An authorized employee representative who files a Notice of Contest shall be responsible for serving any other authorized employee representative whose members are affected employees.
- N. Where posting is required by this Section, such posting shall be maintained until the commencement of the hearing or until earlier disposition.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-806 recodified from R4-13-806 (Supp. 95-1).

**R20-5-807. Consolidation**

Cases may be consolidated on the motion of any party, or on the hearing officer's own motion, where there exist common parties, common questions of law or fact, or both, or in such other circumstances as justice and the administration of the Act require.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-807 recodified from R4-13-807 (Supp. 95-1).

**R20-5-808. Severance**

Upon its own motion, or upon motion of any party, the hearing officer may, for good cause, order any proceeding severed with respect to some or all issues or parties.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-808 recodified from R4-13-808 (Supp. 95-1).

**R20-5-809. Election to Appear**

- A. Affected employees may elect to appear at a hearing for the purpose of testifying or stating their position concerning the subject matter of the hearing.
- B. If affected employees desire to appear at the hearing they must so notify in writing the Commission or the hearing officer, if the case has been assigned.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-809 recodified from R4-13-809 (Supp. 95-1).

**R20-5-810. Employee Representatives**

- A. Employees may appear in person or through a representative.
- B. An authorized employee representative shall be deemed to control all matters respecting the interest of such employees in the proceeding.
- C. Affected employees who are represented by an authorized employee representative may appear only through such authorized employee representative.
- D. Withdrawal of appearance of any representative may be effected by filing a written Notice of Withdrawal and by serving a copy thereof on all parties.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-810 recodified from R4-13-810 (Supp. 95-1).

**R20-5-811. Form of Pleadings**

- A. Except as provided herein, there are no specific requirements as to the form of any pleading. A pleading is simply required

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to contain a caption sufficient to identify the parties in accordance with R20-5-812, which shall include the Commission's citation number, and a clear and plain statement of the relief that is sought, together with the grounds therefor.

- B. Pleadings and other documents (other than exhibits and petitions for hearing) shall be typewritten and double spaced, on letter size opaque paper (approximately 8 1/2 inches by 11 inches). The left margin shall be 1 1/2 inches and the right margin 1 inch. Pleadings and other documents shall be fastened at the upper left corner.
- C. Pleadings shall be signed by the party filing or by his representative. Such signing constitutes a representation by the signer that he has read the document or pleading, that to the best of his knowledge, information and belief the statements made therein are true, and that it is not interposed for delay.
- D. The Commission may refuse for filing any pleading or document which does not comply with the requirements of subsections (A), (B), and (C) of this Section.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-811 recodified from R4-13-811 (Supp. 95-1).

**R20-5-812. Caption; Titles of Cases**

- A. Cases initiated by the cited employer filing a Petition for Hearing contesting the violations cited shall be titled:  
Division of Occupational Safety and Health of the Industrial Commission of Arizona, Complainant, vs. (name of employer), Respondent.
- B. Cases initiated by the cited employer filing a Petition of Hearing for modification of the abatement period shall be titled:  
(name of employer), Petitioner vs. Division of Occupational Safety and Health of the Industrial Commission of Arizona, Respondent.
- C. Cases initiated by an affected employee filing a Petition for Hearing for modification of the abatement period shall be titled:  
(name of affected employee or authorized employee representative), Petition vs. Division of Occupational Safety and Health of the Industrial Commission of Arizona, Respondent, and (employer), Respondent.
- D. The Titles listed in subsections (A) and (B) of this Section shall appear at the left upper portion of the initial page of any pleading or document (other than exhibits and Petitions for Hearing filed).
- E. The initial page of any pleading or document (other than exhibits and requests for hearing) shall show the citation number at the upper right of the page, opposite the title.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-812 recodified from R4-13-811 (Supp. 95-1).

**R20-5-813. Requests for Hearing**

- A. Requests for hearing shall be filed with the Commission.
- B. Requests for hearing shall be in writing and contain a clear and plain statement of the relief that is sought, together with the grounds thereof.
- C. The Commission shall, after receipt of a request for hearing, refer the file to the Hearing Officer Division for determination.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-813 recodified from R4-13-813 (Supp. 95-1).

**R20-5-814. Pre-hearing Conference**

- A. At any time before a hearing, the hearing officer, on his own motion or on motion of a party, may direct the parties, or their representatives, to exchange information or to participate in a

pre-hearing conference for the purpose of considering matters which will tend to simplify the issues or expedite the proceedings.

- B. The hearing officer may issue a pre-hearing order which includes the agreements reached by the parties. Such order shall be served on all parties and shall be part of the record.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-814 recodified from R4-13-814 (Supp. 95-1).

**R20-5-815. Payment of Witness Fees and Mileage**

Witnesses summoned before the hearing officer shall be paid the same fees and mileage that are paid witnesses in the courts of Arizona. Witness fees and mileage shall be paid by the party at whose instance the witness appears.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-815 recodified from R4-13-815 (Supp. 95-1).

**R20-5-816. Expired****Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-816 recodified from R4-13-816 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 3475, effective November 8, 2016 (Supp. 16-4).

**R20-5-817. Failure to Appear -- Withdrawal of Request for Hearing**

- A. The failure of a party who has requested a hearing to appear at such scheduled hearing shall be deemed to be an admission of the validity of any citation, abatement period, or penalty issued or proposed, and additionally a waiver of all rights except the right to be served with a copy of the decision of the hearing officer and to request review.
- B. Withdrawal of request for hearing shall be construed as an admission of the validity of any citation, abatement period or penalty issued or proposed. No decision need be issued in this case as the subject instrument is deemed to be admitted.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-817 recodified from R4-13-817 (Supp. 95-1).

**R20-5-818. Duties and Powers of Hearing Officers**

It shall be the duty of the hearing officer to conduct a fair and impartial hearing, to assure that the facts are fully elicited, to adjudicate all issues and avoid delay. The hearing officer shall have authority with respect to cases assigned to him, between the time he is designated and the time he issued his decision, subject to the rules and regulations of the Commission, to:

1. Administer oaths and affirmations;
2. Rule upon admissibility of exhibits;
3. Rule upon applications for depositions;
4. Regulate the course of the hearing and, if appropriate or necessary, exclude persons or counsel from the hearing for contemptuous conduct and strike all related testimony of witnesses refusing to answer any proper questions;
5. Call and examine witnesses;
6. Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;
7. Adjourn the hearing as the needs of justice and good administration require;
8. Issue appropriate orders for protection of trade secrets;
9. Take any other action necessary under the foregoing and authorized by the rules and regulations of the Commission.

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**Historical Note**

Adopted effective August 27, 1975 (Supp. 75-1). R20-5-818 recodified from R4-13-818 (Supp. 95-1).

**R20-5-819. Witnesses' Oral Deposition; In State**

- A. After a request for hearing has been filed with the Commission, any party desiring to take the oral deposition of any other party or witness residing within the state of Arizona shall file with the hearing officer, in duplicate, notice of taking deposition by oral examination. Copies of such Notice shall be served at least five days prior to the date of the deposition upon the deponent and upon every party by the party desiring to take the oral deposition.
- B. If any party or the deponent has any objection to the taking of the oral deposition of the party or witness, he shall file with the presiding hearing officer and serve on all parties written objections thereto setting forth the basis of the opposition to the deposition. Such objection shall be filed with the hearing officer within two days after the notice of taking deposition by oral examination is served.
- C. If objections to the taking of the oral deposition are filed with the hearing officer as provided in subsection (B) hereof, the hearing officer shall rule on the objections within five days after the filing of the objections. The taking of the oral deposition shall be held in abeyance pending the ruling of the hearing officer. The hearing officer shall either order the deposition to proceed, order that the deposition not be taken, or enter such other protective order as may be appropriate.
- D. The party taking the deposition shall comply with the Arizona Rules of Civil Procedure governing the taking of depositions.
- E. The expense of any deposition shall be borne by the party taking the deposition but shall not include the expense of any other party.
- F. No scheduled hearing shall be cancelled or continued for failure to take or complete a deposition taken pursuant to the provisions of this rule.
- G. Depositions taken pursuant to the provisions of this rule shall only be used at the time of a hearing for impeachment of a witness, unless the deponent is deceased at the time of the scheduled hearing, in which event it may be admitted into evidence.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-819 recodified from R4-13-819 (Supp. 95-1).

**R20-5-820. Witnesses' Oral Deposition; Out-of-State**

- A. After a request for hearing is filed with the Commission, any party desiring to take the oral deposition of any other party or witness residing without the state of Arizona shall file with the hearing officer, in duplicate, a request for permission to take the deposition of such witness or witnesses. Such request shall show the name and address of such witness or witnesses and set forth the reason why said witness or witnesses' testimony is necessary for an adjudication of the issue. Copies of such request shall be served upon each party by the party requesting permission to take the deposition. If no objection to the request for permission to take the deposition is filed as provided in subsection (B) hereof, the hearing officer may, within 10 days, in his discretion, grant or deny the permission to take the deposition. If the hearing officer permits the taking of the deposition, the party may proceed in the manner provided by and subject to the limitations of subsections (A), (D), (E), and (F).
- B. If any party has any objections to the taking of the oral deposition of the party or witness, he shall file with the hearing officer and serve on all other parties written objections thereto setting forth the basis for the opposition to the deposition. Such objection shall be filed with the hearing officer within five days after the request to take the deposition is served.

- C. If objections to the taking of the oral deposition are filed with the hearing officer as provided in subsection (B) hereof, the hearing officer shall rule on the objections within five days after the filing of the objections. The taking of the oral deposition shall be held in abeyance pending the ruling of the hearing officer. The hearing officer shall either order the deposition to proceed, order that the deposition not be taken, or enter such other protective order as may be appropriate. If the hearing officer orders that the deposition proceed, the party may proceed to take the deposition in the manner provided by and subject to the limitation of R20-5-819, subsections (A), (D), (E), and (F).
- D. Any deposition taken pursuant to the provisions of this rule shall be filed with the Commission at least five days prior to the hearing date or any scheduled hearing and may be admitted into evidence. If the deposition is not filed within the time prescribed herein, it shall not be considered for any purpose except by stipulation of all interested parties, and then only with the concurrence of the hearing officer.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-820 recodified from R4-13-820 (Supp. 95-1).

**R20-5-821. Parties' Disposition upon Written Interrogatories**

- A. After a request for hearing is filed with the Commission, any party desiring to take the deposition of another party upon written interrogatories shall file with the hearing officer, in duplicate, copies of the interrogatories sought to be submitted to the party. The written interrogatories submitted pursuant to this rule shall be limited to 25 in number with no subsections. Copies of such interrogatories shall be filed at least five days prior to any scheduled hearing.
- B. Answers to the interrogatories shall be served on all parties by the party answering the interrogatories within 10 days after service of the interrogatories, or within 10 days after a ruling by the hearing officer that the interrogatories be answered.
- C. No scheduled hearing shall be cancelled or continued for failure to take or complete the taking of a deposition taken pursuant to the provisions of this rule.
- D. Depositions taken pursuant to the provisions of this rule shall only be used at the time of hearing for impeachment of a witness unless the deponent is deceased at the time of the scheduled hearing in which event they may be admitted into evidence.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-821 recodified from R4-13-821 (Supp. 95-1).

**R20-5-822. Refusal to Answer; Refusal to Attend**

- A. If a party or other deponent refuses to answer any question propounded upon oral examination pursuant to R20-5-819 and R20-5-820, the examination shall be completed in other matters or adjourned, as the proponent of the question may prefer. Thereafter on reasonable notice to all persons affected thereby the proponent of the question may apply to the hearing officer for an order compelling an answer. Upon the refusal of a deponent to answer any interrogatory submitted under R20-5-821, the proponent of the question may on like notice make like application for such an order. If the motion is granted and if the hearing officer finds that the refusal was without substantial justification, the hearing officer shall require the refusing party, or deponent and the party, or representative advising the refusal or either of them to pay to the examining party the amount of the reasonable attorney's fees incurred in obtaining the order and the reasonable expenses which will be incurred to obtain the requested answers. If the motion is denied and if



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the hearing officer finds that the motion was made without substantial justification, the hearing officer shall require the examining party or the representative advising the motion, or both of them, to pay to the refusing party or witness the amount of the reasonable attorney's fees incurred in opposing the motion.

- B.** If a party or an officer or managing agent of a party wilfully fails to appear before an officer who is to take his deposition after being served with the proper notice, or fails to serve answers to interrogatories after proper service of such interrogatories, the hearing officer, on motion and notice, may strike out all or any part of any pleading of that party, dismiss the action or proceeding or any part thereof, or preclude the introduction of evidence.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-822 recodified from R4-13-822 (Supp. 95-1).

**R20-5-823. Burden of Proof**

- A.** In all proceedings other than those stated in subsection (B) commenced by the filing of a request for hearing, the burden of proof shall rest with the Commission.
- B.** In proceedings commenced by a request for hearing requesting modification of the abatement period, the burden of establishing the necessity for such modification shall rest with the petitioner.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-823 recodified from R4-13-823 (Supp. 95-1).

**R20-5-824. Intermediary Rulings or Orders by the Hearing Officer**

No intermediary rulings or orders by the hearing officer may be appealed to the Review Board but shall become a part of the record.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-824 recodified from R4-13-824 (Supp. 95-1).

**R20-5-825. Legal Memoranda**

Legal memoranda may be filed if request is granted by the hearing officer. If such request is granted the hearing officer shall establish a reasonable time for such filing and response or simultaneous filing.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-825 recodified from R4-13-825 (Supp. 95-1).

**R20-5-826. Decisions of Hearing Officers**

- A.** The decision of the hearing officer shall include findings and conclusions of fact and law, and an order.
- B.** The hearing officer shall sign the decision. Upon issuance of the decision, jurisdiction shall rest solely in the Commission, and if a request for review is filed it shall be addressed to the Commission.

**Historical Note**

Amended effective August 27, 1975 (Supp. 75-1). R20-5-826 recodified from R4-13-826 (Supp. 95-1).

**R20-5-827. Settlement**

- A.** Settlement is encouraged at any stage of the proceedings where such settlement is consistent with the provisions and objectives of the Act.
- B.** Settlement agreement submitted by the parties shall be accompanied by an appropriate proposed order which shall be signed by the assigned hearing officer or chief hearing officer.

- C.** Where parties to the settlement agree upon a proposal, it shall be served upon represented and unrepresented affected employees in the manner set forth in R20-5-806. Proof of such service shall accompany the proposed settlement when submitted to the Commission or the hearing officer.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-827 recodified from R4-13-827 (Supp. 95-1).

**R20-5-828. Special Circumstances; Waiver of Rules**

In special circumstances, or for good cause shown, the hearing officer may, upon application by any party, or on his own motion, waive any rule or make such orders as justice or the administration of the Act requires.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-828 recodified from R4-13-828 (Supp. 95-1).

**R20-5-829. Variances**

- A.** Any hearing concerning variances shall be filed before the Commissioners at a time set by the Commission.
- B.** Such proceeding shall be informal but shall be transcribed at the expense of the person seeking the variance if a written record of the proceeding is desired.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-829 recodified from R4-13-829 (Supp. 95-1).

**ARTICLE 9. EXPIRED****R20-5-901. Expired****Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1). Former Section R4-13-901 repealed, new Section R4-13-901 adopted effective May 27, 1977 (Supp. 77-3). R20-5-901 recodified from R4-13-901 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**R20-5-902. Expired****Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1). Former Section R4-13-902 repealed, new Section R4-13-902 adopted effective May 27, 1977 (Supp. 77-3). R20-5-902 recodified from R4-13-902 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**R20-5-903. Expired****Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1). Former Section R4-13-903 repealed, new Section R4-13-903 adopted effective May 27, 1977 (Supp. 77-3). R20-5-903 recodified from R4-13-903 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**R20-5-904. Expired****Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1). Former Section R4-13-904 repealed, new Section R4-13-904 adopted effective May 27, 1977 (Supp. 77-3). R20-5-904 recodified from R4-13-904 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the

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Secretary of State February 4, 2000 (Supp. 00-1).

**R20-5-905. Expired****Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1). Former Section R4-13-905 repealed, new Section R4-13-905 adopted effective May 27, 1977 (Supp. 77-3). R20-5-905 recodified from R4-13-905 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**R20-5-906. Expired****Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1). Former Section R4-13-906 repealed, new Section R4-13-906 adopted effective May 27, 1977 (Supp. 77-3). R20-5-906 recodified from R4-13-906 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**R20-5-907. Expired****Historical Note**

Adopted effective May 27, 1977 (Supp. 77-3). R20-5-907 recodified from R4-13-907 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**R20-5-908. Expired****Historical Note**

Adopted effective May 27, 1977 (Supp. 77-3). R20-5-908 recodified from R4-13-908 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**R20-5-909. Expired****Historical Note**

Adopted effective May 27, 1977 (Supp. 77-3). R20-5-909 recodified from R4-13-909 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**R20-5-910. Expired****Historical Note**

Adopted effective May 27, 1977 (Supp. 77-3). R20-5-910 recodified from R4-13-910 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**R20-5-911. Expired****Historical Note**

Adopted effective May 27, 1977 (Supp. 77-3). R20-5-911 recodified from R4-13-911 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**R20-5-912. Expired****Historical Note**

Adopted effective May 27, 1977 (Supp. 77-3). R20-5-912 recodified from R4-13-912 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**R20-5-913. Expired****Historical Note**

Adopted effective May 27, 1977 (Supp. 77-3). R20-5-913

recodified from R4-13-913 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**R20-5-914. Expired****Historical Note**

Adopted effective May 27, 1977 (Supp. 77-3). R20-5-914 recodified from R4-13-914 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**ARTICLE 10. WAGE CLAIMS****R20-5-1001. Definitions**

In this Article, unless the context otherwise requires:

1. "Claim" means a wage claim pursuant to A.R.S. § 23-356.
2. "Claimant" means an individual who files a claim.
3. "Day" means calendar day.
4. "Department" means the Labor Department of the Industrial Commission of Arizona.
5. "Determination" means a finding by the Department under A.R.S. § 23-357 that a claim is either valid or invalid or that the Department cannot resolve the dispute.
6. "Director" means the Director of the Department.
7. "Dismissal" means an action by the Department in which the Department dismisses the claim and refers the claimant to other statutory remedies.
8. "Notice" or "notification" when made by the Department or the Director means a written communication served on the employer or claimant, or both.

**Historical Note**

Adopted effective January 26, 1988 (Supp. 88-1). R20-5-1001 recodified from R4-13-1001 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1416, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking 27 A.A.R. 515, effective May 14, 2021 (Supp. 21-1).

**R20-5-1002. Forms**

The following forms are available upon request from the Department or from the Industrial Commission of Arizona's website at [www.azica.gov](http://www.azica.gov):

1. Wage claim. When making a claim, a claimant shall provide the following information to the Department:
  - a. Claimant's name, mailing address, e-mail address, telephone number, and date of birth;
  - b. Employer's name, address, telephone number, and description of business;
  - c. Claimant's dates of employment, position, and pay;
  - d. The amount of the wages owed and the time period worked related to the unpaid wages; and
  - e. Claimant's signature or electronic signature and signature date.
2. Employer response. The employer responding to a claim shall provide the following information to the Department:
  - a. Employer's legal name, including any trade names, legal domicile state, address, telephone number, description of business, and an e-mail address for the designated representative of employer;
  - b. Claimant's dates of employment, position, and pay;
  - c. Whether claimant is owed any wages, and, if so, employer's reason for nonpayment; and
  - d. Employer's signature or electronic signature and signature date.

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**Historical Note**

Adopted effective January 26, 1988 (Supp. 88-1). R20-5-1002 recodified from R4-13-1002 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 12 A.A.R. 1416, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking 27 A.A.R. 515, effective May 14, 2021 (Supp. 21-1).

**R20-5-1003. Filing Requirements; Time for Filing; Computation of Time**

- A. A claimant shall file a claim with the Department within one year of the date of the accrual of the claim.
- B. In computing any period of time prescribed or allowed by this Article, the day of the act or event from which the designated period of time begins to run is not included. The last day of the period and Saturdays, Sundays, and legal holidays are included in the computation of time.
- C. The date of filing of the claim is the date the claimant's wage claim form is received by the Department.
- D. The Department shall deem a form, document, instrument, or other written record filed at the Tucson office as filed at the Phoenix office for the purpose of computing time.
- E. An individual filing a form or document related to a claim shall legibly fill out the form or document.
- F. If the wage claim form received from a claimant does not include the information required by R20-5-1002(1), the Department shall return the wage claim form to the claimant with a request that the claimant provide the required information and return the completed wage claim form to the Department within 14 days of the date of service of the Department's request. If the Department does not receive the completed wage claim form within 14 days, the Department shall not initiate an investigation of the claim and the Department shall consider the claim withdrawn without prejudice. The claimant may re-file a withdrawn wage claim with the information required by R20-5-1002(1), if the claim is re-filed within one year of the date of the accrual of the claim.

**Historical Note**

Adopted effective January 26, 1988 (Supp. 88-1). R20-5-1003 recodified from R4-13-1003 (Supp. 95-1). Former R20-5-1003 renumbered to R20-5-1004; new R20-5-1003 made by final rulemaking at 12 A.A.R. 1416, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking 27 A.A.R. 515, effective May 14, 2021 (Supp. 21-1).

**R20-5-1004. Investigation of Claim**

- A. The Department shall serve a copy of a claimant's wage claim form on the employer listed on the wage claim, with a request that the employer complete and file the employer response form within 14 days of the date of service of the Department's request.
- B. If the Department does not receive the employer response form under subsection (A), the Department shall serve written notice on the employer stating that the employer must pay the amount claimed or file a written response to the wage claim within 14 days of the date of service of the Department's written notice.
- C. The Department shall serve a copy of the employer's response on the claimant and offer the claimant the opportunity to file a written reply to the employer's response within 14 days from the date of service. If the Department does not receive claimant's reply within 14 days, the Department shall make a determination of the claim based on the evidence in the file.
- D. If the employer fails or refuses to pay the amount claimed or submit a written response to the claim in accordance with sub-

section (B), the Department shall make a determination of the claim based on the evidence in the file.

- E. Upon request from the Department, and if necessary to complete the Department's investigation, the claimant, the employer, or both, shall submit further written information or meet with the Director or the Director's designee. Except for statements made during settlement, mediation, or an informal conference, the Director or the Director's designee may administer oaths for the purpose of taking affidavits and may record the meeting.
- F. Upon completion of its investigation, the Department shall serve the Department's determination in writing on the parties.

**Historical Note**

Adopted effective January 26, 1988 (Supp. 88-1). R20-5-1004 recodified from R4-13-1004 (Supp. 95-1). Former R20-5-1004 renumbered to R20-5-1005; new R20-5-1004 renumbered from R20-5-1003 and amended by final rulemaking at 12 A.A.R. 1416, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking 27 A.A.R. 515, effective May 14, 2021 (Supp. 21-1).

**R20-5-1005. Mediation of Disputes**

- A. During the investigation of a claim, the Department may mediate and conciliate a dispute between the claimant and the employer.
- B. If mediation results in an informal resolution of the claim, the Director or the Director's designee shall prepare and ensure execution of documents providing for the resolution of the claim.

**Historical Note**

Adopted effective January 26, 1988 (Supp. 88-1). R20-5-1005 recodified from R4-13-1005 (Supp. 95-1). Former R20-5-1005 renumbered to R20-5-1006; new R20-5-1005 renumbered from R20-5-1004 and amended by final rulemaking at 12 A.A.R. 1416, effective June 4, 2006 (Supp. 06-2).

**R20-5-1006. Dismissal of Claim**

- A. The Department shall dismiss a claim if:
  1. The claim is filed more than one year after the date of the accrual of the claim,
  2. The claimant does not comply with R20-5-1003(F),
  3. The amount of wages owed exceeds \$5,000.00,
  4. The Department's investigation of the claimant's evidence reveals no possible violation of A.R.S. § 23-350 et seq.,
  5. The claimant has filed a civil action regarding the same claim,
  6. The employer listed on the claim is in bankruptcy,
  7. The Department is unable to locate the employer based on the information provided by the claimant, or
  8. The wages in question have been withheld from the claimant pursuant to the claimant's prior written authorization.
- B. The Department shall send a notice of dismissal to the claimant and, except as provided in subsections (A)(1) through (A)(3) and (7), the Department shall send a notice of dismissal to the employer. Notices of dismissal shall notify the claimant of the availability of other remedies.

**Historical Note**

Adopted effective January 26, 1988 (Supp. 88-1). R20-5-1006 recodified from R4-13-1006 (Supp. 95-1). Former R20-5-1006 renumbered to R20-5-1007; new R20-5-1006 renumbered from R20-5-1005 and amended by final rulemaking at 12 A.A.R. 1416, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking 27 A.A.R.

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515, effective May 14, 2021 (Supp. 21-1).

**R20-5-1007. Notice of Right of Review**

A determination issued under A.R.S. § 23-357 shall include a notice informing the parties of their right to seek review under A.R.S. § 23-358 and § 12-901 et seq.

**Historical Note**

Adopted effective January 26, 1988 (Supp. 88-1). R20-5-1007 recodified from R4-13-1007 (Supp. 95-1). Former R20-5-1007 renumbered to R20-5-1008; new R20-5-1007 renumbered from R20-5-1006 and amended by final rulemaking at 12 A.A.R. 1416, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking 27 A.A.R. 515, effective May 14, 2021 (Supp. 21-1).

**R20-5-1008. Payment of Claim**

- A. The Department shall send any payment of a wage claim received by the Department to the claimant by certified mail, return receipt requested, unless the claimant elects to pick up the check in person at the Department.
- B. If the Department discovers that payment of a wage claim is alleged to have been made directly to the claimant, the Department shall verify the payment by serving the claimant with notice that payment of the wage claim is alleged to have been made directly to the claimant. If the claimant confirms that payment of the wage claim was made directly to the claimant or does not respond to the Department's notice within 14 days of the date of service of the Department's notice, the Department shall deem the claim to have been paid and shall dismiss the wage claim.
- C. Payment of a partial amount of a wage claim does not preclude the Department from completing its investigation of the balance of the claim.
- D. In the case of a determination and directive for payment issued by the Department under A.R.S. § 23-357, the Department shall, if the employer agrees and with the written consent of the claimant, enter into a payment agreement with the employer for payment of the amount of wages found to be owed the claimant.

**Historical Note**

New R20-5-1008 renumbered from R20-5-1007; Section amended by final rulemaking at 12 A.A.R. 1416, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking 27 A.A.R. 515, effective May 14, 2021 (Supp. 21-1).

**R20-5-1009. Service of Determinations, Notices, and Other Documents**

- A. A determination, notice, or other document required by this Article or other law to be served upon a party, shall be made upon the party, or, if represented by legal counsel, the party's legal counsel. Service upon legal counsel is considered service upon the party.
- B. Service may be made and is deemed complete by:
  1. Depositing the document in regular or certified mail, addressed to the party served at the address shown in the records of the Department, or by personal delivery upon the party.
  2. With a party's consent, transmission by e-mail to the e-mail address shown in the records of the Department.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 1416, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking 27 A.A.R. 515, effective May 14, 2021 (Supp. 21-1).

**ARTICLE 11. SELF-INSURANCE FOR INDIVIDUAL EMPLOYERS****R20-5-1101. Definitions**

In addition to the definitions provided in A.R.S. § 23-901, the following definitions apply to this Article:

"Act" means the Arizona Workers' Compensation Act, A.R.S. § 23-901 et seq.

"Affiliate" or "affiliate relationship" means a person or entity that has the power to control, directly or indirectly, through one or more intermediaries, another person or entity.

"Anniversary date" means the date beginning one year from the initial effective date of the Authorization to Self-insure.

"Applicant" means an individual employer filing an initial application for authority to self-insure under A.R.S. § 23-961.

"Authorized signature" means the signature of an officer of the self-insurer.

"Cash-flow ratio" means a numerical relationship that reflects an ability to meet current financial obligations out of cash flow and is calculated by dividing funds provided by operations of a business by current liabilities.

"Chief counsel" means the chief counsel for the Industrial Commission of Arizona.

"Claim" means a worker's compensation claim.

"Claims Division," means the Claims Division of the Industrial Commission of Arizona.

"Classification code" means a number assigned by an approved rating organization that classifies employees by type of job performed.

"Control" means the possession, direct or indirect, of power to direct or cause the direction of, the management and policies of a person or entity, whether through the ownership of voting securities, by contract, or otherwise.

"Current ratio" means a numerical relationship that reflects an ability to pay current obligations and is calculated by dividing current assets by current liabilities.

"Debt-status ratio" means a numerical relationship that reflects the proportion of funds supplied internally relative to the funds contributed by creditors and is calculated by dividing net worth by total liabilities.

"Division" means the Accounting Division of the Industrial Commission of Arizona.

"Ex-medical plan" means a method of determining the premium upon which taxes are calculated that provides for rate revisions based upon the self-insurer operating a medical facility with a program for providing medical, surgical, or hospital services to a majority of the self-insurer's employees and that complies with the requirements of A.R.S. § 23-1070. Neither losses nor incurred loss reserves are used in this plan.

"Excess insurance carrier" means an insurance carrier authorized to issue policies of excess insurance coverage to a self-insured employer.

"Experience modification rate" means a ratio comparing actual losses to expected losses based on a formula determined by an approved rating organization and which includes three years of loss information.

"Fixed premium plan" means a method of determining the premium upon which taxes are calculated in which neither losses

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nor incurred loss reserves are used for calculation. The only discount is for premium size.

“Fully-funded risk management fund” means a fund that maintains a positive equity balance that is sufficient to cover all of the fund’s actuarial losses.

“Guaranteed cost plan” means a method of determining the premium upon which taxes are calculated that provides for a direct relationship, on an annual basis, of the premium for tax purposes and the experience modification rate developed to reflect the loss payment and incurred loss experience of the self-insured employer.

“Individual employer” means an employer under the Act that is applying for authority to self-insure, or is approved to self-insure, that is not an entity described in A.R.S. § 23-961.01; § 11-952.01; or § 41-621.01.

“Parent company” means one that owns sufficient stock in a subsidiary company to have voting control of the subsidiary company, as “control” is defined in this Article.

“Profitability ratio” means a numerical relationship that represents the return on assets and the efficiency of assets and is calculated by dividing profit before taxes by total assets, multiplied by 100 expressed as a percentage.

“Public entity” means an individual employer that is a state, county, municipality, school district, or any other entity with taxing authority.

“Quick ratio” means a numerical relationship that represents the degree to which liabilities are covered by the most liquid current assets and is calculated by dividing cash and equivalents, plus receivables, by current liabilities.

“Rating organization,” means an entity that meets the requirements of A.R.S. § 20-363, and is approved by the Arizona Department of Insurance to establish rates, codes, and formulas used to calculate worker compensation premiums.

“Resolution of Authorization” means a document issued by the Commission that grants authority to self-insure for purposes of workers’ compensation.

“Retrospective rating plan” means a method of determining the premium upon which taxes are calculated that provides for the relationship between the premium for tax purposes, the experience modification rate developed to reflect the loss payment and incurred loss experience of the self-insured employer, and the actual incurred losses for the tax year.

“Securities” or “security” means a guaranty bond, a bond of the United States or its agencies, United States’ Treasury Notes, a letter of credit, or Local Government Investment Pool (LGIP) funds, or appropriate documents renewing or continuing any of these.

“Self-insurer” or “self-insured” means an individual employer that the Commission authorizes to self-insure for workers’ compensation insurance under A.R.S. § 23-961.

“Working capital ratio” means a numerical relationship that measures the sufficiency of working capital to support sales and is calculated by dividing working capital by sales. Working capital is calculated by subtracting current liabilities from current assets.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

- A. In computing any period of time prescribed or allowed by this Article, the day of the act or event from which the designated period of time begins to run is not included. The last day of the period computed is included unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday. When the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays, and legal holidays are excluded in the computation.
- B. Except as otherwise provided by law, the Division may extend time limits prescribed by this Article for good cause. Any request for an extension of a time limit shall be submitted to the Division in writing at least 10 days before the expiration of the time limit for which an extension is sought.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1103. Forms**

The following forms are available upon request from the Division or from the Commission’s Internet site at [www.ica.state.az.us](http://www.ica.state.az.us), and include the following information for each:

- A. Initial application for authority to self-insure:
  1. Legal name of the applicant and requested effective date for authority to self-insure;
  2. Mailing address and telephone number of applicant’s principal Arizona office and home office;
  3. Name of state under which applicant is incorporated, if applicant is a corporation;
  4. Name of parent company, if applicant is a subsidiary;
  5. Name, address, and status of partners (general, special, and limited), if applicant is a partnership;
  6. Length of time in business in Arizona and elsewhere, if applicable;
  7. Nature or type of business in Arizona;
  8. Arizona payroll data;
  9. Current workers’ compensation insurance data, including current expiration date;
  10. Statement of reasons for rejection or cancellation if an application for worker’s compensation insurance submitted by applicant has ever been rejected or a policy of workers’ compensation insurance held by the applicant has ever been cancelled;
  11. Listing of states where self-insurance was denied, if any, and where the applicant is currently self-insured;
  12. Arizona claims history and data for three years preceding application date;
  13. Arizona loss history and experience modification rates for three years preceding application date;
  14. Name of excess insurance carrier;
  15. Name, address, and telephone number of third-party administrator or individual responsible for processing Arizona workers’ compensation claims;
  16. Name and address of Arizona agent upon whom legal notice may be served;
  17. Selection of tax plan;
  18. Name, address, telephone and facsimile number, and e-mail address of person responsible for completing the premium tax information;
  19. Name, address, and telephone number of claims office where Arizona workers’ compensation claims will be processed;
  20. Name, address, telephone and facsimile number, and e-mail address of the primary and secondary points of contact for the application and self-insurance process;

**R20-5-1102. Computation of Time**

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21. Statement that all information and assertions contained in the application and the documents accompanying the application are factually correct and true; and
  22. Listing of required attachments.
- B. Workers' compensation liability form:**
1. Name of self-insurer;
  2. Selection and calculation of required securities and excess insurance, which includes calculation and reporting the following:
    - a. For all claims reported in the current calendar year, the number of open claims, total incurred liability, both medical and compensation, less the amount paid on these claims to equal the remaining liability or amount owing on these claims;
    - b. For all open claims incurred in prior years and remaining open in the current year, the number of open claims, the total incurred liability, both medical and compensation, less the amount paid on these claims to equal the remaining liability or amount owing on these claims;
    - c. The total remaining liability on all open claims less any reimbursement for excess insurance ceded to equal the net remaining liability owing on all claims; and
    - d. The amount calculated in subsection (B)(2)(c) multiplied by 125%;
  3. Name of excess insurance carrier that provides reimbursement to self-insurer; and
  4. A statement by the Chief Financial Officer or Chief Executive Officer attesting to the truthfulness of the information contained in the Workers' Compensation Liability Form;
- C. Self-insurance workers' compensation guaranty bond:**
1. Name of self-insurer;
  2. Name of the surety insurance company;
  3. Description of the bond, bond number, amount, and conditions of obligation;
  4. Statement regarding the responsibility for fees and costs associated with the collection of the bond and the responsibility for payment of any award or judgment against the surety; and
  5. Request for authorized signatures and titles of self-insurer, surety, and agent or attorney-in-fact, and a notarized power of attorney, and date of signing.
- D. Parent company guaranty:**
1. Name and state of incorporation of parent company;
  2. Name of self-insured subsidiary to be included in the guaranty;
  3. Statement that the parent company will assume the workers' compensation liabilities of the subsidiary if the subsidiary is unable to honor these liabilities, which guarantee is for the benefit of and may be enforced by any and all employees of subsidiary; and
  4. Corporate seal.
- E. Self-insured payroll report:**
1. Name of self-insured;
  2. Tax plan selection;
  3. Period covered by report;
  4. Payroll description (classification codes, methods, and types of pay);
  5. Amount paid for period covered by the report;
  6. Statement that all information contained in the report is correct; and
  7. Request for authorized signature, date, title, and telephone number of person signing the form.
- F. Self-insured medical report:**
1. Name of self-insured;
  2. Period covered by report;
  3. Amount paid relating to treatment of industrial injuries, including payment of medical personnel employed by the self-insurer and medical providers providing outside services;
  4. Compensation paid to worker's compensation claimants;
  5. Insurance premiums paid;
  6. Total expenditures for workers' compensation and occupational disease claims;
  7. Statement that all information contained in the report is correct; and
  8. Request for authorized signature, date, title, and telephone number of person signing the form.
- G. Self-insured hospital report:**
1. Name of self-insurer;
  2. Period covered by report;
  3. Amount paid for operational expenses, including payroll, employee benefits, surgeon and physician fees, pharmacy costs, miscellaneous supplies and services, utilities, depreciation, licenses, and taxes;
  4. Amount of revenue, including charges for inpatient and outpatient care, miscellaneous revenue, employee-paid premiums, and employer-paid premiums;
  5. Reconciliation of cash account, including cash balance, total cash available, investments, operating expenses, disbursements, and net cash balance;
  6. Statement that all information contained in the report is correct; and
  7. Request for authorized signature, date, title, and telephone number of person signing the form.
- H. Self-insured injury report:**
1. Name of self-insurer;
  2. Period covered by report;
  3. Description of individual claims for the current year and three preceding years requiring payment greater than \$5,000.00 for each claim, including name of claimant, date of injury, nature of injury, accumulated amount paid, and the amount of any expenses incurred but not paid;
  4. The total amount paid, and the amount of any expenses incurred but not paid, for the current year and three preceding years for all claims requiring a total payment less than \$5,000.00 for each claim;
  5. Statement that all information contained in the report is correct; and
  6. Request for authorized signature, date, title, and telephone number of person signing the form.
- I. Quarterly tax payment:**
1. Name and address of the self-insurer;
  2. Designation of the applicable quarter;
  3. Amount of annual tax paid in the previous calendar year; amount of the quarterly tax paid adjusted for any change in the tax rate for the applicable quarter;
  4. Statement that all information contained in the form is correct; and
  5. Request for authorized signature, date, title, and telephone number of person signing the form.
- J. Notice of self-insurer's termination of self-insurance:**
1. Name, address, and telephone number of self-insurer and all Arizona subsidiaries covered under the authority to self-insure, including if applicable:
    - a. Names and addresses of all Arizona operations or locations covered by self-insurance authority;
    - b. Names and addresses of all partners, if self-insurer is a partnership; and

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- c. Current and former names of self-insurer if the self-insurer has undergone a name change since the most recent effective date of the authority to self-insure;
  - 2. Effective date of termination of authority to self-insure;
  - 3. Name and address of workers' compensation insurance carrier providing coverage after the effective date of termination;
  - 4. For the new coverage; effective date of workers' compensation coverage;
  - 5. Statement that all information contained in the form is correct; and
  - 6. Request for authorized signature, date, title, and telephone number of person signing the form.
- K. Self-provider of medical benefits:**
- 1. Indication of whether the self-insurer is, or is not, directing medical care for all of its employees;
  - 2. If the self-insurer is directing medical care for its employees, the self-insurer shall:
    - (a) Attach a copy of all contracts between the self-insurer and the medical providers; or
    - (b) Submit a list of names and addresses of all medical providers with whom the self-insurer contracts; and
    - (c) The effective date of the agreements between the employer and medical provider; and
  - 3. Authorized signature, date, and title of person signing the form.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1104. Commission Approval to Act as Self-insurer**

An employer does not have authority to act as a self-insurer under A.R.S. § 23-961 unless:

- 1. The Commission authorizes the employer to be self-insured; and
- 2. Except as provided in R20-5-1114, the employer posts security in an amount as required under this Article.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1105. Resolution of Authorization**

The Commission shall issue a Resolution of Authorization to an applicant that meets the requirements of this Article. The Commission shall annually review and renew a Resolution of Authorization to self-insure. The authority to self-insure is valid and continues in effect until the Commission takes action under this Article or the self-insured terminates its authorization to self-insure under R20-5-1136.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1106. Time-frames****A. Administrative completeness review.**

- 1. Initial application.
  - a. The Division shall review an initial application for authority to self-insure within 20 days of receipt of the application to determine whether the application contains the information required by A.R.S. § 23-961 and this Article.
  - b. The Division shall inform the applicant by written notice if the application is incomplete. The Division shall include in its written notice to the applicant, a list of the missing information necessary to comply with this Article.

- c. The Division shall deem the application withdrawn if the applicant fails to post security as required under this Article or fails to file a completed application within 10 days of being notified by the Division that the application is incomplete, unless the applicant obtains an extension to provide the missing information under subsection (D).
- 2. Request for renewal.
  - a. The Division shall review a request for renewal within 10 days of receipt of the request to determine whether the request contains the information in A.R.S. § 23-961 and this Article.
  - b. The Division shall inform a self-insurer by written notice if the request for renewal is incomplete. The Division shall include in its written notice to the self-insurer, a list of the missing information necessary to comply with this Article, and the right to request an extension under subsection (D).

**B. Substantive review.**

- 1. Initial application. Within 70 days after the Division determines an initial application complete, the Commission shall determine whether the initial application for authority to self-insure meets the substantive criteria of A.R.S. § 23-961 and this Article and shall issue either a Resolution of Authorization granting authority to self-insure, or an order denying authority to self-insure.
- 2. Request for renewal. Within 60 days after the Division receives all the required information under this Article, the Commission shall determine whether a request for renewal for authority to self-insure meets the substantive criteria of A.R.S. § 23-961 and this Article and shall renew the self-insurer's authority to self-insure, or issue an order denying or revoking authority to self-insure.

**C. Overall time-frame.**

- 1. Initial application. The overall time-frame is 90 days, unless extended under A.R.S. § 41-1072 et seq.
- 2. Request for renewal. The overall time-frame is 70 days, unless extended under A.R.S. § 41-1072 et seq.

- D.** If an applicant or self-insurer cannot timely submit to the Division information to complete an initial application or a request for renewal, the applicant or self-insurer may obtain an extension to submit the missing information by filing a written request with the Division. The written request for extension shall be filed no later than 10 days after receipt of the deficiency notice from the Division. The written request for an extension shall state the reasons the applicant or self-insurer is unable to meet the deadline. If an extension will enable the applicant or self-insurer to assemble and submit the missing information, the Division shall grant an extension of not more than 30 days and provide written notice of the extension to the applicant or self-insurer.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1107. Initial Application under A.R.S. § 23-961**

- A.** A public entity may file an initial application for authority to self-insure under A.R.S. § 23-961 if the public entity:
  - 1. Provides an annual payroll in Arizona of at least \$2,000,000; and
  - 2. Has total assets of at least \$50,000,000.
- B.** An individual employer that is not a public entity may file an initial application for authority to self-insure under A.R.S. § 23-961 if the employer:
  - 1. Is engaged in business in Arizona and has been for at least five years before the date of the initial application;

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2. Provides an annual payroll in Arizona of at least \$2,000,000, including the combined payrolls of all subsidiary companies that will be under the self-insurance authorization;
3. Meets either of the following thresholds:
  - a. Has assets of at least \$50,000,000; or
  - b. Has \$10,000,000 in net worth and a cash flow ratio of at least .25.
- C. The applicant for authority to self-insure shall complete and file with the Division a typewritten application form approved by the Division. An application is considered filed when it is received at the Division.
- D. The authorized representative of the applicant shall sign and date the initial application.
- E. The authorized representative signing the initial application shall verify, in writing, that the information submitted with the application is correct.
- F. The Division shall deem an initial application for authority to self-insure complete if an applicant that is not a subsidiary company provides the following information with the initial application:
  1. A statement from the board of directors or governing body:
    - a. Authorizing the filing of the application, and
    - b. Designating the person given authority to sign the application on behalf of the applicant;
  2. A statement classifying the applicant's Arizona employees using the workers' compensation classification codes of the approved rating organization used by the Arizona State Compensation Fund;
  3. A copy of the applicable hospital or medical agreement or a detailed statement of the arrangements between the employer and the medical provider, if medical care is directed under A.R.S. § 23-1070;
  4. If the applicant is not a public entity, a copy of the applicant's audited financial statements or internally-reviewed and signed financial statements for the most current and prior two fiscal years, including any notes to the financial statements;
  5. If the applicant is a public entity, a copy of the applicant's audited financial statement for the most current and prior fiscal year; and
  6. If the applicant is a public entity that qualifies for exemption under R20-5-1114(A), the certified statement required under R20-5-1114(B).
- G. The Division shall deem an initial application for authority to self-insure complete if an applicant that is a subsidiary company provides the following information with the initial application:
  1. The information required in Section (F);
  2. A completed Parent Company Guaranty form signed by the authorized representative of the subsidiary's parent company;
  3. A certified copy of the resolution of the parent company's board of directors authorizing a designated officer to complete, sign, and file the Parent Company Guaranty form; and
  4. A copy of the parent company's audited financial statements for the most current and prior two fiscal years, including any notes to the financial statements.
- A. A self-insurer that is required to post security under this Article shall request renewal of authorization to self-insure with the Division 30 days before the self-insurer's anniversary date, by filing a Workers' Compensation Liability form. The Commission shall deem the request for renewal complete if the self-insurer provides the following:
  1. A copy of the self-insurer's most recent audited annual financial statement or internally reviewed and signed financial statement or annual report. A parent company shall submit a copy of its most recent audited annual financial statement or annual report;
  2. If the self-insured company is a subsidiary, a completed Parent Company Guaranty form signed and dated by the authorized representative of the parent company, or if the parent company of the subsidiary is different from the last filing approved by the Commission, a certified copy of the parent company board of director's resolution authorizing a designated officer to complete, sign, and file the Parent Company Guaranty form;
  3. Per claim data to support the summary information on the Workers' Compensation Liability form. The self-insurer shall provide this information in the same format as in R20-5-1103(B)(2)(a) and (b);
  4. Deposit of security as shown on the completed Worker's Compensation Liability form no later than the self-insurer's anniversary date subject to R20-5-1127 and R20-5-1128;
  5. A certificate of excess insurance or a continuing certificate of existing excess insurance if the self-insurer takes a credit for excess insurance under R20-5-1109;
  6. If medical care is directed under A.R.S. § 23-1070, a copy of the current medical or hospital medical agreement, or detailed statement of the arrangements, if not previously provided;
  7. A statement of the total number of full-time and part-time Arizona employees;
  8. If the Division determines that the self-insurer's denial rate exceeds 12% of claims filed, a statement from the self-insurer identifying the reason for each denial of a workers' compensation claim;
  9. If the Division determines that the self-insurer's experience modification rate is greater than 1.10, a statement from the self-insurer identifying the reasons for that level of losses;
  10. Name of the third-party administrator;
  11. Principal location of the self-insurer in Arizona;
  12. A description of the self-insurer's current business in Arizona and a description of any changes in the nature of business in Arizona in the past year;
  13. List of any subsidiary company located in Arizona; and
  14. Primary and secondary points of contact, including addresses, telephone numbers, facsimile numbers, and e-mail information.
- B. A self-insurer that is exempt from the requirement to post security, shall request renewal of authorization to self-insure by filing an annual statement described under R20-5-1114(B) no later than the employer's anniversary date. The Commission shall deem the request for renewal complete if the self-insurer provides the following:
  1. Information required under subsections (A)(1), (A)(7) through (A)(10) and (A)(14); and
  2. A certified statement that contains the information described in R20-5-1114 (A) and (B).

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1108. Self-insurance Renewal****Historical Note**

New Section made by final rulemaking at 11 A.A.R.



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1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1109. Security Deposit; Excess Insurance Policy**

- A. Except as provided in R20-5-1114, an applicant authorized to self-insure under this Article shall post security in the amount of at least \$100,000.00 under A.R.S. § 23-961. The self-insurer shall not reduce or offset this minimum amount by any credit for excess insurance.
- B. Except as provided in R20-5-1114, and subject to the minimum security requirement of A.R.S. § 23-961, a self-insurer filing a request to renew its authority to self-insure under R20-5-1108 shall post security in an amount equal to 125% of its total estimated future liability, or in an amount determined by the Division under R20-5-1127.
- C. Subject to review by the Commission, the self-insurer shall determine its total estimated liability by using the Workers' Compensation Liability form.
- D. The Commission shall approve a credit for excess insurance against the amount of security required under this Article only if the following criteria are met:
  - 1. The self-insurer satisfies the minimum-security requirement of A.R.S. § 23-961,
  - 2. The self-insurer does not reduce or offset the minimum-security amount by an excess insurance,
  - 3. The self-insurer calculates the credit on the Workers' Compensation Liability form,
  - 4. The excess insurance policy contains a 60-day notice of termination,
  - 5. The excess insurer does not have an affiliate relationship with the self-insurer,
  - 6. The excess insurance policy provides that the insolvency of the self-insurer does not relieve the excess insurer of liability under the policy, and
  - 7. The excess insurer posts a deposit under A.R.S. § 23-961(D).
- E. If an excess insurance provider gives the self-insurer notice of its intent to terminate the policy, the self-insurer shall immediately:
  - 1. Provide written notice of the notice of termination to the Division, and
  - 2. Deposit security as shown on the Worker's Compensation Liability form without credit for the excess insurance.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R.  
1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1110. Posting of Guaranty Bond; Bond Amount; Effective Date**

- A. A self-insurer shall ensure that a guaranty bond or rider for the guaranty bond filed with the Division bears the same effective date as the effective date of the Resolution of Authorization to self-insure.
- B. The Commission shall permit the self-insurer to post a guaranty bond or rider of the guaranty bond instead of other security if:
  - 1. The insurance carrier providing the guaranty bond or rider submits the bond or rider to the Division on a form approved for use by the Division;
  - 2. The guaranty bond is continuous in form;
  - 3. The penal sum of the guaranty bond or rider equals the amount the self-insured must post as security under this Article;
  - 4. The company issuing the guaranty bond or rider is authorized and licensed to transact the business of surety insurance in Arizona;
  - 5. An authorized agent of the surety executes the guaranty bond or rider;

- 6. The bond is signed and dated by an authorized representative of the self-insurer;
- 7. The surety issuing the bond or rider does not have an affiliate relationship with the applicant or self-insurer; and
- 8. The surety issuing the guaranty bond or rider has a rating with A.M. Best of at least A-.
- C. A guaranty bond or rider is subject to annual change based on unpaid liabilities as reported by the self-insurer on the Workers' Compensation Liability form.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R.  
1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1111. Posting of Other Bonds or Treasury Notes of the United States Instead of Guaranty Bond; Registration; Deposit**

- A. Instead of providing a guaranty bond under R20-5-1110, a self-insurer may deposit with the Commission for transmittal through the Arizona State Treasurer to the Treasurer's designated bank, bonds or treasury notes of the United States of America if the bonds or treasury notes are guaranteed as to principal and interest by the United States of America or by any agency or instrumentality of the United States of America.
- B. The self-insurer shall ensure that bonds or treasury notes of the United States of America deposited with Commission under this subsection are registered to: "The Industrial Commission of Arizona, in trust for the fulfillment by ----- of its obligations under the Arizona Workers' Compensation Laws." The self-insured shall ensure that any contract between the self-insured and the custodial bank provides that the bonds or treasury notes are held for: "The Industrial Commission of Arizona, in trust for the fulfillment by ----- of its obligations under the Arizona Workers' Compensation Laws."
- C. If one or more of the self-insurer's claims are assigned to the state compensation fund under A.R.S. § 23-966, the Commission shall:
  - 1. Collect or order collection of the principal, or market value of the security, whichever is greater, as it becomes due;
  - 2. Sell or order the sale of the security or any part of the security; or
  - 3. Apply or order the application of the proceeds to the payment of any unpaid obligations of the self-insurer, as determined by the Commission, in the event of the default in the payment of its obligations.
- D. The self-insurer may arrange for interest on bonds or treasury notes of the United States of America deposited under this subsection to be paid to the self-insurer.
- E. Bonds or treasury notes deposited according to this Article by a self-insurer shall be in an amount not less than the security deposit amount required under R20-5-1109.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R.  
1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1112. Letter of Credit or Local Government Investment Pool Funds (LGIP)**

- A. Letter of Credit:
  - 1. A self-insurer may satisfy the provision of R20-5-1110 by filing a letter of credit.
  - 2. The self-insurer shall ensure that the letter of credit is registered to: "The Industrial Commission of Arizona, in trust for the fulfillment by ----- of its obligations under the Arizona Workers' Compensation Laws."
  - 3. The self-insurer shall ensure that the letter of credit is issued by a federal or Arizona chartered bank with an

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Arizona branch office or correspondent bank in Arizona upon which demand may be made and from which funds will be immediately payable on demand.

4. The letter of credit is acceptable only if:
  - a. The letter includes the name and address of the self-insurer, including all Arizona subsidiaries;
  - b. Is for a period of one year from the effective date;
  - c. Includes a provision that the letter of credit automatically extends for consecutive periods of one year, unless the issuing bank provides written notice to the Division 30 days before the expiration of any one-year term that the issuing bank will not renew the letter of credit for the additional period;
  - d. Includes a provision that the written notice required in subsection (A)(4)(d) may be delivered to the Division or sent to the Division by United States Mail, certified mail return receipt requested;
  - e. The letter of credit states the amount available under the letter of credit; and
  - f. The self-insurer ensures that the letter of credit includes a statement that the sum available under the letter of credit shall be paid to the Industrial Commission of Arizona upon receipt by the issuing bank of a signed statement by an official of the Commission stating the following:
    - i. The self-insurer has failed to comply with its workers' compensation obligations; or
    - ii. The self-insurer has failed to renew or substitute acceptable security for its workers' compensation liability 15 days before the expiration of the letter of credit.

**B. Local Government Investment Pool Funds (LGIP):**

1. Instead of posting a guaranty bond, letter of credit, or United States of America bonds or Treasury Notes, a self-insured public agency may post a local government investment pool (LGIP) fund only if:
  - a. The self-insurer ensures that the funds are deposited through the Arizona State Treasurer as custodian subject to the order of, and in trust for, the Industrial Commission of Arizona, registered and assigned to: "The Industrial Commission of Arizona, in trust for the fulfillment by ----- of its obligations under the Arizona Workers' Compensation Laws;"
  - b. The LGIP funds posted as security in compliance with this Section are in an amount not less than the security deposit amount required under R20-5-1109;
  - c. The Commission has the ability to:
    - i. Collect or order collection of the funds; and
    - ii. Apply or order the application of the funds to the payment of any award rendered against the self-insurer, as determined by the Commission, if the self-insurer defaults in any of its obligations;
  - d. The self-insurer submits an assignment for the benefit of the Industrial Commission of Arizona, and an Endorsement-Receipt for Notice of Assignment, signed by the State of Arizona Treasurer and notarized. The Endorsement-Receipt shall contain the following language: Receipt is hereby acknowledged by the Treasurer of the State of Arizona of written notice of the assignment to the Industrial Commission ("Commission") of the above-identified account. We have noted our records to show the interest of the Commission in said account as shown in and by the above assignment. We have retained a copy of this document. We hereby certify that we

have not received any notice of lien, encumbrance, hold, claim, or other obligation against the above-identified account prior to its assignment to the Commission. We further hereby waive any current or future right of set-off against such account. We agree to make payment as required by the Rules and Regulations of the Commission adopted in accordance with applicable laws and the law applicable to this institution.

2. Interest on the funds deposited under this Section may be remitted by the State of Arizona Treasurer directly to the self-insurer.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1113. Substitution of Securities**

The Commission may authorize the return a self-insurer's security deposit with written approval from the Division. The Commission shall not authorize the return or release of security unless the self-insurer substitutes the security with new security in an amount sufficient to satisfy the self-insurer's obligations under R20-5-1109.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1114. Exemption from Requirement to Post Security**

- A. Conditions to qualify for exemption. A public entity applicant or public entity self-insurer is exempt from the requirements under this Article to post or provide security if the public entity:
  1. Has a fully-funded risk management fund sufficient to cover actuarial liabilities for workers' compensation as determined by the self-insurer in accordance with Government Accounting Standards Board Statement #10; and
  2. Provides funding to the risk management fund each year sufficient to cover actuarial liabilities for workers' compensation as determined by the self-insurer in accordance with Government Accounting Standards Board Statement #10.
- B. Written request for exemption. A public entity applicant or public entity self-insurer that requests exemption from posting security shall file a certified statement along with its Workers' Compensation Liability form with the Commission before the effective date of initial self-insurance or before the anniversary date, if a renewal, that contains the following:
  1. A statement that the public entity meets the conditions required under subsection (A);
  2. A statement that the governing body of the public entity shall immediately notify the Commission and provide security required under this Article if the governing body learns that the risk management fund has insufficient funds to cover all workers' compensation liabilities of the public entity self-insurer;
  3. The signatures of a majority of the members of the public entities' governing body; and
  4. If the Commission has previously authorized the public entity to self-insure its workers' compensation obligations, a statement requesting the return of security previously posted or provided to the Commission, including a specific description of the type and amount of security previously posted or provided.
- C. Approval or denial of request for exemption.
  1. If the Commission determines that a self-insurer qualifies for exemption under this Section, the Division shall return to the self-insurer security previously posted or

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provided to the Commission, within 30 days after receiving written notice under subsection (B).

2. If the Commission denies a request for exemption under this subsection, the Commission shall provide written notice to the public entity within 10 days of the initial written request. The applicant or self-insurer has 10 days from the date the Commission's notice is received to request a hearing under A.R.S. § 23-945.
- D. Failure to comply with conditions of exemption. The Commission shall order a self-insurer exempt under subsection (A) to immediately file with the Commission a completed, dated, and signed Workers' Compensation Liability form and post or provide security as required under this Article if any of the following occurs:
  1. The self-insurer fails to file the certified statement to request renewal of self-insurance authority;
  2. The self-insurer fails to comply with the conditions in subsection (A); or
  3. The Commission determines, based upon receipt of information under subsection (B), or its own review, that the self-insurer's risk management fund has insufficient funds to cover all actuarial liabilities for workers' compensation liabilities of the self-insurer.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1115. Rating Plans Available for a Self-insurer**

- A. A self-insurer shall use one of the following rating plans to calculate the premium taxes required under A.R.S. §§ 23-961 and 23-1065:
  1. Fixed-premium plan;
  2. Ex-medical plan;
  3. Guaranteed-cost plan; or
  4. Retrospective-rating plan.
- B. The provisions of the rating plans apply only to operations and payroll in Arizona. The self-insurer shall combine all operations in Arizona as a single base to calculate any premium modification.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1116. Fixed-Premium Plan; Formula; Eligibility; Necessary Information for Plan**

- A. The Division shall calculate the net taxable premium under a fixed-premium plan as follows: payroll multiplied by the applicable workers' compensation rate minus the premium discount.
- B. A self-insurer shall use a fixed-premium plan to calculate its net taxable premium if:
  1. The self-insurer elects this plan;
  2. The self-insurer's annual net taxable premium does not exceed \$100,000; or
  3. The self-insurer is not eligible for any other plan authorized by the Commission under this Article.
- C. A self-insurer shall provide the following information in support of the fixed-premium plan:
  1. Self-insurer's Payroll Report,
  2. Self-insurer's Medical Report, and
  3. Self-insurer's Quarterly Tax Payment form.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1117. Ex-medical Plan; Formula; Eligibility; Necessary****Information for Plan**

- A. The Division shall calculate the net taxable premium under an ex-medical plan as follows: [(payroll multiplied by the applicable workers' compensation rate) multiplied by (1 minus the ex-medical factor)] minus the premium discount.
- B. A self-insurer may use the ex-medical plan if:
  1. The self-insurer's program for medical, surgical, or hospital services meets the requirements of A.R.S. § 23-1070; and
  2. The self-insurer's annual net taxable premium exceeds \$100,000.
- C. A self-insurer shall provide the following information in support of the plan submitted under this Section:
  1. Self-insurer's Payroll Report,
  2. Self-insurer's Hospital Report,
  3. Self-insurer's Medical Report, and
  4. Self-insurer's Quarterly Tax Payment form.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1118. Guaranteed-Cost Plan; Formula; Eligibility; Necessary Information for Plan**

- A. The Division shall calculate the net taxable premium under a guaranteed-cost plan as follows: [(payroll multiplied by the applicable worker's compensation rate) multiplied by (the experience modification rate) minus the premium discount].
- B. A self-insurer may use the guaranteed-cost plan if:
  1. The self-insurer has an annual net taxable premium exceeding \$100,000; and
  2. Uses an experience modification rate calculated as follows:
    - a. In the first year of self-insurance, the experience modification rate is 1.0;
    - b. In the second and third years of self-insurance, the Division calculates the experience modification rate based upon the loss data accumulated by the self-insurer during its term of self-insurance; and
    - c. In the fourth year of self-insurance and all following years, the Division calculates the experience modification rate based upon the most recent three years of loss data provided on the Self-insured Injury Report, excluding the most recent year.
- C. A self-insurer shall provide the following information in support of the guaranteed-cost plan:
  1. Self-insurer's Payroll Report,
  2. Self-insurer's Medical Report,
  3. Self-insurer's Injury Report, and
  4. Self-insurer's Quarterly Tax Payment form.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1119. Retrospective-Rating Plan; Formula; Eligibility; Necessary Information for Plan**

- A. The Division shall calculate the net taxable premium under a retrospective-rating plan as follows: [(payroll multiplied by the applicable worker's compensation rate multiplied by the experience modification rate multiplied by the basic premium factor) added to (losses for the current year plus adjusted losses from the previous year) multiplied by (the loss conversion factor)] multiplied by the tax multiplier. The net taxable premium is subject to a maximum and minimum premium level.
- B. A self-insurer may use the retrospective-rating plan if:

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1. The self-insurer has an annual net taxable premium exceeding \$100,000; and
2. The Division calculates the experience modification rate as follows:
  - a. In the first year of self-insurance, the experience modification rate is 1.0;
  - b. In the second and third years of self-insurance, the Division calculates the experience modification rate based upon the loss data accumulated by the self-insurer during its term of self-insurance; and
  - c. In the fourth year of self-insurance and all following years, the Division calculates the experience modification rate based upon the most recent three years of loss data provided on the Self-insured Injury Report, excluding the most recent year. The Division shall use the most recent year's data to calculate the actual premium tax.
- C. A self-insurer shall provide the following information in support of the retrospective-rating plan:
  1. Self-insurer's Payroll Report;
  2. Self-insurer's Medical Report;
  3. Self-insurer's Injury Report; and
  4. Self-insurer's Quarterly Tax Payment form.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1120. Completion of Reports in Support of Tax Rating Plan; Calculation and Payment of Taxes Owed by Self-insurer under A.R.S. §§ 23-961 and 23-1065**

- A. A self-insurer shall submit to the Division the information required in R20-5-1116, R20-5-1117, R20-5-1118, or R20-5-1119 by February 15 of each year.
- B. After receiving the information required under A.R.S. § 23-961, § 23-1065, and this Article, the Division shall determine the annual taxes owed by the self-insurer. The Division shall determine whether the self-insurer has overpaid or underpaid its taxes for the previous calendar year. If the total of the quarterly payments is less than the actual taxes for the year, the self-insurer shall pay the difference on or before March 31 of the calendar year in which the taxes are due. If the total of the quarterly payments exceeds the amount of the actual taxes for the year, then the Division shall refund the amount described in A.R.S. § 23-961 or § 23-1065 as applicable.
- C. A self-insurer shall pay to the Commission the self-insurer's annual workers' compensation premium taxes on or before March 31 based on the net taxable premium calculated for the preceding calendar year. A self-insurer shall pay a premium tax of at least \$250.00 per calendar year.
- D. The Division shall calculate a self-insurer's quarterly taxes owed under A.R.S. §§ 23-961 and 23-1065 in one of the following ways:
  1. 25% of the tax calculated for the previous year; or
  2. A calculation based on actual payroll and losses calculated for each quarter, using the same rating plan to calculate the quarterly payment as used to calculate the taxes required under A.R.S. §§ 23-961 and 23-1065. If the Division selects this method, the self-insurer shall submit quarterly payroll and loss information by classification code.
- E. Quarterly tax payments are due April 30, July 31, October 31, and January 31 for the periods ending March 31, June 30, September 30, and December 31, respectively.
- F. If the self-insurer fails to pay the annual or quarterly taxes to the Commission when due, the self-insurer shall pay a penalty of \$25.00 or 5% of the tax or payment due, whichever is more,

plus interest at the rate of 1% per month from the date the tax or payment was due until paid.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1121. Basis for Definitions, Classifications, Rating Procedures, and Plans**

The Division shall use the definitions, classifications, rating procedures, and plans specified in the rating systems filed by the rating organization used by the State Compensation Fund under A.R.S. Title 20, Chapter 2, Article 4 in calculating the net taxable premium under A.R.S. §§ 23-961 and 23-1065.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1122. Report, Book, Record, and Data Review by the Commission**

- A. All reports, books, records, and data of a self-insurer relating to classifications, payroll, incurred-loss reserves, calculation of premiums, completion of Workers' Compensation Liability form, and procedures for development of statistical information for the development of rating information are subject to review by the Commission or its authorized representative upon request.
- B. A self-insurer shall ensure that the reports, books, records, and data described in subsection (A) are readily available for review by the Commission.
- C. A self-insurer shall ensure that the reports, books, records, and data described in subsection (A) are clear, valid, and understandable.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1123. Audit and Cost of Audit**

The Commission may, at any time, perform or have performed for its benefit an audit of the payroll, loss payment, and loss reserve records for incurred losses of a self-insurer for the purpose of determining the scope and adequacy of the records. The entire cost of the audit shall be borne by the self-insurer.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1124. Requirement to Provide Information to the Commission**

A self-insurer shall make available to the Commission, upon request and at an office of the Commission, information described in this Article.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1125. Notice to Commission of Location of Self-insurer's Claims Files**

In addition to the requirements found in 20 A.A.C. 5, Article 1, a self-insurer shall advise the Claims Manager of the location of the self-insurer's open and closed workers' compensation claims files. Except for a claims file that is made available for copying and inspection under R20-5-131(C), if a self-insurer or third-party administrator intends to change the location of its claims files, the self-insurer shall provide written notice to the Claims Manager of the change in location at least 30 days before the files are moved.

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**Historical Note**

New Section made by final rulemaking at 11 A.A.R.  
1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1126. Processing of Workers' Compensation Claims by a Self-insured Employer**

The Claims Division shall permit a self-insurer to process its own workers' compensation claims if the self-insurer provides information and supporting documentation establishing the following:

1. The self-insurer has facilities and equipment to manage, process, and store its own information pertaining to the self-insurer's workers' compensation claims;
2. The self-insurer's workers' compensation claims are processed by persons with experience, training by the Claims Division, or knowledge regarding the Arizona Workers' Compensation Act; and
3. The persons processing the self-insurer's workers' compensation claims attend and complete training provided by the Claims Division.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R.  
1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1127. Review of Initial Application and Request for Renewal to Self-insure**

A. Upon the filing of a completed initial application or request for renewal, the Division shall:

1. Determine whether the applicant or self-insurer meets the requirements of A.R.S. § 23-961;
2. Determine whether the applicant or self-insurer meets the requirements of this Article. Except for a self-insurer that is exempt under R20-5-1114, the self-insurer shall post security according to R20-5-1109 that is adequate to provide for the self-insurer's future estimated liability. If applicable, the Division shall advise the applicant or self-insurer of the need for additional security, and the self-insurer shall post the additional security before the Commission makes its decision under R20-5-1128;
3. If a self-insurer requests a decrease of 10% or greater in the value or amount of security provided in the prior year, perform an additional review to determine the adequacy of the security deposit, including:
  - a. Mathematical verification of the accuracy of amounts reported on the Workers' Compensation Liability form;
  - b. Review of claims filed for the three preceding years;
  - c. Review of changes in the payroll of the self-insurer to determine changes in employment levels;
  - d. Review of changes in workers' compensation classification codes to determine changes in operations of the company in Arizona; and
  - e. Review of the financial condition of the self-insurer to determine changes in financial stability, including a review of the total incurred liability expenses for the past three years;
4. Determine whether the applicant or self-insurer has the ability to process and pay benefits required under the Arizona Workers' Compensation Act.
  - a. For an applicant that is not a public entity, the Division shall determine whether the self-insurer has the ability to process and pay by:
    - i. Reviewing the financial statements to determine the current ratio, quick ratio, cash-flow ratio, working-capital ratio, debt-status ratio, profitability ratio, and the applicant's net profit or loss;

- ii. Comparing the applicant's ratios with the ratios of existing self-insurers in the same or a closely related industry;
- iii. Reviewing notes to the financial statements;
- iv. Reviewing management reports of operations and other information provided by the self-insurer; and
- v. Comparing the applicant's ratio of claims filed to total employees with that of other employers within the same or closely related industry;
- b. For an applicant that is a public entity, the Division shall determine whether the self-insurer has the ability to process and pay by:
  - i. Reviewing the public entity's general fund financial statement to determine the cash ratio and fund equity ratio;
  - ii. Reviewing excess revenues over expenditures and the ending balances in the general fund and all fund accounts for the past two years;
  - iii. Reviewing notes to the self-insurer's financial statements;
  - iv. Reviewing management reports of operations and other information provided by the self-insurer;
  - v. Comparing the public entity's ratio of claims filed to total employees with that of other public entities;
  - vi. Comparing cash and fund equity ratios with that of other self-insured public entities; and
  - vii. Reviewing the risk management fund to determine if it is sufficient to pay all workers' compensation liabilities;
- c. For a self-insurer requesting renewal that is not a public entity, the Division shall determine whether the self-insurer has the ability to process and pay by:
  - i. Reviewing the information in subsection (A)(4)(a);
  - ii. Reviewing the claims profile for the past three years, which includes a review of the claims filed, claims denied, and denial rate;
  - iii. Reviewing of the self-insurer's experience modification rate;
  - iv. Comparing of the self-insurer's ratio of claims filed to total employees with that of other self-insurer's; and
  - v. Reviewing the Parent Company Guaranty form; and
- d. For a self-insurer requesting renewal that is a public entity, the Division shall determine whether the self-insurer has the ability to process and pay by:
  - i. Reviewing the information in subsection (A)(4)(b);
  - ii. Reviewing the claims profile for the past three years, including a review of the claims filed, claims denied, and denial rate;
  - iii. Reviewing the self-insured's experience modification rate; and
  - iv. Comparing the self-insurer's ratio of claims filed to total employees with that of other self-insured public entities of similar size.

B. The Division shall present the findings and recommendations of its review to the Commission, and may include a recommendation regarding the adequacy of the security based on its review and determination whether the self-insurer has the ability to process and pay as set forth in subsection (A)(3).

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**Historical Note**

New Section made by final rulemaking at 11 A.A.R.  
1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1128. Decision by the Commission on Initial Application or Request for Renewal of Authorization to Self-insure**

- A.** The Commission shall consider the following before granting or denying an initial application or request for renewal to self-insure:
  1. The information submitted by an applicant or self-insurer;
  2. The information and recommendations of the Division; and
  3. The requirements of A.R.S. § 23-961 and this Article, including compliance with the requirement for posting additional security as recommended by the Division under R20-5-1127.
- B.** The Commission shall deny authority to self-insure if the Commission finds one or more of the following conditions:
  1. The applicant or self-insurer does not meet the requirements of A.R.S. § 23-961,
  2. The applicant or self-insurer does not meet the requirements of this Article, or
  3. The applicant or self-insurer is unable to process and pay benefits under the Arizona Workers' Compensation Act.
- C.** The Commission may table consideration of, or action on, a request for renewal pending the self-insurer posting additional security based on a Division decision under R20-5-1127 that the posted security is insufficient.
- D.** Whether to grant, deny, or table an application for self-insurance authority shall be made by a majority vote of a quorum of Commission members present when the application for initial authority or renewal is presented at a public meeting.
- E.** If the Commission approves an initial application of an applicant that is not exempt under R20-5-1114:
  1. The approval is contingent upon the self-insurer posting the required security;
  2. After the Commission takes action under subsection (D), the Division shall provide written notice to the applicant that the Commission approves the application for self-insurance authority effective on a date certain;
  3. The applicant shall provide to the Commission the required security before the effective date of the authority to self-insure; and
  4. After the applicant complies with the requirements of subsection (E)(3), the Division shall mail a Resolution of Authorization to Self-insure to the last known business address of the applicant.
- F.** If an applicant fails to comply with the requirements of subsection (E)(3), the Commission shall not grant authority to self-insure and the Commission shall deem the initial application withdrawn.
- G.** If the Commission approves an initial application of an applicant exempt under R20-5-1114, the Division shall mail a Resolution of Authorization to Self-insure, to the last known business address of the applicant.
- H.** If the Commission approves a request for renewal of authority to self-insure, or tables consideration of the request for renewal, the Division shall mail written notice of the Commission's action on the request for renewal to the last known business address of the self-insurer.
- I.** If the Commission denies authority to self-insure, the Commission shall issue and mail written findings and an order to the last known business address of the applicant or self-insurer no later than 10 days after the Commission denies authority to self-insure.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R.  
1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1129. Right to Request a Hearing**

- A.** An applicant or self-insurer has 15 days from the date the Commission's findings and order is mailed to request a hearing.
- B.** A request for hearing shall comply with A.R.S. § 23-945 and be signed by an authorized representative of the applicant or self-insurer or the applicant's or self-insurer's legal representative. The applicant or self-insurer shall file the request for hearing with the Division.
- C.** The Commission shall deem its findings and order final if a request for hearing is not received by the Division within the time specified in subsection (A).

**Historical Note**

New Section made by final rulemaking at 11 A.A.R.  
1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1130. Hearing Rights and Procedures**

- A.** Burden of proof.
  1. Except as provided in subsection (A)(2), in all proceedings arising out of this Article, the applicant or self-insurer has the burden of proof to establish that it has met the requirements of A.R.S. § 23-901 et seq. and this Article.
  2. In a revocation hearing, the Commission has the burden of proof to establish that the self-insurer has committed the acts described in R20-5-1133.
- B.** Roles of Chair and Chief Counsel.
  1. The Chair of the Commission or designee shall preside over hearings held under this Article. Except as otherwise provided in this Section, the Chair shall apply the provisions of A.R.S. § 41-1062 to hearings held under this Article and shall have the authority and power of a presiding officer as described in A.R.S. § 41-1062.
  2. The Chief Counsel of the Commission shall represent the Commission in hearings held before the Commission and upon direction of the Chair of the Commission shall issue on behalf of the Commission all notices and subpoenas required under this Section.
- C.** Appearance by a party.
  1. Except as otherwise provided by law, a party to a hearing may appear on its own behalf or through counsel.
  2. When an attorney appears or intends to appear before the Commission, the attorney shall file a notice of appearance.
- D.** Filing and service.
  1. For purposes of this Section, a document is considered filed when the Commission receives the document. All documents required to be filed under this Section with the Commission shall be served upon the Chief Counsel of the Commission and upon all parties to the proceeding.
  2. Except as otherwise provided in A.R.S. § 23-901, et seq. and this Article, service of all documents upon the Commission, applicant, or self-insurer shall be by personal service or mail. Personal service includes delivery upon the Commission or party. Service by mail includes every type of service except personal service and is complete on mailing.
- E.** Notice of hearing.
  1. The Commission shall give the parties at least 20 days notice of hearing.
  2. A notice of hearing shall be in writing and mailed to the last known address of the applicant or self-insurer as shown on the records of the Commission, or upon the

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applicant's or self-insurer's representative if a notice of appearance has been filed by a representative.

3. A notice of hearing shall comply with the requirements in A.R.S. § 41-1061.

**F. Evidence.**

1. The civil rules of evidence do not apply to hearings held under this Section.
2. A party may make an opening and closing statement with the permission of the Chair if the Chair determines that the statement will be helpful to a determination of the issues.
3. All witnesses at a hearing shall testify under oath or affirmation.
4. A party may present evidence and conduct cross-examination of witnesses.
5. The Commission Chair may admit documents into evidence if filed no later than 15 days before the date of the hearing. Upon request or upon direction from the Commission Chair, the Commission may issue a subpoena to the author of any document submitted into evidence to appear and testify at the hearing.
6. Upon written request by a party or upon direction from the Commission Chair, the Commission may issue a subpoena requiring the attendance and testimony of a witness whose testimony is material. A party shall submit its subpoena request no later than 10 days before the date of the hearing.
7. Upon written request by a party or upon direction from the Commission Chair, the Commission may issue a subpoena duces tecum requiring the production of documents or other tangible evidence. The written request by a party shall contain a statement explaining the general relevance, materiality, and reasonable particularity of the documentary or other tangible evidence and the facts to be proved by them.

- G. Transcript of Proceedings.** The Commission shall stenographically report or electronically record hearings. Any party desiring a copy of transcript shall obtain a copy from the court reporter. Any party desiring a copy of an electronic recording may obtain a copy from the Commission.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1131. Decision Upon Hearing by the Commission**

- A.** A decision of the Commission to deny authority to self-insure shall be based upon the grounds in R20-5-1128 and shall be made by a majority vote of the quorum of Commission members present at a public meeting.
- B.** A decision of the Commission to revoke authority to self-insure shall be based upon the grounds in R20-5-1133 and shall be made by a majority vote of the quorum of Commission members present at a public meeting.
- C.** The Commission shall issue a written decision after the hearing that shall include findings of fact and conclusions of law, separately stated.
- D.** The Commission decision is final unless an applicant or self-insurer requests review under R20-5-1132 no later than 15 days after the written decision is mailed to the parties.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1132. Request for Review**

- A.** A party may request review of a Commission decision issued under R20-5-1131 by filing with the Commission a written

request for review no later than 15 days after the written decision is mailed to the parties.

- B.** A request for review of a Commission Decision shall be based upon one or more of the following grounds, which have materially affected the rights of a party:

1. Irregularities in the hearing proceedings or any order or abuse of discretion that deprives a party seeking review of a fair hearing;
2. Accident or surprise, which could not have been prevented by ordinary prudence;
3. Newly discovered material evidence that could not have been discovered with reasonable diligence and produced at the hearing;
4. Error in the admission or rejection of evidence, or errors of law occurring at, or during the course of the hearing;
5. Bias or prejudice of the Division or Commission; and
6. The order, decision, or findings of fact are not justified by the evidence or are contrary to law.

- C.** The request for review shall state the specific facts and law in support of the request and shall specify the relief sought.

- D.** The Commission shall issue a decision upon review no later than 30 days after receiving a request for review.

- E.** The Commission's decision upon review is final unless an applicant or self-insurer seeks judicial review as provided in A.R.S. § 23-946.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1133. Revocation of Authorization to Self-insure**

- A.** The Commission may revoke a Resolution of Authorization to Self-insure for good cause. Good cause includes any of the following:

1. An inability or failure to process and pay any claim under the Arizona Workers' Compensation Act;
2. Failure of the self-insurer to pay any taxes levied by the Commission as required under A.R.S. §§ 23-961 and 23-1065 and this Article;
3. Failure of the self-insurer to comply with the requirements of this Article, including the failure of the self-insurer to:
  - a. Promptly provide the Commission reports or other information required under this Article; and
  - b. File the written Letter of Intent required under R20-5-1135;
4. Failure or deliberate refusal to comply with the applicable requirements of A.R.S. § 23-901 et seq.;
5. Failure to pay or comply with any award or order of the Commission after the award or order becomes final;
6. Willful misstating of any material fact in a tax report, application, renewal documentation, or other report or statement made to or filed with the Commission;
7. Failure or deliberate refusal to comply with the requirements of 20 A.A.C. 5, Article 1;
8. Failure to deposit or file security timely as specified in this Article; or
9. Failure to provide information or documentation necessary to timely renew the Authorization to Self-insure.

- B.** Upon receiving information that a self-insurer has committed an act described in subsection (A), the Division shall conduct an investigation of the facts of the alleged misconduct. If, upon completion of the investigation, the Division determines that sufficient evidence exists to warrant revocation of a self-insurer's authority to self-insure, the Division shall present its findings to the Commission.

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- C. The Commission shall consider the findings and recommendation of the Division before revoking a self-insurer's authorization to self-insure.
- D. The Commission shall revoke a self-insurer's authority to self-insure if the Commission finds one or more of the grounds in subsection (A). The Commission shall issue written findings and an order revoking the Resolution of Authorization to Self-insure and shall serve a copy of the findings and order upon the self-insurer addressed to the last known address of the self-insurer as shown by the records of the Commission.
- E. A self-insurer has 15 days from the date the Commission serves the findings and order described in subsection (D) to request a hearing. The request for hearing shall comply with the requirements of A.R.S. § 23-945.
- F. R20-5-1130, R20-5-1131, and R20-5-1132 govern hearing rights and procedures for revocation hearings and review.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1134. Notice of Bankruptcy, Change in Ownership Status, or Change in Business Address**

- A. A self-insurer shall notify the Commission in writing within 24 hours of any bankruptcy filing under federal law or insolvency proceeding under any state's laws.
- B. A self-insurer shall notify the Commission in writing within 24 hours of any change in the ownership status or business address of the employer.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1135. Plan of Action for Retaining Self-insurance Authority in the Event of Insolvency or Bankruptcy**

- A. If a self-insurer becomes insolvent or files for protection under the United States Bankruptcy Code seeking to reorganize, and desires to remain self-insured, it shall file with the Division a written Letter of Intent regarding its intent to reorganize under the applicable provisions of the United States Bankruptcy Code.
  - 1. If the self-insurer is incorporated, the chief executive officer shall sign the Letter of Intent and the board of directors shall approve the Letter if the corporation is still operating;
  - 2. If the self-insurer is not incorporated, an authorized representative of the self-insurer shall sign the Letter of Intent; or
  - 3. An attorney representing the entity in its bankruptcy reorganization case may sign the Letter of Intent instead of the chief executive officer or authorized representative.
- B. The self-insurer shall file the Letter of Intent with the Division within 10 days of the initial bankruptcy filing or insolvency proceeding.
- C. The self-insurer shall ensure that a provision addressing the self-insurer's obligations to workers' compensation claimants and the Commission is included in the Plan of Reorganization filed with the United States Bankruptcy Court. This Plan shall state the self-insurer's intentions and financial ability to continue self-insurance.
- D. During the period between the initial bankruptcy filing and the approval of a Plan of Reorganization or Plan of Liquidation, the self-insurer may continue its self-insurance status only upon the demonstration of adequate protection to cover its current workers' compensation claims, or those claims that may come due before the Bankruptcy Court approves the Reorganization or Insolvency Plan. As part of the adequate protection

for the Commission, the self-insurer shall post or deposit additional security in an amount the Commission deems necessary to pay claims currently pending or anticipated before the approval of the Plan of Reorganization or liquidation.

- E. The self-insurer, or its legal representative, shall send a copy of the proposed Plan of Reorganization or Liquidation, including amendments to the Division.
- F. The Commission may file an Objection to the Plan of Reorganization in the appropriate bankruptcy court and take other actions as permitted under the United States Bankruptcy Code if it determines that the Plan of Reorganization or Liquidation does not adequately provide for the processing and payment of the self-insurer's workers' compensation claims.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

**R20-5-1136. Notice of Self-insurer's Termination of Self-insurance**

- A. A self-insurer shall file with the Division a completed and signed Notice of Self-insurer's Termination of Self-insurance form, if the self-insurer decides to terminate its self-insurance. The Notice of Self-insurer's Termination shall be filed with the Division 30 days before the effective date of termination of self-insurance.
- B. Before the effective date of the termination of self-insurance, the self-insurer shall file a certificate with the Claims Division designating an insurance carrier, or other proof, satisfactory to the Commission, of compliance with the requirements of A.R.S. § 23-961, to cover claims of the self-insurer that:
  - 1. Are pending at that time the self-insurer terminates self-insurance; and
  - 2. Occur after the effective date of the termination of self-insurance.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).

**ARTICLE 12. ARIZONA MINIMUM WAGE AND EARNED PAID SICK TIME PRACTICE AND PROCEDURE****R20-5-1201. Notice of Rules**

- A. This Article applies to all actions and proceedings before the Industrial Commission of Arizona arising under A.R.S. Title 23, Articles 8 and 8.1.
- B. The Industrial Commission of Arizona shall provide a copy of this Article upon request to any person free of charge.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4). Amended by final rulemaking at 23 A.A.R. 2907, effective October 3, 2017 (Supp. 17-4).

**R20-5-1202. Definitions**

In this Article, the definitions of A.R.S. §§ 23-362 (version two), 23-371, and 23-364 apply. In addition, unless the context otherwise requires, the following definitions shall apply to both the Act and this Article:

- 1. "Act" means A.R.S. Title 23, Chapter 2, Articles 8 and 8.1.
- 2. "Affected employee" means an employee or employees on whose behalf a complaint may be filed alleging a violation under the Act.



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3. "Amount of earned paid sick time available to the employee" means the amount of earned paid sick time or equivalent paid time off that is available to the employee for use in the current year.
4. "Amount of earned paid sick time taken by the employee to date in the year" means the amount of earned paid sick time or equivalent paid time off taken by the employee to date in the current year. Where an employee has used available equivalent paid time off for either the purposes enumerated in A.R.S. § 23-373 or other purposes, the employer may count that usage towards the "amount of earned paid sick time taken by the employee to date in the year."
5. "Amount of pay the employee has received as earned paid sick time" means the amount of pay the employee has received as earned paid sick time or equivalent paid time off to date in the current year. Where an employee has received pay for equivalent paid time off for the purposes enumerated in A.R.S. § 23-373 or other purposes, the employer may count that pay towards the "amount of pay the employee has received as earned paid sick time."
6. "Authorized representative" means a person prescribed by law to act on behalf of a party who files with the Department a written instrument advising of the person's authority to act on behalf of the party.
7. "Casual Basis," when applied to babysitting services, means employment which is irregular or intermittent.
8. "Commission" means monetary compensation based on:
  - a. A percentage of total sales,
  - b. A percentage of sales in excess of a specified amount,
  - c. A fixed allowance per unit, or
  - d. Some other formula the employer and employee agree to as a measure of accomplishment.
9. "Communicable disease" has the meaning prescribed by A.R.S. § 36-661.
10. "Complainant" means a person or organization filing an administrative complaint under the Act.
11. "Department" means the Labor Department of the Industrial Commission of Arizona or other authorized division of the Industrial Commission as designated by the Industrial Commission.
12. "Earned sick time" under A.R.S. § 23-364(G) means earned paid sick time.
13. "Employee's regular paycheck" means a regular payroll record that is readily available to employees and contains the information required by A.R.S. § 23-375(C), including physical or electronic paychecks or paystubs.
14. "Equivalent paid time off" means paid time off provided under a paid leave policy, such as a paid time off policy, that makes available an amount of paid leave sufficient to meet the accrual requirements of the Act that may be used for the same purposes and under the same conditions as earned paid sick time.
15. "Filing" means receipt of a report, document, instrument, videotape, audiotape, or other written matter at an office of the Department.
16. The term "health care professional" in A.R.S. § 23-373(G) has the same meaning as "health care professional," as defined in this Section.
17. "Health care professional" means any of the following:
  - a. A "physician" as defined by A.R.S. § 36-2351;
  - b. A "physician assistant" as defined by A.R.S. § 32-2501;
  - c. A "registered nurse practitioner" as defined by A.R.S. § 32-1601.
  - d. A certified nurse midwife who is a registered nurse practitioner approved by the Arizona State Board of Nursing to provide primary care services during pregnancy, childbirth, and the postpartum period;
  - e. A dentist licensed under A.R.S. Title 32, Chapter 11, Article 2; or
  - f. A behavioral health provider practicing as:
    - i. A psychologist licensed under A.R.S. Title 32, Chapter 19.1;
    - ii. A clinical social worker licensed under A.R.S. § 32-3293;
    - iii. A marriage and family therapist licensed under A.R.S. § 32-3311; or
    - iv. A professional counselor licensed under A.R.S. § 32-3301.
18. "Health care provider" has the meaning prescribed by A.R.S. § 36-661.
19. "Hours worked" means all hours for which an employee covered under the Act is employed and required to give to the employer, including all time during which an employee is on duty or at a prescribed work place and all time the employee is suffered or permitted to work.
20. "Minimum wage" means the lowest rate of monetary compensation required under the Act.
21. "Monetary compensation" means cash or its equivalent due to an employee by reason of employment.
22. "On duty" means time spent working or waiting that the employer controls and that the employee is not permitted to use for the employee's own purpose.
23. "Public benefits" has the same meaning as "state or local public benefit," as prescribed by A.R.S. § 1-502(I).
24. "Public health emergency" means a state of emergency declared by the governor in which there is an occurrence or imminent threat of an illness or health condition caused by bioterrorism, an epidemic or pandemic disease or a highly fatal infectious agent or biological toxin and that poses a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability.
25. "Same hourly rate" means the following:
  - a. For employees paid on the basis of a single hourly rate, "same hourly rate" shall be the hourly rate the employee would have earned for the period of time in which earned paid sick time or equivalent paid time off is used, but shall in no case be less than minimum wage.
  - b. For employees who are paid multiple hourly rates of pay, "same hourly rate" shall be determined in the following order of priority, but shall in no case be less than minimum wage:
    - i. The hourly rate the employee would have earned, if known, for each hour of earned paid sick time or equivalent paid time off used.
    - ii. The weighted average of all hourly rates of pay during the previous pay period.
  - c. For employees who are paid a salary, no additional pay is due when the employee's use of earned paid sick time or equivalent paid time off results in no reduction in the employee's regular salary during the pay period in which the earned paid sick time or equivalent paid time off is used. "Same hourly rate" for salaried employees shall be determined in the following order of priority, but shall in no case be less than minimum wage:
    - i. The wages an employee earns during each pay period covered by the salary divided by the

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- number of hours agreed to be worked during each pay period, if the number of hours to be worked during each pay period was previously established.
- ii. The wages an employee earns during each workweek covered by the salary in the current year divided by 40 hours.
  - d. For employees paid on a commission, piece-rate, or fee-for-service basis, "same hourly rate" shall be determined in the following order of priority, but shall in no case be less than minimum wage:
    - i. The hourly rate of pay previously agreed upon by the employer and the employee as:
      - (1) A minimum hourly rate for work performed; or
      - (2) An hourly rate for payment of earned paid sick time or equivalent paid time off.
    - ii. The wages that the employee would have been paid, if known, for the period of time in which earned paid sick time or equivalent paid time off is used, divided by the number of hours of earned paid sick time or equivalent paid time off used.
    - iii. A reasonable estimation of the commission, piece-rate, or fee-for-service compensation that the employee would have been paid for the period of time in which the earned paid sick time or equivalent paid time off is used, divided by the number of hours of earned paid sick time or equivalent paid time off used.
    - iv. The hourly average of all commission, piece-rate, or fee-for-service compensation that the employee earned during the previous 90 days, if the employee worked regularly during the previous 90-day period, based on: (1) hours that the employee actually worked; or (2) a 40-hour workweek.
    - v. The hourly average of all commission, piece-rate, or fee-for-service compensation that the employee earned during the previous 365 days, based on: (1) hours that the employee actually worked; or (2) a 40-hour workweek.
  - e. "Same hourly rate" includes shift differentials and premiums meant to compensate an employee for work performed under differing conditions (such as hazard pay or a shift differential for working at night) if the employee would have been entitled to the shift differential or premium for the period of time in which earned paid sick time or equivalent paid time off is used.
  - f. "Same hourly rate" does not include:
    - i. Additions to an employee's base rate for over-time or holiday pay;
    - ii. Subject to subsection (e), bonuses or other types of incentive pay; and
    - iii. Tips or gifts.
26. "Smallest increment that the employer's payroll system uses to account for absences or use of other time" means the smallest increment of time that an employer utilizes, by policy or practice, to account for absences or use of other paid time off.
  27. "Tip" means a sum that a customer presents as a gift in recognition of some service performed, and includes gratuities. The sum may be in the form of cash, amounts paid by bank check or other negotiable instrument payable at par, or amounts the employer transfers to the employee under directions from a credit customer who designates an amount to be added to a bill as a tip. Gifts in forms other than cash or its equivalent as described in this definition, such as event tickets, passes, or merchandise, are not tips.
  28. "Violation" means a transgression of any statute or rule, or any part of a statute or rule, including both acts and omissions.
  29. "Willfully" means acting with actual knowledge of the requirements of the Act or this Article, or acting with reckless disregard of the requirements of the Act or this Article.
  30. "Workday" means any fixed period of 24 consecutive hours.
  31. "Workweek" means any fixed and regularly recurring period of seven consecutive workdays.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4). Amended by final rulemaking at 23 A.A.R. 2907, effective October 3, 2017 (Supp. 17-4).

**R20-5-1203. Duty to Provide Current Address**

- A. A complainant shall provide and keep the Labor Department advised of the complainant's current mailing address and telephone number.
- B. An employer under investigation by the Department shall provide and keep the Labor Department advised of the employer's current mailing address and telephone number.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4).

**R20-5-1204. Forms Prescribed by the Department**

Forms prescribed by the Department, including the poster required under R20-5-1208, shall not be changed, amended, or otherwise altered without the prior written approval of the Department.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4).

**R20-5-1205. Determination of Employment Relationship**

- A. Determination of an employment relationship under the Act, which includes whether an individual is an independent contractor, shall be based upon the economic realities of the relationship. Consideration of whether an individual is economically dependent on the employer for which the individual performs work shall be determined by factors showing dependence, which non-exclusive factors shall include those factors identified in A.R.S. §§ 23-902(D) and 23-1601(B).
- B. An individual who works for another person without any express or implied compensation agreement is not an employee under the Act. This may include an individual that

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volunteers to work for civic, charitable, or humanitarian reasons that are offered freely and without direct or implied pressure or coercion from an employer, provided that the volunteer is not otherwise employed by the employer to perform the same type of services as those which the individual proposes to volunteer.

- C. An individual who works for another individual as a babysitter on a casual basis and whose vocation is not babysitting, is not an employee under the Act even if the individual performs other household work not related to caring for the children, provided the household work does not exceed 20% of the total hours worked on the particular babysitting assignment.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4). Amended by final rulemaking at 23 A.A.R. 2907, effective October 3, 2017 (Supp. 17-4).

**R20-5-1206. Payment of Minimum Wage; Commissions; Tips; Front Loading Earned Paid Sick Time; Limitation on Carry Over of Unused Earned Paid Sick Time**

- A. Subject to the requirements of the Act and this Article, no less than the minimum wage shall be paid for all hours worked, regardless of the frequency of payment and regardless of whether the wage is paid on an hourly, salaried, commissioned, piece rate, or any other basis.
- B. If the combined wages of an employee are less than the applicable minimum wage for a work week, the employer shall pay monetary compensation already earned, and no less than the difference between the amounts earned and the minimum wage as required under the Act.
- C. The workweek is the basis for determining an employee's hourly wage. Upon hire, an employer shall advise the employee of the employee's designated workweek. Once established, an employer shall not change or manipulate an employee's workweek to evade the requirements of the Act.
- D. In computing the minimum wage, an employer shall consider only monetary compensation and shall count tips and commissions in the workweek in which the tip or commission is earned.
- E. An employer is allowed to:
1. Require or permit employees to pool, share, or split tips; and
  2. Require an employee to report tips to the employer in order to meet reporting requirements of this Article and federal law.
- F. An employer who hires an employee after the beginning of the employer's year is not required to provide additional earned paid sick time or equivalent paid time off during that year if the employer provides the employee for immediate use on the employee's ninetieth calendar day after commencing employment an amount of earned paid sick time or equivalent paid time off that meets or exceeds the employer's reasonable projection of the amount of earned paid sick time or equivalent paid time off that the employee would have accrued from the date of hire through the end of the employer's year at a rate of one hour for every 30 hours worked. If the amount of earned paid sick time or equivalent paid time off provided is less than the employee would have accrued based on hours actually worked during the employer's year, the employer shall immediately provide an amount of earned paid sick time or equivalent paid time off that reflects the difference between the

employer's projection and the amount of earned paid sick time or equivalent paid time off that the employee would have accrued for hours actually worked in the year.

- G. Subject to subsection (F), an employer with 15 or more employees that provides its employees for immediate use at the beginning of each year 40 or more hours of earned paid sick time or 40 or more hours of equivalent paid time off is not required to provide carryover or additional accrual.
- H. Subject to subsection (F), an employer with fewer than 15 employees that provides its employees for immediate use at the beginning of each year 24 or more hours of earned paid sick time or 24 or more hours of equivalent paid time off is not required to provide carryover or additional accrual.
- I. Unless an employer: (1) elects to pay an employee for unused earned paid sick time or equivalent paid time off at the end of a year pursuant to A.R.S. § 23-372(D)(4); or (2) meets the requirements of subsections (G) or (H), unused earned paid sick time and equivalent paid time off may be carried over to the next year, as follows:
1. Subject to an employer's entitlement to permit greater carry over, an employee of an employer with 15 or more employees may carry over to the following year up to 40 hours of unused earned paid sick time or equivalent paid time off.
  2. Subject to an employer's entitlement to permit greater carry over, an employee of an employer with fewer than 15 employees may carryover to the following year up to 24 hours of unused earned paid sick time or equivalent paid time off.
  3. Carry over shall not affect accrual, usage rights, or usage limits under the Act.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4). Amended by final rulemaking at 23 A.A.R. 2907, effective October 3, 2017 (Supp. 17-4).

**R20-5-1207. Tip Credit Toward Minimum Wage**

- A. In this Section, unless the context otherwise requires, "customarily and regularly" means receiving tips on a consistent and recurrent basis, the frequency of which may be greater than occasional, but less than constant, and includes the occupations of waiter, waitress, bellhop, busboy, car wash attendant, hairdresser, barber, valet, and service bartender.
- B. For purposes of calculating the permissible credit for tips under A.R.S. § 23-363(C), the following applies:
1. Tips are customarily and regularly received in the occupation in which the employee is engaged;
  2. Except as provided in R20-5-1206(E), the employee actually receives the tip free of employer control as to how the employee uses the tip and the tip becomes the employee's property;
  3. Employees who customarily and regularly receive tips may pool, share, or split tips between them, and the amount each employee actually retains is considered the tip of the employee who retains it;
  4. Employer-required sharing of tips with employees who do not customarily and regularly receive tips in the occupation in which the employee is engaged, including management or food preparers, are not credited toward that employee's minimum wage; and

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5. A compulsory charge for service imposed on a customer by an employer's establishment are not credited toward an employee's minimum wage unless the employer actually distributes the charge to the employee in the pay period in which the charge is earned.
- C. Upon hiring or assigning an individual to a position that customarily and regularly receives tips, an employer intending to exercise a tip credit shall provide written notice to the employee prior to exercising the tip credit. Thereafter, the employer shall notify the employee in writing each pay period of the amount per hour that the employer takes as a tip credit.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4).

**R20-5-1208. Posting Requirements; Small Employer Exemption**

- A. With the exception of small employers, every employer subject to the Act shall place the posters prescribed by the Department informing employees of their rights under the Act in a conspicuous place in every establishment where employees are employed and where notices to employees are customarily placed. The employer shall ensure that the notices are not removed, altered, defaced, or covered by other material.
- B. In this Section, unless context otherwise requires, "small employer" means a corporation, proprietorship, partnership, joint venture, limited liability company, trust, or association that has less than \$500,000 in gross annual revenue.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4). Amended by final rulemaking at 23 A.A.R. 2907, effective October 3, 2017 (Supp. 17-4).

**R20-5-1209. Records Availability**

- A. Each employer shall keep the records required under the Act and this Article safe and accessible at the place or places of employment, or at one or more established central recordkeeping offices where the records are customarily maintained. When the employer maintains the records at a central recordkeeping office other than in the place or places of employment, the employer shall make the records available to the Department within 72 hours following notice from the Department.
- B. Employers shall make available to the Department any equipment or technology that is necessary to facilitate inspection and copying of the records.
- C. Each employer required to maintain records under the Act shall make enlargement, recomputation, or transcription of the records and shall submit to the Department the records or reports in a readable format upon the Department's written request.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4). Amended by

final rulemaking at 23 A.A.R. 2907, effective October 3, 2017 (Supp. 17-4).

**R20-5-1210. General Recordkeeping Requirements**

- A. Payroll records required to be kept under the Act include:
  1. All time and earning cards or sheets on which are entered the daily starting and stopping time of individual employees, or of separate work forces, or the amounts of work accomplished by individual employees on a daily, weekly, or pay period basis (for example, units produced) when those amounts determine in whole or in part: (1) those employees' pay period wages; and (2) those employees' earned paid sick time or equivalent paid time off;
  2. From their last effective date, all wage-rate tables or schedules of the employer that provide the piece rates or other rates used in computing wages; and
  3. Records of additions to or deductions from wages paid and records that support or corroborate the additions or deductions.
- B. Subject to A.R.S. § 23-381 and except as otherwise provided in this Section, every employer shall maintain and preserve payroll or other records containing the following information and data with respect to each employee to whom the Act applies:
  1. Name in full, and on the same record, the employee's identifying symbol or number if it is used in place of the employee's name on any time, work, or payroll record;
  2. Home address, including zip code;
  3. Date of birth, if under 19;
  4. Occupation in which employed;
  5. Time of day and day of week on which the employee's workweek begins. If the employee is part of a workforce or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, then a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment is permitted;
  6. Regular hourly rate of pay for any workweek and an explanation of the basis of pay by indicating the monetary amount paid on a per hour, per day, per week, per piece, commission on sales, or other basis, including the amount and nature of each payment;
  7. Hours worked each workday and total hours worked each workweek;
  8. Total daily or weekly straight-time wages due for hours worked during the workday or workweek, exclusive of premium overtime compensation;
  9. Total premium pay for overtime hours and an explanation of how the premium pay was calculated exclusive of straight-time wages for overtime hours recorded under subsection (B)(8) of this Section;
  10. Total additions to or deductions from wages paid each pay period including employee purchase orders or wage assignments, including, for individual employee records, the dates, amounts, and nature of the items that make up the total additions and deductions;
  11. Total wages paid each pay period;
  12. Date of payment and the pay period covered by payment;
  13. The amount of earned paid sick time available to the employee;
  14. The amount of earned paid sick time taken by the employee to date in the year;
  15. The amount of pay the employee has received as earned paid sick time; and
  16. The employee's earned paid sick time balance. "The employee's earned paid sick time balance" means the

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sum of earned paid sick time or equivalent paid time off that is: (1) carried over to the current year; (2) accrued to date in the current year; and (3) provided to date in the current year pursuant to A.R.S. § 23-372(D)(4) or A.A.C. R20-5-1206(F), (G), or (H).

- C. For an employee who is compensated on a salary basis at a rate that exceeds the minimum wage required under the Act and who, under 29 CFR 541, is an exempt bona fide executive, administrative, or professional employee, including an employee employed in the capacity of academic administrative personnel or teachers in elementary or secondary schools, or in outside sales, an employer shall maintain and preserve:
1. Records containing the information and data required under subsections (B)(1) through (B)(5), and (B)(11) through (B)(16) of this Section; and
  2. Records containing the basis on which wages are paid in sufficient detail to permit a determination or calculation of whether the salary received exceeds the minimum wage required under the Act, including a record of the hours upon which payment of the salary is based, whether full time or part time.
- D. With respect to employees working on fixed schedules, an employer may maintain records showing instead of the hours worked each day and each workweek as required under this Section, the schedule of daily and weekly hours the employee normally works, provided:
1. In weeks in which an employee adheres to this schedule, the employer indicates by check mark, statement, or other method, that the employee actually worked the hours; and
  2. In weeks in which more or fewer than the scheduled hours are worked, the employer records the number of hours actually worked each day and each week.
- E. With respect to an employee who customarily and regularly receives tips, the employer shall ensure that the records required under this Article include the following information:
1. A symbol, letter, or other notation placed on the pay records identifying each employee whose wage is determined in part by tips;
  2. Amount of tips the employee reports to the employer;
  3. The hourly wage of each tipped employee after taking into consideration the employee's tips;
  4. Hours worked each workday in any occupation in which the employee does not receive tips, and total daily or week straight-time payment made by the employer for the hours;
  5. Hours worked each workday in occupations in which the employee receives tips and total daily or weekly straight-time wages for the hours; and
  6. Copy of the notice required under R20-5-1207(C).
- F. An employer who makes retroactive payment of wages, voluntarily or involuntarily, shall record on the pay records, the amount of the payment to each employee, the period covered by the payment, and the date of payment.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4). Amended by final rulemaking at 23 A.A.R. 2907, effective October 3, 2017 (Supp. 17-4).

**R20-5-1211. Administrative Complaints**

- A. A person or organization alleging a minimum wage, earned paid sick time, or equivalent paid time off violation shall file a

complaint with the Labor Department within one year from the date the wages, earned paid sick time, or equivalent paid time off were due.

- B. A person or organization alleging retaliation, discrimination, or a violation of A.R.S. § 23-377 shall file a complaint with the Labor Department within one year from the date the alleged violation occurred or when the employee knew or should have known of the alleged violation.
- C. The person or organization filing a complaint with the Labor Department shall sign the complaint.
- D. Any person or organization other than an affected employee who files a complaint shall include the names of affected employees.
- E. Upon its own complaint, the Department may investigate violations under the Act.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4). Amended by final rulemaking at 23 A.A.R. 2907, effective October 3, 2017 (Supp. 17-4).

**R20-5-1212. Conduct that Hinders Investigation**

An employer hinders an investigation under the Act if the employer engages in conduct, or causes another person to engage in conduct, that delays or otherwise interferes with the Department's investigation, including:

1. Obstructing or refusing to admit the Department to any place of employment authorized under the Act;
2. Obstructing or refusing to permit interviews authorized under the Act;
3. Failing to make, keep, or preserve records required under the Act or this Article;
4. Failing to permit the review and copying of records required under the Act and this Article; and
5. Falsifying any record required under the Act or this Article.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4).

**R20-5-1213. Findings and Order Issued by the Department**

- A. Except as provided in R20-5-1219, after receipt of a complaint alleging a violation of the Act, the Department shall issue a Findings and Order of its determination. The Department shall send its Findings and Order to both the employer and the complainant at their last known addresses served personally or by regular first class mail. If the complaint named affected employees, the Department may send a copy of its Findings and Order to the affected employees.
- B. If the Department determines that an employer has violated the minimum wage, earned paid sick time, or equivalent paid time off requirements, the Department shall order the employer to pay the employee, and if applicable, affected employees, the balance of the wages, earned paid sick time, or equivalent paid time off owed, including interest at the legal rate and an additional amount equal to twice the underpaid wages, earned paid sick time, or equivalent paid time off owed.

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- C. If the Department determines that a retaliation, discrimination, confidentiality, or nondisclosure violation has occurred, the Department shall direct the employer or other person to cease and desist from the violation and may take action necessary to remedy the violation, including:
  1. Rehiring or reinstatement,
  2. Reimbursement of lost wages and interest,
  3. Payment of penalty to employees or affected employees as provided for in the Act and this Article, and
  4. Posting of notices to employees.
- D. If the Department determines that no violation of the Act has occurred the Department shall notify the parties and shall dismiss the complaint without prejudice. After notification of the Department's determination, the complainant may bring a civil action under A.R.S. § 23-364(E).
- E. The Department may assess civil penalties for recordkeeping, posting, and other violations under the Act and this Article as part of a Findings and Order issued under subsection (A) or the civil penalties and other violations may be assessed as a separate Findings and Order. If issued as a separate Findings and Order, the Department shall serve, personally or by regular first class mail, the Findings and Order on the employer and, if a complaint has been filed, the complainant.
- F. The Director of the Department shall sign the written Findings and Order issued by the Department.
- G. If an employer does not comply with a Findings and Order issued by the Department within 10 days following finality of the Findings and Order, the Department may refer the matter to a law enforcement officer.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4). Amended by final rulemaking at 23 A.A.R. 2907, effective October 3, 2017 (Supp. 17-4).

**R20-5-1214. Review of Department Findings and Order; Hearings; Issuance of Decision Upon Hearing**

- A. Except as provided in R20-5-1213(D), a party aggrieved by a Findings and Order issued by the Department may request a hearing by filing a written request for hearing with the Department within 30 days after the Findings and Order is served upon the party. Failure to timely file a request for hearing means that the Findings and Order issued by the Department is final and res judicata to all parties.
- B. A request for hearing shall be in writing and contain:
  1. The name and address of the party requesting the hearing,
  2. The signature of the party or the party's authorized representative, and
  3. A statement that a hearing is requested.
- C. Upon receipt of a timely filed request for hearing, the Department shall refer the matter to the Administrative Law Judge Division of the Commission for hearing.
- D. Except as otherwise provided in this Section, the hearing shall be conducted under A.R.S. § 41-1061 et seq.
- E. A person submitting correspondence or other documents, including subpoena requests, to an administrative law judge concerning a matter pending before the administrative law judge, shall contemporaneously serve a copy of the correspondence or other document upon all other parties, or if represented, the parties' authorized representative.
- F. The administrative law judge may dismiss a request for hearing when it appears to the judge's satisfaction that the parties have resolved the disputed issue or issues.
- G. The administrative law judge shall issue a written decision upon hearing containing findings of fact and conclusions of law no later than 30 days after the matter is submitted for decision. The decision shall be sent to the parties at their last known addresses served personally or by regular first class mail.
- H. A decision issued under this Section is final when entered unless a party files a request for rehearing or review as provided in R20-5-1215 or commences an action in the Superior Court as provided in R20-5-1216 and A.R.S. § 12-901 et seq. The decision shall contain a statement explaining the review rights of a party.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4).

**R20-5-1215. Request for Rehearing or Review of Decision Upon Hearing**

- A. A party may request rehearing or review of a decision issued under R20-5-1214 by filing with the Administrative Law Judge a written request for rehearing or review no later than 15 days after the written decision is served personally or by regular first class mail upon the parties.
- B. A request for rehearing or review shall be based upon any of the following causes that materially affected the rights of an aggrieved party:
  1. Irregularities in the hearing proceeding or any order, or abuse of discretion that deprives a party seeking review of a fair hearing;
  2. Accident or surprise that could not have been prevented by ordinary prudence;
  3. Newly discovered material evidence that could not have been discovered with reasonable diligence and produced at the hearing;
  4. Error in the admission or rejection of evidence, or errors of law occurring at the hearing;
  5. Bias or prejudice of the Department or administrative law judge; and
  6. The findings of fact or conclusions of law contained in the decision are not justified by the evidence or are contrary to law.
- C. A request for rehearing or review shall state the specific facts and law in support of the request and shall specify the relief sought by the request.
- D. A party shall have 15 days from the date of the filing of a request for rehearing or review to file a written response. Failure to respond shall not be deemed an admission against interest.
- E. The administrative law judge shall issue a decision upon review no later than 30 days after receiving a request for review or response, if one is filed.
- F. A decision upon review is final unless a party seeks judicial review as provided in R20-5-1216.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315,

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effective January 13, 2008 (Supp. 07-4).

**R20-5-1216. Judicial Review of Decision Upon Hearing or Decision Upon Review**

- A. A party aggrieved by a decision upon hearing issued under R20-5-1214 or a decision upon review issued under R20-5-1215 may seek review by commencing an action in the Superior Court as provided in A.R.S. § 12-901 et seq. within 35 days from the date a copy of the decision sought to be reviewed is served personally or by regular first class mail upon the party affected.
- B. A decision upon hearing issued under R20-5-1214 or a decision upon review issued under R20-5-1215 is final unless a party seeks judicial review as provided under A.R.S. § 12-901 et seq.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4).

**R20-5-1217. Assessment of Civil Penalties Under A.R.S. § 23-364(F)**

The Department may assess civil penalties for violations of the Act and this Article, including the assessment of civil penalties for engaging in conduct that hinders an investigation of the Department as specified in R20-5-1212.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4).

**R20-5-1218. Collection of Wages, Earned Paid Sick Time, Equivalent Paid Time Off, or Penalty Payments Owed**

- A. Upon determination that wages, earned paid sick time, equivalent paid time off, or penalty payments are due and unpaid to any employee, the employee may, or the Department may on behalf of an employee, obtain judgment and execution, garnishment, attachment, or other available remedies for collection of unpaid wages and penalty payments established by a final Findings and Order of the Department.
- B. If payment cannot be made to the employee, the Department shall receive monetary compensation or penalty payments on behalf of the employee and transmit monies it receives as payment in a special state fund as provided in A.R.S. § 23-356(C).
- C. The Department may amend a Findings and Order to conform to the legal name of the business or the person who is the defendant employer to a complaint under the Act, provided service of the Findings and Order was made on the defendant or the defendant's agent. If a judgment has been entered on the order, the Department may apply to the clerk of the superior court to amend a judgment that has been issued under a final order, provided service was made on the defendant or the defendant's agent.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4). Amended by

final rulemaking at 23 A.A.R. 2907, effective October 3, 2017 (Supp. 17-4).

**R20-5-1219. Resolution of Disputes**

Notwithstanding any other provision of law, the Department may mediate and conciliate a dispute between the parties.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4).

**R20-5-1220. Small Employer Request for Exception to Recordkeeping Requirements**

- A. In this Section, unless context otherwise requires, "small employer" means a corporation, proprietorship, partnership, joint venture, limited liability company, trust, or association that has less than \$500,000 in gross annual revenue.
- B. A small employer, or any category of small employer that is unreasonably burdened by the recordkeeping requirements of the Act and this Article may file a written petition for exception with the Department requesting relief from certain recordkeeping requirements under this Article. The petition shall:
1. State the reasons for the request for relief;
  2. State an alternate manner or method of making, keeping, and preserving records that will enable the Department to determine hours worked and wages paid; and
  3. Include the signature of the employer or an authorized representative of the employer.
- C. Subject to any conditions or limitations necessary to ensure fulfillment of the purpose and intent of Act, the Department may grant a petition for exception if it finds that:
1. The small employer, or category of small employer is unreasonably burdened by the recordkeeping requirements of the Act and this Article; and
  2. The relief requested and alternative proposed will not hinder the Department's enforcement of the Act and this Article.
- D. For good cause, the Department may rescind a prior order granting relief under this Section.
- E. Relief under this Section is effective upon the Department's written authorization.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4).

**ARTICLE 13. TREATMENT GUIDELINES****R20-5-1301. Adoption and Applicability of the Article**

- A. The Industrial Commission of Arizona (Commission) has adopted the Work Loss Data Institute's *Official Disability Guidelines – Treatment in Workers Compensation* (ODG) as the standard reference for evidence-based medicine used in treating injured workers within the context of Arizona's workers' compensation system. By adopting and referencing the most recent edition (at the time of treatment), and continuously updated Official Disability Guidelines, the Commission can ensure the latest available medical evidence is used in making medical treatment decisions for injured workers.
- B. Until further action of the Commission, the guidelines shall apply to all body parts and conditions.

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- C. The Commission may modify or change the applicability of the guidelines as described in subsection (B) if the Commission determines that modification or changing the applicability of the guidelines will: 1) improve medical treatment for injured workers, 2) make treatment and claims processing more efficient and cost effective, and 3) if the Commission's modification expands the applicability of the guidelines, the guidelines adequately cover the relevant body parts or conditions. Before taking action to modify or change the applicability of the guidelines, the Commission shall provide an opportunity for public comment and hold a public hearing. A decision of the Commission under this subsection shall be made by a majority vote of a quorum of Commission members present at a public meeting.
- D. Action taken by the Commission to modify or change the applicability of the guidelines under subsection (C) shall be published in the minutes of the Commission meeting when such action was taken. The minutes of this action shall be published on the Commission's website and shall be available from the Commission upon request.
- E. The guidelines shall apply prospectively. Recommendations provided in the guidelines related to the management of chronic pain and the use of opioids for all stages of pain management shall apply to medical treatment or services occurring on or after October 1, 2016. For purposes of this process, chronic pain shall be defined by the guidelines. Recommendations provided in the guidelines related to all other body parts and conditions shall apply to medical treatment or services occurring on or after October 1, 2018.
- F. This Article applies to all claims filed with the Commission.
- G. This Article only applies to medical treatment and services for body parts and conditions that have been accepted as compensable.
- H. The guidelines are to be used as a tool to support clinical decision making and quality health care delivery to injured employees. The guidelines set forth care that is generally considered reasonable and are presumed correct if the guidelines provide recommendations related to the requested treatment or service. This is a rebuttable presumption and reasonable medical care may include deviations from the guidelines. To support a request to deviate from the guidelines, the provider must produce documentation and justification that demonstrates by a preponderance of credible medical evidence a medical basis for departing from the guidelines. Credible medical evidence may include clinical expertise and judgment.
- I. The Commission shall provide administrative review and oversight of this Article.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 1730, effective October 1, 2016 (Supp. 16-2). Amended by final rulemaking at 24 A.A.R. 2069, effective October 1, 2018 (Supp. 18-3).

**R20-5-1302. Definitions**

In this Article and R20-5-106(A)(12), unless the context otherwise requires:

- "Act" means the Arizona Workers' Compensation Act, A.R.S. Title 23, Chapter 6.
- "Active Practice" means performing patient care for a minimum of eight hours per week in one of the five preceding years.
- "Administrative Law Judge" or "ALJ" means a hearing officer appointed under A.R.S. § 23-108.02.
- "Administrative Review" means a process that includes a peer review for preauthorization of a request for medical

treatment or services conducted pursuant to R20-5-1311. The administrative review process will be managed by the Medical Resource Office (MRO) at the Industrial Commission of Arizona.

"American Board of Medical Specialties" means the organization that develops a uniform system for specialty boards to administer examinations for certification of physicians within specific medicine specialties.

"American Osteopathic Association" means the organization that develops a uniform system for specialty boards to administer examinations for certification of osteopathic physicians within specific osteopathic medicine specialties.

"Applicability" means the body parts and medical conditions that are covered under this Article and authorized by the Commission under R20-5-1301(B) and (C).

"Claim" means the workers' compensation claim filed by the injured employee under the Act.

"Contractor" means an independent peer review organization accredited by URAC.

"Fast Track ALJ Dispute Resolution Program" or "fast track process" means the voluntary dispute resolution process set forth in R20-5-1312(B).

"International Classification of Diseases Code" or "ICD Code" means a set of medical diagnostic codes that creates a universal language for reporting diseases and injury.

"International Classification of Diseases" or "ICD" means an official list of categories of diseases, physical and mental, that is issued and maintained by the World Health Organization.

"IME" means an independent medical examination scheduled under R20-5-114.

"Injured Employee" means a person defined in A.R.S. § 23-901 whose claim has been accepted for workers' compensation benefits.

"Medical File Review Opinions" means a formal examination of patient data and medical records for the purpose of determining the need for medical treatment, services or both.

"Payer" means an insurance carrier defined under A.R.S. § 23-901, a self-insured employer defined in R20-5-102, a third-party administrator, and the Special Fund of the Industrial Commission of Arizona.

"Peer Review" means an independent medical review conducted by an individual meeting the requirements of R20-5-1311(I).

"Preauthorization" means the written request prescribed by R20-5-1303 from a provider to a payer requesting approval to provide medical treatment or services to an injured employee.

"Provider" means a physician as defined in R20-5-102.

"Reconsideration" means a written request to the payer or identified review organization by an injured employee or medical provider to reconsider a previous payer decision to deny medical treatment or services and that identifies the specific justification to support the request.

"Third-Party Administrator" means an organization that processes insurance or employee benefit claims for a separate entity.



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“Treatment Guidelines” or “guidelines” means medical treatment guidelines that are used as a tool to support clinical decision making and quality health care delivery to injured employees.

“URAC” refers to URAC, a non-profit organization formerly known as the Utilization Review Accreditation Commission.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 1730, effective October 1, 2016 (Supp. 16-2). Amended by final rulemaking at 24 A.A.R. 2069, effective October 1, 2018 (Supp. 18-3).

**R20-5-1303. Provider Request for Preauthorization**

- A. No preauthorization is required under the Act to ensure payment for reasonably required medical treatment or services. While preauthorization is not required under the Act, a provider may seek preauthorization as provided in this subsection.
- B. A provider shall submit a request for preauthorization in writing using Section I (Provider Request for Preauthorization) of the Medical Treatment Preauthorization Form approved by the Commission under R20-5-106(A)(12). A provider shall attach documentation to a request for preauthorization that supports the medical necessity and appropriateness of the treatment or services requested, such as office notes and diagnostic reports.
- C. A provider may submit the request for preauthorization by mail, electronically or by fax.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 1730, effective October 1, 2016 (Supp. 16-2). Amended by final rulemaking at 24 A.A.R. 2069, effective October 1, 2018 (Supp. 18-3).

**R20-5-1304. Payer Denial of Request for Preauthorization**

- A. A payer shall not deny a request for preauthorization solely because the guidelines do not address the requested treatment or services.
- B. A payer shall not deny a request for preauthorization that is supported by the guidelines, unless the payer can rebut the presumption of reasonableness and correctness with a medical or psychological opinion establishing by a preponderance of the evidence that there is a contraindication or significant medical or psychological reason not to authorize the requested treatment or services. Upon request by the provider or injured employee, a denial of preauthorization in this situation shall be processed as an immediate referral to the Commission for administrative review as provided in R20-5-1311 unless the payer obtains an IME in support of its denial. If the payer obtains an IME which serves as the basis for the denial, then review of the payer’s decision shall be processed as a request for investigation under A.R.S. § 23-1061(J) if filed by the injured employee.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 1730, effective October 1, 2016 (Supp. 16-2).

**R20-5-1305. Payer Denial of Payment for Provided Treatment or Services**

- A. A payer shall not deny payment for provided treatment or services solely because the guidelines do not address the requested treatment or services.
- B. A payer shall not deny payment for provided treatment or services supported by the guidelines, unless the payer can rebut the presumption of reasonableness and correctness with a medical or psychological opinion establishing by a preponderance of the evidence that there is a medical contraindication or

significant medical or psychological reason not to pay for the treatment or services.

- C. A dispute related to a payer’s failure to pay for provided treatment or services may be processed as a request for investigation under A.R.S. § 23-1061(J) if filed by an injured employee.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 1730, effective October 1, 2016 (Supp. 16-2).

**R20-5-1306. Payer Reversal of Decision to Deny Treatment or Services**

A payer may reverse its decision to deny treatment or services at any time throughout the process described in this Article. In this situation, the payer’s subsequent authorization or agreement to pay for the treatment or services at issue shall end this process.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 1730, effective October 1, 2016 (Supp. 16-2).

**R20-5-1307. Payer Decision, In Whole or In Part**

A payer may issue a decision approving or denying a request for preauthorization in whole, or in part.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 1730, effective October 1, 2016 (Supp. 16-2).

**R20-5-1308. Failure to Comply with Required Time Limits**

A payer’s failure to comply with the required time limits of this process may be considered unreasonable delay under R20-5-163.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 1730, effective October 1, 2016 (Supp. 16-2).

**R20-5-1309. Payer Decision on Request for Preauthorization**

- A. Except as provided in subsections (C) or (D), a payer shall communicate to the provider its decision on a request for preauthorization no later than 7 business days after the request is received. The decision shall be issued in writing using Section II (Payer Decision on Request for Preauthorization) of the Medical Treatment Preauthorization Form approved by the Commission under R20-5-106(A)(12). A payer shall attach to the decision a statement of what has been authorized, including, if applicable, a partial authorization, and, if the request for preauthorization is denied, in whole or in part, a statement of explanation that includes the medical reason supporting the payer’s decision. For purposes of this Section, the 7 business days begin to run the day after the payer receives the request.
- B. If a payer fails to communicate to a provider its decision on request for preauthorization within 7 business days, then the payer’s failure to take action is deemed a “no response” and the provider or injured employee may submit a request for administrative review directly to the Commission as provided in R20-5-1311.
- C. If a payer receives a request for preauthorization not submitted on Section I (Provider Request for Preauthorization) of the Medical Treatment Preauthorization Form approved by the Commission under R20-5-106(A)(12) or an incomplete request for preauthorization using Section I (Provider Request for Preauthorization) of the Medical Treatment Preauthorization Form approved by the Commission under R20-5-106(A)(12), the payer shall:
  1. No later than 7 business days after the request is received and identified, act on the request for preauthorization pursuant to subsection (A); or
  2. No later than 7 business days after the request is received and identified, notify the provider in writing that the

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request for preauthorization is incomplete or, if applicable, that a request for preauthorization must be submitted on Section I (Provider Request for Preauthorization) of the Medical Treatment Preauthorization Form approved by the Commission under R20-5-106(A)(12).

- D. If, no later than 7 business days after a request for preauthorization has been received, a payer provides written notice to the provider that an IME has been requested under R20-5-114 using Section II (Payer Decision on Request for Preauthorization) of the Medical Treatment Preauthorization Form approved by the Commission under R20-5-106(A)(12), then the payer's decision on a request for preauthorization shall be issued no later than 7 business days after the final IME report has been received by the payer. The payer shall provide a copy of the final IME report to the provider upon receipt of the IME report.
- E. Unless the payer decision was supported by an IME or otherwise falls within subsection R20-5-1304(B), an injured employee or provider may seek reconsideration of a payer decision by submitting a written request to the payer (or review organization identified by the payer) using Section III (Provider or Employee Request for Reconsideration) of the Medical Treatment Preauthorization Form approved by the Commission under R20-5-106(A)(12). A provider shall attach to a request for reconsideration a statement of the specific reasons and justifications to support the request. If not previously provided, the injured employee or provider shall attach supporting medical documentation with the request for reconsideration.
- F. An injured employee may seek review of a payer decision that is supported by an IME by requesting an investigation under A.R.S. § 23-1061(J).
- G. Unless the decision was supported by an IME, an injured employee or provider may seek review of a payer decision issued under R20-5-1304(B) by requesting administrative review by the Commission as provided in R20-5-1311.
- H. A payer shall provide a copy of its written decision to deny treatment or services to the injured employee or, if represented, to the injured employee's authorized representative.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 1730, effective October 1, 2016 (Supp. 16-2). Amended by final rulemaking at 24 A.A.R. 2069, effective October 1, 2018 (Supp. 18-3).

**R20-5-1310. Payer Reconsideration on Request for Preauthorization**

- A. Except as provided in subsection (C), a payer shall communicate to the provider its decision on a request for reconsideration no later than 7 business days after the request is received. This decision shall be issued in writing using Section IV (Payer Decision on Request for Reconsideration) of the Medical Treatment Preauthorization Form approved by the Commission under R20-5-106(A)(12). A payer shall attach to the decision a statement of what has been authorized, including, if applicable, a partial authorization, and, if the request for preauthorization is denied, in whole or in part, a statement of explanation that includes the medical reason supporting the payer's decision. For purposes of this subsection, the 7 business days begin to run the day after the payer receives the request for reconsideration.
- B. If a payer fails to respond to a request for reconsideration within 7 business days, the provider or injured employee may submit a request for administrative review directly to the Commission as provided in R20-5-1311.

- C. If, no later than 7 business days after a request for reconsideration has been received, a payer provides written notice to the provider that an IME has been requested under R20-5-114 using Section IV (Payer Decision on Request for Reconsideration) of the Medical Treatment Preauthorization Form approved by the Commission under R20-5-106(A)(12), then the payer's decision on a request for reconsideration shall be issued no later than 7 business days after the final IME report has been received by the payer. The payer shall provide a copy of the final IME report to the provider upon receipt of the report.
- D. Commission Review of Payer Reconsideration Decision:
  - 1. An injured employee or provider may seek review of a payer reconsideration decision by requesting an administrative review by the Commission as provided in R20-5-1311 unless the payer decision was supported by an IME.
  - 2. An injured employee may seek review of a payer reconsideration decision that is supported by an IME by requesting an investigation under A.R.S. § 23-1061(J).
- E. A payer shall provide a copy of its written reconsideration decision to deny treatment or services to the injured employee or, if represented, to the injured employee's authorized representative.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 1730, effective October 1, 2016 (Supp. 16-2). Amended by final rulemaking at 24 A.A.R. 2069, effective October 1, 2018 (Supp. 18-3).

**R20-5-1311. Administrative Review by Commission**

- A. Absent further action of the Commission under R20-5-1301(C), administrative review under this Article is available for requests for medical treatment or services related to all body parts and conditions.
- B. A request for administrative review shall be in writing using Section V (Provider or Employee Request for Administrative Peer Review) of the Medical Treatment Preauthorization Form approved by the Commission under R20-5-106(A)(12). A request for administrative review must attach copies of relevant medical information or records and copies of all documentation related to the payer's decision or non-response. A request for administrative review must be submitted to the Commission by mail, electronically or by fax.
- C. Upon receipt of a request for administrative review, the Commission shall determine whether the administrative review is available under this Article.
  - 1. If administrative review is not available, then no later than three business days after receiving a request for administrative review, the Commission shall send notice to the injured employee and payer that administrative review is not available.
  - 2. If administrative review is available, then no later than three business days after receiving the request, the Commission shall send notice to the payer that a request for administrative review has been received and provide information on how to participate in the process.
- D. The administrative review conducted under this Section shall apply the guidelines as described in this Article and include a peer review performed by an individual meeting the requirements of subsection (I). The peer review shall consist of a records review and, when possible as described in subsection (I)(5), a conversation between the provider and individual conducting the peer review.
- E. The Commission may enter into an agreement with one or more contractors, who shall be URAC accredited, to provide the review described in subsection (D).

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- F. The payer shall pay for the costs of the peer review conducted by the contractor.
- G. To assist in its review, the Commission or its contractor may request or receive additional information and documentation from the provider, injured employee or payer, who shall cooperate and provide the Commission or its contractor with any necessary medical information, including information pertaining to the payer's decision.
- H. Before the Commission or its contractor issues a determination denying the request for treatment or services, a good faith effort shall be made to conduct a peer review with the provider requesting authorization to perform the treatment or services.
- I. The individual conducting the peer review shall:
1. Hold an active, unrestricted license or certification to practice medicine or a health profession and be involved in the active practice of medicine or a health profession during the five preceding years. For purposes of this subsection, "active practice" means performing patient care for a minimum of eight hours per week in one of the five preceding years;
  2. Be licensed in Arizona, unless the Commission or its contractor is unable to find such an individual, in which case the peer review may be conducted by an individual who is licensed in another state of the United States and who meets the other requirements of this subsection;
  3. For a review of a request from an allopathic or osteopathic physician, nurse practitioner, physician assistant, or other mid-level provider, hold a current certification from the American Board of Medical Specialties or the American Osteopathic Association in the area or areas appropriate to the condition, procedure or treatment under review;
  4. Be in the same profession and the same specialty or subspecialty as typically performs or prescribes the medical procedure or treatment requested; and
  5. Make a good faith effort to contact the provider requesting the preauthorization. This good faith effort shall include making telephone contact during the provider's normal business hours and offering to schedule the peer review at a time convenient for the provider.
- J. A provider may bill the payer for time spent participating in a peer review under this Section.
- K. The Commission or its contractor shall issue a written determination of its administrative review that contains the name and title of the person that performed the administrative review, and includes the following information:
1. Whether the request for treatment or services is authorized or denied, in whole or in part;
  2. The information reviewed;
  3. The principle reason for the decision; and
  4. The clinical basis and rationale for the decision.
- L. An interested party dissatisfied with the administrative review determination may request that the dispute be referred to the Commission's Administrative Law Judge Division for hearing. This request for hearing shall:
1. Be in writing;
  2. Filed no later than 10 business days after the administrative review determination is issued; and
  3. State whether the party requests to participate in the Fast Track ALJ Dispute Resolution Program by stipulation, or declines to participate in the Fast Track ALJ Dispute Resolution Program.
- M. If a timely request for hearing is filed, the administrative review determination is deemed null and void and shall serve no evidentiary purpose.
- N. The information provided by the parties under this Section and the determination issued by the Commission shall become a part of the Commission claims file for the injured employee.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 1730, effective October 1, 2016 (Supp. 16-2). Amended by final rulemaking at 24 A.A.R. 2069, effective October 1, 2018 (Supp. 18-3).

**R20-5-1312. Hearing Process**

- A. A referral of a request for hearing under R20-5-1311(L) shall be processed as provided for in the Act unless all parties agree to participate in the fast track process.
- B. The following applies only to the Fast Track ALJ Dispute Resolution Program:
1. Parties must agree to participate in the Fast Track ALJ Dispute Resolution Program with the understanding that a short form decision will be issued.
  2. Review by the presiding ALJ shall be limited to the treatment or service dispute considered at the administrative review under R20-5-1311.
  3. The presiding ALJ shall issue a notice of hearing within 10 business days of the receipt of the fully executed agreement to participate and certificate of readiness.
  4. The hearing shall be held within 30 calendar days from the day that the notice of hearing is issued to the extent practicable.
  5. Discovery is limited to five interrogatories and no depositions are permitted.
  6. The presiding ALJ shall take all lay witness testimony at the time of the hearing and will not hold any further hearings.
  7. The presiding ALJ shall consider documentary medical evidence only; no medical testimony shall be taken.
  8. Medical file review opinions shall be deemed to constitute substantial evidence to support the requested treatment or service.
  9. All documentary evidence shall be submitted no later than 10 business days before the scheduled hearing.
  10. The hearing shall be recorded, but not transcribed, unless one or more of the parties files a request for review under A.R.S. § 23-942 and A.R.S. § 23-943.
  11. The presiding ALJ shall issue a short form decision within five business days after the matter is deemed submitted.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 1730, effective October 1, 2016 (Supp. 16-2).

**ARTICLE 14. MUNICIPAL FIREFIGHTER CANCER REIMBURSEMENT FUND AND FIREFIGHTER AND FIRE INVESTIGATOR CANCER CLAIM REPORTING**

**R20-5-1401. Application of the Article and Definitions**

- A. This Article applies to reimbursement claims submitted to the Municipal Firefighter Cancer Reimbursement Fund under Arizona Revised Statutes ("A.R.S."), Title 23, Chapter 11.
- B. The definitions in A.R.S. § 23-1701 apply in this Article.
- C. "Fiscal year" shall mean the 12-month cycle that begins on July 1 and ends on June 30.

**Historical Note**

New Section made by final exempt rulemaking at 27 A.A.R. 2920 (December 17, 2021), effective January 1, 2022 (Supp. 21-4).

**R20-5-1402. Reimbursement Claims**

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- A.** A Municipal Payor seeking reimbursement from the Fund shall submit a reimbursement claim in writing on the Municipal Firefighter Cancer Reimbursement Form approved by the Commission.
- B.** The Municipal Firefighter Cancer Reimbursement Form shall include the following attestations, which shall be made by an authorized representative of a Municipal Payor seeking reimbursement from the Fund:
1. The reimbursement request includes only eligible compensation and benefits paid under A.R.S. § 23-1702(A) on municipal firefighter or municipal fire investigator workers' compensation claims accepted under A.R.S. § 23-901.09.
  2. The reimbursement request only includes amounts actually paid by the Municipal Payor for compensation and benefits under A.R.S. § 23-1702(A) during the immediately preceding fiscal year.
  3. The reimbursement request does not include amounts paid for expenses relating to case management, vocational rehabilitation, or similar nonmedical costs.
  4. The information included in, or submitted with, the Municipal Firefighter Cancer Reimbursement Form is true and correct.
- C.** The Municipal Firefighter Cancer Reimbursement Form shall not be changed, amended, or otherwise altered without the prior written approval of the Commission.
- D.** A Municipal Payor seeking reimbursement from the Fund for compensation and benefits paid during a fiscal year shall submit a reimbursement claim to the Commission between July 1 and August 31 immediately following the applicable fiscal year.
- E.** Failure to timely submit a reimbursement claim for compensation and benefits paid during a fiscal year before the claim submission deadline in subsection (D) will be deemed a waiver of the right of the Municipal Payor to request reimbursement for amounts paid during the applicable fiscal year. Failure to include all eligible compensation or benefits in a reimbursement claim before the claim submission deadline in subsection (D) will be deemed a waiver of the right of the Municipal Payor to request reimbursement for any omitted amounts paid during the applicable fiscal year.
- F.** The Commission shall process reimbursements pursuant to A.R.S. § 23-1702(C) on or before December 31 of each year.
- G.** The maximum annual amount of aggregate reimbursements paid by the Fund shall in no event exceed the total amount of monies in the Fund as of close of business on June 30 of the applicable fiscal year.
- Historical Note**  
New Section made by final exempt rulemaking at 27 A.A.R. 2920 (December 17, 2021), effective January 1, 2022 (Supp. 21-4).
- R20-5-1403. Recordkeeping and Record Inspections**
- A.** Municipal Payors seeking reimbursement from the Fund shall maintain all records supporting amounts included in a reimbursement claim for at least ten years after the reimbursement claim is filed.
- B.** Municipal Payor records supporting amounts included in a reimbursement claim shall always be open for inspection by the Commission or representatives of the Commission to ascertain information necessary for its administration of A.R.S. §§ 23-1701 through 23-1703. Upon request, a Municipal Payor shall make such records available to the Commission within 30 days.
- Historical Note**  
New Section made by final exempt rulemaking at 27 A.A.R. 2920 (December 17, 2021), effective January 1, 2022 (Supp. 21-4).
- R20-5-1404. Fund Overpayments**
- A.** A Municipal Payor that discovers an error in a reimbursement claim which may result or has resulted in an overpayment from the Fund shall notify the Commission of the error within three business days of discovery of the error.
- B.** Overpayments made by the Fund to Municipal Payors that are discovered through inspection of records, or otherwise, shall be returned to the Fund by the applicable Municipal Payor within 30 days of notification by the Commission.
- Historical Note**  
New Section made by final exempt rulemaking at 27 A.A.R. 2920 (December 17, 2021), effective January 1, 2022 (Supp. 21-4).

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## APPENDIX A. ARIZONA PHYSICIANS' AND PHARMACEUTICAL FEE SCHEDULE 2021/2022

Adopted by  
The Industrial Commission of Arizona

Contact Medical Resource Office  
Phone (602) 542-4308 / Fax (602) 542-4797  
mro@azica.gov

Effective October 1, 2021 through September 30, 2022

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## INTRODUCTION

Since 1925, when the Arizona Legislature passed the state's first Workers' Compensation Act ("Act"), the Industrial Commission of Arizona ("Commission") has administered the workers' compensation laws of that Act. The Act includes the authority of the Commission to set a schedule of fees to be charged by healthcare providers attending injured employees (also referred to in this document as "injured worker" or "claimant." A.R.S. § 23-908(B). In 2004, the Act was amended to include the setting of fees for prescription medicines required to treat an injured employee. A.R.S. § 23-908(C). This fee schedule is referred to as the Arizona Physicians' and Pharmaceutical Fee Schedule (Fee Schedule).

Any reference to "healthcare providers" in the Fee Schedule is intended to include all licensed professionals whose scope of practice allows them to legally provide services to injured workers. Any reference to "physician" in relation to workers' compensation cases includes the following: doctors of medicine, doctors of osteopathy, doctors of podiatric medicine, doctors of chiropractic, doctors of naturopathic medicine, certified registered nurse anesthesiologists, physician assistants and nurse practitioners. Healthcare providers treating employees under industrial coverage are entitled by law to charge according to the schedule of fees adopted by the Commission. Accurate calculation of fees based upon this schedule, the monthly filing of reports and bills for payment, and the use of forms prescribed are essential to timely and correct payment for a provider's services and can be vital in the award of benefits to the injured worker and their dependents.

This Fee Schedule has been updated to incorporate by reference the 2021 Edition of the American Medical Association's *Current Procedural Terminology* (CPT®) publication, including the general guidelines, identifiers, modifiers, and terminology changes associated with the adopted codes. In this Fee Schedule CPT® codes that contain explanatory language specific to Arizona are preceded by Δ. Codes, however, that are unique to Arizona and not otherwise found in CPT® are preceded by an AZ identifier and numbered in the following format: AZxxx. To the extent that a conflict may exist between an adopted portion of the CPT® and a code, guideline, identifier or modifier unique to Arizona, then the Arizona code, guideline, identifier or modifier shall control.

- a. The Commission has also adopted by reference: 1) The unit values and guidance for consultative, diagnostic and therapeutic services published in the most recent edition of *Relative Value Guide*, American Society of Anesthesiologists <https://www.asahq.org>; 2) The *1995 and 1997 Documentation Guidelines for Evaluation and Management Services*, Centers for Medicare and Medicaid Services (CMS) <https://www.cms.gov>; 3) The *2021 Clinical Diagnostic Laboratory Fee Schedule*, Centers for Medicare and Medicaid Services (CMS) Clinical Laboratory fee Schedule <https://www.cms.gov>; 4) The *National Correct Coding Initiative Edits*, CMS; <https://www.cms.gov/Medicare/Coding/NationalCorrectCodInitEd/index.html>; 5) *2021 Optum360 The Essential RBRVS* <https://www.optum360.com/>; and 6) *Physicians as Assistants at Surgery: 2020 Update* <https://www.facs.org/>. The RBRVS based fee schedule adopts surgical global periods published by CMS.

Except as otherwise noted, unit values assigned to the service codes listed in this document are the product of the Industrial Commission of Arizona and are not associated in any way with the American Medical Association or any other entity or organization.

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**A. GENERAL GUIDANCE**

1. Reimbursements and billing associated with Pharmaceuticals are found in the Pharmaceutical Fee Schedule Section of this document.
2. This Fee Schedule establishes the fees that can be charged by healthcare providers for services performed for injured workers under Arizona's workers' compensation law.
3. If a healthcare provider or insurance carrier is referring an injured worker to a medical specialist for evaluation and/or treatment, the medical specialist's diagnosis becomes the foundational diagnosis for billing purposes.
4. Routine progress and routine final reports filed by the attending healthcare provider do not ordinarily command a fee.
5. Payment will be made for only one professional visit in any one day except when the submitted report clearly demonstrates the need for the additional visit and fee.
6. Fees for hospital, office, or home visits, subsequent to the initial visit, are not to be added to coded surgical procedures performed on the same day.
7. Routine office treatment principally by injection of drugs, other than antibiotics, requires authorization by the carrier or self-insured employer for each series of 10 after the first series of 10.
8. Except in emergencies, a carrier must be given notice regarding a consultation and the consultant must provide his/her report to the carrier and the attending healthcare provider within a reasonable period of time to facilitate processing of the claim.
9. The Commission requests that carriers notify attending healthcare providers at the same time the claimant is notified that their claim is closed with or without supportive care. If a claim is approved for reopening, the carrier should also notify the attending healthcare provider of that approval.
10. Missed individual appointments for consultants, without prior notification, will be compensated at 50% of consultation fee.
11. No fees may be charged for services not personally rendered by the healthcare provider, unless otherwise specified.
12. The Commission will investigate an injured workers' complaint of bad faith/unfair claims processing practices, and if appropriate, impose penalties under A.R.S. § 23-930, in those circumstances where a "peer to peer" review was not conducted by a healthcare provider with appropriate skill, training, and knowledge or where the individual performing the "peer to peer" review was not licensed. The Commission will also investigate an injured workers' complaint of bad faith/unfair claims processing practice, and if appropriate, impose penalties under A.R.S. § 23-930, for a denial of treatment based on the failure of the treating doctor to participate in a "peer to peer"

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- review, when the treating doctor has not been given reasonable time or opportunity to participate in the “peer to peer” review.
13. As authorized under A.A.C. R20-5-128, the fee for the reproduction of medical records for workers’ compensation purposes shall be 25¢ per page and \$10.00 per hour per person for reasonable clerical costs associated with locating and reproducing the documents.
  14. Reimbursement values for telehealth services are governed by the Fee Schedule. Performance of telehealth services are governed by Arizona Revised Statutes, Title 36, Chapter 36.

**B. PAYMENT AND REVIEW OF BILLINGS**

1. Under Arizona workers’ compensation law, an insurance carrier, self-insured employer or their representative is not responsible for payment of a billing for medical, surgical, and hospital benefits that the insurance carrier, employer or representative received more than 24 months from the date that the medical service was rendered, or from the date on which the provider knew or should have known that the service was rendered, whichever occurs later. A subsequent billing or corrective billing does not restart the limitations period. *See A.R.S. § 23-1062.01.*
2. It is incumbent upon the insurance carrier, self-insured employer and third party processing service to inform all parties, including the Commission, regarding changes in addresses for bill processing locations.
3. Under Arizona workers’ compensation law, a healthcare provider is entitled to timely payment for services rendered. An insurance carrier, self-insured employer or claims processing representative shall make a determination whether to deny or pay a medical bill on an accepted claim, in whole or in part, including the decision as to the amount to pay, within thirty days from the date the claim is accepted, if the billing is received before the date of acceptance, or within thirty days from the date of the receipt of the billing if the billing is received after the date of acceptance. All billing denials shall be based on reasonable justification. The insurance carrier, self-insured employer, or claims processing representative shall pay the approved portion of the billing within thirty days after the determination for payment is made. If the billing is not paid within the applicable time period, the insurance carrier, self-insured employer, or claims processing representative shall pay interest to the health provider on the billing at a rate that is equal to the legal rate. Interest shall be calculated beginning on the date that the payment to the healthcare provider is due. *See A.R.S. § 23-1062.01.*

To ensure timely payment of a medical billing, a billing must contain the information required under A.R.S. § 23-1062.01. A billing must contain at least the following information: Correct demographic patient information including claim number, if known; Correct provider information, including name, address, telephone number, and federal taxpayer identification number; Appropriate medical coding with dollar amounts and units clearly stated with all descriptions and dates of services clearly printed; and Legible medical reports required for each date of service if the billing is for direct treatment of the injured worker.



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4. Payment of a workers' compensation medical billing is governed by A.R.S. § 23-1062.01, which includes:
  - a. Timeframes for processing and payment of medical bills;
  - b. Criteria for billing denials;
  - c. A provision that the injured worker is not responsible for payment of any portion of a medical bill on an accepted claim or payment of any portion of a medical billing that is being disputed;
  - d. A provision that the insurance carrier or self-insured employer may establish an internal system for resolving payment disputes;
  - e. A provision that A.R.S. § 23-1062.01 does not apply to written contracts entered into between medical providers and insurance carriers and self-insured employers or their representatives that specify payment periods or contractual remedies for untimely payments; and
  - f. A provision that the Industrial Commission does not have jurisdiction over contract disputes between the parties.
5. "Reasonable justification" to deny a bill does not include that the payment/billing policies of other private or public entities (publications) do not allow it unless the publication has been adopted by reference in the Fee Schedule.
6. Excluding bundling and unbundling issues, it is not the Commission's intent to restrict an insurance carrier's, self-insured employers or third party processing service's ability to address issues not addressed by the Fee Schedule. This includes evaluating unlisted procedures, establishment of values for unlisted procedures, establishment of values for codes that are listed as "BR" or "RNE", new CPT® codes that have not been adopted by the Industrial Commission, or issues outside the jurisdiction of the Fee Schedule, such as hospital billings.
7. Healthcare providers shall provide legible medical documentation and reports that are sufficient for insurance carriers/self-insured employers to determine if treatment is being directed towards injuries sustained in an industrial accident or incident. The healthcare provider shall ensure that their patients' medical files include the information required by A.R.S. § 32-1401.2. The healthcare provider is not required to provide copies of documents or reports that they did not author and that are not in their possession (i.e., Employers' First Report of Injury).
8. Treating physicians shall submit a narrative that justifies the billing of a level 4 or 5 E/M service.
9. The Commission has adopted by reference the 1995 and 1997 Documentation Guidelines for Evaluation and Management Services. Medical billings shall be prepared and reviewed consistent with how these guidelines are used and interpreted

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- by CMS. Additionally, payers are required to disclose the guideline utilized in their Explanation of Reviews (or other similar document).
10. A payer's Explanation of Review (or other similar document) shall contain sufficient information to allow the healthcare provider to determine whether the amount of payment is correct and whom to contact regarding any questions related to the payment. Information in the Explanation of Review (or other similar document) shall include the following:
- a. The name of the injured worker;
  - b. The name of the payer and the name of the third party administrator ("TPA"), if applicable;
  - c. If applicable, the name, telephone number, and address of all entities that reviewed the medical billing on behalf of the payer;
  - d. If applicable, the name, telephone number and address of the party that has a written contract signed by the healthcare provider that allows the contracting party or other third party to access and pay rates that are different from those provided under this Fee Schedule;
  - e. The amount billed by the healthcare provider;
  - f. The amount of any reduction due to a written contract with the healthcare provider; and
  - g. The amount of payment.
11. Nothing in this Fee Schedule precludes a healthcare provider from entering into a separate contract that governs fees. In this instance, reimbursement shall be made according to the applicable contracted charge. In the absence of a separate contract that governs a healthcare provider's fees, reimbursement shall be made according to this Fee Schedule. A payer shall demonstrate that it is entitled to pay the contracted rate in the event of a dispute by providing a valid copy of the governing contract to the healthcare provider. If a payer fails to provide evidence that it is entitled to pay a contracted rate, then the payer shall be required to make payment as provided in this Fee Schedule.
12. Billing for Pharmaceuticals is found in the Pharmaceutical Fee Schedule Section of this document.
13. The Fee Schedule does not apply to ambulance service providers. Service fees for ground ambulance transportation are set and mandated by the Arizona Department of Health Services through its Arizona Ground Ambulance Service Rate Schedule. A.R.S. § 36-2239(D) states "an ambulance service shall not charge, demand or collect any remuneration for any service greater or less than or different from the rate or charge determined and fixed by the department as the rate or charge for that service." Service

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fees published in the Arizona Ground Ambulance Service Rate Schedule are applicable in the workers' compensation setting.

**C. REIMBURSEMENT OF MID-LEVEL PROVIDERS**

1. Certified Registered Nurse Anesthetists ("CRNA's") are reimbursed at 85% of the fee schedule.
2. Physician Assistants and Nurse Practitioners are reimbursed at 85% of the fee schedule *except* if services are provided "incident to" a physician's professional services. In that instance, reimbursement is required to be at 100% of the fee schedule. The following criteria are identified as establishing the "incident to" exception:
  - a. The Physician Assistant and Nurse Practitioner must work under the direct supervision of an appropriately licensed physician,
  - b. The Physician must initially see that patient and establish a plan of care for that patient ("treatment plan"),
  - c. Subsequent service provided by the Physician Assistant and Nurse Practitioner must be a part of the documented treatment plan, and
  - d. The Physician must always be involved in the patient's treatment plan and see the patient often enough to demonstrate that the Physician is actively participating in and managing the patient's care.
3. For purposes of the Fee Schedule, the Commission recognizes that direct supervision of a Physician Assistant or Nurse Practitioner by a Physician can be accomplished through the use modern technology and telecommunications (telemedicine) and may not require the on-site presence of the Physician when the Physician Assistant or Nurse Practitioner sees the patient. In all instances, however, and regardless of the extent to which telemedicine is used, the Physician must actively participate in and manage the patient's care if services provided by a Physician Assistant or Nurse Practitioner are billed at 100% of the fee schedule under the "incident to" exception.
4. It is the responsibility of the Physician to document if the services provided by a Physician Assistant and Nurse Practitioner are "incident to" the Physician's professional service. If either the incident to criteria is not met, or the documentation submitted fails to support the "incident to" criteria, the reimbursement should be made at 85% of the fee schedule.

**D. DIRECTED CARE AND USE OF NETWORKS**

The Arizona Workers' Compensation Act only permits private self-insured employers to direct medical care. A.R.S. § 23-1070(A); See also *Southwest Gas Corp. v. Industrial Commission of Arizona*, 200 Ariz. 292, 25 P.3d 1164 (2001). This limitation on the scope of directed care means that employees of private self-insured employers do not have an unrestricted right to choose their own medical providers, while employees of all other

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employers do (including public self-insured employers).<sup>1</sup> Notwithstanding an employee's right to choose, many workers' compensation insurance carriers ("carriers") and public self-insured employers ("employers") have taken advantage of "networks" to reduce their costs. This is done by either creating their own network of "preferred providers" or by contracting with a third party to access private health-care networks.

Actions or conduct that impair or limit the right of an employee to choose their medical provider may rise to the level of bad faith and/or unfair claims processing practices under A.R.S. § 23-930. The Commission will investigate a complaint of bad faith/unfair claims processing practices, and if appropriate, impose penalties under A.R.S. § 23-930, in those circumstances where a carrier, employer, or TPA has engaged in conduct that results in directing a claimant to a "network" provider. The following are examples of conduct that the Commission would consider appropriate for investigation under A.R.S. § 23-930.

- A claimant is told that they must see a healthcare provider that is "in the network;"
- A claimant is told that care from a "non-network" healthcare provider is not authorized;
- A "network" healthcare provider is told that referrals are required to be made to another "network" healthcare provider;
- A "network" healthcare provider is told that they may not recommend a "non-network" healthcare provider to a patient;
- A "non-network" healthcare provider is told that care will only be authorized if provided by a "network" provider; and
- A "non-network" healthcare provider is told that reimbursement will be made according to "network" discounts.

## E. TREATMENT OF INDUSTRIAL INJURIES AND DISEASES

1. Only physicians and surgeons licensed in the State of Arizona are permitted to treat injured or disabled employees under the jurisdiction of the Commission, unless others are specifically authorized.
2. An employee who sustains an injury arising out of, or in the course of, employment is entitled, under Arizona law, to select a healthcare provider of his/her own choice unless that employee is employed by a private self-insured employer as described in A.R.S. § 23-

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<sup>1</sup> It should be noted that the law governing directed care is not limited to "medical doctors," but instead applies to medical, surgical, and hospital benefits. See A.R.S. § 23-1070. The phrase, "medical, surgical, and hospital benefits" is defined in A.R.S. § 23-1062(A), which states: "Promptly, upon notice to the employer, every injured employee shall receive medical, surgical and hospital benefits or other treatment, nursing, medicine, surgical supplies, crutches and other apparatus, including artificial members, reasonable required at the time of the injury, and during the period of disability. Such benefits shall be termed 'medical, surgical and hospital benefits.'"

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1070. Employers described in A.R.S. § 23-1070, excluding the State or Political Subdivisions thereof, are allowed to direct medical care.

3. The attending healthcare provider's promptness and professional exactness in the completion and filing of workers' compensation forms are extremely important to the employee being treated. The injured or disabled employee's claim to medical benefits and compensation can rest on the conscientious attention of the healthcare provider in processing the required reports. Rules addressing the completion of these forms are found in the Title 20, Chapter 5, Article 1 of the Arizona Administrative Code, which can be obtained at: [http://apps.azsos.gov/public\\_services/Title\\_20/20-05.pdf](http://apps.azsos.gov/public_services/Title_20/20-05.pdf)
4. The Commission, the employer and the insurance carrier may, at any time, designate a healthcare provider or healthcare providers to examine an employee. Additionally, upon application of the employer, employee, or insurance carrier, the Commission may order a change of healthcare provider or a change of conditions of treatment when there are reasonable grounds or a belief that the employee's health or progress can thus be improved.
5. A claimant may not change doctors without the written authorization of the insurance carrier, the Commission or the attending physician. A claimant may not transfer from one hospital to another without the written authorization of the insurance carrier or the Commission. If the patient's employment requires leaving the locale in which he/she is receiving treatment, the attending physician should arrange for continued treatment and notify the carrier of such arrangement. It is the responsibility of the physician or the hospital to which a patient has transferred to ascertain whether such a change has been authorized.
6. Treatment of conditions unrelated to the injuries sustained in the industrial accident may be denied as unauthorized if the treatment seems directed principally toward the non-industrial condition or if the treatment does not seem necessary for the patient's physical rehabilitation from the industrial injury.
7. If the patient refuses to submit to medical examination or to cooperate with the healthcare provider's treatments, the carrier or self-insured employer should be notified.
8. If an employee is capable of some form of gainful employment, it is proper for the healthcare provider to release the employee to light work and make a specific report to the carrier or self-insured employer as to the date of such release. It can be to the employee's economic advantage to be released to light work, since he/she can receive compensation based on 66 2/3% of the difference between one's earnings and one's established wage. On the other hand, it would not be to the employee's economic advantage to be released to light work if, in fact, the employee is not capable of performing such work. The healthcare provider's judgment in such matters is extremely important.
9. If the employee no longer requires active medical care for the industrial injury and is discharged from treatment, the healthcare provider is required to provide a signed report with the date of discharge to the carrier or self-insured employer, even if, as a private patient, the employee may require further medical care for conditions unrelated to the industrial accident. This final report and discharge date are necessary for closing the claim file.

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10. When a healthcare provider discharges a claimant from treatment, the healthcare provider shall determine whether the employee has suffered any impairment of function, or disfigurement about the head or face, including injury to or loss of teeth, and include this information in the final signed report provided to the carrier or self-insured employer. The Rules of Procedure Before the Industrial Commission of Arizona require that any rating of the percentage of functional impairment should be made in accordance with the standards of evaluation published in the most recent edition of the American Medical Association Guides to the Evaluation of Permanent Impairment.
11. Once an exposure to blood-borne pathogen occurs, the workers' compensation insurance carrier/self-insured employer is responsible for payment of the accepted treatment protocol which includes the HBIG vaccination (Hepatitis B Immune Globulin), and, if necessary, the three (3) Hepatitis B vaccinations.

When a work-related incident occurs that may have exposed an employee to Hepatitis, the insurance carrier/self-insured employer is responsible for paying for the testing and/or treatment of Hepatitis B or C. As to treatment of HIV, if a bona fide claim exists under A.R.S. § 23-1043.02, then the insurance carrier/self-insured employer is responsible for paying for the treatment.

12. It is the employer's responsibility, in accordance with existing OSHA standards, to pay for HIV testing. The insurance carrier may seek reimbursement from the employer for the costs associated with providing the series of three (3) Hepatitis B vaccinations if the employer failed to provide them in violation of federal and state laws.

## **F. REOPENING OF CLAIMS**

1. Whether or not the employee has suffered a permanent disability, on a claim that has been previously accepted, the claim may be reopened on the basis of a new, additional or previously undiscovered disability or condition, but:
  - a. The claimant should use the form of petition prescribed by the Commission;
  - b. The petition must be personally signed by the worker or his authorized representative and must be filed at any office of the Industrial Commission of Arizona;
  - c. The petition, in order to be considered, must be accompanied by the healthcare provider's medical report.
2. If the claim is reopened, the payment for such reasonable and necessary medical, hospital and laboratory work expenses shall be paid by the insurance carrier if such expenses are incurred within 15 days of the filing of the petition to reopen.
3. No monetary compensation is payable for any period prior to the date of filing of the petition to reopen. Surgical benefits are not payable for any period prior to the date of filing of a petition to reopen, except that surgical benefits are payable for a period prior to the date of filing not to exceed seven (7) days if a bona fide medical emergency

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precludes the employee from filing a petition to reopen prior to the surgery. Other information relative to reopening rights may be found at A.R.S. § 23-1061(H).

4. If a claim is approved for reopening, the carrier must notify the attending healthcare provider of that approval.

## G. NO-INSURANCE CLAIMS

“No-Insurance” claims are workers’ compensation claims involving injuries to employees of employers who do not have workers’ compensation insurance coverage as required by Arizona law. In such cases, all claims and reports are to be addressed to the No-Insurance Section of the Special Fund of The Industrial Commission of Arizona.

## H. CONSULTATIONS

Workers’ compensation cases can present additional medical and legal problems that justify consultation sooner and more frequently than for the average private patient. In complex cases and in cases requiring an estimate of general or unscheduled disability, consultation with specialists in the appropriate field may be requested by any interested party. The Industrial Commission continues to recognize the necessity for consultations in workers’ compensation and establishes relative value units and rates for consultation codes.

## I. DEFINITIONS OF SELECT UNIT VALUES

1. BY REPORT “BR” ITEMS: “BR” in the value column indicates that the value of this service is to be determined “by report”, because the service is too unusual or variable to be assigned a unit relativity. Pertinent information concerning the nature, intent and need for the procedure or service, the time, the skill and equipment necessary, etc., is to be furnished. A detailed clinical record is not necessary.
2. RELATIVITY NOT ESTABLISHED “RNE” ITEMS: “RNE” in the value column indicates new or infrequently performed services for which sufficient data has not been collected to allow establishment of a relativity. “RNE” items are clearly definable and not inherently variable as are BR procedures. A report may be necessary.
3. SERVICE “SV” ITEMS: “SV” in the value column indicates the value is to be calculated as the sum of the various services rendered (e.g., office, home, nursing home or hospital visits, consultation or detention, etc.), according to the ground rules covering those services. Identify by using the code number of the “SV” item. The Value is established by identifying each individual service, listing the code number and its value.
4. MATERIALS AND SUPPLIES: A healthcare provider is not entitled to be reimbursed for supplies and materials normally necessary to perform the service. A healthcare provider may charge for other supplies and materials using code 99070<sup>2</sup>. A healthcare provider may use an applicable HCPCS code in lieu of code 99070 if the HCPCS code more accurately describes the materials and supplies provided by the healthcare

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provider; however, the Commission has **not** adopted the RVUs for HCPCS codes. Examples of those items that are and are not reimbursable are listed below. Documentation showing actual costs (i.e., manufacturer's invoice) associated with providing supplies and materials plus fifteen percent (15%) to cover overhead costs and is adequate justification for payment only when the documentation is dated within one year of the billed date. This provision does not apply to retail operations involving drugs or supplies. Drugs that are administered to patients in a clinical setting are covered under code 99070 and reimbursed according to the Pharmaceutical Fee Schedule Guidelines. Prescription drugs provided to patients as a part of the overall treatment regimen but outside of the clinical setting are not included under this code.

Examples of supplies that are usually not separately reimbursable include:

- Applied hot or cold packs
- Eye patches, injections or debridement trays
- Steristrips
- Needles
- Syringes
- Eye/ear trays
- Drapes
- Sterile gloves
- Applied eye wash or eye drops
- Creams (massage)
- Fluorescein
- Ultrasound pads and gel
- Tissues
- Urine collection kits
- Gauze
- Cotton balls/fluff
- Sterile water
- Band-Aids and dressings for simple wound occlusion
- Head sheets
- Aspiration trays
- Sterile trays for laceration repair and more complex surgeries
- Tape for dressings

Examples of material and supplies that are generally reimbursable include:

- Cast and strapping materials
- Applied dressings beyond simple wound occlusion
- Taping supplies for sprains
- Iontophoresis electrodes
- Reusable patient specific electrodes
- Dispensed items, including:
  - Canes
  - Braces
  - Slings
  - Ace wraps
  - TENS electrodes



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Crutches  
 Splints  
 Back support  
 Dressings  
 Hot or cold packs

5. “Modifiers: A two-digit (numeric or alpha) sequence that provides the means by which the reporting healthcare provider can specify that a procedure performed has been altered under a procedure performed has been altered under a special circumstance. This allows defining the modifying circumstance of the service or procedure without creating a separate procedure or listing.

#### Modifier Examples

*Professional Component (PC):* Certain procedures are a combination of a physician, or Professional component and a technical component. When modifier “-26” is added to an Appropriate code a PC allowable amount will be paid.

*Technical Component (TC):* The TC component reflects the technical portion of the procedure code. When the technical component is provided by a healthcare provider other than the one providing the professional component, the healthcare provider bills for the technical component by adding Modifier “-TC” to the applicable code.

#### J. LIST OF ACRONYMS

AMA	American Medical Association
AS	Assistant Surgeon
AWP	Average Wholesale Price
BR	By Report
CCI	Current Coding Initiative (National)
CF	Conversion Factor
CMS	Centers for Medicare & Medicaid Services
CPT	Current Procedural Terminology
CRNA	Certified Registered Nurse Anesthetist
DME	Durable Medical Equipment
E/M	Evaluation and management services
FCE	Functional Capacity Evaluation
FUD	Follow-up day(s)
HCPCS	Healthcare Common Procedure Coding System
ICD-10-CM	International Classification of Diseases, Tenth Revision, Clinical Modification
IME	Independent medical examination
MPFS	Medicare physician fee schedule
MRI	Magnetic resonance imaging

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NCCI	(see CCI)
NP	Nurse practitioner
OTC	Over-the-counter
PA	Physician assistant
RBRVS	Resource based relative value scale
RVU	Relative value unit

**Historical Note**

New Appendix A, Introduction made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Introduction will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Introduction repealed; new Appendix A, Introduction made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Introduction repealed; new Appendix A, Introduction made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3).

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## PHARMACEUTICAL FEE SCHEDULE

**I. GENERAL PROVISIONS AND APPLICABILITY OF THE PHARMACEUTICAL FEE SCHEDULE.**

- A. The Pharmaceutical Fee Schedule (PFS) applies to prescription and over-the-counter (OTC) medications required to treat an injured employee, whether dispensed by a pharmacy (including online or mail order pharmacies) or by a medical practitioner.
- B. Medications are not reimbursable unless “reasonably required” at the time of injury or during the period of disability. *See* A.R.S. § 23-1062(A); A.A.C. R20-5-1303(A). The Industrial Commission of Arizona has adopted the Official Disability Guidelines (ODG), including ODG’s Drug Formulary Appendix A (ODG Formulary), as the standard reference for evidence-based medicine used in treating injured employees within the context of Arizona’s workers’ compensation system. Effective October 1, 2018, ODG applies to all body parts and conditions. *See* A.A.C. R20-5-1301(B), (E). ODG is to be used as a tool to support clinical decision making and quality health care delivery to injured employees. The ODG Formulary sets forth pharmaceutical guidelines that are generally considered reasonable and are presumed correct if the guidelines provide recommendations related to a particular medication. *See* A.A.C. R20-5-1301(H). Medical practitioners are encouraged to consult the ODG Formulary before dispensing or prescribing medications to injured employees.
- C. Generic drugs must be dispensed to injured employees when appropriate, consistent with A.R.S. § 32-1963.01(A),<sup>1</sup> (B), and (D) through (L).<sup>2</sup> *See* A.R.S. § 23-908(C). For purposes of this subsection, the definitions in A.R.S. § 32-1963.01(L) apply.<sup>3</sup> Whenever possible: (1) medical practitioners should prescribe less costly drugs; and (2) pharmacies and medical practitioners (under Section VII) should dispense generic drugs with lower AWP values.

<sup>1</sup> A.R.S. § 32-1963.01(A) states: “If a medical practitioner prescribes a brand name drug and does not indicate an intent to prevent substitution as prescribed in subsection E of this section, a pharmacist may fill the prescription with a generic equivalent drug.”

<sup>2</sup> A.R.S. § 32-1963.01(E) states: “A prescription generated in this state must be dispensed as written only if the prescriber writes or clearly displays ‘DAW’, ‘dispense as written’, ‘do not substitute’ or ‘medically necessary’ or any statement by the prescriber that clearly indicates an intent to prevent substitution on the face of the prescription form. A prescription from out of state or from agencies of the United States government must be dispensed as written only if the prescriber writes or clearly displays ‘do not substitute’, ‘dispense as written’ or ‘medically necessary’ or any statement by the prescriber that clearly indicates an intent to prevent substitution on the face of the prescription form.”

<sup>3</sup> A.R.S. § 32-1963.01(L) states, in part:

2. “Brand name drug” means a drug with a proprietary name assigned to it by the manufacturer or distributor.

\* \* \* \*

4. “Generic equivalent” or “generically equivalent” means a drug that has an identical amount of the same active chemical ingredients in the same dosage form, that meets applicable standards of strength, quality and purity according to the United States pharmacopeia or other nationally recognized compendium and that, if administered in the same amounts, will provide comparable therapeutic effects. Generic equivalent or generically equivalent does not include a drug that is listed by the United States food and drug administration as having unresolved bioequivalence concerns according to the administration’s most recent publication of approved drug products with therapeutic equivalence evaluations.

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**II. DEFINITIONS.**

- A. “Administer” has the meaning set forth in A.R.S. 32-1901(1).
- B. “Average Wholesale Price” or “AWP” means the wholesale price charged on a specific commodity that is assigned by the drug manufacturer and is listed in a nationally-recognized drug pricing file.
- C. “Commercially available” means a drug product is widely available for purchase in pharmacies accessible to the general public, including in brick and mortar pharmacies accessible to the general public.
- D. “Compound medication” means a pharmaceutical product created by virtue of mixing or combining drugs and/or components to meet the unique needs of an individual patient when the finished product does not recreate a commercially-available product.
- E. “Dispense” or “dispensing” means to deliver to an ultimate user by or pursuant to the lawful order of a medical practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare for that delivery. *See* A.R.S. § 32-1901(27).
- F. “Drug” has the meaning set forth in A.R.S. § 32-1901(31).
- G. “Hospital” means any institution for the care and treatment of the sick and injured that is approved and licensed as a hospital by: (1) the Arizona Department of Health Services; or (2) an equivalent regulatory agency in another U.S. state, territory, or district. *See* A.R.S. (3) 32-1901(42).
- H. “Medical practitioner” means any person who is permitted/licensed and authorized by law to use and prescribe prescription medications, acting within the scope of such authority, for the treatment of sick and injured human beings or for the diagnosis or prevention of sickness in human beings in the State of Arizona or any U.S. state, territory or district. *See* A.R.S. § 32-1901(53).
- I. “Non-traditional strength” medication means a finished drug product in a strength (*i.e.* dosage) that is not commercially available in pharmacies accessible to the general public.
- J. “Over-the-counter medication” or “OTC medication” means a finished drug product, including label and container according to context, which does not require a prescription order.
- K. “Pharmacy” has the meaning set forth in A.R.S. § 32-1901(71).
- L. “Pharmacy accessible to the general public” means a pharmacy that is readily accessible and provides pharmaceutical services (including prescription medication services) to all segments of the general public without restricting services to a defined or exclusive group of consumers, including but not limited to consumers who have access to services because they are treated by or have an affiliation with a specific entity or medical practitioner. This definition includes mail order pharmacies delivering pharmaceutical services to workers’ compensation claimants if both of the following apply:

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1. The pharmacy does not limit or restrict access to claimants with an affiliation to a medical provider or other entity.
  2. Any medical provider or other entity referring a claimant to the pharmacy does not receive or accept any rebate, refund, commission, preference, or other consideration as compensation for the referral.
- M. "Pharmacy not accessible to the general public" means a pharmacy that provides pharmaceutical services (including prescription medication services) only to a defined or exclusive group of consumers, including but not limited to consumers who have access to services because they are treated by or have an affiliation with a specific entity or medical practitioner. "Pharmacy not accessible to the general public" does not include a hospital pharmacy. This definition does not include mail order pharmacies delivering pharmaceutical services to workers' compensation claimants if both of the following apply:
1. The pharmacy does not limit or restrict access to claimants with an affiliation to a medical provider or other entity.
  2. Any medical provider or other entity referring a claimant to the pharmacy does not receive or accept any rebate, refund, commission, preference, or other consideration as compensation for the referral.
- N. "Prescription" means either a prescription order or a prescription medication. *See* A.R.S. § 32-1901(80).
- O. "Prescription medication" means any drug, including label and container according to context, which is dispensed pursuant to a prescription order. *See* A.R.S. § 32-1901(81).
- P. "Prescription order" shall have the meaning set forth in A.R.S. § 32-1901(84).
- Q. "Repackaged medication" means a finished drug product removed from the container in which it was distributed by the original manufacturer and placed into a different container without further manipulation of the drug. The term also includes the act of placing the contents of multiple containers of the same finished drug product into one container. The term also includes "co-pack drug" products which contain two or more separate finished medications that are contained in a single package or unit. The term does not include a drug that is manipulated in any other way, including if the drug is reconstituted, diluted, mixed, or combined with another ingredient.
- R. "Therapeutically-similar" medication means a medication that is expected to produce a clinical effect comparable to the original product. Key considerations for determining the "most therapeutically-similar" medications are: (1) the similarity of the clinical effects; (2) the extent to which active ingredients overlap; (3) the similarity of the dosage profiles; (4) the similarity of the mode of administration; and (5) the similarity of the intended strength.
- S. "Traditional strength" medication means a finished drug product in a formulation that is commercially available in pharmacies accessible to the general public.

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

- T. "Ultimate user" means a person who lawfully possesses a prescription medication for that person's own use or for the use of a member of that person's household. *See* A.R.S. § 32-1901(95).

**III. GENERAL GUIDELINES FOR BILLING AND REIMBURSEMENT OF PRESCRIPTION MEDICATIONS.**

- A. Except as permitted in Sections VI and VII of the current PFS, an insurance carrier, self-insured employer, or the Special Fund of the Commission is responsible for the payment of prescription medications only if all of the following apply:
1. The prescription medication is dispensed by an individual who is currently licensed to practice the profession of pharmacy by either: (i) the Arizona State Board of Pharmacy; or (ii) an equivalent regulatory agency in another U.S. state, territory, or district; and
  2. The prescription medication is dispensed by a pharmacy accessible to the general public, including online or mail-order pharmacies that are accessible to the general public.
- B. Subject to Sections III(G), IV, V, and VI(B), reimbursement for prescription medications shall be based on the actual medication dispensed, including a substituted medication that is dispensed pursuant to A.R.S. § 32-1963.01.
- C. Except as specified in Sections IV and V of the current PFS, a pharmaceutical bill submitted for a prescription medication must include the National Drug Code (NDC) of the original manufacturer registered with the U.S. Food & Drug Administration (FDA), the quantity dispensed, and the reimbursement value of the medication. Under no circumstance shall an NDC other than the original manufacturer's NDC be used.
- D. The reimbursement value for prescription medications shall be based on the current PFS reimbursement methodology in the absence of a contractual agreement between the pharmacy or medical practitioner and payer governing reimbursement. Network discounts may not be applied in the absence of a contractual agreement with the pharmacy or medical practitioner authorizing such discounts.
- E. The reimbursement value for a prescription medication shall be determined on the date a drug is dispensed from pricing published in the most recent issue, as updated in the most-recent update, of a nationally-recognized pharmaceutical publication designated by the Commission. For purposes of determining AWP, the Commission has selected Medi-span®.
- F. The reimbursement value for a prescription medication shall be determined by reference to the original manufacturer's NDC and shall be calculated on a per unit basis as follows:
1. Generic drugs:
    - a. (75% of AWP per unit) x (number of units dispensed).

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

## 2. Brand name drugs:

- a.  $(85\% \text{ of AWP per unit}) \times (\text{number of units dispensed})$ .

- G. Reimbursement for non-traditional strength prescription medications shall be calculated on a per unit basis, as of the date of dispensing, based on the original manufacturer's NDC and corresponding AWP of the most therapeutically-similar traditional strength form of the same medication. Under no circumstance shall the NDC of the non-traditional strength medication be used.
- H. The reimbursement value for OTC medications shall be calculated on a per unit basis, as of the date of dispensing, based on the retail price (per unit) of the OTC medication in settings where the medication is commercially available.
- I. Subject to Section III(J), the reimbursement value for OTC medications that are not commercially available in pharmacies accessible to the general public shall be calculated on a per unit basis, as of the date of dispensing, based on the retail price (per unit) of the most therapeutically-similar OTC medication commercially available in pharmacies accessible to the general public. Under no circumstance shall the NDC or AWP of the non-commercially available OTC medication be used.
- J. The reimbursement value for OTC medications that are not commercially available may not exceed:
  1. Thirty dollars (\$30.00) for a thirty-day supply (or a pro-rated amount if the supply is greater or less than thirty days) for a topical cream or lotion.
  2. Seventy-five dollars (\$75.00) for a thirty-day supply (or a pro-rated amount if the supply is greater or less than thirty days) for topical patches.

**IV. BILLING AND REIMBURSEMENT FOR REPACKAGED MEDICATIONS.**

- A. A pharmaceutical bill submitted for a repackaged medication must identify the NDC of the repackaged medication, the NDC of the original manufacturer registered with the U.S. FDA, the quantity dispensed, and the reimbursement value of the repackaged medication. Under no circumstances shall the reimbursement value of a repackaged medication be based upon an NDC other than the original manufacturer's NDC. A repackaged NDC shall not be used for calculating the reimbursement value of a repackaged medication and shall not be considered the original manufacturer's NDC.
- B. If a pharmaceutical bill for a repackaged medication is submitted without the original manufacturer's NDC, the payer has the discretion to determine the appropriate NDC (and corresponding AWP) to use or, alternatively, may deny coverage until the appropriate NDC is furnished.
- C. The reimbursement value for a repackaged medication shall be based on the current PFS reimbursement methodology contained in Section III of the PFS, utilizing the NDC(s) and corresponding AWP(s) of the original manufacturer(s).

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- D. Any component of a co-pack drug product for which there is no NDC shall not be reimbursed.

**V. BILLING AND REIMBURSEMENT FOR COMPOUND MEDICATIONS.**

- A. A pharmaceutical bill submitted for a compound medication must identify each reimbursable component ingredient, the applicable NDC of each reimbursable component ingredient, the corresponding quantity of each component ingredient, and the calculated reimbursement value of each component ingredient. All component ingredients of a compound medication must be billed on a single bill.
- B. The reimbursement value for a compound medication shall be calculated at the component ingredient level. The reimbursement value for a compound medication shall be based on the sum of the reimbursement values of each component ingredient and the corresponding component ingredient's NDC, based on the current PFS reimbursement methodology set forth in Section III.
- C. Any component ingredient in a compound medication for which there is no NDC shall not be reimbursed.
- D. Any component ingredient in a topical compound medication that is not FDA approved for topical use shall not be reimbursed.
- E. If any component ingredient in a compound medication is a repackaged medication, the reimbursement value for the repackaged medication ingredient shall be determined based on the current PFS reimbursement methodology set forth in Section III, using the AWP corresponding to the NDC of the original manufacturer. *See* Section IV.
- F. The maximum reimbursement value for a topical compound medication shall be the lesser of:
  - 1. Two hundred dollars (\$200.00) for a thirty-day supply (or a pro-rated amount if the supply is greater or less than thirty days), or
  - 2. The reimbursement value of the compound medication calculated under this section.

**VI. BILLING AND REIMBURSEMENT FOR MEDICATIONS ADMINISTERED BY A MEDICAL PRACTITIONER.**

- A. A pharmaceutical bill submitted for a medication administered by a medical practitioner must comply with billing procedures outlined in Sections III, IV, and V of the current PFS, as applicable.
- B. The reimbursement value for a medication administered by a medical practitioner shall be based on the current PFS reimbursement methodology contained in Sections III, IV, and V of the PFS, as applicable.



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**VII. REIMBURSEMENT FOR MEDICATIONS DISPENSED BY A MEDICAL PRACTITIONER OR IN A PHARMACY NOT ACCESSIBLE TO THE GENERAL PUBLIC.<sup>4,5</sup>**

- A. An insurance carrier, self-insured employer, or the Special Fund of the Commission is responsible for the payment of prescription medications that are dispensed by a medical practitioner or in a pharmacy not accessible to the general public if all of the following apply:
1. The prescription medication is dispensed by a medical practitioner or a pharmacy not accessible to the general public to the injured employee within seven days of the date of the industrial injury;
  2. The prescription medication is limited to no more than a one-time, ten-day supply;
  3. The prescription medication conforms to dosages and formulations that are commercially available in pharmacies accessible to the general public.
- B. An insurance carrier, self-insured employer, or the Special Fund of the Commission is responsible for the payment of prescription medications that are dispensed by a medical practitioner or in a pharmacy not accessible to the general public if all of the following apply:
1. The injured employee does not have access to a pharmacy accessible to the general public within 20 miles of the injured employee's home address, work address, or the address of the prescribing medical practitioner;
  2. The injured employee cannot reasonably acquire the prescription medication from an online or mail order pharmacy accessible to the general public; and
  3. The prescription medication conforms to dosages and formulations which are commercially available in pharmacies accessible to the general public.
- C. An insurance carrier, self-insured employer, or the Special Fund of the Commission is responsible for the payment of prescription medications that are dispensed by a medical practitioner or in a pharmacy not accessible to the general public if the dispensing of a prescription medication for an individual claim and specified duration has been pre-approved in writing by the insurance carrier, self-insured employer, or the Special Fund of the Commission. Nothing in this section requires an insurance carrier, self-insured employer, or the Special Fund of the Commission to pre-approve the dispensing of prescription medications under this subsection.

<sup>4</sup> Dispensing pursuant to Section VII is subject to the Arizona Opioid Epidemic Act, which imposes statutory limits on the prescribing and dispensing of schedule II opioids. For more information about the Arizona Opioid Epidemic Act, please see the FAQs published by the Arizona State Board of Pharmacy, available at <https://drive.google.com/file/d/1JCIs8VwtdJ1T-DyGfJN3WWUm4KhDMXe-/view>.

<sup>5</sup> Section VII sets forth reimbursement guidelines for medications dispensed in settings that are not accessible to the general public in Arizona's worker's compensation system and does not interfere with a medical practitioner's ability to dispense medications pursuant to A.R.S. § 32-1491 or seek payment from sources unrelated to workers' compensation.

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- D. An insurance carrier, self-insured employer, or the Special Fund of the Commission is responsible for the payment of prescription medications that are dispensed by a pharmacy not accessible to the general public if all of the following apply:
1. The prescription medication was dispensed to an injured employee whose workers' compensation claim was initially denied by the carrier, self-insured employer, or the Special Fund of the Commission;
  2. The injured employee protested the claim denial by filing a timely request for hearing;
  3. The workers' compensation claim was either: (a) subsequently accepted by the carrier, self-insured employer, or the Special Fund of the Commission; or (b) the claim was found to be compensable by the Commission's Administrative Law Judge Division, the Arizona Court of Appeals, or the Arizona Supreme Court;
  4. The prescription medication was dispensed during the time period between: (a) the initial claim denial and (b) the subsequent acceptance of the claim or the compensability determination by the Commission's Administrative Law Judge Division, the Arizona Court of Appeals, or the Arizona Supreme Court; and
  5. The prescription medication conforms to dosages and formulations that are commercially available in pharmacies accessible to the general public.
- E. The guidelines in Section III(A) and this section do not apply to prescription medications dispensed during in-patient hospital care or upon discharge from in-patient hospital care.
- F. Subject to the limitations in this section, medications that have been provided as free samples to a medical practitioner may be dispensed to an injured employee when appropriate, but are not reimbursable.

**VIII. DISPENSING FEE.**

- A. If a prescription medication is dispensed by a pharmacy accessible to the general public pursuant to a prescription order, a dispensing fee of up to seven dollars (\$7.00) per prescription medication, repackaged medication, or compound medication may be charged. The dispensing fee does not apply to OTC medications that are not prescribed by a medical practitioner.
- B. If a prescription medication is dispensed by a medical practitioner or in a pharmacy not accessible to the general public pursuant to Section VII(A), (B), or (C), a dispensing fee of up to seven dollars (\$7.00) per prescription medication, repackaged medication, or compound medication may be charged. If an OTC medication is dispensed by a medical practitioner or by a pharmacy not accessible to the general public, a dispensing fee is not permitted.
- C. If a prescription or OTC medication is administered by a medical practitioner, a dispensing fee is not permitted.

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**IX. ADDITIONAL BILLING GUIDELINES.****A. Paper billing by a medical practitioner:**

The following is an example of how to report both the repackaged NDC and original NDC on the CMS 1500 form using the shaded area of line 24. The information is reported in the following order: qualifier (N4), NDC code, one space, unit/basis of measurement qualifier, quantity, one space, ORIG, qualifier (N4), NDC code.”

24. A. DATE(S) OF SERVICE						B.	C.	D. PROCEDURES, SERVICES, OR SUPPLIES (Explain Unusual Circumstances)				E.	F.	G.	H.	I.	J.						
From To						PLACE OF SERVICE	EMG	CPT/HCPCS   MODIFIER				DIAGNOSIS POINTER	\$ CHARGES	DAYS OR UNITS	PROCESSED ONLY	ID. QUAL.	RENDERING PROVIDER ID. #						
MM	DD	YY	MM	DD	YY																		
N455289047590 UN30 ORIGN400025152531																							
10	01	05	10	01	05	11		J3490					A	500	00	30	N	G2	12345678901				
																</							

If a physician does not bill using the CMS 1500 form, or is not able to include all the required information on the CMS 1500 form (due to software/system limitations), then the physician may provide the required information (in the required order) separately or as an attachment to the CMS 1500 form.

**B. Paper billing by non-physician entities.**

A non-physician entity using paper billing to bill for medications shall use the most recent version of the Workers' Compensation/Property & Casualty Universal claim Form (WC/PC UCF) adopted by the National Council for Prescription Drug Programs.

**X. SEVERABILITY CLAUSE.**

If any provision of Pharmaceutical Fee Schedule or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the Pharmaceutical Fee Schedule which can be given effect without the invalid provisions or application, and to this end the provisions of this Pharmaceutical Fee Schedule are severable.

**Historical Note**

New Appendix A, Pharmaceutical Fee Schedule made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Pharmaceutical Fee Schedule will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Pharmaceutical Fee Schedule repealed; new Appendix A, Pharmaceutical Fee Schedule made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Pharmaceutical Fee Schedule repealed; new Appendix A, Pharmaceutical Fee Schedule made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3).

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## ANESTHESIA GUIDELINES

This Fee Schedule has been updated to incorporate by reference the 2021 Edition of the American Medical Association's *Current Procedural Terminology* (CPT®) publication, including the general guidelines, identifiers, modifiers, and terminology changes associated with the adopted codes. In this Fee Schedule CPT® codes that contain explanatory language specific to Arizona are preceded by Δ. Codes, however, that are unique to Arizona and not otherwise found in CPT® are preceded by an AZ identifier and numbered in the following format: AZxxx.

The Commission has also adopted by reference the unit values and guidance for consultative, diagnostic and therapeutic services published in the most recent edition of *Relative Value Guide*, American Society of Anesthesiologists. Additional information regarding publications adopted by reference is found in the Introduction of the Fee Schedule.

The following Commission guidelines are in addition to the CPT® guidelines and represent additional guidance from the Commission relative to unit values for anesthesia services. To the extent that a conflict may exist between an adopted portion of the CPT® and a code, guideline, identifier or modifier unique to Arizona, then the Arizona code, guideline, identifier or modifier shall control.

- A. CERTIFIED REGISTERED NURSE ANESTHETISTS: Are reimbursed at 85% of the fee schedule when billed with modifier QZ.
- B. ANESTHESIA MODIFIERS: Anesthesia modifiers, which may include physical status and other optional modifiers, may be added to the basic values. Unit values for physical status modifiers are as follows:

	Unit Values
P1 – A normal healthy patient	0
P2 – A patient with mild systemic disease	0
P3 – A patient with severe systemic disease	1
P4 – A patient with severe systemic disease that is a constant threat to life	2
P5 – A moribund patient who is not expected to survive without the operation	3
P6 – A declared brain-dead patient whose organs are being removed for donor purposes	0

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AA- Anesthesia services personally performed by an anesthesiologist Reimbursed at 100% of the lesser of billed charges or fee schedule Calculation

AD- Medical supervision by a physician: more than four (4) concurrent Anesthesia reimbursed at 50% of the lesser of billed charges or fee schedule calculation

QK- Medical direction of two, three or four concurrent anesthesia procedures Involving qualified individuals reimbursed at 50% of the lesser of billed charges or fee schedule

QX- Qualified nonphysician anesthetist with medical direction by a physician reimbursed at 50% of fee schedule calculation

QZ- CRNA without medical direction by a physician reimbursed at 85% of the lesser of billed charges or fee schedule calculation

C. REPORTING OF TIME: Time reporting is described in the Anesthesia Guidelines of the CPT® publication. IN ARIZONA, TIME UNITS WILL BE ADDED TO THE BASIC VALUE AND MODIFYING UNITS AS IS CUSTOMARY IN THE LOCAL AREA USING THE FOLLOWING UNIT VALUES:

1 unit value is equal to Fifteen (15) minutes or any Seven (7) minute portion thereof.

D. UNIT VALUES FOR OTHER QUALIFYING CIRCUMSTANCES: (more than one may be selected)

Qualifying circumstances are described in the Anesthesia Guidelines of the CPT® book. The unit values for these procedures, which are reported as an additional service and may be added to the basic unit values, are as follows:

Code	Unit Value
99100	1
99116	5
99135	5
99140	2

#### Historical Note

New Appendix A. Anesthesia Guidelines made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A Anesthesia Guidelines will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Anesthesia Guidelines repealed; new Appendix A, Anesthesia Guidelines made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Anesthesia Guidelines repealed; new Appendix A, Anesthesia Guidelines made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3).

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## ARIZONA PHYSICIANS' FEE SCHEDULE

## Anesthesia Codes 2021-2022

## Anesthesia Conversion Factor \$61.00

Code	Category	MPFS Basic Unit	RBRVS Rate
00100	Anesthesia	5	\$ 305.00
00102	Anesthesia	6	\$ 366.00
00103	Anesthesia	5	\$ 305.00
00104	Anesthesia	4	\$ 244.00
00120	Anesthesia	5	\$ 305.00
00124	Anesthesia	4	\$ 244.00
00126	Anesthesia	4	\$ 244.00
00140	Anesthesia	5	\$ 305.00
00142	Anesthesia	4	\$ 244.00
00144	Anesthesia	6	\$ 366.00
00145	Anesthesia	6	\$ 366.00
00147	Anesthesia	4	\$ 244.00
00148	Anesthesia	4	\$ 244.00
00160	Anesthesia	5	\$ 305.00
00162	Anesthesia	7	\$ 427.00
00164	Anesthesia	4	\$ 244.00
00170	Anesthesia	5	\$ 305.00
00172	Anesthesia	6	\$ 366.00
00174	Anesthesia	6	\$ 366.00
00176	Anesthesia	7	\$ 427.00
00190	Anesthesia	5	\$ 305.00
00192	Anesthesia	7	\$ 427.00
00210	Anesthesia	11	\$ 671.00
00211	Anesthesia	10	\$ 610.00
00212	Anesthesia	5	\$ 305.00
00214	Anesthesia	9	\$ 549.00
00215	Anesthesia	9	\$ 549.00
00216	Anesthesia	15	\$ 915.00
00218	Anesthesia	13	\$ 793.00
00220	Anesthesia	10	\$ 610.00
00222	Anesthesia	6	\$ 366.00
00300	Anesthesia	5	\$ 305.00
00320	Anesthesia	6	\$ 366.00
00322	Anesthesia	3	\$ 183.00
00326	Anesthesia	7	\$ 427.00
00350	Anesthesia	10	\$ 610.00
00352	Anesthesia	5	\$ 305.00
00400	Anesthesia	3	\$ 183.00
00402	Anesthesia	5	\$ 305.00
00404	Anesthesia	5	\$ 305.00
00406	Anesthesia	13	\$ 793.00
00410	Anesthesia	4	\$ 244.00
00450	Anesthesia	5	\$ 305.00
00454	Anesthesia	3	\$ 183.00
00470	Anesthesia	6	\$ 366.00
00472	Anesthesia	10	\$ 610.00
00474	Anesthesia	13	\$ 793.00
00500	Anesthesia	15	\$ 915.00
00520	Anesthesia	6	\$ 366.00
00522	Anesthesia	4	\$ 244.00
00524	Anesthesia	4	\$ 244.00
00528	Anesthesia	8	\$ 488.00
00529	Anesthesia	11	\$ 671.00
00530	Anesthesia	4	\$ 244.00
00532	Anesthesia	4	\$ 244.00

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Code	Category	MPFS Basic Unit	RBRVS Rate
00534	Anesthesia	7	\$ 427.00
00537	Anesthesia	7	\$ 427.00
00539	Anesthesia	18	\$ 1,098.00
00540	Anesthesia	12	\$ 732.00
00541	Anesthesia	15	\$ 915.00
00542	Anesthesia	15	\$ 915.00
00546	Anesthesia	15	\$ 915.00
00548	Anesthesia	17	\$ 1,037.00
00550	Anesthesia	10	\$ 610.00
00560	Anesthesia	15	\$ 915.00
00561	Anesthesia	25	\$ 1,525.00
00562	Anesthesia	20	\$ 1,220.00
00563	Anesthesia	25	\$ 1,525.00
00566	Anesthesia	25	\$ 1,525.00
00567	Anesthesia	18	\$ 1,098.00
00580	Anesthesia	20	\$ 1,220.00
00600	Anesthesia	10	\$ 610.00
00604	Anesthesia	13	\$ 793.00
00620	Anesthesia	10	\$ 610.00
00625	Anesthesia	13	\$ 793.00
00626	Anesthesia	15	\$ 915.00
00630	Anesthesia	8	\$ 488.00
00632	Anesthesia	7	\$ 427.00
00635	Anesthesia	4	\$ 244.00
00640	Anesthesia	3	\$ 183.00
00670	Anesthesia	13	\$ 793.00
00700	Anesthesia	4	\$ 244.00
00702	Anesthesia	4	\$ 244.00
00730	Anesthesia	5	\$ 305.00
00731	Anesthesia	5	\$ 305.00
00732	Anesthesia	6	\$ 366.00
00750	Anesthesia	4	\$ 244.00
00752	Anesthesia	6	\$ 366.00
00754	Anesthesia	7	\$ 427.00
00756	Anesthesia	7	\$ 427.00
00770	Anesthesia	15	\$ 915.00
00790	Anesthesia	7	\$ 427.00
00792	Anesthesia	13	\$ 793.00
00794	Anesthesia	8	\$ 488.00
00796	Anesthesia	30	\$ 1,830.00
00797	Anesthesia	11	\$ 671.00
00800	Anesthesia	4	\$ 244.00
00802	Anesthesia	5	\$ 305.00
00811	Anesthesia	4	\$ 244.00
0812	Anesthesia	3	\$ 183.00
00813	Anesthesia	5	\$ 305.00
00820	Anesthesia	5	\$ 305.00
00830	Anesthesia	4	\$ 244.00
00832	Anesthesia	6	\$ 366.00
00834	Anesthesia	5	\$ 305.00
00836	Anesthesia	6	\$ 366.00
00840	Anesthesia	6	\$ 366.00
00842	Anesthesia	4	\$ 244.00
00844	Anesthesia	7	\$ 427.00
00846	Anesthesia	8	\$ 488.00
00848	Anesthesia	8	\$ 488.00
00851	Anesthesia	6	\$ 366.00
00860	Anesthesia	6	\$ 366.00
00862	Anesthesia	7	\$ 427.00

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Code	Category	MPFS Basic Unit	RBRVS Rate
00864	Anesthesia	8	\$ 488.00
00865	Anesthesia	7	\$ 427.00
00866	Anesthesia	10	\$ 610.00
00868	Anesthesia	10	\$ 610.00
00870	Anesthesia	5	\$ 305.00
00872	Anesthesia	7	\$ 427.00
00873	Anesthesia	5	\$ 305.00
00880	Anesthesia	15	\$ 915.00
00882	Anesthesia	10	\$ 610.00
00902	Anesthesia	5	\$ 305.00
00904	Anesthesia	7	\$ 427.00
00906	Anesthesia	4	\$ 244.00
00908	Anesthesia	6	\$ 366.00
00910	Anesthesia	3	\$ 183.00
00912	Anesthesia	5	\$ 305.00
00914	Anesthesia	5	\$ 305.00
00916	Anesthesia	5	\$ 305.00
00918	Anesthesia	5	\$ 305.00
00920	Anesthesia	3	\$ 183.00
00921	Anesthesia	3	\$ 183.00
00922	Anesthesia	6	\$ 366.00
00924	Anesthesia	4	\$ 244.00
00926	Anesthesia	4	\$ 244.00
00928	Anesthesia	6	\$ 366.00
00930	Anesthesia	4	\$ 244.00
00932	Anesthesia	4	\$ 244.00
00934	Anesthesia	6	\$ 366.00
00936	Anesthesia	8	\$ 488.00
00938	Anesthesia	4	\$ 244.00
00940	Anesthesia	3	\$ 183.00
00942	Anesthesia	4	\$ 244.00
00944	Anesthesia	6	\$ 366.00
00948	Anesthesia	4	\$ 244.00
00950	Anesthesia	5	\$ 305.00
00952	Anesthesia	4	\$ 244.00
01112	Anesthesia	5	\$ 305.00
01120	Anesthesia	6	\$ 366.00
01130	Anesthesia	3	\$ 183.00
01140	Anesthesia	15	\$ 915.00
01150	Anesthesia	10	\$ 610.00
01160	Anesthesia	4	\$ 244.00
01170	Anesthesia	8	\$ 488.00
01173	Anesthesia	12	\$ 732.00
01200	Anesthesia	4	\$ 244.00
01202	Anesthesia	4	\$ 244.00
01210	Anesthesia	6	\$ 366.00
01212	Anesthesia	10	\$ 610.00
01214	Anesthesia	8	\$ 488.00
01215	Anesthesia	10	\$ 610.00
01220	Anesthesia	4	\$ 244.00
01230	Anesthesia	6	\$ 366.00
01232	Anesthesia	5	\$ 305.00
01234	Anesthesia	8	\$ 488.00
01250	Anesthesia	4	\$ 244.00
01260	Anesthesia	3	\$ 183.00
01270	Anesthesia	8	\$ 488.00
01272	Anesthesia	4	\$ 244.00
01274	Anesthesia	6	\$ 366.00
01320	Anesthesia	4	\$ 244.00

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Code	Category	MPFS Basic Unit	RBRVS Rate
01340	Anesthesia	4	\$ 244.00
01360	Anesthesia	5	\$ 305.00
01380	Anesthesia	3	\$ 183.00
01382	Anesthesia	3	\$ 183.00
01390	Anesthesia	3	\$ 183.00
01392	Anesthesia	4	\$ 244.00
01400	Anesthesia	4	\$ 244.00
01402	Anesthesia	7	\$ 427.00
01404	Anesthesia	5	\$ 305.00
01420	Anesthesia	3	\$ 183.00
01430	Anesthesia	3	\$ 183.00
01432	Anesthesia	6	\$ 366.00
01440	Anesthesia	8	\$ 488.00
01442	Anesthesia	8	\$ 488.00
01444	Anesthesia	8	\$ 488.00
01462	Anesthesia	3	\$ 183.00
01464	Anesthesia	3	\$ 183.00
01470	Anesthesia	3	\$ 183.00
01472	Anesthesia	5	\$ 305.00
01474	Anesthesia	5	\$ 305.00
01480	Anesthesia	3	\$ 183.00
01482	Anesthesia	4	\$ 244.00
01484	Anesthesia	4	\$ 244.00
01486	Anesthesia	7	\$ 427.00
01490	Anesthesia	3	\$ 183.00
01500	Anesthesia	8	\$ 488.00
01502	Anesthesia	6	\$ 366.00
01520	Anesthesia	3	\$ 183.00
01522	Anesthesia	5	\$ 305.00
01610	Anesthesia	5	\$ 305.00
01620	Anesthesia	4	\$ 244.00
01622	Anesthesia	4	\$ 244.00
01630	Anesthesia	5	\$ 305.00
01634	Anesthesia	9	\$ 549.00
01636	Anesthesia	15	\$ 915.00
01638	Anesthesia	10	\$ 610.00
01650	Anesthesia	6	\$ 366.00
01652	Anesthesia	10	\$ 610.00
01654	Anesthesia	8	\$ 488.00
01656	Anesthesia	10	\$ 610.00
01670	Anesthesia	4	\$ 244.00
01680	Anesthesia	3	\$ 183.00
01710	Anesthesia	3	\$ 183.00
01712	Anesthesia	5	\$ 305.00
01714	Anesthesia	5	\$ 305.00
01716	Anesthesia	5	\$ 305.00
01730	Anesthesia	3	\$ 183.00
01732	Anesthesia	3	\$ 183.00
01740	Anesthesia	4	\$ 244.00
01742	Anesthesia	5	\$ 305.00
01744	Anesthesia	5	\$ 305.00
01756	Anesthesia	6	\$ 366.00
01758	Anesthesia	5	\$ 305.00
01760	Anesthesia	7	\$ 427.00
01770	Anesthesia	6	\$ 366.00
01772	Anesthesia	6	\$ 366.00
01780	Anesthesia	3	\$ 183.00
01782	Anesthesia	4	\$ 244.00
01810	Anesthesia	3	\$ 183.00

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## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	MPFS Basic Unit	RBRVS Rate
01820	Anesthesia	3	\$ 183.00
01829	Anesthesia	3	\$ 183.00
01830	Anesthesia	3	\$ 183.00
01832	Anesthesia	6	\$ 366.00
01840	Anesthesia	6	\$ 366.00
01842	Anesthesia	6	\$ 366.00
01844	Anesthesia	6	\$ 366.00
01850	Anesthesia	3	\$ 183.00
01852	Anesthesia	4	\$ 244.00
01860	Anesthesia	3	\$ 183.00
01916	Anesthesia	5	\$ 305.00
01920	Anesthesia	7	\$ 427.00
01922	Anesthesia	7	\$ 427.00
01924	Anesthesia	5	\$ 305.00
01925	Anesthesia	7	\$ 427.00
01926	Anesthesia	8	\$ 488.00
01930	Anesthesia	5	\$ 305.00
01931	Anesthesia	7	\$ 427.00
01932	Anesthesia	6	\$ 366.00
01933	Anesthesia	7	\$ 427.00
01935	Anesthesia	5	\$ 305.00
01936	Anesthesia	5	\$ 305.00
01951	Anesthesia	3	\$ 183.00
01952	Anesthesia	5	\$ 305.00
01953	Anesthesia	1	\$ 61.00
01958	Anesthesia	5	\$ 305.00
01960	Anesthesia	5	\$ 305.00
01961	Anesthesia	7	\$ 427.00
01962	Anesthesia	8	\$ 488.00
01963	Anesthesia	8	\$ 488.00
01965	Anesthesia	4	\$ 244.00
01966	Anesthesia	4	\$ 244.00
01967	Anesthesia	5	\$ 305.00
01968	Anesthesia	2	\$ 122.00
01969	Anesthesia	5	\$ 305.00
01990	Anesthesia	7	\$ 427.00
01991	Anesthesia	3	\$ 183.00
01992	Anesthesia	5	\$ 305.00
01996	Anesthesia	3	\$ 183.00
01999	Anesthesia	0	BR
99100	Anesthesia	1	\$ 61.00
99116	Anesthesia	5	\$ 305.00
99135	Anesthesia	5	\$ 305.00
99140	Anesthesia	2	\$ 122.00

**Historical Note**

Anesthesia Codes 2019-2020 made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Anesthesia Codes 2019-2020 will remain in effect through September 30, 2020 (Supp. 19-3). Anesthesia Codes 2019-2020 repealed; new Anesthesia Codes 2020-2021 made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Anesthesia Codes 2020-2021 repealed; new Appendix A, Anesthesia Codes 2021-2022 made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3).

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CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA  
SURGERY GUIDELINES

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This Fee Schedule has been updated to incorporate by reference the 2021 Editions of the American Medical Association's *Current Procedural Terminology* (CPT®) publication, including the general guidelines, identifiers, modifiers, and terminology changes associated with the adopted codes. In this Fee Schedule CPT® codes that contain explanatory language specific to Arizona are preceded by Δ. Codes, however, that are unique to Arizona and not otherwise found in CPT® are preceded by an AZ identifier and numbered in the following format: AZxxx.

The Commission has also adopted by reference: 1) *The 1995 and 1997 Documentation Guidelines for Evaluation and Management Services*, Centers for Medicare and Medicaid Services (CMS) <https://www.cms.gov>; 2) *2021 Optum 360 The Essential RBRVS* <https://www.optum360.com/>; 3) *The National Correct Coding Initiative Edits*, CMS <https://www.cms.gov/Medicare/Coding/NationalCorrectCodInitEd/index.html>; and, 4) *Physicians as Assistants at Surgery Update 2020* <https://www.facs.org>. The RBRVS-based fee schedule adopts surgical global periods published by CMS. Additional information regarding publications adopted by reference is found in the Introduction of the Fee Schedule.

The following Commission guidelines are in addition to the CPT® guidelines and represent additional guidance from the Commission relative to unit values for surgical services. To the extent that a conflict may exist between CMS, an adopted portion of the CPT® and a code, guideline, identifier or modifier unique to Arizona, then the Arizona code, guideline, identifier or modifier shall control.

- A. **MATERIALS AND SUPPLIES:** A healthcare provider may charge for materials and supplies as described in subsection (I)(4) of the Introduction Section of the Physician's Fee Schedule.
- B. **MULTIPLE PROCEDURES:** It is appropriate to designate multiple procedures that are rendered on the same date by separate entries. The additional procedure(s) or service(s) may be identified by appending modifier -51 to the additional procedure or service code(s).  
**Note:** This modifier should not be appended to designated "add-on" codes.
- C. **SPECIAL REPORT:** A typical request for more detailed information from an insurance carrier regarding a billing does not constitute a "special report", which is defined in the CPT® book.
- D. **MODIFIERS:** Listed services and procedures may be modified under certain circumstances. When applicable, the modifying circumstance should be identified by the addition of the appropriate modifier code, which may be reported in either of two ways. The modifier may be reported by a two-digit number placed after the usual procedure number from which it is separated by a hyphen. Or the modifier may be reported by a separate five-digit code that is used in addition to the procedure code. If more than one modifier is used, the "Multiple Modifiers" code placed first after the procedure code

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

indicates that one or more additional modifier codes will follow.

Modifiers either unique to Arizona or containing explanatory language specific to Arizona are as follows:

Δ-22 Increased Procedural Services: Use of this modifier will result in a twenty-five percent (25%) increase in the listed value for the listed procedure.

Δ-25 Separately Identifiable Evaluation and Management Service by the same Physician or Other Qualified Health Care Professional on the Same Day of the Procedure or Other Service. It may be necessary to indicate that on the day a procedure or service identified by a CPT® code was performed, the patient's condition required a significant, separately identifiable E/M service above and beyond the other service provided or beyond the other service provided or beyond the usual preoperative and postoperative care associated with the procedure that was performed (see Evaluation and Management Services Guidelines for instructions on determining level of E/M service). As such, different diagnoses are not required for reporting of the E/M services on the same date. The circumstance may be reported by adding modifier 25 to the appropriate level of E/M service.

Δ-47 Anesthesia by Surgeon: The value shall be fifty percent (50%) of the calculated American Society of Anesthesiologists Relative Value Guide value.

Δ-50 Bilateral Procedure: Unless otherwise identified in the listings, when bilateral procedures which add significant time or complexity to patient care are provided at the same operative session, identify and value the first or major procedure as listed. Identify the secondary or lesser procedure(s) by adding this modifier '-50' to the usual procedure number(s) and value at fifty percent (50%) of the listed value(s). If, however, the procedures are independently complex and involve different parts of the body, including digits, the bilateral procedure rule would not apply. In such cases, independent procedures would be billed at one hundred percent (100%) of their listed value.

Δ-51 Multiple Procedures: When multiple procedures are performed during the same operative session\*, the procedures should be valued at the appropriate percent of its listed value, as shown below:

100% (full value) for the first or major procedure

50% for the second and multiple procedure(s)

Sixth and subsequent procedures – by report

\*Multiple Procedure Guidelines do not apply to codes specifically identified as "Add-on/Additional Procedures, Global indicator ZZZ".

The major or primary procedure is defined as the procedure with the highest value and is the code that determines the follow-up days when a surgery has multiple procedures. The second procedure is the procedure with the next highest value, the third the next highest value, and so on. If, however, the procedures are independently complex such as digits, tendons, nerves or artery repair, the multiple procedure rule would not apply. In such cases, independent

procedures would be billed at one hundred percent (100%) of their listed value.

When performing multiple procedures with different global period values during the same operative session, the global period value for the session is the largest global period value.

Δ-57 Decision for Surgery: An evaluation and management service that resulted in the initial decision to perform the surgery may be identified by adding modifier 57 to the appropriate level of E/M service.

Δ-62 Two Surgeons: By prior agreement, the total value of services performed by two surgeons working together as primary surgeons may be apportioned in relation to the responsibility and work done, provided the patient is made aware of the fee distribution according to medical ethics. If no apportionment is listed, the fee should be split evenly between the co-surgeons. The total value may be increased by twenty-five percent (25%) in lieu of the usual assistant's charge. Under these circumstances the services of each surgeon should be identified by adding this modifier '-62' to the joint procedure number(s) and valued as agreed upon. (Usual charges for surgical assistance may be warranted if still another physician is required as part of the surgical team.) The value of the procedure should be 125 percent of the customary value listed. Payment of 125% of the maximum allowable would be divided between the participating surgeons.

Two Surgeons – When 2 surgeons work together as primary surgeons performing distinct part(s) of a procedure, each surgeon should report his/her distinct operative work by adding modifier 62 to the procedure code and any associated add-on codes(s) for that procedure as long as both surgeons continue to work together as primary surgeons. Each surgeon should report the co-surgery once using the same procedure code. If additional procedure(s) (including add-on procedure(s)) are performed during the same surgical session, separate code(s) may be reported with modifier -62 added. **Note:** If a co-surgeon acts as an assistant in the performance of additional procedure(s), other than those reported with modifier 62, during the same surgical session, those services may be reported using separate procedure code(s) with modifier 80 or modifier 82 added, as appropriate.

Δ-80 Assistant Surgeons: These services are valued at twenty percent (20%) of the listed value of the surgical procedure(s).

– OR –

Δ-81 Minimum Assistant Surgeons: These services are valued at ten percent (10%) of the listed value of the surgical procedure(s).

#### Historical Note

New Appendix A. Surgery Guidelines made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A., Surgery Guidelines will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A. Surgery Guidelines repealed; new Appendix A. Surgery Guidelines made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Surgery Guidelines repealed; new Appendix A, Surgery Guidelines made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3).

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

## ARIZONA PHYSICIANS' FEE SCHEDULE

## Surgery Codes 2021-2022

## Surgery Conversion Factor \$70.00

Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
10004 00	Surgery	1.50	1.25	\$ 105.00	\$ 87.50
10005 00	Surgery	3.99	2.11	\$ 279.30	\$ 147.70
10006 00	Surgery	1.77	1.47	\$ 123.90	\$ 102.90
10007 00	Surgery	9.06	2.67	\$ 634.20	\$ 186.90
10008 00	Surgery	4.81	1.70	\$ 336.70	\$ 119.00
10009 00	Surgery	13.91	3.25	\$ 973.70	\$ 227.50
10010 00	Surgery	8.22	2.36	\$ 575.40	\$ 165.20
10011 00	Surgery	-	-	\$ 709.10	\$ 709.10
10012 00	Surgery	-	-	\$ 402.50	\$ 402.50
10021 00	Surgery	3.02	1.61	\$ 211.40	\$ 112.70
10030 00	Surgery	19.53	3.95	\$ 1,367.10	\$ 276.50
10035 00	Surgery	12.57	2.46	\$ 879.90	\$ 172.20
10036 00	Surgery	10.77	1.25	\$ 753.90	\$ 87.50
10040 00	Surgery	3.42	1.52	\$ 239.40	\$ 106.40
10060 00	Surgery	3.62	3.01	\$ 253.40	\$ 210.70
10061 00	Surgery	6.21	5.33	\$ 434.70	\$ 373.10
10080 00	Surgery	7.24	3.06	\$ 506.80	\$ 214.20
10081 00	Surgery	10.00	5.06	\$ 700.00	\$ 354.20
10120 00	Surgery	4.50	3.04	\$ 315.00	\$ 212.80
10121 00	Surgery	7.98	5.40	\$ 558.60	\$ 378.00
10140 00	Surgery	5.05	3.46	\$ 353.50	\$ 242.20
10160 00	Surgery	3.83	2.77	\$ 268.10	\$ 193.90
10180 00	Surgery	7.77	5.22	\$ 543.90	\$ 365.40
11000 00	Surgery	1.69	0.81	\$ 118.30	\$ 56.70
11001 00	Surgery	0.74	0.42	\$ 51.80	\$ 29.40
11004 00	Surgery	16.73	16.73	\$ 1,171.10	\$ 1,171.10
11005 00	Surgery	22.84	22.84	\$ 1,598.80	\$ 1,598.80
11006 00	Surgery	20.59	20.59	\$ 1,441.30	\$ 1,441.30
11008 00	Surgery	8.03	8.03	\$ 562.10	\$ 562.10
11010 00	Surgery	13.90	8.03	\$ 973.00	\$ 562.10
11011 00	Surgery	15.40	8.74	\$ 1,078.00	\$ 611.80
11012 00	Surgery	19.74	12.19	\$ 1,381.80	\$ 853.30
11042 00	Surgery	3.82	1.76	\$ 267.40	\$ 123.20
11043 00	Surgery	6.90	4.52	\$ 483.00	\$ 316.40
11044 00	Surgery	9.16	6.57	\$ 641.20	\$ 459.90
11045 00	Surgery	1.21	0.77	\$ 84.70	\$ 53.90
11046 00	Surgery	2.17	1.63	\$ 151.90	\$ 114.10
11047 00	Surgery	3.58	2.85	\$ 250.60	\$ 199.50
11055 00	Surgery	2.05	0.47	\$ 143.50	\$ 32.90
11056 00	Surgery	2.35	0.65	\$ 164.50	\$ 45.50
11057 00	Surgery	2.58	0.84	\$ 180.60	\$ 58.80
11102 00	Surgery	3.05	1.09	\$ 213.50	\$ 76.30
11103 00	Surgery	1.55	0.64	\$ 108.50	\$ 44.80
11104 00	Surgery	3.82	1.38	\$ 267.40	\$ 96.60
11105 00	Surgery	1.79	0.75	\$ 125.30	\$ 52.50
11106 00	Surgery	4.67	1.68	\$ 326.90	\$ 117.60
11107 00	Surgery	2.14	0.90	\$ 149.80	\$ 63.00
11200 00	Surgery	2.63	2.18	\$ 184.10	\$ 152.60
11201 00	Surgery	0.54	0.48	\$ 37.80	\$ 33.60
11300 00	Surgery	3.03	0.98	\$ 212.10	\$ 68.60
11301 00	Surgery	3.66	1.49	\$ 256.20	\$ 104.30
11302 00	Surgery	4.18	1.75	\$ 292.60	\$ 122.50
11303 00	Surgery	4.60	2.07	\$ 322.00	\$ 144.90
11305 00	Surgery	3.18	1.10	\$ 222.60	\$ 77.00
11306 00	Surgery	3.68	1.44	\$ 257.60	\$ 100.80

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
11307 00	Surgery	4.26	1.85	\$ 298.20	\$ 129.50
11308 00	Surgery	4.52	2.10	\$ 316.40	\$ 147.00
11310 00	Surgery	3.49	1.33	\$ 244.30	\$ 93.10
11311 00	Surgery	4.12	1.84	\$ 288.40	\$ 128.80
11312 00	Surgery	4.70	2.17	\$ 329.00	\$ 151.90
11313 00	Surgery	5.45	2.79	\$ 381.50	\$ 195.30
11400 00	Surgery	3.79	2.42	\$ 265.30	\$ 169.40
11401 00	Surgery	4.61	3.05	\$ 322.70	\$ 213.50
11402 00	Surgery	5.09	3.36	\$ 356.30	\$ 235.20
11403 00	Surgery	5.85	4.31	\$ 409.50	\$ 301.70
11404 00	Surgery	6.66	4.76	\$ 466.20	\$ 333.20
11406 00	Surgery	9.44	7.24	\$ 660.80	\$ 506.80
11420 00	Surgery	3.80	2.39	\$ 266.00	\$ 167.30
11421 00	Surgery	4.73	3.17	\$ 331.10	\$ 221.90
11422 00	Surgery	5.33	3.93	\$ 373.10	\$ 275.10
11423 00	Surgery	6.06	4.52	\$ 424.20	\$ 316.40
11424 00	Surgery	6.95	5.16	\$ 486.50	\$ 361.20
11426 00	Surgery	9.94	8.00	\$ 695.80	\$ 560.00
11440 00	Surgery	4.24	3.03	\$ 296.80	\$ 212.10
11441 00	Surgery	5.14	3.82	\$ 359.80	\$ 267.40
11442 00	Surgery	5.70	4.22	\$ 399.00	\$ 295.40
11443 00	Surgery	6.75	5.18	\$ 472.50	\$ 362.60
11444 00	Surgery	8.41	6.58	\$ 588.70	\$ 460.60
11446 00	Surgery	11.46	9.37	\$ 802.20	\$ 655.90
11450 00	Surgery	12.78	7.60	\$ 894.60	\$ 532.00
11451 00	Surgery	15.69	9.66	\$ 1,098.30	\$ 676.20
11462 00	Surgery	12.36	7.21	\$ 865.20	\$ 504.70
11463 00	Surgery	15.84	9.70	\$ 1,108.80	\$ 679.00
11470 00	Surgery	13.44	8.32	\$ 940.80	\$ 582.40
11471 00	Surgery	16.21	10.25	\$ 1,134.70	\$ 717.50
11600 00	Surgery	5.92	3.56	\$ 414.40	\$ 249.20
11601 00	Surgery	6.81	4.31	\$ 476.70	\$ 301.70
11602 00	Surgery	7.27	4.68	\$ 508.90	\$ 327.60
11603 00	Surgery	8.26	5.59	\$ 578.20	\$ 391.30
11604 00	Surgery	9.22	6.19	\$ 645.40	\$ 433.30
11606 00	Surgery	13.19	9.23	\$ 923.30	\$ 646.10
11620 00	Surgery	5.94	3.58	\$ 415.80	\$ 250.60
11621 00	Surgery	6.83	4.32	\$ 478.10	\$ 302.40
11622 00	Surgery	7.50	4.89	\$ 525.00	\$ 342.30
11623 00	Surgery	8.77	6.08	\$ 613.90	\$ 425.60
11624 00	Surgery	9.96	6.90	\$ 697.20	\$ 483.00
11626 00	Surgery	12.04	8.52	\$ 842.80	\$ 596.40
11640 00	Surgery	6.07	3.67	\$ 424.90	\$ 256.90
11641 00	Surgery	7.05	4.50	\$ 493.50	\$ 315.00
11642 00	Surgery	7.95	5.27	\$ 556.50	\$ 368.90
11643 00	Surgery	9.34	6.61	\$ 653.80	\$ 462.70
11644 00	Surgery	11.51	8.22	\$ 805.70	\$ 575.40
11646 00	Surgery	14.95	11.40	\$ 1,046.50	\$ 798.00
11719 00	Surgery	0.41	0.22	\$ 28.70	\$ 15.40
11720 00	Surgery	0.97	0.43	\$ 67.90	\$ 30.10
11721 00	Surgery	1.30	0.70	\$ 91.00	\$ 49.00
11730 00	Surgery	3.43	1.57	\$ 240.10	\$ 109.90
11732 00	Surgery	1.00	0.51	\$ 70.00	\$ 35.70
11740 00	Surgery	1.65	0.91	\$ 115.50	\$ 63.70
11750 00	Surgery	4.77	2.96	\$ 333.90	\$ 207.20
11755 00	Surgery	3.73	1.78	\$ 261.10	\$ 124.60
11760 00	Surgery	5.74	3.32	\$ 401.80	\$ 232.40
11762 00	Surgery	8.73	5.55	\$ 611.10	\$ 388.50
11765 00	Surgery	4.99	2.69	\$ 349.30	\$ 188.30

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
11770 00	Surgery	10.35	5.49	\$ 724.50	\$ 384.30
11771 00	Surgery	18.59	13.12	\$ 1,301.30	\$ 918.40
11772 00	Surgery	22.93	17.29	\$ 1,605.10	\$ 1,210.30
11900 00	Surgery	1.65	0.87	\$ 115.50	\$ 60.90
11901 00	Surgery	2.06	1.35	\$ 144.20	\$ 94.50
11920 00	Surgery	5.69	3.22	\$ 398.30	\$ 225.40
11921 00	Surgery	6.46	3.81	\$ 452.20	\$ 266.70
11922 00	Surgery	1.77	0.86	\$ 123.90	\$ 60.20
11950 00	Surgery	2.35	1.53	\$ 164.50	\$ 107.10
11951 00	Surgery	3.14	2.14	\$ 219.80	\$ 149.80
11952 00	Surgery	4.21	3.02	\$ 294.70	\$ 211.40
11954 00	Surgery	4.63	3.31	\$ 324.10	\$ 231.70
11960 00	Surgery	29.95	29.95	\$ 2,096.50	\$ 2,096.50
11970 00	Surgery	16.49	16.49	\$ 1,154.30	\$ 1,154.30
11971 00	Surgery	16.07	16.07	\$ 1,124.90	\$ 1,124.90
11976 00	Surgery	4.27	2.73	\$ 298.90	\$ 191.10
11980 00	Surgery	2.78	1.63	\$ 194.60	\$ 114.10
11981 00	Surgery	3.05	1.87	\$ 213.50	\$ 130.90
11982 00	Surgery	3.44	2.20	\$ 240.80	\$ 154.00
11983 00	Surgery	4.26	3.04	\$ 298.20	\$ 212.80
12001 00	Surgery	2.76	1.30	\$ 193.20	\$ 91.00
12002 00	Surgery	3.34	1.72	\$ 233.80	\$ 120.40
12004 00	Surgery	3.88	2.14	\$ 271.60	\$ 149.80
12005 00	Surgery	5.19	2.81	\$ 363.30	\$ 196.70
12006 00	Surgery	6.06	3.43	\$ 424.20	\$ 240.10
12007 00	Surgery	6.90	4.29	\$ 483.00	\$ 300.30
12011 00	Surgery	3.34	1.63	\$ 233.80	\$ 114.10
12013 00	Surgery	3.47	1.71	\$ 242.90	\$ 119.70
12014 00	Surgery	4.24	2.20	\$ 296.80	\$ 154.00
12015 00	Surgery	5.10	2.78	\$ 357.00	\$ 194.60
12016 00	Surgery	6.49	3.78	\$ 454.30	\$ 264.60
12017 00	Surgery	4.49	4.49	\$ 314.30	\$ 314.30
12018 00	Surgery	5.09	5.09	\$ 356.30	\$ 356.30
12020 00	Surgery	8.92	5.53	\$ 624.40	\$ 387.10
12021 00	Surgery	5.16	4.10	\$ 361.20	\$ 287.00
12031 00	Surgery	7.79	4.40	\$ 545.30	\$ 308.00
12032 00	Surgery	9.06	5.49	\$ 634.20	\$ 384.30
12034 00	Surgery	9.91	5.98	\$ 693.70	\$ 418.60
12035 00	Surgery	11.72	7.06	\$ 820.40	\$ 494.20
12036 00	Surgery	12.93	8.29	\$ 905.10	\$ 580.30
12037 00	Surgery	14.47	9.63	\$ 1,012.90	\$ 674.10
12041 00	Surgery	7.82	4.22	\$ 547.40	\$ 295.40
12042 00	Surgery	9.15	5.68	\$ 640.50	\$ 397.60
12044 00	Surgery	11.32	6.21	\$ 792.40	\$ 434.70
12045 00	Surgery	12.08	7.87	\$ 845.60	\$ 550.90
12046 00	Surgery	15.01	9.33	\$ 1,050.70	\$ 653.10
12047 00	Surgery	16.42	10.39	\$ 1,149.40	\$ 727.30
12051 00	Surgery	8.37	4.90	\$ 585.90	\$ 343.00
12052 00	Surgery	9.31	5.79	\$ 651.70	\$ 405.30
12053 00	Surgery	10.88	6.26	\$ 761.60	\$ 438.20
12054 00	Surgery	11.49	6.36	\$ 804.30	\$ 445.20
12055 00	Surgery	15.01	8.72	\$ 1,050.70	\$ 610.40
12056 00	Surgery	17.29	11.27	\$ 1,210.30	\$ 788.90
12057 00	Surgery	18.32	12.35	\$ 1,282.40	\$ 864.50
13100 00	Surgery	10.24	5.85	\$ 716.80	\$ 409.50
13101 00	Surgery	11.94	7.27	\$ 835.80	\$ 508.90
13102 00	Surgery	3.52	2.11	\$ 246.40	\$ 147.70
13120 00	Surgery	10.64	6.82	\$ 744.80	\$ 477.40
13121 00	Surgery	12.77	7.51	\$ 893.90	\$ 525.70

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
13122 00	Surgery	3.82	2.42	\$ 267.40	\$ 169.40
13131 00	Surgery	11.62	7.06	\$ 813.40	\$ 494.20
13132 00	Surgery	14.08	8.79	\$ 985.60	\$ 615.30
13133 00	Surgery	5.03	3.67	\$ 352.10	\$ 256.90
13151 00	Surgery	12.64	8.11	\$ 884.80	\$ 567.70
13152 00	Surgery	14.88	9.78	\$ 1,041.60	\$ 684.60
13153 00	Surgery	5.52	4.00	\$ 386.40	\$ 280.00
13160 00	Surgery	23.40	23.40	\$ 1,638.00	\$ 1,638.00
14000 00	Surgery	18.57	14.56	\$ 1,299.90	\$ 1,019.20
14001 00	Surgery	23.66	18.95	\$ 1,656.20	\$ 1,326.50
14020 00	Surgery	20.48	16.35	\$ 1,433.60	\$ 1,144.50
14021 00	Surgery	25.26	20.51	\$ 1,768.20	\$ 1,435.70
14040 00	Surgery	22.14	18.05	\$ 1,549.80	\$ 1,263.50
14041 00	Surgery	26.92	22.06	\$ 1,884.40	\$ 1,544.20
14060 00	Surgery	22.39	19.20	\$ 1,567.30	\$ 1,344.00
14061 00	Surgery	29.00	23.68	\$ 2,030.00	\$ 1,657.60
14301 00	Surgery	31.83	25.29	\$ 2,228.10	\$ 1,770.30
14302 00	Surgery	6.33	6.33	\$ 443.10	\$ 443.10
14350 00	Surgery	19.85	19.85	\$ 1,389.50	\$ 1,389.50
15002 00	Surgery	10.45	6.46	\$ 731.50	\$ 452.20
15003 00	Surgery	2.12	1.33	\$ 148.40	\$ 93.10
15004 00	Surgery	11.83	7.66	\$ 828.10	\$ 536.20
15005 00	Surgery	3.54	2.67	\$ 247.80	\$ 186.90
15040 00	Surgery	8.03	3.64	\$ 562.10	\$ 254.80
15050 00	Surgery	17.62	13.52	\$ 1,233.40	\$ 946.40
15100 00	Surgery	25.69	20.94	\$ 1,798.30	\$ 1,465.80
15101 00	Surgery	5.67	3.30	\$ 396.90	\$ 231.00
15110 00	Surgery	24.24	20.55	\$ 1,696.80	\$ 1,438.50
15111 00	Surgery	3.31	2.99	\$ 231.70	\$ 209.30
15115 00	Surgery	23.84	20.26	\$ 1,668.80	\$ 1,418.20
15116 00	Surgery	4.84	4.41	\$ 338.80	\$ 308.70
15120 00	Surgery	24.98	20.16	\$ 1,748.60	\$ 1,411.20
15121 00	Surgery	6.35	3.99	\$ 444.50	\$ 279.30
15130 00	Surgery	21.41	17.47	\$ 1,498.70	\$ 1,222.90
15131 00	Surgery	2.87	2.64	\$ 200.90	\$ 184.80
15135 00	Surgery	25.75	22.00	\$ 1,802.50	\$ 1,540.00
15136 00	Surgery	2.83	2.64	\$ 198.10	\$ 184.80
15150 00	Surgery	21.03	18.88	\$ 1,472.10	\$ 1,321.60
15151 00	Surgery	3.50	3.22	\$ 245.00	\$ 225.40
15152 00	Surgery	4.32	4.05	\$ 302.40	\$ 283.50
15155 00	Surgery	23.56	21.41	\$ 1,649.20	\$ 1,498.70
15156 00	Surgery	4.73	4.45	\$ 331.10	\$ 311.50
15157 00	Surgery	5.26	4.86	\$ 368.20	\$ 340.20
15200 00	Surgery	24.69	19.59	\$ 1,728.30	\$ 1,371.30
15201 00	Surgery	4.34	2.27	\$ 303.80	\$ 158.90
15220 00	Surgery	22.61	17.72	\$ 1,582.70	\$ 1,240.40
15221 00	Surgery	4.00	2.04	\$ 280.00	\$ 142.80
15240 00	Surgery	27.23	23.06	\$ 1,906.10	\$ 1,614.20
15241 00	Surgery	5.24	3.09	\$ 366.80	\$ 216.30
15260 00	Surgery	29.15	24.46	\$ 2,040.50	\$ 1,712.20
15261 00	Surgery	6.15	3.99	\$ 430.50	\$ 279.30
15271 00	Surgery	4.55	2.45	\$ 318.50	\$ 171.50
15272 00	Surgery	0.74	0.50	\$ 51.80	\$ 35.00
15273 00	Surgery	9.36	5.81	\$ 655.20	\$ 406.70
15274 00	Surgery	2.44	1.32	\$ 170.80	\$ 92.40
15275 00	Surgery	4.70	2.74	\$ 329.00	\$ 191.80
15276 00	Surgery	0.96	0.73	\$ 67.20	\$ 51.10
15277 00	Surgery	10.23	6.59	\$ 716.10	\$ 461.30
15278 00	Surgery	2.85	1.66	\$ 199.50	\$ 116.20

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
15570 00	Surgery	26.91	21.42	\$ 1,883.70	\$ 1,499.40
15572 00	Surgery	25.81	21.45	\$ 1,806.70	\$ 1,501.50
15574 00	Surgery	25.83	21.49	\$ 1,808.10	\$ 1,504.30
15576 00	Surgery	23.26	19.11	\$ 1,628.20	\$ 1,337.70
15600 00	Surgery	10.02	6.15	\$ 701.40	\$ 430.50
15610 00	Surgery	10.87	7.09	\$ 760.90	\$ 496.30
15620 00	Surgery	13.15	9.48	\$ 920.50	\$ 663.60
15630 00	Surgery	13.56	9.94	\$ 949.20	\$ 695.80
15650 00	Surgery	14.88	11.01	\$ 1,041.60	\$ 770.70
15730 00	Surgery	43.78	26.65	\$ 3,064.60	\$ 1,865.50
15731 00	Surgery	32.90	29.08	\$ 2,303.00	\$ 2,035.60
15733 00	Surgery	30.24	30.24	\$ 2,116.80	\$ 2,116.80
15734 00	Surgery	44.18	44.18	\$ 3,092.60	\$ 3,092.60
15736 00	Surgery	35.78	35.78	\$ 2,504.60	\$ 2,504.60
15738 00	Surgery	37.68	37.68	\$ 2,637.60	\$ 2,637.60
15740 00	Surgery	29.40	24.34	\$ 2,058.00	\$ 1,703.80
15750 00	Surgery	27.17	27.17	\$ 1,901.90	\$ 1,901.90
15756 00	Surgery	66.81	66.81	\$ 4,676.70	\$ 4,676.70
15757 00	Surgery	66.48	66.48	\$ 4,653.60	\$ 4,653.60
15758 00	Surgery	66.74	66.74	\$ 4,671.80	\$ 4,671.80
15760 00	Surgery	24.81	20.38	\$ 1,736.70	\$ 1,426.60
15769 00	Surgery	14.07	14.07	\$ 984.90	\$ 984.90
15770 00	Surgery	19.51	19.51	\$ 1,365.70	\$ 1,365.70
15771 00	Surgery	16.85	13.96	\$ 1,179.50	\$ 977.20
15772 00	Surgery	5.27	4.08	\$ 368.90	\$ 285.60
15773 00	Surgery	16.99	14.10	\$ 1,189.30	\$ 987.00
15774 00	Surgery	5.12	3.93	\$ 358.40	\$ 275.10
15775 00	Surgery	11.15	7.48	\$ 780.50	\$ 523.60
15776 00	Surgery	15.15	10.26	\$ 1,060.50	\$ 718.20
15777 00	Surgery	6.30	6.30	\$ 441.00	\$ 441.00
15780 00	Surgery	25.34	19.32	\$ 1,773.80	\$ 1,352.40
15781 00	Surgery	16.14	12.55	\$ 1,129.80	\$ 878.50
15782 00	Surgery	15.06	11.04	\$ 1,054.20	\$ 772.80
15783 00	Surgery	13.38	10.29	\$ 936.60	\$ 720.30
15786 00	Surgery	7.03	3.86	\$ 492.10	\$ 270.20
15787 00	Surgery	1.06	0.50	\$ 74.20	\$ 35.00
15788 00	Surgery	12.23	6.43	\$ 856.10	\$ 450.10
15789 00	Surgery	15.73	11.83	\$ 1,101.10	\$ 828.10
15792 00	Surgery	10.68	6.39	\$ 747.60	\$ 447.30
15793 00	Surgery	14.02	10.24	\$ 981.40	\$ 716.80
15819 00	Surgery	23.37	23.37	\$ 1,635.90	\$ 1,635.90
15820 00	Surgery	16.84	14.94	\$ 1,178.80	\$ 1,045.80
15821 00	Surgery	18.02	15.94	\$ 1,261.40	\$ 1,115.80
15822 00	Surgery	13.48	11.59	\$ 943.60	\$ 811.30
15823 00	Surgery	18.11	16.00	\$ 1,267.70	\$ 1,120.00
15824 00	Surgery	-	-	\$ 2,321.90	\$ 2,321.90
15825 00	Surgery	-	-	\$ 2,611.70	\$ 2,611.70
15826 00	Surgery	-	-	\$ 1,886.50	\$ 1,886.50
15828 00	Surgery	-	-	\$ 4,933.60	\$ 4,933.60
15829 00	Surgery	-	-	\$ 5,513.90	\$ 5,513.90
15830 00	Surgery	34.41	34.41	\$ 2,408.70	\$ 2,408.70
15832 00	Surgery	26.91	26.91	\$ 1,883.70	\$ 1,883.70
15833 00	Surgery	25.67	25.67	\$ 1,796.90	\$ 1,796.90
15834 00	Surgery	26.13	26.13	\$ 1,829.10	\$ 1,829.10
15835 00	Surgery	27.28	27.28	\$ 1,909.60	\$ 1,909.60
15836 00	Surgery	22.22	22.22	\$ 1,555.40	\$ 1,555.40
15837 00	Surgery	25.57	21.02	\$ 1,789.90	\$ 1,471.40
15838 00	Surgery	18.94	18.94	\$ 1,325.80	\$ 1,325.80
15839 00	Surgery	26.29	21.67	\$ 1,840.30	\$ 1,516.90

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
15840 00	Surgery	29.54	29.54	\$ 2,067.80	\$ 2,067.80
15841 00	Surgery	52.19	52.19	\$ 3,653.30	\$ 3,653.30
15842 00	Surgery	79.25	79.25	\$ 5,547.50	\$ 5,547.50
15845 00	Surgery	29.28	29.28	\$ 2,049.60	\$ 2,049.60
15847 00	Surgery	-	-	\$ 1,015.70	\$ 1,015.70
15850 00	Surgery	0.00	0.00	Bundled Code	Bundled Code
15851 00	Surgery	3.17	1.33	\$ 221.90	\$ 93.10
15852 00	Surgery	1.36	1.36	\$ 95.20	\$ 95.20
15860 00	Surgery	3.12	3.12	\$ 218.40	\$ 218.40
15876 00	Surgery	0.00	0.00	BR	BR
15877 00	Surgery	0.00	0.00	BR	BR
15878 00	Surgery	0.00	0.00	BR	BR
15879 00	Surgery	0.00	0.00	BR	BR
15920 00	Surgery	18.52	18.52	\$ 1,296.40	\$ 1,296.40
15922 00	Surgery	23.32	23.32	\$ 1,632.40	\$ 1,632.40
15931 00	Surgery	20.77	20.77	\$ 1,453.90	\$ 1,453.90
15933 00	Surgery	25.51	25.51	\$ 1,785.70	\$ 1,785.70
15934 00	Surgery	27.89	27.89	\$ 1,952.30	\$ 1,952.30
15935 00	Surgery	33.85	33.85	\$ 2,369.50	\$ 2,369.50
15936 00	Surgery	26.61	26.61	\$ 1,862.70	\$ 1,862.70
15937 00	Surgery	30.73	30.73	\$ 2,151.10	\$ 2,151.10
15940 00	Surgery	20.73	20.73	\$ 1,451.10	\$ 1,451.10
15941 00	Surgery	27.24	27.24	\$ 1,906.80	\$ 1,906.80
15944 00	Surgery	27.00	27.00	\$ 1,890.00	\$ 1,890.00
15945 00	Surgery	29.86	29.86	\$ 2,090.20	\$ 2,090.20
15946 00	Surgery	47.57	47.57	\$ 3,329.90	\$ 3,329.90
15950 00	Surgery	18.05	18.05	\$ 1,263.50	\$ 1,263.50
15951 00	Surgery	26.34	26.34	\$ 1,843.80	\$ 1,843.80
15952 00	Surgery	26.83	26.83	\$ 1,878.10	\$ 1,878.10
15953 00	Surgery	29.56	29.56	\$ 2,069.20	\$ 2,069.20
15956 00	Surgery	34.34	34.34	\$ 2,403.80	\$ 2,403.80
15958 00	Surgery	34.87	34.87	\$ 2,440.90	\$ 2,440.90
15999 00	Surgery	0.00	0.00	BR	BR
16000 00	Surgery	2.18	1.32	\$ 152.60	\$ 92.40
16020 00	Surgery	2.50	1.61	\$ 175.00	\$ 112.70
16025 00	Surgery	4.58	3.22	\$ 320.60	\$ 225.40
16030 00	Surgery	5.73	3.83	\$ 401.10	\$ 268.10
16035 00	Surgery	5.66	5.66	\$ 396.20	\$ 396.20
16036 00	Surgery	2.30	2.30	\$ 161.00	\$ 161.00
17000 00	Surgery	1.93	1.56	\$ 135.10	\$ 109.20
17003 00	Surgery	0.19	0.06	\$ 13.30	\$ 4.20
17004 00	Surgery	4.85	2.84	\$ 339.50	\$ 198.80
17106 00	Surgery	10.00	7.95	\$ 700.00	\$ 556.50
17107 00	Surgery	13.09	10.35	\$ 916.30	\$ 724.50
17108 00	Surgery	18.51	15.19	\$ 1,295.70	\$ 1,063.30
17110 00	Surgery	3.33	1.91	\$ 233.10	\$ 133.70
17111 00	Surgery	3.90	2.35	\$ 273.00	\$ 164.50
17250 00	Surgery	2.63	1.06	\$ 184.10	\$ 74.20
17260 00	Surgery	2.90	2.04	\$ 203.00	\$ 142.80
17261 00	Surgery	4.35	2.52	\$ 304.50	\$ 176.40
17262 00	Surgery	5.23	3.18	\$ 366.10	\$ 222.60
17263 00	Surgery	5.66	3.53	\$ 396.20	\$ 247.10
17264 00	Surgery	6.07	3.78	\$ 424.90	\$ 264.60
17266 00	Surgery	6.91	4.44	\$ 483.70	\$ 310.80
17270 00	Surgery	4.39	2.75	\$ 307.30	\$ 192.50
17271 00	Surgery	4.87	3.04	\$ 340.90	\$ 212.80
17272 00	Surgery	5.53	3.50	\$ 387.10	\$ 245.00
17273 00	Surgery	6.15	3.98	\$ 430.50	\$ 278.60
17274 00	Surgery	7.19	4.85	\$ 503.30	\$ 339.50

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
17276 00	Surgery	8.34	5.84	\$ 583.80	\$ 408.80
17280 00	Surgery	4.13	2.51	\$ 289.10	\$ 175.70
17281 00	Surgery	5.26	3.41	\$ 368.20	\$ 238.70
17282 00	Surgery	6.04	3.96	\$ 422.80	\$ 277.20
17283 00	Surgery	7.15	4.94	\$ 500.50	\$ 345.80
17284 00	Surgery	8.14	5.77	\$ 569.80	\$ 403.90
17286 00	Surgery	10.44	7.84	\$ 730.80	\$ 548.80
17311 00	Surgery	19.78	10.36	\$ 1,384.60	\$ 725.20
17312 00	Surgery	12.02	5.50	\$ 841.40	\$ 385.00
17313 00	Surgery	18.57	9.28	\$ 1,299.90	\$ 649.60
17314 00	Surgery	11.50	5.10	\$ 805.00	\$ 357.00
17315 00	Surgery	2.26	1.46	\$ 158.20	\$ 102.20
17340 00	Surgery	1.53	1.43	\$ 107.10	\$ 100.10
17360 00	Surgery	3.61	2.67	\$ 252.70	\$ 186.90
17380 00	Surgery	-	-	\$ 161.00	\$ 161.00
17999 00	Surgery	0.00	0.00	BR	BR
19000 00	Surgery	3.17	1.26	\$ 221.90	\$ 88.20
19001 00	Surgery	0.79	0.62	\$ 55.30	\$ 43.40
19020 00	Surgery	14.26	9.19	\$ 998.20	\$ 643.30
19030 00	Surgery	4.98	2.21	\$ 348.60	\$ 154.70
19081 00	Surgery	16.87	4.80	\$ 1,180.90	\$ 336.00
19082 00	Surgery	13.51	2.41	\$ 945.70	\$ 168.70
19083 00	Surgery	16.89	4.54	\$ 1,182.30	\$ 317.80
19084 00	Surgery	13.27	2.26	\$ 928.90	\$ 158.20
19085 00	Surgery	25.95	5.26	\$ 1,816.50	\$ 368.20
19086 00	Surgery	20.56	2.63	\$ 1,439.20	\$ 184.10
19100 00	Surgery	4.68	2.05	\$ 327.60	\$ 143.50
19101 00	Surgery	10.16	6.60	\$ 711.20	\$ 462.00
19105 00	Surgery	80.00	6.22	\$ 5,600.00	\$ 435.40
19110 00	Surgery	14.86	10.39	\$ 1,040.20	\$ 727.30
19112 00	Surgery	14.02	9.47	\$ 981.40	\$ 662.90
19120 00	Surgery	15.32	12.30	\$ 1,072.40	\$ 861.00
19125 00	Surgery	16.89	13.62	\$ 1,182.30	\$ 953.40
19126 00	Surgery	4.74	4.74	\$ 331.80	\$ 331.80
19281 00	Surgery	7.24	2.88	\$ 506.80	\$ 201.60
19282 00	Surgery	5.17	1.45	\$ 361.90	\$ 101.50
19283 00	Surgery	8.00	2.92	\$ 560.00	\$ 204.40
19284 00	Surgery	6.11	1.49	\$ 427.70	\$ 104.30
19285 00	Surgery	12.68	2.47	\$ 887.60	\$ 172.90
19286 00	Surgery	10.71	1.25	\$ 749.70	\$ 87.50
19287 00	Surgery	21.78	3.68	\$ 1,524.60	\$ 257.60
19288 00	Surgery	17.21	1.85	\$ 1,204.70	\$ 129.50
19294 00	Surgery	4.85	4.85	\$ 339.50	\$ 339.50
19296 00	Surgery	123.51	6.17	\$ 8,645.70	\$ 431.90
19297 00	Surgery	2.80	2.80	\$ 196.00	\$ 196.00
19298 00	Surgery	29.41	9.28	\$ 2,058.70	\$ 649.60
19300 00	Surgery	17.16	12.62	\$ 1,201.20	\$ 883.40
19301 00	Surgery	19.49	19.49	\$ 1,364.30	\$ 1,364.30
19302 00	Surgery	26.79	26.79	\$ 1,875.30	\$ 1,875.30
19303 00	Surgery	28.33	28.33	\$ 1,983.10	\$ 1,983.10
19305 00	Surgery	33.84	33.84	\$ 2,368.80	\$ 2,368.80
19306 00	Surgery	36.04	36.04	\$ 2,522.80	\$ 2,522.80
19307 00	Surgery	35.01	35.01	\$ 2,450.70	\$ 2,450.70
19316 00	Surgery	23.25	23.25	\$ 1,627.50	\$ 1,627.50
19318 00	Surgery	32.14	32.14	\$ 2,249.80	\$ 2,249.80
19325 00	Surgery	18.02	18.02	\$ 1,261.40	\$ 1,261.40
19328 00	Surgery	16.27	16.27	\$ 1,138.90	\$ 1,138.90
19330 00	Surgery	18.97	18.97	\$ 1,327.90	\$ 1,327.90
19340 00	Surgery	22.23	22.23	\$ 1,556.10	\$ 1,556.10

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
19342 00	Surgery	22.36	22.36	\$ 1,565.20	\$ 1,565.20
19350 00	Surgery	24.51	19.73	\$ 1,715.70	\$ 1,381.10
19355 00	Surgery	22.35	18.12	\$ 1,564.50	\$ 1,268.40
19357 00	Surgery	34.20	34.20	\$ 2,394.00	\$ 2,394.00
19361 00	Surgery	45.85	45.85	\$ 3,209.50	\$ 3,209.50
19364 00	Surgery	80.17	80.17	\$ 5,611.90	\$ 5,611.90
19367 00	Surgery	52.05	52.05	\$ 3,643.50	\$ 3,643.50
19368 00	Surgery	63.96	63.96	\$ 4,477.20	\$ 4,477.20
19369 00	Surgery	59.42	59.42	\$ 4,159.40	\$ 4,159.40
19370 00	Surgery	19.67	19.67	\$ 1,376.90	\$ 1,376.90
19371 00	Surgery	20.92	20.92	\$ 1,464.40	\$ 1,464.40
19380 00	Surgery	23.70	23.70	\$ 1,659.00	\$ 1,659.00
19396 00	Surgery	8.51	4.20	\$ 595.70	\$ 294.00
19499 00	Surgery	0.00	0.00	BR	BR
20100 00	Surgery	17.72	17.72	\$ 1,240.40	\$ 1,240.40
20101 00	Surgery	17.99	6.21	\$ 1,259.30	\$ 434.70
20102 00	Surgery	18.67	7.52	\$ 1,306.90	\$ 526.40
20103 00	Surgery	17.15	10.15	\$ 1,200.50	\$ 710.50
20150 00	Surgery	29.58	29.58	\$ 2,070.60	\$ 2,070.60
20200 00	Surgery	6.69	2.76	\$ 468.30	\$ 193.20
20205 00	Surgery	9.24	4.54	\$ 646.80	\$ 317.80
20206 00	Surgery	7.12	1.66	\$ 498.40	\$ 116.20
20220 00	Surgery	7.38	2.55	\$ 516.60	\$ 178.50
20225 00	Surgery	12.16	3.78	\$ 851.20	\$ 264.60
20240 00	Surgery	4.17	4.17	\$ 291.90	\$ 291.90
20245 00	Surgery	10.19	10.19	\$ 713.30	\$ 713.30
20250 00	Surgery	11.55	11.55	\$ 808.50	\$ 808.50
20251 00	Surgery	12.60	12.60	\$ 882.00	\$ 882.00
20500 00	Surgery	3.49	2.55	\$ 244.30	\$ 178.50
20501 00	Surgery	4.29	1.08	\$ 300.30	\$ 75.60
20520 00	Surgery	6.41	4.32	\$ 448.70	\$ 302.40
20525 00	Surgery	14.25	7.26	\$ 997.50	\$ 508.20
20526 00	Surgery	2.37	1.67	\$ 165.90	\$ 116.90
20527 00	Surgery	2.54	1.91	\$ 177.80	\$ 133.70
20550 00	Surgery	1.64	1.14	\$ 114.80	\$ 79.80
20551 00	Surgery	1.68	1.15	\$ 117.60	\$ 80.50
20552 00	Surgery	1.59	1.11	\$ 111.30	\$ 77.70
20553 00	Surgery	1.82	1.25	\$ 127.40	\$ 87.50
20555 00	Surgery	9.66	9.66	\$ 676.20	\$ 676.20
20560 00	Surgery	0.77	0.48	\$ 53.90	\$ 33.60
20561 00	Surgery	1.11	0.71	\$ 77.70	\$ 49.70
20600 00	Surgery	1.52	1.05	\$ 106.40	\$ 73.50
20604 00	Surgery	2.37	1.35	\$ 165.90	\$ 94.50
20605 00	Surgery	1.58	1.09	\$ 110.60	\$ 76.30
20606 00	Surgery	2.60	1.55	\$ 182.00	\$ 108.50
20610 00	Surgery	1.88	1.34	\$ 131.60	\$ 93.80
20611 00	Surgery	2.90	1.76	\$ 203.00	\$ 123.20
20612 00	Surgery	1.86	1.21	\$ 130.20	\$ 84.70
20615 00	Surgery	7.53	4.71	\$ 527.10	\$ 329.70
20650 00	Surgery	6.44	4.64	\$ 450.80	\$ 324.80
20660 00	Surgery	7.12	7.12	\$ 498.40	\$ 498.40
20661 00	Surgery	15.01	15.01	\$ 1,050.70	\$ 1,050.70
20662 00	Surgery	15.30	15.30	\$ 1,071.00	\$ 1,071.00
20663 00	Surgery	14.08	14.08	\$ 985.60	\$ 985.60
20664 00	Surgery	25.97	25.97	\$ 1,817.90	\$ 1,817.90
20665 00	Surgery	3.34	2.77	\$ 233.80	\$ 193.90
20670 00	Surgery	11.21	4.25	\$ 784.70	\$ 297.50
20680 00	Surgery	18.20	12.34	\$ 1,274.00	\$ 863.80
20690 00	Surgery	17.57	17.57	\$ 1,229.90	\$ 1,229.90

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
20692 00	Surgery	32.90	32.90	\$ 2,303.00	\$ 2,303.00
20693 00	Surgery	13.04	13.04	\$ 912.80	\$ 912.80
20694 00	Surgery	12.75	9.98	\$ 892.50	\$ 698.60
20696 00	Surgery	35.04	35.04	\$ 2,452.80	\$ 2,452.80
20697 00	Surgery	61.22	61.22	\$ 4,285.40	\$ 4,285.40
20700 00	Surgery	2.44	2.44	\$ 170.80	\$ 170.80
20701 00	Surgery	1.85	1.85	\$ 129.50	\$ 129.50
20702 00	Surgery	4.09	4.09	\$ 286.30	\$ 286.30
20703 00	Surgery	2.94	2.94	\$ 205.80	\$ 205.80
20704 00	Surgery	4.26	4.26	\$ 298.20	\$ 298.20
20705 00	Surgery	3.52	3.52	\$ 246.40	\$ 246.40
20802 00	Surgery	80.81	80.81	\$ 5,656.70	\$ 5,656.70
20805 00	Surgery	96.03	96.03	\$ 6,722.10	\$ 6,722.10
20808 00	Surgery	115.99	115.99	\$ 8,119.30	\$ 8,119.30
20816 00	Surgery	60.51	60.51	\$ 4,235.70	\$ 4,235.70
20822 00	Surgery	52.17	52.17	\$ 3,651.90	\$ 3,651.90
20824 00	Surgery	60.61	60.61	\$ 4,242.70	\$ 4,242.70
20827 00	Surgery	53.59	53.59	\$ 3,751.30	\$ 3,751.30
20838 00	Surgery	82.02	82.02	\$ 5,741.40	\$ 5,741.40
20900 00	Surgery	12.11	5.36	\$ 847.70	\$ 375.20
20902 00	Surgery	8.19	8.19	\$ 573.30	\$ 573.30
20910 00	Surgery	13.96	13.96	\$ 977.20	\$ 977.20
20912 00	Surgery	13.98	13.98	\$ 978.60	\$ 978.60
20920 00	Surgery	11.50	11.50	\$ 805.00	\$ 805.00
20922 00	Surgery	17.74	14.28	\$ 1,241.80	\$ 999.60
20924 00	Surgery	14.93	14.93	\$ 1,045.10	\$ 1,045.10
20930 00	Surgery	0.00	0.00	Bundled Code	Bundled Code
20931 00	Surgery	3.25	3.25	\$ 227.50	\$ 227.50
20932 00	Surgery	22.27	22.27	\$ 1,558.90	\$ 1,558.90
20933 00	Surgery	20.43	20.43	\$ 1,430.10	\$ 1,430.10
20934 00	Surgery	22.26	22.26	\$ 1,558.20	\$ 1,558.20
20936 00	Surgery	0.00	0.00	Bundled Code	Bundled Code
20937 00	Surgery	4.90	4.90	\$ 343.00	\$ 343.00
20938 00	Surgery	5.42	5.42	\$ 379.40	\$ 379.40
20939 00	Surgery	2.05	2.05	\$ 143.50	\$ 143.50
20950 00	Surgery	8.08	2.57	\$ 565.60	\$ 179.90
20955 00	Surgery	72.17	72.17	\$ 5,051.90	\$ 5,051.90
20956 00	Surgery	77.73	77.73	\$ 5,441.10	\$ 5,441.10
20957 00	Surgery	80.94	80.94	\$ 5,665.80	\$ 5,665.80
20962 00	Surgery	78.31	78.31	\$ 5,481.70	\$ 5,481.70
20969 00	Surgery	79.17	79.17	\$ 5,541.90	\$ 5,541.90
20970 00	Surgery	83.85	83.85	\$ 5,869.50	\$ 5,869.50
20972 00	Surgery	83.63	83.63	\$ 5,854.10	\$ 5,854.10
20973 00	Surgery	88.33	88.33	\$ 6,183.10	\$ 6,183.10
20974 00	Surgery	2.39	1.48	\$ 167.30	\$ 103.60
20975 00	Surgery	5.19	5.19	\$ 363.30	\$ 363.30
20979 00	Surgery	1.60	0.93	\$ 112.00	\$ 65.10
20982 00	Surgery	115.22	10.66	\$ 8,065.40	\$ 746.20
20983 00	Surgery	169.57	9.95	\$ 11,869.90	\$ 696.50
20985 00	Surgery	4.26	4.26	\$ 298.20	\$ 298.20
20999 00	Surgery	0.00	0.00	BR	BR
21010 00	Surgery	21.77	21.77	\$ 1,523.90	\$ 1,523.90
21011 00	Surgery	10.98	7.55	\$ 768.60	\$ 528.50
21012 00	Surgery	9.94	9.94	\$ 695.80	\$ 695.80
21013 00	Surgery	15.89	11.77	\$ 1,112.30	\$ 823.90
21014 00	Surgery	15.35	15.35	\$ 1,074.50	\$ 1,074.50
21015 00	Surgery	20.59	20.59	\$ 1,441.30	\$ 1,441.30
21016 00	Surgery	29.48	29.48	\$ 2,063.60	\$ 2,063.60
21025 00	Surgery	23.50	19.53	\$ 1,645.00	\$ 1,367.10

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
21026 00	Surgery	16.03	12.70	\$ 1,122.10	\$ 889.00
21029 00	Surgery	22.68	18.17	\$ 1,587.60	\$ 1,271.90
21030 00	Surgery	14.06	10.87	\$ 984.20	\$ 760.90
21031 00	Surgery	11.49	8.03	\$ 804.30	\$ 562.10
21032 00	Surgery	11.40	7.82	\$ 798.00	\$ 547.40
21034 00	Surgery	38.31	33.11	\$ 2,681.70	\$ 2,317.70
21040 00	Surgery	14.25	10.96	\$ 997.50	\$ 767.20
21044 00	Surgery	25.22	25.22	\$ 1,765.40	\$ 1,765.40
21045 00	Surgery	35.03	35.03	\$ 2,452.10	\$ 2,452.10
21046 00	Surgery	29.79	29.79	\$ 2,085.30	\$ 2,085.30
21047 00	Surgery	37.00	37.00	\$ 2,590.00	\$ 2,590.00
21048 00	Surgery	30.18	30.18	\$ 2,112.60	\$ 2,112.60
21049 00	Surgery	35.35	35.35	\$ 2,474.50	\$ 2,474.50
21050 00	Surgery	25.59	25.59	\$ 1,791.30	\$ 1,791.30
21060 00	Surgery	23.21	23.21	\$ 1,624.70	\$ 1,624.70
21070 00	Surgery	18.15	18.15	\$ 1,270.50	\$ 1,270.50
21073 00	Surgery	11.10	7.23	\$ 777.00	\$ 506.10
21076 00	Surgery	25.52	20.99	\$ 1,786.40	\$ 1,469.30
21077 00	Surgery	62.39	51.51	\$ 4,367.30	\$ 3,605.70
21079 00	Surgery	42.64	34.65	\$ 2,984.80	\$ 2,425.50
21080 00	Surgery	49.29	39.48	\$ 3,450.30	\$ 2,763.60
21081 00	Surgery	45.38	36.11	\$ 3,176.60	\$ 2,527.70
21082 00	Surgery	41.52	32.82	\$ 2,906.40	\$ 2,297.40
21083 00	Surgery	39.61	30.46	\$ 2,772.70	\$ 2,132.20
21084 00	Surgery	45.27	35.26	\$ 3,168.90	\$ 2,468.20
21085 00	Surgery	19.84	14.26	\$ 1,388.80	\$ 998.20
21086 00	Surgery	46.49	38.00	\$ 3,254.30	\$ 2,660.00
21087 00	Surgery	46.49	38.00	\$ 3,254.30	\$ 2,660.00
21088 00	Surgery	-	-	\$ 6,972.70	\$ 6,972.70
21089 00	Surgery	0.00	0.00	BR	BR
21100 00	Surgery	19.03	10.44	\$ 1,332.10	\$ 730.80
21110 00	Surgery	25.71	21.32	\$ 1,799.70	\$ 1,492.40
21116 00	Surgery	6.41	1.34	\$ 448.70	\$ 93.80
21120 00	Surgery	20.24	15.47	\$ 1,416.80	\$ 1,082.90
21121 00	Surgery	19.28	16.06	\$ 1,349.60	\$ 1,124.20
21122 00	Surgery	22.66	22.66	\$ 1,586.20	\$ 1,586.20
21123 00	Surgery	25.63	25.63	\$ 1,794.10	\$ 1,794.10
21125 00	Surgery	83.38	19.84	\$ 5,836.60	\$ 1,388.80
21127 00	Surgery	123.66	22.72	\$ 8,656.20	\$ 1,590.40
21137 00	Surgery	22.07	22.07	\$ 1,544.90	\$ 1,544.90
21138 00	Surgery	26.89	26.89	\$ 1,882.30	\$ 1,882.30
21139 00	Surgery	32.50	32.50	\$ 2,275.00	\$ 2,275.00
21141 00	Surgery	39.11	39.11	\$ 2,737.70	\$ 2,737.70
21142 00	Surgery	40.16	40.16	\$ 2,811.20	\$ 2,811.20
21143 00	Surgery	41.56	41.56	\$ 2,909.20	\$ 2,909.20
21145 00	Surgery	45.52	45.52	\$ 3,186.40	\$ 3,186.40
21146 00	Surgery	47.51	47.51	\$ 3,325.70	\$ 3,325.70
21147 00	Surgery	50.04	50.04	\$ 3,502.80	\$ 3,502.80
21150 00	Surgery	48.22	48.22	\$ 3,375.40	\$ 3,375.40
21151 00	Surgery	53.05	53.05	\$ 3,713.50	\$ 3,713.50
21154 00	Surgery	57.05	57.05	\$ 3,993.50	\$ 3,993.50
21155 00	Surgery	63.22	63.22	\$ 4,425.40	\$ 4,425.40
21159 00	Surgery	75.72	75.72	\$ 5,300.40	\$ 5,300.40
21160 00	Surgery	82.09	82.09	\$ 5,746.30	\$ 5,746.30
21172 00	Surgery	62.33	62.33	\$ 4,363.10	\$ 4,363.10
21175 00	Surgery	65.12	65.12	\$ 4,558.40	\$ 4,558.40
21179 00	Surgery	44.75	44.75	\$ 3,132.50	\$ 3,132.50
21180 00	Surgery	49.99	49.99	\$ 3,499.30	\$ 3,499.30
21181 00	Surgery	21.77	21.77	\$ 1,523.90	\$ 1,523.90

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
21182 00	Surgery	62.23	62.23	\$ 4,356.10	\$ 4,356.10
21183 00	Surgery	67.73	67.73	\$ 4,741.10	\$ 4,741.10
21184 00	Surgery	72.86	72.86	\$ 5,100.20	\$ 5,100.20
21188 00	Surgery	47.17	47.17	\$ 3,301.90	\$ 3,301.90
21193 00	Surgery	36.19	36.19	\$ 2,533.30	\$ 2,533.30
21194 00	Surgery	41.83	41.83	\$ 2,928.10	\$ 2,928.10
21195 00	Surgery	40.11	40.11	\$ 2,807.70	\$ 2,807.70
21196 00	Surgery	41.07	41.07	\$ 2,874.90	\$ 2,874.90
21198 00	Surgery	31.51	31.51	\$ 2,205.70	\$ 2,205.70
21199 00	Surgery	29.97	29.97	\$ 2,097.90	\$ 2,097.90
21206 00	Surgery	29.28	29.28	\$ 2,049.60	\$ 2,049.60
21208 00	Surgery	50.60	21.84	\$ 3,542.00	\$ 1,528.80
21209 00	Surgery	23.53	17.76	\$ 1,647.10	\$ 1,243.20
21210 00	Surgery	56.35	22.45	\$ 3,944.50	\$ 1,571.50
21215 00	Surgery	125.84	23.29	\$ 8,808.80	\$ 1,630.30
21230 00	Surgery	21.94	21.94	\$ 1,535.80	\$ 1,535.80
21235 00	Surgery	21.45	16.48	\$ 1,501.50	\$ 1,153.60
21240 00	Surgery	30.89	30.89	\$ 2,162.30	\$ 2,162.30
21242 00	Surgery	29.65	29.65	\$ 2,075.50	\$ 2,075.50
21243 00	Surgery	47.13	47.13	\$ 3,299.10	\$ 3,299.10
21244 00	Surgery	29.84	29.84	\$ 2,088.80	\$ 2,088.80
21245 00	Surgery	36.87	28.13	\$ 2,580.90	\$ 1,969.10
21246 00	Surgery	24.96	24.96	\$ 1,747.20	\$ 1,747.20
21247 00	Surgery	46.43	46.43	\$ 3,250.10	\$ 3,250.10
21248 00	Surgery	29.63	23.59	\$ 2,074.10	\$ 1,651.30
21249 00	Surgery	40.16	33.10	\$ 2,811.20	\$ 2,317.00
21255 00	Surgery	39.97	39.97	\$ 2,797.90	\$ 2,797.90
21256 00	Surgery	36.38	36.38	\$ 2,546.60	\$ 2,546.60
21260 00	Surgery	40.88	40.88	\$ 2,861.60	\$ 2,861.60
21261 00	Surgery	72.17	72.17	\$ 5,051.90	\$ 5,051.90
21263 00	Surgery	66.78	66.78	\$ 4,674.60	\$ 4,674.60
21267 00	Surgery	47.83	47.83	\$ 3,348.10	\$ 3,348.10
21268 00	Surgery	59.84	59.84	\$ 4,188.80	\$ 4,188.80
21270 00	Surgery	29.89	21.98	\$ 2,092.30	\$ 1,538.60
21275 00	Surgery	24.83	24.83	\$ 1,738.10	\$ 1,738.10
21280 00	Surgery	16.90	16.90	\$ 1,183.00	\$ 1,183.00
21282 00	Surgery	11.47	11.47	\$ 802.90	\$ 802.90
21295 00	Surgery	5.60	5.60	\$ 392.00	\$ 392.00
21296 00	Surgery	12.02	12.02	\$ 841.40	\$ 841.40
21299 00	Surgery	0.00	0.00	BR	BR
21310 00	Surgery	3.93	0.82	\$ 275.10	\$ 57.40
21315 00	Surgery	8.44	4.50	\$ 590.80	\$ 315.00
21320 00	Surgery	7.75	3.91	\$ 542.50	\$ 273.70
21325 00	Surgery	13.15	13.15	\$ 920.50	\$ 920.50
21330 00	Surgery	15.75	15.75	\$ 1,102.50	\$ 1,102.50
21335 00	Surgery	21.13	21.13	\$ 1,479.10	\$ 1,479.10
21336 00	Surgery	19.11	19.11	\$ 1,337.70	\$ 1,337.70
21337 00	Surgery	12.36	8.68	\$ 865.20	\$ 607.60
21338 00	Surgery	19.79	19.79	\$ 1,385.30	\$ 1,385.30
21339 00	Surgery	22.34	22.34	\$ 1,563.80	\$ 1,563.80
21340 00	Surgery	21.78	21.78	\$ 1,524.60	\$ 1,524.60
21343 00	Surgery	31.82	31.82	\$ 2,227.40	\$ 2,227.40
21344 00	Surgery	40.68	40.68	\$ 2,847.60	\$ 2,847.60
21345 00	Surgery	23.26	18.43	\$ 1,628.20	\$ 1,290.10
21346 00	Surgery	29.80	29.80	\$ 2,086.00	\$ 2,086.00
21347 00	Surgery	30.30	30.30	\$ 2,121.00	\$ 2,121.00
21348 00	Surgery	31.71	31.71	\$ 2,219.70	\$ 2,219.70
21355 00	Surgery	13.00	9.48	\$ 910.00	\$ 663.60
21356 00	Surgery	14.97	11.06	\$ 1,047.90	\$ 774.20

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
21360 00	Surgery	15.09	15.09	\$ 1,056.30	\$ 1,056.30
21365 00	Surgery	31.94	31.94	\$ 2,235.80	\$ 2,235.80
21366 00	Surgery	37.52	37.52	\$ 2,626.40	\$ 2,626.40
21385 00	Surgery	21.91	21.91	\$ 1,533.70	\$ 1,533.70
21386 00	Surgery	20.33	20.33	\$ 1,423.10	\$ 1,423.10
21387 00	Surgery	22.87	22.87	\$ 1,600.90	\$ 1,600.90
21390 00	Surgery	23.49	23.49	\$ 1,644.30	\$ 1,644.30
21395 00	Surgery	29.71	29.71	\$ 2,079.70	\$ 2,079.70
21400 00	Surgery	6.13	4.79	\$ 429.10	\$ 335.30
21401 00	Surgery	15.32	9.54	\$ 1,072.40	\$ 667.80
21406 00	Surgery	17.16	17.16	\$ 1,201.20	\$ 1,201.20
21407 00	Surgery	18.80	18.80	\$ 1,316.00	\$ 1,316.00
21408 00	Surgery	26.55	26.55	\$ 1,858.50	\$ 1,858.50
21421 00	Surgery	19.69	16.53	\$ 1,378.30	\$ 1,157.10
21422 00	Surgery	18.85	18.85	\$ 1,319.50	\$ 1,319.50
21423 00	Surgery	23.85	23.85	\$ 1,669.50	\$ 1,669.50
21431 00	Surgery	20.71	20.71	\$ 1,449.70	\$ 1,449.70
21432 00	Surgery	21.34	21.34	\$ 1,493.80	\$ 1,493.80
21433 00	Surgery	50.98	50.98	\$ 3,568.60	\$ 3,568.60
21435 00	Surgery	41.30	41.30	\$ 2,891.00	\$ 2,891.00
21436 00	Surgery	59.83	59.83	\$ 4,188.10	\$ 4,188.10
21440 00	Surgery	19.95	16.01	\$ 1,396.50	\$ 1,120.70
21445 00	Surgery	23.64	19.02	\$ 1,654.80	\$ 1,331.40
21450 00	Surgery	17.77	14.39	\$ 1,243.90	\$ 1,007.30
21451 00	Surgery	23.06	19.21	\$ 1,614.20	\$ 1,344.70
21452 00	Surgery	22.76	13.78	\$ 1,593.20	\$ 964.60
21453 00	Surgery	32.31	27.46	\$ 2,261.70	\$ 1,922.20
21454 00	Surgery	14.34	14.34	\$ 1,003.80	\$ 1,003.80
21461 00	Surgery	58.34	31.15	\$ 4,083.80	\$ 2,180.50
21462 00	Surgery	63.74	34.81	\$ 4,461.80	\$ 2,436.70
21465 00	Surgery	23.48	23.48	\$ 1,643.60	\$ 1,643.60
21470 00	Surgery	33.99	33.99	\$ 2,379.30	\$ 2,379.30
21480 00	Surgery	4.05	0.93	\$ 283.50	\$ 65.10
21485 00	Surgery	28.93	23.57	\$ 2,025.10	\$ 1,649.90
21490 00	Surgery	23.13	23.13	\$ 1,619.10	\$ 1,619.10
21497 00	Surgery	21.22	17.65	\$ 1,485.40	\$ 1,235.50
21499 00	Surgery	0.00	0.00	BR	BR
21501 00	Surgery	14.36	9.67	\$ 1,005.20	\$ 676.90
21502 00	Surgery	15.01	15.01	\$ 1,050.70	\$ 1,050.70
21510 00	Surgery	13.35	13.35	\$ 934.50	\$ 934.50
21550 00	Surgery	8.01	4.55	\$ 560.70	\$ 318.50
21552 00	Surgery	13.18	13.18	\$ 922.60	\$ 922.60
21554 00	Surgery	21.50	21.50	\$ 1,505.00	\$ 1,505.00
21555 00	Surgery	12.92	8.99	\$ 904.40	\$ 629.30
21556 00	Surgery	15.59	15.59	\$ 1,091.30	\$ 1,091.30
21557 00	Surgery	28.05	28.05	\$ 1,963.50	\$ 1,963.50
21558 00	Surgery	39.51	39.51	\$ 2,765.70	\$ 2,765.70
21600 00	Surgery	16.42	16.42	\$ 1,149.40	\$ 1,149.40
21601 00	Surgery	34.53	34.53	\$ 2,417.10	\$ 2,417.10
21602 00	Surgery	46.55	46.55	\$ 3,258.50	\$ 3,258.50
21603 00	Surgery	50.74	50.74	\$ 3,551.80	\$ 3,551.80
21610 00	Surgery	35.46	35.46	\$ 2,482.20	\$ 2,482.20
21615 00	Surgery	18.04	18.04	\$ 1,262.80	\$ 1,262.80
21616 00	Surgery	20.85	20.85	\$ 1,459.50	\$ 1,459.50
21620 00	Surgery	14.97	14.97	\$ 1,047.90	\$ 1,047.90
21627 00	Surgery	15.96	15.96	\$ 1,117.20	\$ 1,117.20
21630 00	Surgery	35.14	35.14	\$ 2,459.80	\$ 2,459.80
21632 00	Surgery	35.63	35.63	\$ 2,494.10	\$ 2,494.10
21685 00	Surgery	28.90	28.90	\$ 2,023.00	\$ 2,023.00

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
21700 00	Surgery	10.43	10.43	\$ 730.10	\$ 730.10
21705 00	Surgery	15.62	15.62	\$ 1,093.40	\$ 1,093.40
21720 00	Surgery	15.60	15.60	\$ 1,092.00	\$ 1,092.00
21725 00	Surgery	16.03	16.03	\$ 1,122.10	\$ 1,122.10
21740 00	Surgery	30.17	30.17	\$ 2,111.90	\$ 2,111.90
21742 00	Surgery	-	-	\$ 2,519.30	\$ 2,519.30
21743 00	Surgery	-	-	\$ 3,314.50	\$ 3,314.50
21750 00	Surgery	19.92	19.92	\$ 1,394.40	\$ 1,394.40
21811 00	Surgery	17.46	17.46	\$ 1,222.20	\$ 1,222.20
21812 00	Surgery	21.14	21.14	\$ 1,479.80	\$ 1,479.80
21813 00	Surgery	29.01	29.01	\$ 2,030.70	\$ 2,030.70
21820 00	Surgery	4.38	4.31	\$ 306.60	\$ 301.70
21825 00	Surgery	16.09	16.09	\$ 1,126.30	\$ 1,126.30
21899 00	Surgery	0.00	0.00	BR	BR
21920 00	Surgery	7.79	4.56	\$ 545.30	\$ 319.20
21925 00	Surgery	14.35	10.86	\$ 1,004.50	\$ 760.20
21930 00	Surgery	14.91	10.73	\$ 1,043.70	\$ 751.10
21931 00	Surgery	13.88	13.88	\$ 971.60	\$ 971.60
21932 00	Surgery	19.55	19.55	\$ 1,368.50	\$ 1,368.50
21933 00	Surgery	21.81	21.81	\$ 1,526.70	\$ 1,526.70
21935 00	Surgery	30.25	30.25	\$ 2,117.50	\$ 2,117.50
21936 00	Surgery	41.63	41.63	\$ 2,914.10	\$ 2,914.10
22010 00	Surgery	28.57	28.57	\$ 1,999.90	\$ 1,999.90
22015 00	Surgery	28.00	28.00	\$ 1,960.00	\$ 1,960.00
22100 00	Surgery	25.48	25.48	\$ 1,783.60	\$ 1,783.60
22101 00	Surgery	25.59	25.59	\$ 1,791.30	\$ 1,791.30
22102 00	Surgery	24.41	24.41	\$ 1,708.70	\$ 1,708.70
22103 00	Surgery	4.16	4.16	\$ 291.20	\$ 291.20
22110 00	Surgery	30.94	30.94	\$ 2,165.80	\$ 2,165.80
22112 00	Surgery	33.31	33.31	\$ 2,331.70	\$ 2,331.70
22114 00	Surgery	33.31	33.31	\$ 2,331.70	\$ 2,331.70
22116 00	Surgery	4.16	4.16	\$ 291.20	\$ 291.20
22206 00	Surgery	72.09	72.09	\$ 5,046.30	\$ 5,046.30
22207 00	Surgery	70.61	70.61	\$ 4,942.70	\$ 4,942.70
22208 00	Surgery	17.27	17.27	\$ 1,208.90	\$ 1,208.90
22210 00	Surgery	52.91	52.91	\$ 3,703.70	\$ 3,703.70
22212 00	Surgery	44.40	44.40	\$ 3,108.00	\$ 3,108.00
22214 00	Surgery	44.50	44.50	\$ 3,115.00	\$ 3,115.00
22216 00	Surgery	10.69	10.69	\$ 748.30	\$ 748.30
22220 00	Surgery	47.78	47.78	\$ 3,344.60	\$ 3,344.60
22222 00	Surgery	51.68	51.68	\$ 3,617.60	\$ 3,617.60
22224 00	Surgery	46.88	46.88	\$ 3,281.60	\$ 3,281.60
22226 00	Surgery	10.63	10.63	\$ 744.10	\$ 744.10
22310 00	Surgery	9.12	8.72	\$ 638.40	\$ 610.40
22315 00	Surgery	26.12	22.78	\$ 1,828.40	\$ 1,594.60
22318 00	Surgery	48.37	48.37	\$ 3,385.90	\$ 3,385.90
22319 00	Surgery	53.93	53.93	\$ 3,775.10	\$ 3,775.10
22325 00	Surgery	43.24	43.24	\$ 3,026.80	\$ 3,026.80
22326 00	Surgery	44.36	44.36	\$ 3,105.20	\$ 3,105.20
22327 00	Surgery	45.06	45.06	\$ 3,154.20	\$ 3,154.20
22328 00	Surgery	8.30	8.30	\$ 581.00	\$ 581.00
22505 00	Surgery	3.85	3.85	\$ 269.50	\$ 269.50
22510 00	Surgery	56.39	12.58	\$ 3,947.30	\$ 880.60
22511 00	Surgery	56.20	11.83	\$ 3,934.00	\$ 828.10
22512 00	Surgery	24.44	6.03	\$ 1,710.80	\$ 422.10
22513 00	Surgery	195.32	14.99	\$ 13,672.40	\$ 1,049.30
22514 00	Surgery	194.59	14.00	\$ 13,621.30	\$ 980.00
22515 00	Surgery	104.94	6.42	\$ 7,345.80	\$ 449.40
22526 00	Surgery	66.12	9.51	\$ 4,628.40	\$ 665.70

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
22527 00	Surgery	55.12	4.45	\$ 3,858.40	\$ 311.50
22532 00	Surgery	53.02	53.02	\$ 3,711.40	\$ 3,711.40
22533 00	Surgery	48.85	48.85	\$ 3,419.50	\$ 3,419.50
22534 00	Surgery	10.57	10.57	\$ 739.90	\$ 739.90
22548 00	Surgery	57.82	57.82	\$ 4,047.40	\$ 4,047.40
22551 00	Surgery	50.23	50.23	\$ 3,516.10	\$ 3,516.10
22552 00	Surgery	11.64	11.64	\$ 814.80	\$ 814.80
22554 00	Surgery	37.13	37.13	\$ 2,599.10	\$ 2,599.10
22556 00	Surgery	49.09	49.09	\$ 3,436.30	\$ 3,436.30
22558 00	Surgery	45.12	45.12	\$ 3,158.40	\$ 3,158.40
22585 00	Surgery	9.59	9.59	\$ 671.30	\$ 671.30
22586 00	Surgery	59.84	59.84	\$ 4,188.80	\$ 4,188.80
22590 00	Surgery	46.69	46.69	\$ 3,268.30	\$ 3,268.30
22595 00	Surgery	44.55	44.55	\$ 3,118.50	\$ 3,118.50
22600 00	Surgery	38.26	38.26	\$ 2,678.20	\$ 2,678.20
22610 00	Surgery	37.62	37.62	\$ 2,633.40	\$ 2,633.40
22612 00	Surgery	46.82	46.82	\$ 3,277.40	\$ 3,277.40
22614 00	Surgery	11.50	11.50	\$ 805.00	\$ 805.00
22630 00	Surgery	46.59	46.59	\$ 3,261.30	\$ 3,261.30
22632 00	Surgery	9.41	9.41	\$ 658.70	\$ 658.70
22633 00	Surgery	54.60	54.60	\$ 3,822.00	\$ 3,822.00
22634 00	Surgery	14.57	14.57	\$ 1,019.90	\$ 1,019.90
22800 00	Surgery	40.03	40.03	\$ 2,802.10	\$ 2,802.10
22802 00	Surgery	62.38	62.38	\$ 4,366.60	\$ 4,366.60
22804 00	Surgery	71.76	71.76	\$ 5,023.20	\$ 5,023.20
22808 00	Surgery	53.75	53.75	\$ 3,762.50	\$ 3,762.50
22810 00	Surgery	61.46	61.46	\$ 4,302.20	\$ 4,302.20
22812 00	Surgery	64.89	64.89	\$ 4,542.30	\$ 4,542.30
22818 00	Surgery	63.48	63.48	\$ 4,443.60	\$ 4,443.60
22819 00	Surgery	73.04	73.04	\$ 5,112.80	\$ 5,112.80
22830 00	Surgery	24.24	24.24	\$ 1,696.80	\$ 1,696.80
22840 00	Surgery	22.31	22.31	\$ 1,561.70	\$ 1,561.70
22841 00	Surgery	-	-	\$ 808.50	\$ 808.50
22842 00	Surgery	22.41	22.41	\$ 1,568.70	\$ 1,568.70
22843 00	Surgery	23.98	23.98	\$ 1,678.60	\$ 1,678.60
22844 00	Surgery	29.03	29.03	\$ 2,032.10	\$ 2,032.10
22845 00	Surgery	21.40	21.40	\$ 1,498.00	\$ 1,498.00
22846 00	Surgery	22.24	22.24	\$ 1,556.80	\$ 1,556.80
22847 00	Surgery	23.59	23.59	\$ 1,651.30	\$ 1,651.30
22848 00	Surgery	10.58	10.58	\$ 740.60	\$ 740.60
22849 00	Surgery	38.60	38.60	\$ 2,702.00	\$ 2,702.00
22850 00	Surgery	21.67	21.67	\$ 1,516.90	\$ 1,516.90
22852 00	Surgery	20.84	20.84	\$ 1,458.80	\$ 1,458.80
22853 00	Surgery	7.60	7.60	\$ 532.00	\$ 532.00
22854 00	Surgery	9.84	9.84	\$ 688.80	\$ 688.80
22855 00	Surgery	32.76	32.76	\$ 2,293.20	\$ 2,293.20
22856 00	Surgery	48.13	48.13	\$ 3,369.10	\$ 3,369.10
22857 00	Surgery	52.09	52.09	\$ 3,646.30	\$ 3,646.30
22858 00	Surgery	14.92	14.92	\$ 1,044.40	\$ 1,044.40
22859 00	Surgery	9.81	9.81	\$ 686.70	\$ 686.70
22861 00	Surgery	68.26	68.26	\$ 4,778.20	\$ 4,778.20
22862 00	Surgery	68.19	68.19	\$ 4,773.30	\$ 4,773.30
22864 00	Surgery	60.93	60.93	\$ 4,265.10	\$ 4,265.10
22865 00	Surgery	66.56	66.56	\$ 4,659.20	\$ 4,659.20
22867 00	Surgery	29.06	29.06	\$ 2,034.20	\$ 2,034.20
22868 00	Surgery	7.21	7.21	\$ 504.70	\$ 504.70
22869 00	Surgery	12.88	12.88	\$ 901.60	\$ 901.60
22870 00	Surgery	3.52	3.52	\$ 246.40	\$ 246.40
22899 00	Surgery	0.00	0.00	BR	BR

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
22900 00	Surgery	16.69	16.69	\$ 1,168.30	\$ 1,168.30
22901 00	Surgery	19.70	19.70	\$ 1,379.00	\$ 1,379.00
22902 00	Surgery	14.04	9.84	\$ 982.80	\$ 688.80
22903 00	Surgery	13.00	13.00	\$ 910.00	\$ 910.00
22904 00	Surgery	30.75	30.75	\$ 2,152.50	\$ 2,152.50
22905 00	Surgery	38.92	38.92	\$ 2,724.40	\$ 2,724.40
22999 00	Surgery	0.00	0.00	BR	BR
23000 00	Surgery	16.96	10.63	\$ 1,187.20	\$ 744.10
23020 00	Surgery	20.38	20.38	\$ 1,426.60	\$ 1,426.60
23030 00	Surgery	13.36	7.50	\$ 935.20	\$ 525.00
23031 00	Surgery	12.82	6.39	\$ 897.40	\$ 447.30
23035 00	Surgery	20.17	20.17	\$ 1,411.90	\$ 1,411.90
23040 00	Surgery	21.21	21.21	\$ 1,484.70	\$ 1,484.70
23044 00	Surgery	16.68	16.68	\$ 1,167.60	\$ 1,167.60
23065 00	Surgery	6.71	4.75	\$ 469.70	\$ 332.50
23066 00	Surgery	17.26	10.82	\$ 1,208.20	\$ 757.40
23071 00	Surgery	12.42	12.42	\$ 869.40	\$ 869.40
23073 00	Surgery	20.59	20.59	\$ 1,441.30	\$ 1,441.30
23075 00	Surgery	15.40	9.67	\$ 1,078.00	\$ 676.90
23076 00	Surgery	16.00	16.00	\$ 1,120.00	\$ 1,120.00
23077 00	Surgery	33.36	33.36	\$ 2,335.20	\$ 2,335.20
23078 00	Surgery	42.27	42.27	\$ 2,958.90	\$ 2,958.90
23100 00	Surgery	14.98	14.98	\$ 1,048.60	\$ 1,048.60
23101 00	Surgery	13.55	13.55	\$ 948.50	\$ 948.50
23105 00	Surgery	18.98	18.98	\$ 1,328.60	\$ 1,328.60
23106 00	Surgery	14.88	14.88	\$ 1,041.60	\$ 1,041.60
23107 00	Surgery	19.58	19.58	\$ 1,370.60	\$ 1,370.60
23120 00	Surgery	17.37	17.37	\$ 1,215.90	\$ 1,215.90
23125 00	Surgery	21.00	21.00	\$ 1,470.00	\$ 1,470.00
23130 00	Surgery	18.27	18.27	\$ 1,278.90	\$ 1,278.90
23140 00	Surgery	16.45	16.45	\$ 1,151.50	\$ 1,151.50
23145 00	Surgery	20.60	20.60	\$ 1,442.00	\$ 1,442.00
23146 00	Surgery	18.46	18.46	\$ 1,292.20	\$ 1,292.20
23150 00	Surgery	19.49	19.49	\$ 1,364.30	\$ 1,364.30
23155 00	Surgery	23.57	23.57	\$ 1,649.90	\$ 1,649.90
23156 00	Surgery	20.10	20.10	\$ 1,407.00	\$ 1,407.00
23170 00	Surgery	16.71	16.71	\$ 1,169.70	\$ 1,169.70
23172 00	Surgery	16.87	16.87	\$ 1,180.90	\$ 1,180.90
23174 00	Surgery	22.54	22.54	\$ 1,577.80	\$ 1,577.80
23180 00	Surgery	19.60	19.60	\$ 1,372.00	\$ 1,372.00
23182 00	Surgery	19.85	19.85	\$ 1,389.50	\$ 1,389.50
23184 00	Surgery	21.87	21.87	\$ 1,530.90	\$ 1,530.90
23190 00	Surgery	17.03	17.03	\$ 1,192.10	\$ 1,192.10
23195 00	Surgery	22.07	22.07	\$ 1,544.90	\$ 1,544.90
23200 00	Surgery	44.38	44.38	\$ 3,106.60	\$ 3,106.60
23210 00	Surgery	52.12	52.12	\$ 3,648.40	\$ 3,648.40
23220 00	Surgery	57.00	57.00	\$ 3,990.00	\$ 3,990.00
23330 00	Surgery	8.99	4.93	\$ 629.30	\$ 345.10
23333 00	Surgery	14.01	14.01	\$ 980.70	\$ 980.70
23334 00	Surgery	31.41	31.41	\$ 2,198.70	\$ 2,198.70
23335 00	Surgery	37.35	37.35	\$ 2,614.50	\$ 2,614.50
23350 00	Surgery	4.89	1.46	\$ 342.30	\$ 102.20
23395 00	Surgery	37.79	37.79	\$ 2,645.30	\$ 2,645.30
23397 00	Surgery	33.37	33.37	\$ 2,335.90	\$ 2,335.90
23400 00	Surgery	28.73	28.73	\$ 2,011.10	\$ 2,011.10
23405 00	Surgery	18.31	18.31	\$ 1,281.70	\$ 1,281.70
23406 00	Surgery	22.42	22.42	\$ 1,569.40	\$ 1,569.40
23410 00	Surgery	24.22	24.22	\$ 1,695.40	\$ 1,695.40
23412 00	Surgery	25.16	25.16	\$ 1,761.20	\$ 1,761.20

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
23415 00	Surgery	20.63	20.63	\$ 1,444.10	\$ 1,444.10
23420 00	Surgery	28.74	28.74	\$ 2,011.80	\$ 2,011.80
23430 00	Surgery	21.99	21.99	\$ 1,539.30	\$ 1,539.30
23440 00	Surgery	22.35	22.35	\$ 1,564.50	\$ 1,564.50
23450 00	Surgery	27.97	27.97	\$ 1,957.90	\$ 1,957.90
23455 00	Surgery	29.32	29.32	\$ 2,052.40	\$ 2,052.40
23460 00	Surgery	32.17	32.17	\$ 2,251.90	\$ 2,251.90
23462 00	Surgery	31.50	31.50	\$ 2,205.00	\$ 2,205.00
23465 00	Surgery	33.02	33.02	\$ 2,311.40	\$ 2,311.40
23466 00	Surgery	32.95	32.95	\$ 2,306.50	\$ 2,306.50
23470 00	Surgery	35.39	35.39	\$ 2,477.30	\$ 2,477.30
23472 00	Surgery	42.67	42.67	\$ 2,986.90	\$ 2,986.90
23473 00	Surgery	47.60	47.60	\$ 3,332.00	\$ 3,332.00
23474 00	Surgery	51.32	51.32	\$ 3,592.40	\$ 3,592.40
23480 00	Surgery	24.25	24.25	\$ 1,697.50	\$ 1,697.50
23485 00	Surgery	28.02	28.02	\$ 1,961.40	\$ 1,961.40
23490 00	Surgery	25.44	25.44	\$ 1,780.80	\$ 1,780.80
23491 00	Surgery	29.99	29.99	\$ 2,099.30	\$ 2,099.30
23500 00	Surgery	6.60	6.73	\$ 462.00	\$ 471.10
23505 00	Surgery	10.63	9.89	\$ 744.10	\$ 692.30
23515 00	Surgery	21.28	21.28	\$ 1,489.60	\$ 1,489.60
23520 00	Surgery	7.14	7.06	\$ 499.80	\$ 494.20
23525 00	Surgery	11.71	10.73	\$ 819.70	\$ 751.10
23530 00	Surgery	17.05	17.05	\$ 1,193.50	\$ 1,193.50
23532 00	Surgery	18.54	18.54	\$ 1,297.80	\$ 1,297.80
23540 00	Surgery	7.01	6.93	\$ 490.70	\$ 485.10
23545 00	Surgery	10.30	9.27	\$ 721.00	\$ 648.90
23550 00	Surgery	16.94	16.94	\$ 1,185.80	\$ 1,185.80
23552 00	Surgery	19.36	19.36	\$ 1,355.20	\$ 1,355.20
23570 00	Surgery	6.97	7.18	\$ 487.90	\$ 502.60
23575 00	Surgery	12.15	11.24	\$ 850.50	\$ 786.80
23585 00	Surgery	28.80	28.80	\$ 2,016.00	\$ 2,016.00
23600 00	Surgery	9.91	9.35	\$ 693.70	\$ 654.50
23605 00	Surgery	14.01	12.71	\$ 980.70	\$ 889.70
23615 00	Surgery	26.10	26.10	\$ 1,827.00	\$ 1,827.00
23616 00	Surgery	36.43	36.43	\$ 2,550.10	\$ 2,550.10
23620 00	Surgery	8.02	7.69	\$ 561.40	\$ 538.30
23625 00	Surgery	11.32	10.39	\$ 792.40	\$ 727.30
23630 00	Surgery	23.04	23.04	\$ 1,612.80	\$ 1,612.80
23650 00	Surgery	9.60	8.70	\$ 672.00	\$ 609.00
23655 00	Surgery	12.10	12.10	\$ 847.00	\$ 847.00
23660 00	Surgery	17.32	17.32	\$ 1,212.40	\$ 1,212.40
23665 00	Surgery	12.82	11.82	\$ 897.40	\$ 827.40
23670 00	Surgery	25.72	25.72	\$ 1,800.40	\$ 1,800.40
23675 00	Surgery	16.34	14.81	\$ 1,143.80	\$ 1,036.70
23680 00	Surgery	27.37	27.37	\$ 1,915.90	\$ 1,915.90
23700 00	Surgery	5.76	5.76	\$ 403.20	\$ 403.20
23800 00	Surgery	30.30	30.30	\$ 2,121.00	\$ 2,121.00
23802 00	Surgery	37.81	37.81	\$ 2,646.70	\$ 2,646.70
23900 00	Surgery	40.84	40.84	\$ 2,858.80	\$ 2,858.80
23920 00	Surgery	33.14	33.14	\$ 2,319.80	\$ 2,319.80
23921 00	Surgery	13.94	13.94	\$ 975.80	\$ 975.80
23929 00	Surgery	0.00	0.00	BR	BR
23930 00	Surgery	10.99	6.38	\$ 769.30	\$ 446.60
23931 00	Surgery	9.16	4.71	\$ 641.20	\$ 329.70
23935 00	Surgery	15.15	15.15	\$ 1,060.50	\$ 1,060.50
24000 00	Surgery	14.12	14.12	\$ 988.40	\$ 988.40
24006 00	Surgery	21.04	21.04	\$ 1,472.80	\$ 1,472.80
24065 00	Surgery	7.77	4.79	\$ 543.90	\$ 335.30

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
24066 00	Surgery	18.77	12.39	\$ 1,313.90	\$ 867.30
24071 00	Surgery	11.99	11.99	\$ 839.30	\$ 839.30
24073 00	Surgery	20.49	20.49	\$ 1,434.30	\$ 1,434.30
24075 00	Surgery	15.96	9.71	\$ 1,117.20	\$ 679.70
24076 00	Surgery	16.06	16.06	\$ 1,124.20	\$ 1,124.20
24077 00	Surgery	30.30	30.30	\$ 2,121.00	\$ 2,121.00
24079 00	Surgery	38.93	38.93	\$ 2,725.10	\$ 2,725.10
24100 00	Surgery	12.44	12.44	\$ 870.80	\$ 870.80
24101 00	Surgery	14.91	14.91	\$ 1,043.70	\$ 1,043.70
24102 00	Surgery	18.30	18.30	\$ 1,281.00	\$ 1,281.00
24105 00	Surgery	10.62	10.62	\$ 743.40	\$ 743.40
24110 00	Surgery	17.20	17.20	\$ 1,204.00	\$ 1,204.00
24115 00	Surgery	21.81	21.81	\$ 1,526.70	\$ 1,526.70
24116 00	Surgery	25.42	25.42	\$ 1,779.40	\$ 1,779.40
24120 00	Surgery	15.77	15.77	\$ 1,103.90	\$ 1,103.90
24125 00	Surgery	18.44	18.44	\$ 1,290.80	\$ 1,290.80
24126 00	Surgery	19.26	19.26	\$ 1,348.20	\$ 1,348.20
24130 00	Surgery	15.11	15.11	\$ 1,057.70	\$ 1,057.70
24134 00	Surgery	22.11	22.11	\$ 1,547.70	\$ 1,547.70
24136 00	Surgery	18.73	18.73	\$ 1,311.10	\$ 1,311.10
24138 00	Surgery	20.28	20.28	\$ 1,419.60	\$ 1,419.60
24140 00	Surgery	20.80	20.80	\$ 1,456.00	\$ 1,456.00
24145 00	Surgery	17.62	17.62	\$ 1,233.40	\$ 1,233.40
24147 00	Surgery	18.61	18.61	\$ 1,302.70	\$ 1,302.70
24149 00	Surgery	34.70	34.70	\$ 2,429.00	\$ 2,429.00
24150 00	Surgery	45.56	45.56	\$ 3,189.20	\$ 3,189.20
24152 00	Surgery	39.64	39.64	\$ 2,774.80	\$ 2,774.80
24155 00	Surgery	25.20	25.20	\$ 1,764.00	\$ 1,764.00
24160 00	Surgery	37.06	37.06	\$ 2,594.20	\$ 2,594.20
24164 00	Surgery	21.29	21.29	\$ 1,490.30	\$ 1,490.30
24200 00	Surgery	6.56	4.16	\$ 459.20	\$ 291.20
24201 00	Surgery	16.51	10.77	\$ 1,155.70	\$ 753.90
24220 00	Surgery	5.73	1.97	\$ 401.10	\$ 137.90
24300 00	Surgery	12.78	12.78	\$ 894.60	\$ 894.60
24301 00	Surgery	22.19	22.19	\$ 1,553.30	\$ 1,553.30
24305 00	Surgery	17.15	17.15	\$ 1,200.50	\$ 1,200.50
24310 00	Surgery	14.05	14.05	\$ 983.50	\$ 983.50
24320 00	Surgery	23.08	23.08	\$ 1,615.60	\$ 1,615.60
24330 00	Surgery	21.23	21.23	\$ 1,486.10	\$ 1,486.10
24331 00	Surgery	23.25	23.25	\$ 1,627.50	\$ 1,627.50
24332 00	Surgery	18.21	18.21	\$ 1,274.70	\$ 1,274.70
24340 00	Surgery	18.31	18.31	\$ 1,281.70	\$ 1,281.70
24341 00	Surgery	22.02	22.02	\$ 1,541.40	\$ 1,541.40
24342 00	Surgery	22.93	22.93	\$ 1,605.10	\$ 1,605.10
24343 00	Surgery	21.08	21.08	\$ 1,475.60	\$ 1,475.60
24344 00	Surgery	32.26	32.26	\$ 2,258.20	\$ 2,258.20
24345 00	Surgery	20.95	20.95	\$ 1,466.50	\$ 1,466.50
24346 00	Surgery	32.56	32.56	\$ 2,279.20	\$ 2,279.20
24357 00	Surgery	12.34	12.34	\$ 863.80	\$ 863.80
24358 00	Surgery	15.62	15.62	\$ 1,093.40	\$ 1,093.40
24359 00	Surgery	19.58	19.58	\$ 1,370.60	\$ 1,370.60
24360 00	Surgery	26.67	26.67	\$ 1,866.90	\$ 1,866.90
24361 00	Surgery	29.75	29.75	\$ 2,082.50	\$ 2,082.50
24362 00	Surgery	31.32	31.32	\$ 2,192.40	\$ 2,192.40
24363 00	Surgery	42.69	42.69	\$ 2,988.30	\$ 2,988.30
24365 00	Surgery	19.00	19.00	\$ 1,330.00	\$ 1,330.00
24366 00	Surgery	20.15	20.15	\$ 1,410.50	\$ 1,410.50
24370 00	Surgery	45.26	45.26	\$ 3,168.20	\$ 3,168.20
24371 00	Surgery	52.12	52.12	\$ 3,648.40	\$ 3,648.40

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
24400 00	Surgery	24.39	24.39	\$ 1,707.30	\$ 1,707.30
24410 00	Surgery	31.23	31.23	\$ 2,186.10	\$ 2,186.10
24420 00	Surgery	31.16	31.16	\$ 2,181.20	\$ 2,181.20
24430 00	Surgery	31.14	31.14	\$ 2,179.80	\$ 2,179.80
24435 00	Surgery	31.88	31.88	\$ 2,231.60	\$ 2,231.60
24470 00	Surgery	19.88	19.88	\$ 1,391.60	\$ 1,391.60
24495 00	Surgery	22.57	22.57	\$ 1,579.90	\$ 1,579.90
24498 00	Surgery	25.59	25.59	\$ 1,791.30	\$ 1,791.30
24500 00	Surgery	10.73	9.86	\$ 751.10	\$ 690.20
24505 00	Surgery	14.95	13.42	\$ 1,046.50	\$ 939.40
24515 00	Surgery	26.00	26.00	\$ 1,820.00	\$ 1,820.00
24516 00	Surgery	25.40	25.40	\$ 1,778.00	\$ 1,778.00
24530 00	Surgery	11.36	10.39	\$ 795.20	\$ 727.30
24535 00	Surgery	18.46	16.95	\$ 1,292.20	\$ 1,186.50
24538 00	Surgery	23.11	23.11	\$ 1,617.70	\$ 1,617.70
24545 00	Surgery	27.40	27.40	\$ 1,918.00	\$ 1,918.00
24546 00	Surgery	30.59	30.59	\$ 2,141.30	\$ 2,141.30
24560 00	Surgery	9.91	8.78	\$ 693.70	\$ 614.60
24565 00	Surgery	16.06	14.65	\$ 1,124.20	\$ 1,025.50
24566 00	Surgery	21.34	21.34	\$ 1,493.80	\$ 1,493.80
24575 00	Surgery	21.62	21.62	\$ 1,513.40	\$ 1,513.40
24576 00	Surgery	10.42	9.27	\$ 729.40	\$ 648.90
24577 00	Surgery	16.52	15.05	\$ 1,156.40	\$ 1,053.50
24579 00	Surgery	24.61	24.61	\$ 1,722.70	\$ 1,722.70
24582 00	Surgery	24.09	24.09	\$ 1,686.30	\$ 1,686.30
24586 00	Surgery	32.08	32.08	\$ 2,245.60	\$ 2,245.60
24587 00	Surgery	32.10	32.10	\$ 2,247.00	\$ 2,247.00
24600 00	Surgery	11.05	10.01	\$ 773.50	\$ 700.70
24605 00	Surgery	14.17	14.17	\$ 991.90	\$ 991.90
24615 00	Surgery	21.09	21.09	\$ 1,476.30	\$ 1,476.30
24620 00	Surgery	16.65	16.65	\$ 1,165.50	\$ 1,165.50
24635 00	Surgery	19.98	19.98	\$ 1,398.60	\$ 1,398.60
24640 00	Surgery	3.04	2.33	\$ 212.80	\$ 163.10
24650 00	Surgery	7.86	7.28	\$ 550.20	\$ 509.60
24655 00	Surgery	13.19	11.90	\$ 923.30	\$ 833.00
24665 00	Surgery	19.47	19.47	\$ 1,362.90	\$ 1,362.90
24666 00	Surgery	21.68	21.68	\$ 1,517.60	\$ 1,517.60
24670 00	Surgery	8.69	7.93	\$ 608.30	\$ 555.10
24675 00	Surgery	13.63	12.34	\$ 954.10	\$ 863.80
24685 00	Surgery	19.36	19.36	\$ 1,355.20	\$ 1,355.20
24800 00	Surgery	24.62	24.62	\$ 1,723.40	\$ 1,723.40
24802 00	Surgery	29.61	29.61	\$ 2,072.70	\$ 2,072.70
24900 00	Surgery	21.78	21.78	\$ 1,524.60	\$ 1,524.60
24920 00	Surgery	21.67	21.67	\$ 1,516.90	\$ 1,516.90
24925 00	Surgery	16.85	16.85	\$ 1,179.50	\$ 1,179.50
24930 00	Surgery	22.89	22.89	\$ 1,602.30	\$ 1,602.30
24931 00	Surgery	27.51	27.51	\$ 1,925.70	\$ 1,925.70
24935 00	Surgery	35.82	35.82	\$ 2,507.40	\$ 2,507.40
24940 00	Surgery	-	-	\$ 2,242.10	\$ 2,242.10
24999 00	Surgery	0.00	0.00	BR	BR
25000 00	Surgery	10.16	10.16	\$ 711.20	\$ 711.20
25001 00	Surgery	10.20	10.20	\$ 714.00	\$ 714.00
25020 00	Surgery	21.15	21.15	\$ 1,480.50	\$ 1,480.50
25023 00	Surgery	38.13	38.13	\$ 2,669.10	\$ 2,669.10
25024 00	Surgery	23.08	23.08	\$ 1,615.60	\$ 1,615.60
25025 00	Surgery	35.04	35.04	\$ 2,452.80	\$ 2,452.80
25028 00	Surgery	19.68	19.68	\$ 1,377.60	\$ 1,377.60
25031 00	Surgery	10.89	10.89	\$ 762.30	\$ 762.30
25035 00	Surgery	17.32	17.32	\$ 1,212.40	\$ 1,212.40

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
25040 00	Surgery	16.56	16.56	\$ 1,159.20	\$ 1,159.20
25065 00	Surgery	7.69	4.64	\$ 538.30	\$ 324.80
25066 00	Surgery	10.69	10.69	\$ 748.30	\$ 748.30
25071 00	Surgery	12.51	12.51	\$ 875.70	\$ 875.70
25073 00	Surgery	15.81	15.81	\$ 1,106.70	\$ 1,106.70
25075 00	Surgery	15.58	9.31	\$ 1,090.60	\$ 651.70
25076 00	Surgery	15.26	15.26	\$ 1,068.20	\$ 1,068.20
25077 00	Surgery	26.19	26.19	\$ 1,833.30	\$ 1,833.30
25078 00	Surgery	34.23	34.23	\$ 2,396.10	\$ 2,396.10
25085 00	Surgery	13.30	13.30	\$ 931.00	\$ 931.00
25100 00	Surgery	10.35	10.35	\$ 724.50	\$ 724.50
25101 00	Surgery	11.98	11.98	\$ 838.60	\$ 838.60
25105 00	Surgery	14.41	14.41	\$ 1,008.70	\$ 1,008.70
25107 00	Surgery	18.25	18.25	\$ 1,277.50	\$ 1,277.50
25109 00	Surgery	15.81	15.81	\$ 1,106.70	\$ 1,106.70
25110 00	Surgery	10.19	10.19	\$ 713.30	\$ 713.30
25111 00	Surgery	9.58	9.58	\$ 670.60	\$ 670.60
25112 00	Surgery	11.51	11.51	\$ 805.70	\$ 805.70
25115 00	Surgery	22.32	22.32	\$ 1,562.40	\$ 1,562.40
25116 00	Surgery	17.82	17.82	\$ 1,247.40	\$ 1,247.40
25118 00	Surgery	11.30	11.30	\$ 791.00	\$ 791.00
25119 00	Surgery	14.76	14.76	\$ 1,033.20	\$ 1,033.20
25120 00	Surgery	14.84	14.84	\$ 1,038.80	\$ 1,038.80
25125 00	Surgery	17.63	17.63	\$ 1,234.10	\$ 1,234.10
25126 00	Surgery	17.76	17.76	\$ 1,243.20	\$ 1,243.20
25130 00	Surgery	13.34	13.34	\$ 933.80	\$ 933.80
25135 00	Surgery	16.63	16.63	\$ 1,164.10	\$ 1,164.10
25136 00	Surgery	14.77	14.77	\$ 1,033.90	\$ 1,033.90
25145 00	Surgery	15.44	15.44	\$ 1,080.80	\$ 1,080.80
25150 00	Surgery	16.80	16.80	\$ 1,176.00	\$ 1,176.00
25151 00	Surgery	17.33	17.33	\$ 1,213.10	\$ 1,213.10
25170 00	Surgery	43.30	43.30	\$ 3,031.00	\$ 3,031.00
25210 00	Surgery	14.57	14.57	\$ 1,019.90	\$ 1,019.90
25215 00	Surgery	18.30	18.30	\$ 1,281.00	\$ 1,281.00
25230 00	Surgery	12.80	12.80	\$ 896.00	\$ 896.00
25240 00	Surgery	12.72	12.72	\$ 890.40	\$ 890.40
25246 00	Surgery	5.87	2.16	\$ 410.90	\$ 151.20
25248 00	Surgery	12.41	12.41	\$ 868.70	\$ 868.70
25250 00	Surgery	15.83	15.83	\$ 1,108.10	\$ 1,108.10
25251 00	Surgery	21.27	21.27	\$ 1,488.90	\$ 1,488.90
25259 00	Surgery	12.62	12.62	\$ 883.40	\$ 883.40
25260 00	Surgery	18.71	18.71	\$ 1,309.70	\$ 1,309.70
25263 00	Surgery	18.76	18.76	\$ 1,313.20	\$ 1,313.20
25265 00	Surgery	22.26	22.26	\$ 1,558.20	\$ 1,558.20
25270 00	Surgery	14.62	14.62	\$ 1,023.40	\$ 1,023.40
25272 00	Surgery	16.60	16.60	\$ 1,162.00	\$ 1,162.00
25274 00	Surgery	19.67	19.67	\$ 1,376.90	\$ 1,376.90
25275 00	Surgery	19.84	19.84	\$ 1,388.80	\$ 1,388.80
25280 00	Surgery	16.76	16.76	\$ 1,173.20	\$ 1,173.20
25290 00	Surgery	12.91	12.91	\$ 903.70	\$ 903.70
25295 00	Surgery	15.59	15.59	\$ 1,091.30	\$ 1,091.30
25300 00	Surgery	20.42	20.42	\$ 1,429.40	\$ 1,429.40
25301 00	Surgery	19.04	19.04	\$ 1,332.80	\$ 1,332.80
25310 00	Surgery	18.35	18.35	\$ 1,284.50	\$ 1,284.50
25312 00	Surgery	21.09	21.09	\$ 1,476.30	\$ 1,476.30
25315 00	Surgery	22.77	22.77	\$ 1,593.90	\$ 1,593.90
25316 00	Surgery	27.08	27.08	\$ 1,895.60	\$ 1,895.60
25320 00	Surgery	29.00	29.00	\$ 2,030.00	\$ 2,030.00
25332 00	Surgery	24.93	24.93	\$ 1,745.10	\$ 1,745.10

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
25335 00	Surgery	27.90	27.90	\$ 1,953.00	\$ 1,953.00
25337 00	Surgery	26.17	26.17	\$ 1,831.90	\$ 1,831.90
25350 00	Surgery	19.94	19.94	\$ 1,395.80	\$ 1,395.80
25355 00	Surgery	22.64	22.64	\$ 1,584.80	\$ 1,584.80
25360 00	Surgery	19.33	19.33	\$ 1,353.10	\$ 1,353.10
25365 00	Surgery	27.10	27.10	\$ 1,897.00	\$ 1,897.00
25370 00	Surgery	29.87	29.87	\$ 2,090.90	\$ 2,090.90
25375 00	Surgery	28.20	28.20	\$ 1,974.00	\$ 1,974.00
25390 00	Surgery	22.72	22.72	\$ 1,590.40	\$ 1,590.40
25391 00	Surgery	29.44	29.44	\$ 2,060.80	\$ 2,060.80
25392 00	Surgery	29.95	29.95	\$ 2,096.50	\$ 2,096.50
25393 00	Surgery	33.35	33.35	\$ 2,334.50	\$ 2,334.50
25394 00	Surgery	23.19	23.19	\$ 1,623.30	\$ 1,623.30
25400 00	Surgery	23.72	23.72	\$ 1,660.40	\$ 1,660.40
25405 00	Surgery	30.58	30.58	\$ 2,140.60	\$ 2,140.60
25415 00	Surgery	28.62	28.62	\$ 2,003.40	\$ 2,003.40
25420 00	Surgery	34.45	34.45	\$ 2,411.50	\$ 2,411.50
25425 00	Surgery	28.49	28.49	\$ 1,994.30	\$ 1,994.30
25426 00	Surgery	33.16	33.16	\$ 2,321.20	\$ 2,321.20
25430 00	Surgery	21.62	21.62	\$ 1,513.40	\$ 1,513.40
25431 00	Surgery	23.30	23.30	\$ 1,631.00	\$ 1,631.00
25440 00	Surgery	22.70	22.70	\$ 1,589.00	\$ 1,589.00
25441 00	Surgery	27.72	27.72	\$ 1,940.40	\$ 1,940.40
25442 00	Surgery	23.86	23.86	\$ 1,670.20	\$ 1,670.20
25443 00	Surgery	23.21	23.21	\$ 1,624.70	\$ 1,624.70
25444 00	Surgery	24.46	24.46	\$ 1,712.20	\$ 1,712.20
25445 00	Surgery	21.29	21.29	\$ 1,490.30	\$ 1,490.30
25446 00	Surgery	34.53	34.53	\$ 2,417.10	\$ 2,417.10
25447 00	Surgery	24.49	24.49	\$ 1,714.30	\$ 1,714.30
25449 00	Surgery	30.45	30.45	\$ 2,131.50	\$ 2,131.50
25450 00	Surgery	18.30	18.30	\$ 1,281.00	\$ 1,281.00
25455 00	Surgery	21.60	21.60	\$ 1,512.00	\$ 1,512.00
25490 00	Surgery	21.26	21.26	\$ 1,488.20	\$ 1,488.20
25491 00	Surgery	21.85	21.85	\$ 1,529.50	\$ 1,529.50
25492 00	Surgery	26.79	26.79	\$ 1,875.30	\$ 1,875.30
25500 00	Surgery	8.42	7.61	\$ 589.40	\$ 532.70
25505 00	Surgery	14.98	13.60	\$ 1,048.60	\$ 952.00
25515 00	Surgery	19.79	19.79	\$ 1,385.30	\$ 1,385.30
25520 00	Surgery	17.14	16.14	\$ 1,199.80	\$ 1,129.80
25525 00	Surgery	23.28	23.28	\$ 1,629.60	\$ 1,629.60
25526 00	Surgery	28.22	28.22	\$ 1,975.40	\$ 1,975.40
25530 00	Surgery	7.87	7.20	\$ 550.90	\$ 504.00
25535 00	Surgery	14.76	13.59	\$ 1,033.20	\$ 951.30
25545 00	Surgery	18.45	18.45	\$ 1,291.50	\$ 1,291.50
25560 00	Surgery	8.58	7.65	\$ 600.60	\$ 535.50
25565 00	Surgery	15.38	13.78	\$ 1,076.60	\$ 964.60
25574 00	Surgery	19.96	19.96	\$ 1,397.20	\$ 1,397.20
25575 00	Surgery	26.69	26.69	\$ 1,868.30	\$ 1,868.30
25600 00	Surgery	10.01	9.54	\$ 700.70	\$ 667.80
25605 00	Surgery	16.08	15.17	\$ 1,125.60	\$ 1,061.90
25606 00	Surgery	19.70	19.70	\$ 1,379.00	\$ 1,379.00
25607 00	Surgery	21.81	21.81	\$ 1,526.70	\$ 1,526.70
25608 00	Surgery	24.40	24.40	\$ 1,708.00	\$ 1,708.00
25609 00	Surgery	30.98	30.98	\$ 2,168.60	\$ 2,168.60
25622 00	Surgery	9.12	8.40	\$ 638.40	\$ 588.00
25624 00	Surgery	14.55	13.17	\$ 1,018.50	\$ 921.90
25628 00	Surgery	21.29	21.29	\$ 1,490.30	\$ 1,490.30
25630 00	Surgery	9.10	8.44	\$ 637.00	\$ 590.80
25635 00	Surgery	13.84	12.55	\$ 968.80	\$ 878.50

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
25645 00	Surgery	16.93	16.93	\$ 1,185.10	\$ 1,185.10
25650 00	Surgery	9.80	9.07	\$ 686.00	\$ 634.90
25651 00	Surgery	14.50	14.50	\$ 1,015.00	\$ 1,015.00
25652 00	Surgery	18.41	18.41	\$ 1,288.70	\$ 1,288.70
25660 00	Surgery	13.27	13.27	\$ 928.90	\$ 928.90
25670 00	Surgery	18.04	18.04	\$ 1,262.80	\$ 1,262.80
25671 00	Surgery	15.78	15.78	\$ 1,104.60	\$ 1,104.60
25675 00	Surgery	13.24	11.95	\$ 926.80	\$ 836.50
25676 00	Surgery	18.68	18.68	\$ 1,307.60	\$ 1,307.60
25680 00	Surgery	15.67	15.67	\$ 1,096.90	\$ 1,096.90
25685 00	Surgery	21.74	21.74	\$ 1,521.80	\$ 1,521.80
25690 00	Surgery	14.54	14.54	\$ 1,017.80	\$ 1,017.80
25695 00	Surgery	18.82	18.82	\$ 1,317.40	\$ 1,317.40
25800 00	Surgery	21.64	21.64	\$ 1,514.80	\$ 1,514.80
25805 00	Surgery	25.05	25.05	\$ 1,753.50	\$ 1,753.50
25810 00	Surgery	25.54	25.54	\$ 1,787.80	\$ 1,787.80
25820 00	Surgery	19.13	19.13	\$ 1,339.10	\$ 1,339.10
25825 00	Surgery	23.35	23.35	\$ 1,634.50	\$ 1,634.50
25830 00	Surgery	30.02	30.02	\$ 2,101.40	\$ 2,101.40
25900 00	Surgery	21.17	21.17	\$ 1,481.90	\$ 1,481.90
25905 00	Surgery	20.78	20.78	\$ 1,454.60	\$ 1,454.60
25907 00	Surgery	18.22	18.22	\$ 1,275.40	\$ 1,275.40
25909 00	Surgery	20.28	20.28	\$ 1,419.60	\$ 1,419.60
25915 00	Surgery	34.44	34.44	\$ 2,410.80	\$ 2,410.80
25920 00	Surgery	21.54	21.54	\$ 1,507.80	\$ 1,507.80
25922 00	Surgery	19.06	19.06	\$ 1,334.20	\$ 1,334.20
25924 00	Surgery	21.05	21.05	\$ 1,473.50	\$ 1,473.50
25927 00	Surgery	25.65	25.65	\$ 1,795.50	\$ 1,795.50
25929 00	Surgery	17.74	17.74	\$ 1,241.80	\$ 1,241.80
25931 00	Surgery	23.74	23.74	\$ 1,661.80	\$ 1,661.80
25999 00	Surgery	0.00	0.00	BR	BR
26010 00	Surgery	9.98	4.12	\$ 698.60	\$ 288.40
26011 00	Surgery	14.23	5.48	\$ 996.10	\$ 383.60
26020 00	Surgery	16.43	16.43	\$ 1,150.10	\$ 1,150.10
26025 00	Surgery	12.50	12.50	\$ 875.00	\$ 875.00
26030 00	Surgery	14.49	14.49	\$ 1,014.30	\$ 1,014.30
26034 00	Surgery	16.26	16.26	\$ 1,138.20	\$ 1,138.20
26035 00	Surgery	25.43	25.43	\$ 1,780.10	\$ 1,780.10
26037 00	Surgery	16.66	16.66	\$ 1,166.20	\$ 1,166.20
26040 00	Surgery	9.35	9.35	\$ 654.50	\$ 654.50
26045 00	Surgery	13.98	13.98	\$ 978.60	\$ 978.60
26055 00	Surgery	17.49	8.62	\$ 1,224.30	\$ 603.40
26060 00	Surgery	7.61	7.61	\$ 532.70	\$ 532.70
26070 00	Surgery	9.57	9.57	\$ 669.90	\$ 669.90
26075 00	Surgery	9.99	9.99	\$ 699.30	\$ 699.30
26080 00	Surgery	11.76	11.76	\$ 823.20	\$ 823.20
26100 00	Surgery	10.04	10.04	\$ 702.80	\$ 702.80
26105 00	Surgery	10.11	10.11	\$ 707.70	\$ 707.70
26110 00	Surgery	9.61	9.61	\$ 672.70	\$ 672.70
26111 00	Surgery	12.28	12.28	\$ 859.60	\$ 859.60
26113 00	Surgery	16.14	16.14	\$ 1,129.80	\$ 1,129.80
26115 00	Surgery	16.44	9.78	\$ 1,150.80	\$ 684.60
26116 00	Surgery	15.51	15.51	\$ 1,085.70	\$ 1,085.70
26117 00	Surgery	21.82	21.82	\$ 1,527.40	\$ 1,527.40
26118 00	Surgery	31.05	31.05	\$ 2,173.50	\$ 2,173.50
26121 00	Surgery	17.73	17.73	\$ 1,241.10	\$ 1,241.10
26123 00	Surgery	24.65	24.65	\$ 1,725.50	\$ 1,725.50
26125 00	Surgery	7.92	7.92	\$ 554.40	\$ 554.40
26130 00	Surgery	13.89	13.89	\$ 972.30	\$ 972.30

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
26135 00	Surgery	16.38	16.38	\$ 1,146.60	\$ 1,146.60
26140 00	Surgery	15.02	15.02	\$ 1,051.40	\$ 1,051.40
26145 00	Surgery	15.24	15.24	\$ 1,066.80	\$ 1,066.80
26160 00	Surgery	18.18	9.34	\$ 1,272.60	\$ 653.80
26170 00	Surgery	12.08	12.08	\$ 845.60	\$ 845.60
26180 00	Surgery	13.30	13.30	\$ 931.00	\$ 931.00
26185 00	Surgery	16.45	16.45	\$ 1,151.50	\$ 1,151.50
26200 00	Surgery	13.35	13.35	\$ 934.50	\$ 934.50
26205 00	Surgery	17.95	17.95	\$ 1,256.50	\$ 1,256.50
26210 00	Surgery	13.22	13.22	\$ 925.40	\$ 925.40
26215 00	Surgery	16.82	16.82	\$ 1,177.40	\$ 1,177.40
26230 00	Surgery	14.80	14.80	\$ 1,036.00	\$ 1,036.00
26235 00	Surgery	14.58	14.58	\$ 1,020.60	\$ 1,020.60
26236 00	Surgery	13.07	13.07	\$ 914.90	\$ 914.90
26250 00	Surgery	31.43	31.43	\$ 2,200.10	\$ 2,200.10
26260 00	Surgery	23.55	23.55	\$ 1,648.50	\$ 1,648.50
26262 00	Surgery	18.64	18.64	\$ 1,304.80	\$ 1,304.80
26320 00	Surgery	10.35	10.35	\$ 724.50	\$ 724.50
26340 00	Surgery	10.29	10.29	\$ 720.30	\$ 720.30
26341 00	Surgery	3.34	2.28	\$ 233.80	\$ 159.60
26350 00	Surgery	22.29	22.29	\$ 1,560.30	\$ 1,560.30
26352 00	Surgery	24.98	24.98	\$ 1,748.60	\$ 1,748.60
26356 00	Surgery	23.57	23.57	\$ 1,649.90	\$ 1,649.90
26357 00	Surgery	26.46	26.46	\$ 1,852.20	\$ 1,852.20
26358 00	Surgery	29.21	29.21	\$ 2,044.70	\$ 2,044.70
26370 00	Surgery	23.56	23.56	\$ 1,649.20	\$ 1,649.20
26372 00	Surgery	27.47	27.47	\$ 1,922.90	\$ 1,922.90
26373 00	Surgery	26.43	26.43	\$ 1,850.10	\$ 1,850.10
26390 00	Surgery	26.12	26.12	\$ 1,828.40	\$ 1,828.40
26392 00	Surgery	30.03	30.03	\$ 2,102.10	\$ 2,102.10
26410 00	Surgery	17.95	17.95	\$ 1,256.50	\$ 1,256.50
26412 00	Surgery	21.42	21.42	\$ 1,499.40	\$ 1,499.40
26415 00	Surgery	25.46	25.46	\$ 1,782.20	\$ 1,782.20
26416 00	Surgery	27.50	27.50	\$ 1,925.00	\$ 1,925.00
26418 00	Surgery	18.52	18.52	\$ 1,296.40	\$ 1,296.40
26420 00	Surgery	22.21	22.21	\$ 1,554.70	\$ 1,554.70
26426 00	Surgery	14.90	14.90	\$ 1,043.00	\$ 1,043.00
26428 00	Surgery	23.80	23.80	\$ 1,666.00	\$ 1,666.00
26432 00	Surgery	16.14	16.14	\$ 1,129.80	\$ 1,129.80
26433 00	Surgery	17.03	17.03	\$ 1,192.10	\$ 1,192.10
26434 00	Surgery	20.68	20.68	\$ 1,447.60	\$ 1,447.60
26437 00	Surgery	19.80	19.80	\$ 1,386.00	\$ 1,386.00
26440 00	Surgery	19.56	19.56	\$ 1,369.20	\$ 1,369.20
26442 00	Surgery	29.47	29.47	\$ 2,062.90	\$ 2,062.90
26445 00	Surgery	18.27	18.27	\$ 1,278.90	\$ 1,278.90
26449 00	Surgery	20.58	20.58	\$ 1,440.60	\$ 1,440.60
26450 00	Surgery	13.51	13.51	\$ 945.70	\$ 945.70
26455 00	Surgery	13.41	13.41	\$ 938.70	\$ 938.70
26460 00	Surgery	13.18	13.18	\$ 922.60	\$ 922.60
26471 00	Surgery	19.61	19.61	\$ 1,372.70	\$ 1,372.70
26474 00	Surgery	19.36	19.36	\$ 1,355.20	\$ 1,355.20
26476 00	Surgery	19.12	19.12	\$ 1,338.40	\$ 1,338.40
26477 00	Surgery	18.58	18.58	\$ 1,300.60	\$ 1,300.60
26478 00	Surgery	19.71	19.71	\$ 1,379.70	\$ 1,379.70
26479 00	Surgery	20.08	20.08	\$ 1,405.60	\$ 1,405.60
26480 00	Surgery	23.52	23.52	\$ 1,646.40	\$ 1,646.40
26483 00	Surgery	26.08	26.08	\$ 1,825.60	\$ 1,825.60
26485 00	Surgery	25.06	25.06	\$ 1,754.20	\$ 1,754.20
26489 00	Surgery	28.90	28.90	\$ 2,023.00	\$ 2,023.00

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
26490 00	Surgery	24.95	24.95	\$ 1,746.50	\$ 1,746.50
26492 00	Surgery	27.54	27.54	\$ 1,927.80	\$ 1,927.80
26494 00	Surgery	25.05	25.05	\$ 1,753.50	\$ 1,753.50
26496 00	Surgery	26.95	26.95	\$ 1,886.50	\$ 1,886.50
26497 00	Surgery	26.92	26.92	\$ 1,884.40	\$ 1,884.40
26498 00	Surgery	35.03	35.03	\$ 2,452.10	\$ 2,452.10
26499 00	Surgery	25.93	25.93	\$ 1,815.10	\$ 1,815.10
26500 00	Surgery	19.68	19.68	\$ 1,377.60	\$ 1,377.60
26502 00	Surgery	22.48	22.48	\$ 1,573.60	\$ 1,573.60
26508 00	Surgery	20.07	20.07	\$ 1,404.90	\$ 1,404.90
26510 00	Surgery	19.07	19.07	\$ 1,334.90	\$ 1,334.90
26516 00	Surgery	22.11	22.11	\$ 1,547.70	\$ 1,547.70
26517 00	Surgery	25.77	25.77	\$ 1,803.90	\$ 1,803.90
26518 00	Surgery	26.09	26.09	\$ 1,826.30	\$ 1,826.30
26520 00	Surgery	20.48	20.48	\$ 1,433.60	\$ 1,433.60
26525 00	Surgery	20.53	20.53	\$ 1,437.10	\$ 1,437.10
26530 00	Surgery	15.98	15.98	\$ 1,118.60	\$ 1,118.60
26531 00	Surgery	18.62	18.62	\$ 1,303.40	\$ 1,303.40
26535 00	Surgery	12.94	12.94	\$ 905.80	\$ 905.80
26536 00	Surgery	22.40	22.40	\$ 1,568.00	\$ 1,568.00
26540 00	Surgery	20.80	20.80	\$ 1,456.00	\$ 1,456.00
26541 00	Surgery	24.80	24.80	\$ 1,736.00	\$ 1,736.00
26542 00	Surgery	21.48	21.48	\$ 1,503.60	\$ 1,503.60
26545 00	Surgery	21.79	21.79	\$ 1,525.30	\$ 1,525.30
26546 00	Surgery	30.59	30.59	\$ 2,141.30	\$ 2,141.30
26548 00	Surgery	23.73	23.73	\$ 1,661.10	\$ 1,661.10
26550 00	Surgery	49.35	49.35	\$ 3,454.50	\$ 3,454.50
26551 00	Surgery	97.71	97.71	\$ 6,839.70	\$ 6,839.70
26553 00	Surgery	97.06	97.06	\$ 6,794.20	\$ 6,794.20
26554 00	Surgery	112.94	112.94	\$ 7,905.80	\$ 7,905.80
26555 00	Surgery	41.48	41.48	\$ 2,903.60	\$ 2,903.60
26556 00	Surgery	100.87	100.87	\$ 7,060.90	\$ 7,060.90
26560 00	Surgery	18.92	18.92	\$ 1,324.40	\$ 1,324.40
26561 00	Surgery	29.23	29.23	\$ 2,046.10	\$ 2,046.10
26562 00	Surgery	40.78	40.78	\$ 2,854.60	\$ 2,854.60
26565 00	Surgery	21.82	21.82	\$ 1,527.40	\$ 1,527.40
26567 00	Surgery	21.43	21.43	\$ 1,500.10	\$ 1,500.10
26568 00	Surgery	27.90	27.90	\$ 1,953.00	\$ 1,953.00
26580 00	Surgery	45.71	45.71	\$ 3,199.70	\$ 3,199.70
26587 00	Surgery	30.79	30.79	\$ 2,155.30	\$ 2,155.30
26590 00	Surgery	42.56	42.56	\$ 2,979.20	\$ 2,979.20
26591 00	Surgery	14.43	14.43	\$ 1,010.10	\$ 1,010.10
26593 00	Surgery	19.18	19.18	\$ 1,342.60	\$ 1,342.60
26596 00	Surgery	24.06	24.06	\$ 1,684.20	\$ 1,684.20
26600 00	Surgery	8.91	8.45	\$ 623.70	\$ 591.50
26605 00	Surgery	9.79	8.81	\$ 685.30	\$ 616.70
26607 00	Surgery	14.97	14.97	\$ 1,047.90	\$ 1,047.90
26608 00	Surgery	14.30	14.30	\$ 1,001.00	\$ 1,001.00
26615 00	Surgery	17.04	17.04	\$ 1,192.80	\$ 1,192.80
26641 00	Surgery	12.44	11.31	\$ 870.80	\$ 791.70
26645 00	Surgery	12.92	11.75	\$ 904.40	\$ 822.50
26650 00	Surgery	14.30	14.30	\$ 1,001.00	\$ 1,001.00
26665 00	Surgery	18.52	18.52	\$ 1,296.40	\$ 1,296.40
26670 00	Surgery	10.35	9.26	\$ 724.50	\$ 648.20
26675 00	Surgery	13.74	12.53	\$ 961.80	\$ 877.10
26676 00	Surgery	15.10	15.10	\$ 1,057.00	\$ 1,057.00
26685 00	Surgery	17.04	17.04	\$ 1,192.80	\$ 1,192.80
26686 00	Surgery	18.50	18.50	\$ 1,295.00	\$ 1,295.00
26700 00	Surgery	9.95	9.18	\$ 696.50	\$ 642.60

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
26705 00	Surgery	12.60	11.42	\$ 882.00	\$ 799.40
26706 00	Surgery	13.22	13.22	\$ 925.40	\$ 925.40
26715 00	Surgery	16.95	16.95	\$ 1,186.50	\$ 1,186.50
26720 00	Surgery	5.92	5.55	\$ 414.40	\$ 388.50
26725 00	Surgery	10.14	9.02	\$ 709.80	\$ 631.40
26727 00	Surgery	14.07	14.07	\$ 984.90	\$ 984.90
26735 00	Surgery	17.60	17.60	\$ 1,232.00	\$ 1,232.00
26740 00	Surgery	6.89	6.52	\$ 482.30	\$ 456.40
26742 00	Surgery	11.16	10.01	\$ 781.20	\$ 700.70
26746 00	Surgery	21.94	21.94	\$ 1,535.80	\$ 1,535.80
26750 00	Surgery	5.54	5.57	\$ 387.80	\$ 389.90
26755 00	Surgery	9.53	8.18	\$ 667.10	\$ 572.60
26756 00	Surgery	12.56	12.56	\$ 879.20	\$ 879.20
26765 00	Surgery	14.84	14.84	\$ 1,038.80	\$ 1,038.80
26770 00	Surgery	8.44	7.69	\$ 590.80	\$ 538.30
26775 00	Surgery	11.65	10.43	\$ 815.50	\$ 730.10
26776 00	Surgery	13.34	13.34	\$ 933.80	\$ 933.80
26785 00	Surgery	16.17	16.17	\$ 1,131.90	\$ 1,131.90
26820 00	Surgery	24.68	24.68	\$ 1,727.60	\$ 1,727.60
26841 00	Surgery	22.92	22.92	\$ 1,604.40	\$ 1,604.40
26842 00	Surgery	24.76	24.76	\$ 1,733.20	\$ 1,733.20
26843 00	Surgery	23.29	23.29	\$ 1,630.30	\$ 1,630.30
26844 00	Surgery	25.60	25.60	\$ 1,792.00	\$ 1,792.00
26850 00	Surgery	21.81	21.81	\$ 1,526.70	\$ 1,526.70
26852 00	Surgery	24.74	24.74	\$ 1,731.80	\$ 1,731.80
26860 00	Surgery	18.13	18.13	\$ 1,269.10	\$ 1,269.10
26861 00	Surgery	3.01	3.01	\$ 210.70	\$ 210.70
26862 00	Surgery	22.75	22.75	\$ 1,592.50	\$ 1,592.50
26863 00	Surgery	6.64	6.64	\$ 464.80	\$ 464.80
26910 00	Surgery	22.61	22.61	\$ 1,582.70	\$ 1,582.70
26951 00	Surgery	20.68	20.68	\$ 1,447.60	\$ 1,447.60
26952 00	Surgery	20.27	20.27	\$ 1,418.90	\$ 1,418.90
26989 00	Surgery	0.00	0.00	BR	BR
26990 00	Surgery	19.97	19.97	\$ 1,397.90	\$ 1,397.90
26991 00	Surgery	21.35	15.55	\$ 1,494.50	\$ 1,088.50
26992 00	Surgery	29.70	29.70	\$ 2,079.00	\$ 2,079.00
27000 00	Surgery	12.01	12.01	\$ 840.70	\$ 840.70
27001 00	Surgery	16.05	16.05	\$ 1,123.50	\$ 1,123.50
27003 00	Surgery	17.73	17.73	\$ 1,241.10	\$ 1,241.10
27005 00	Surgery	21.23	21.23	\$ 1,486.10	\$ 1,486.10
27006 00	Surgery	21.23	21.23	\$ 1,486.10	\$ 1,486.10
27025 00	Surgery	27.19	27.19	\$ 1,903.30	\$ 1,903.30
27027 00	Surgery	26.02	26.02	\$ 1,821.40	\$ 1,821.40
27030 00	Surgery	27.68	27.68	\$ 1,937.60	\$ 1,937.60
27033 00	Surgery	28.73	28.73	\$ 2,011.10	\$ 2,011.10
27035 00	Surgery	33.69	33.69	\$ 2,358.30	\$ 2,358.30
27036 00	Surgery	29.97	29.97	\$ 2,097.90	\$ 2,097.90
27040 00	Surgery	10.34	5.84	\$ 723.80	\$ 408.80
27041 00	Surgery	20.76	20.76	\$ 1,453.20	\$ 1,453.20
27043 00	Surgery	13.83	13.83	\$ 968.10	\$ 968.10
27045 00	Surgery	21.71	21.71	\$ 1,519.70	\$ 1,519.70
27047 00	Surgery	14.65	10.60	\$ 1,025.50	\$ 742.00
27048 00	Surgery	18.07	18.07	\$ 1,264.90	\$ 1,264.90
27049 00	Surgery	39.69	39.69	\$ 2,778.30	\$ 2,778.30
27050 00	Surgery	11.98	11.98	\$ 838.60	\$ 838.60
27052 00	Surgery	17.10	17.10	\$ 1,197.00	\$ 1,197.00
27054 00	Surgery	20.34	20.34	\$ 1,423.80	\$ 1,423.80
27057 00	Surgery	29.85	29.85	\$ 2,089.50	\$ 2,089.50
27059 00	Surgery	53.22	53.22	\$ 3,725.40	\$ 3,725.40

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
27060 00	Surgery	13.80	13.80	\$ 966.00	\$ 966.00
27062 00	Surgery	13.48	13.48	\$ 943.60	\$ 943.60
27065 00	Surgery	15.56	15.56	\$ 1,089.20	\$ 1,089.20
27066 00	Surgery	24.14	24.14	\$ 1,689.80	\$ 1,689.80
27067 00	Surgery	30.55	30.55	\$ 2,138.50	\$ 2,138.50
27070 00	Surgery	26.22	26.22	\$ 1,835.40	\$ 1,835.40
27071 00	Surgery	28.60	28.60	\$ 2,002.00	\$ 2,002.00
27075 00	Surgery	61.38	61.38	\$ 4,296.60	\$ 4,296.60
27076 00	Surgery	74.25	74.25	\$ 5,197.50	\$ 5,197.50
27077 00	Surgery	82.81	82.81	\$ 5,796.70	\$ 5,796.70
27078 00	Surgery	60.55	60.55	\$ 4,238.50	\$ 4,238.50
27080 00	Surgery	15.10	15.10	\$ 1,057.00	\$ 1,057.00
27086 00	Surgery	9.40	4.97	\$ 658.00	\$ 347.90
27087 00	Surgery	18.14	18.14	\$ 1,269.80	\$ 1,269.80
27090 00	Surgery	24.48	24.48	\$ 1,713.60	\$ 1,713.60
27091 00	Surgery	46.92	46.92	\$ 3,284.40	\$ 3,284.40
27093 00	Surgery	7.04	2.01	\$ 492.80	\$ 140.70
27095 00	Surgery	9.53	2.43	\$ 667.10	\$ 170.10
27096 00	Surgery	4.88	2.43	\$ 341.60	\$ 170.10
27097 00	Surgery	20.20	20.20	\$ 1,414.00	\$ 1,414.00
27098 00	Surgery	20.55	20.55	\$ 1,438.50	\$ 1,438.50
27100 00	Surgery	24.52	24.52	\$ 1,716.40	\$ 1,716.40
27105 00	Surgery	25.71	25.71	\$ 1,799.70	\$ 1,799.70
27110 00	Surgery	28.67	28.67	\$ 2,006.90	\$ 2,006.90
27111 00	Surgery	26.69	26.69	\$ 1,868.30	\$ 1,868.30
27120 00	Surgery	38.31	38.31	\$ 2,681.70	\$ 2,681.70
27122 00	Surgery	32.53	32.53	\$ 2,277.10	\$ 2,277.10
27125 00	Surgery	33.37	33.37	\$ 2,335.90	\$ 2,335.90
27130 00	Surgery	37.90	37.90	\$ 2,653.00	\$ 2,653.00
27132 00	Surgery	49.24	49.24	\$ 3,446.80	\$ 3,446.80
27134 00	Surgery	56.15	56.15	\$ 3,930.50	\$ 3,930.50
27137 00	Surgery	43.22	43.22	\$ 3,025.40	\$ 3,025.40
27138 00	Surgery	44.90	44.90	\$ 3,143.00	\$ 3,143.00
27140 00	Surgery	26.36	26.36	\$ 1,845.20	\$ 1,845.20
27146 00	Surgery	37.72	37.72	\$ 2,640.40	\$ 2,640.40
27147 00	Surgery	43.11	43.11	\$ 3,017.70	\$ 3,017.70
27151 00	Surgery	46.62	46.62	\$ 3,263.40	\$ 3,263.40
27156 00	Surgery	50.22	50.22	\$ 3,515.40	\$ 3,515.40
27158 00	Surgery	41.28	41.28	\$ 2,889.60	\$ 2,889.60
27161 00	Surgery	35.89	35.89	\$ 2,512.30	\$ 2,512.30
27165 00	Surgery	40.64	40.64	\$ 2,844.80	\$ 2,844.80
27170 00	Surgery	34.55	34.55	\$ 2,418.50	\$ 2,418.50
27175 00	Surgery	19.69	19.69	\$ 1,378.30	\$ 1,378.30
27176 00	Surgery	27.23	27.23	\$ 1,906.10	\$ 1,906.10
27177 00	Surgery	32.91	32.91	\$ 2,303.70	\$ 2,303.70
27178 00	Surgery	27.23	27.23	\$ 1,906.10	\$ 1,906.10
27179 00	Surgery	28.90	28.90	\$ 2,023.00	\$ 2,023.00
27181 00	Surgery	33.04	33.04	\$ 2,312.80	\$ 2,312.80
27185 00	Surgery	21.23	21.23	\$ 1,486.10	\$ 1,486.10
27187 00	Surgery	29.38	29.38	\$ 2,056.60	\$ 2,056.60
27197 00	Surgery	3.90	3.90	\$ 273.00	\$ 273.00
27198 00	Surgery	9.35	9.35	\$ 654.50	\$ 654.50
27200 00	Surgery	5.50	5.54	\$ 385.00	\$ 387.80
27202 00	Surgery	15.63	15.63	\$ 1,094.10	\$ 1,094.10
27215 00	Surgery	17.65	17.65	\$ 1,235.50	\$ 1,235.50
27216 00	Surgery	26.13	26.13	\$ 1,829.10	\$ 1,829.10
27217 00	Surgery	24.57	24.57	\$ 1,719.90	\$ 1,719.90
27218 00	Surgery	33.76	33.76	\$ 2,363.20	\$ 2,363.20
27220 00	Surgery	12.38	12.21	\$ 866.60	\$ 854.70

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
27222 00	Surgery	28.86	28.86	\$ 2,020.20	\$ 2,020.20
27226 00	Surgery	31.16	31.16	\$ 2,181.20	\$ 2,181.20
27227 00	Surgery	48.67	48.67	\$ 3,406.90	\$ 3,406.90
27228 00	Surgery	55.26	55.26	\$ 3,868.20	\$ 3,868.20
27230 00	Surgery	14.39	14.13	\$ 1,007.30	\$ 989.10
27232 00	Surgery	21.87	21.87	\$ 1,530.90	\$ 1,530.90
27235 00	Surgery	26.77	26.77	\$ 1,873.90	\$ 1,873.90
27236 00	Surgery	35.18	35.18	\$ 2,462.60	\$ 2,462.60
27238 00	Surgery	13.82	13.82	\$ 967.40	\$ 967.40
27240 00	Surgery	28.33	28.33	\$ 1,983.10	\$ 1,983.10
27244 00	Surgery	36.21	36.21	\$ 2,534.70	\$ 2,534.70
27245 00	Surgery	36.17	36.17	\$ 2,531.90	\$ 2,531.90
27246 00	Surgery	11.57	11.45	\$ 809.90	\$ 801.50
27248 00	Surgery	22.02	22.02	\$ 1,541.40	\$ 1,541.40
27250 00	Surgery	5.30	5.30	\$ 371.00	\$ 371.00
27252 00	Surgery	22.35	22.35	\$ 1,564.50	\$ 1,564.50
27253 00	Surgery	27.80	27.80	\$ 1,946.00	\$ 1,946.00
27254 00	Surgery	37.53	37.53	\$ 2,627.10	\$ 2,627.10
27256 00	Surgery	8.98	6.98	\$ 628.60	\$ 488.60
27257 00	Surgery	10.67	10.67	\$ 746.90	\$ 746.90
27258 00	Surgery	32.81	32.81	\$ 2,296.70	\$ 2,296.70
27259 00	Surgery	45.47	45.47	\$ 3,182.90	\$ 3,182.90
27265 00	Surgery	12.02	12.02	\$ 841.40	\$ 841.40
27266 00	Surgery	17.29	17.29	\$ 1,210.30	\$ 1,210.30
27267 00	Surgery	12.95	12.95	\$ 906.50	\$ 906.50
27268 00	Surgery	16.10	16.10	\$ 1,127.00	\$ 1,127.00
27269 00	Surgery	36.60	36.60	\$ 2,562.00	\$ 2,562.00
27275 00	Surgery	5.44	5.44	\$ 380.80	\$ 380.80
27279 00	Surgery	25.45	25.45	\$ 1,781.50	\$ 1,781.50
27280 00	Surgery	40.11	40.11	\$ 2,807.70	\$ 2,807.70
27282 00	Surgery	25.38	25.38	\$ 1,776.60	\$ 1,776.60
27284 00	Surgery	47.30	47.30	\$ 3,311.00	\$ 3,311.00
27286 00	Surgery	48.41	48.41	\$ 3,388.70	\$ 3,388.70
27290 00	Surgery	47.89	47.89	\$ 3,352.30	\$ 3,352.30
27295 00	Surgery	36.82	36.82	\$ 2,577.40	\$ 2,577.40
27299 00	Surgery	0.00	0.00	BR	BR
27301 00	Surgery	20.25	14.97	\$ 1,417.50	\$ 1,047.90
27303 00	Surgery	19.06	19.06	\$ 1,334.20	\$ 1,334.20
27305 00	Surgery	14.27	14.27	\$ 998.90	\$ 998.90
27306 00	Surgery	9.87	9.87	\$ 690.90	\$ 690.90
27307 00	Surgery	14.23	14.23	\$ 996.10	\$ 996.10
27310 00	Surgery	21.63	21.63	\$ 1,514.10	\$ 1,514.10
27323 00	Surgery	8.20	5.12	\$ 574.00	\$ 358.40
27324 00	Surgery	12.05	12.05	\$ 843.50	\$ 843.50
27325 00	Surgery	16.72	16.72	\$ 1,170.40	\$ 1,170.40
27326 00	Surgery	15.46	15.46	\$ 1,082.20	\$ 1,082.20
27327 00	Surgery	14.95	9.22	\$ 1,046.50	\$ 645.40
27328 00	Surgery	18.39	18.39	\$ 1,287.30	\$ 1,287.30
27329 00	Surgery	30.63	30.63	\$ 2,144.10	\$ 2,144.10
27330 00	Surgery	12.42	12.42	\$ 869.40	\$ 869.40
27331 00	Surgery	14.11	14.11	\$ 987.70	\$ 987.70
27332 00	Surgery	19.10	19.10	\$ 1,337.00	\$ 1,337.00
27333 00	Surgery	17.43	17.43	\$ 1,220.10	\$ 1,220.10
27334 00	Surgery	20.28	20.28	\$ 1,419.60	\$ 1,419.60
27335 00	Surgery	22.65	22.65	\$ 1,585.50	\$ 1,585.50
27337 00	Surgery	12.39	12.39	\$ 867.30	\$ 867.30
27339 00	Surgery	22.23	22.23	\$ 1,556.10	\$ 1,556.10
27340 00	Surgery	11.07	11.07	\$ 774.90	\$ 774.90
27345 00	Surgery	14.35	14.35	\$ 1,004.50	\$ 1,004.50

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
27347 00	Surgery	15.62	15.62	\$ 1,093.40	\$ 1,093.40
27350 00	Surgery	19.34	19.34	\$ 1,353.80	\$ 1,353.80
27355 00	Surgery	17.94	17.94	\$ 1,255.80	\$ 1,255.80
27356 00	Surgery	21.87	21.87	\$ 1,530.90	\$ 1,530.90
27357 00	Surgery	24.16	24.16	\$ 1,691.20	\$ 1,691.20
27358 00	Surgery	8.10	8.10	\$ 567.00	\$ 567.00
27360 00	Surgery	26.54	26.54	\$ 1,857.80	\$ 1,857.80
27364 00	Surgery	46.01	46.01	\$ 3,220.70	\$ 3,220.70
27365 00	Surgery	60.52	60.52	\$ 4,236.40	\$ 4,236.40
27369 00	Surgery	5.09	1.17	\$ 356.30	\$ 81.90
27372 00	Surgery	17.87	11.84	\$ 1,250.90	\$ 828.80
27380 00	Surgery	18.38	18.38	\$ 1,286.60	\$ 1,286.60
27381 00	Surgery	24.27	24.27	\$ 1,698.90	\$ 1,698.90
27385 00	Surgery	17.88	17.88	\$ 1,251.60	\$ 1,251.60
27386 00	Surgery	25.38	25.38	\$ 1,776.60	\$ 1,776.60
27390 00	Surgery	13.32	13.32	\$ 932.40	\$ 932.40
27391 00	Surgery	16.26	16.26	\$ 1,138.20	\$ 1,138.20
27392 00	Surgery	21.09	21.09	\$ 1,476.30	\$ 1,476.30
27393 00	Surgery	14.90	14.90	\$ 1,043.00	\$ 1,043.00
27394 00	Surgery	19.40	19.40	\$ 1,358.00	\$ 1,358.00
27395 00	Surgery	26.05	26.05	\$ 1,823.50	\$ 1,823.50
27396 00	Surgery	18.30	18.30	\$ 1,281.00	\$ 1,281.00
27397 00	Surgery	27.01	27.01	\$ 1,890.70	\$ 1,890.70
27400 00	Surgery	20.60	20.60	\$ 1,442.00	\$ 1,442.00
27403 00	Surgery	19.08	19.08	\$ 1,335.60	\$ 1,335.60
27405 00	Surgery	20.00	20.00	\$ 1,400.00	\$ 1,400.00
27407 00	Surgery	23.55	23.55	\$ 1,648.50	\$ 1,648.50
27409 00	Surgery	28.58	28.58	\$ 2,000.60	\$ 2,000.60
27412 00	Surgery	48.55	48.55	\$ 3,398.50	\$ 3,398.50
27415 00	Surgery	40.47	40.47	\$ 2,832.90	\$ 2,832.90
27416 00	Surgery	28.91	28.91	\$ 2,023.70	\$ 2,023.70
27418 00	Surgery	24.56	24.56	\$ 1,719.20	\$ 1,719.20
27420 00	Surgery	21.97	21.97	\$ 1,537.90	\$ 1,537.90
27422 00	Surgery	21.99	21.99	\$ 1,539.30	\$ 1,539.30
27424 00	Surgery	22.13	22.13	\$ 1,549.10	\$ 1,549.10
27425 00	Surgery	13.42	13.42	\$ 939.40	\$ 939.40
27427 00	Surgery	21.07	21.07	\$ 1,474.90	\$ 1,474.90
27428 00	Surgery	32.93	32.93	\$ 2,305.10	\$ 2,305.10
27429 00	Surgery	37.07	37.07	\$ 2,594.90	\$ 2,594.90
27430 00	Surgery	21.95	21.95	\$ 1,536.50	\$ 1,536.50
27435 00	Surgery	23.95	23.95	\$ 1,676.50	\$ 1,676.50
27437 00	Surgery	19.56	19.56	\$ 1,369.20	\$ 1,369.20
27438 00	Surgery	24.82	24.82	\$ 1,737.40	\$ 1,737.40
27440 00	Surgery	23.59	23.59	\$ 1,651.30	\$ 1,651.30
27441 00	Surgery	24.34	24.34	\$ 1,703.80	\$ 1,703.80
27442 00	Surgery	25.72	25.72	\$ 1,800.40	\$ 1,800.40
27443 00	Surgery	24.13	24.13	\$ 1,689.10	\$ 1,689.10
27445 00	Surgery	37.00	37.00	\$ 2,590.00	\$ 2,590.00
27446 00	Surgery	34.03	34.03	\$ 2,382.10	\$ 2,382.10
27447 00	Surgery	37.85	37.85	\$ 2,649.50	\$ 2,649.50
27448 00	Surgery	23.85	23.85	\$ 1,669.50	\$ 1,669.50
27450 00	Surgery	30.00	30.00	\$ 2,100.00	\$ 2,100.00
27454 00	Surgery	38.16	38.16	\$ 2,671.20	\$ 2,671.20
27455 00	Surgery	28.32	28.32	\$ 1,982.40	\$ 1,982.40
27457 00	Surgery	28.38	28.38	\$ 1,986.60	\$ 1,986.60
27465 00	Surgery	36.84	36.84	\$ 2,578.80	\$ 2,578.80
27466 00	Surgery	34.94	34.94	\$ 2,445.80	\$ 2,445.80
27468 00	Surgery	39.57	39.57	\$ 2,769.90	\$ 2,769.90
27470 00	Surgery	34.77	34.77	\$ 2,433.90	\$ 2,433.90

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
27472 00	Surgery	37.28	37.28	\$ 2,609.60	\$ 2,609.60
27475 00	Surgery	19.62	19.62	\$ 1,373.40	\$ 1,373.40
27477 00	Surgery	21.68	21.68	\$ 1,517.60	\$ 1,517.60
27479 00	Surgery	27.14	27.14	\$ 1,899.80	\$ 1,899.80
27485 00	Surgery	19.89	19.89	\$ 1,392.30	\$ 1,392.30
27486 00	Surgery	41.41	41.41	\$ 2,898.70	\$ 2,898.70
27487 00	Surgery	51.67	51.67	\$ 3,616.90	\$ 3,616.90
27488 00	Surgery	35.39	35.39	\$ 2,477.30	\$ 2,477.30
27495 00	Surgery	33.33	33.33	\$ 2,333.10	\$ 2,333.10
27496 00	Surgery	16.22	16.22	\$ 1,135.40	\$ 1,135.40
27497 00	Surgery	17.20	17.20	\$ 1,204.00	\$ 1,204.00
27498 00	Surgery	19.43	19.43	\$ 1,360.10	\$ 1,360.10
27499 00	Surgery	20.76	20.76	\$ 1,453.20	\$ 1,453.20
27500 00	Surgery	15.51	14.25	\$ 1,085.70	\$ 997.50
27501 00	Surgery	15.03	14.73	\$ 1,052.10	\$ 1,031.10
27502 00	Surgery	22.34	22.34	\$ 1,563.80	\$ 1,563.80
27503 00	Surgery	23.72	23.72	\$ 1,660.40	\$ 1,660.40
27506 00	Surgery	39.42	39.42	\$ 2,759.40	\$ 2,759.40
27507 00	Surgery	28.59	28.59	\$ 2,001.30	\$ 2,001.30
27508 00	Surgery	15.60	14.76	\$ 1,092.00	\$ 1,033.20
27509 00	Surgery	19.93	19.93	\$ 1,395.10	\$ 1,395.10
27510 00	Surgery	20.13	20.13	\$ 1,409.10	\$ 1,409.10
27511 00	Surgery	29.42	29.42	\$ 2,059.40	\$ 2,059.40
27513 00	Surgery	36.50	36.50	\$ 2,555.00	\$ 2,555.00
27514 00	Surgery	28.54	28.54	\$ 1,997.80	\$ 1,997.80
27516 00	Surgery	15.35	14.33	\$ 1,074.50	\$ 1,003.10
27517 00	Surgery	20.37	20.37	\$ 1,425.90	\$ 1,425.90
27519 00	Surgery	26.32	26.32	\$ 1,842.40	\$ 1,842.40
27520 00	Surgery	9.67	8.91	\$ 676.90	\$ 623.70
27524 00	Surgery	22.26	22.26	\$ 1,558.20	\$ 1,558.20
27530 00	Surgery	9.12	8.54	\$ 638.40	\$ 597.80
27532 00	Surgery	18.32	17.08	\$ 1,282.40	\$ 1,195.60
27535 00	Surgery	26.51	26.51	\$ 1,855.70	\$ 1,855.70
27536 00	Surgery	34.94	34.94	\$ 2,445.80	\$ 2,445.80
27538 00	Surgery	14.34	13.31	\$ 1,003.80	\$ 931.70
27540 00	Surgery	24.05	24.05	\$ 1,683.50	\$ 1,683.50
27550 00	Surgery	15.63	14.42	\$ 1,094.10	\$ 1,009.40
27552 00	Surgery	18.75	18.75	\$ 1,312.50	\$ 1,312.50
27556 00	Surgery	25.90	25.90	\$ 1,813.00	\$ 1,813.00
27557 00	Surgery	30.86	30.86	\$ 2,160.20	\$ 2,160.20
27558 00	Surgery	35.15	35.15	\$ 2,460.50	\$ 2,460.50
27560 00	Surgery	11.17	10.22	\$ 781.90	\$ 715.40
27562 00	Surgery	14.49	14.49	\$ 1,014.30	\$ 1,014.30
27566 00	Surgery	26.37	26.37	\$ 1,845.90	\$ 1,845.90
27570 00	Surgery	4.46	4.46	\$ 312.20	\$ 312.20
27580 00	Surgery	43.31	43.31	\$ 3,031.70	\$ 3,031.70
27590 00	Surgery	23.17	23.17	\$ 1,621.90	\$ 1,621.90
27591 00	Surgery	28.49	28.49	\$ 1,994.30	\$ 1,994.30
27592 00	Surgery	19.74	19.74	\$ 1,381.80	\$ 1,381.80
27594 00	Surgery	14.97	14.97	\$ 1,047.90	\$ 1,047.90
27596 00	Surgery	21.03	21.03	\$ 1,472.10	\$ 1,472.10
27598 00	Surgery	20.79	20.79	\$ 1,455.30	\$ 1,455.30
27599 00	Surgery	0.00	0.00	BR	BR
27600 00	Surgery	11.91	11.91	\$ 833.70	\$ 833.70
27601 00	Surgery	13.10	13.10	\$ 917.00	\$ 917.00
27602 00	Surgery	14.18	14.18	\$ 992.60	\$ 992.60
27603 00	Surgery	16.02	11.56	\$ 1,121.40	\$ 809.20
27604 00	Surgery	13.96	9.69	\$ 977.20	\$ 678.30
27605 00	Surgery	10.13	5.39	\$ 709.10	\$ 377.30

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
27606 00	Surgery	8.07	8.07	\$ 564.90	\$ 564.90
27607 00	Surgery	17.71	17.71	\$ 1,239.70	\$ 1,239.70
27610 00	Surgery	19.16	19.16	\$ 1,341.20	\$ 1,341.20
27612 00	Surgery	16.41	16.41	\$ 1,148.70	\$ 1,148.70
27613 00	Surgery	7.54	4.67	\$ 527.80	\$ 326.90
27614 00	Surgery	17.42	12.05	\$ 1,219.40	\$ 843.50
27615 00	Surgery	30.14	30.14	\$ 2,109.80	\$ 2,109.80
27616 00	Surgery	37.43	37.43	\$ 2,620.10	\$ 2,620.10
27618 00	Surgery	14.48	8.97	\$ 1,013.60	\$ 627.90
27619 00	Surgery	13.55	13.55	\$ 948.50	\$ 948.50
27620 00	Surgery	13.28	13.28	\$ 929.60	\$ 929.60
27625 00	Surgery	16.85	16.85	\$ 1,179.50	\$ 1,179.50
27626 00	Surgery	17.71	17.71	\$ 1,239.70	\$ 1,239.70
27630 00	Surgery	16.41	10.60	\$ 1,148.70	\$ 742.00
27632 00	Surgery	12.18	12.18	\$ 852.60	\$ 852.60
27634 00	Surgery	19.98	19.98	\$ 1,398.60	\$ 1,398.60
27635 00	Surgery	17.20	17.20	\$ 1,204.00	\$ 1,204.00
27637 00	Surgery	21.91	21.91	\$ 1,533.70	\$ 1,533.70
27638 00	Surgery	22.36	22.36	\$ 1,565.20	\$ 1,565.20
27640 00	Surgery	24.52	24.52	\$ 1,716.40	\$ 1,716.40
27641 00	Surgery	19.34	19.34	\$ 1,353.80	\$ 1,353.80
27645 00	Surgery	52.12	52.12	\$ 3,648.40	\$ 3,648.40
27646 00	Surgery	45.21	45.21	\$ 3,164.70	\$ 3,164.70
27647 00	Surgery	29.23	29.23	\$ 2,046.10	\$ 2,046.10
27648 00	Surgery	6.51	1.53	\$ 455.70	\$ 107.10
27650 00	Surgery	19.43	19.43	\$ 1,360.10	\$ 1,360.10
27652 00	Surgery	19.49	19.49	\$ 1,364.30	\$ 1,364.30
27654 00	Surgery	20.93	20.93	\$ 1,465.10	\$ 1,465.10
27656 00	Surgery	16.62	10.40	\$ 1,163.40	\$ 728.00
27658 00	Surgery	10.88	10.88	\$ 761.60	\$ 761.60
27659 00	Surgery	13.81	13.81	\$ 966.70	\$ 966.70
27664 00	Surgery	10.67	10.67	\$ 746.90	\$ 746.90
27665 00	Surgery	12.41	12.41	\$ 868.70	\$ 868.70
27675 00	Surgery	14.45	14.45	\$ 1,011.50	\$ 1,011.50
27676 00	Surgery	17.64	17.64	\$ 1,234.80	\$ 1,234.80
27680 00	Surgery	12.35	12.35	\$ 864.50	\$ 864.50
27681 00	Surgery	15.23	15.23	\$ 1,066.10	\$ 1,066.10
27685 00	Surgery	19.67	13.64	\$ 1,376.90	\$ 954.80
27686 00	Surgery	15.81	15.81	\$ 1,106.70	\$ 1,106.70
27687 00	Surgery	13.36	13.36	\$ 935.20	\$ 935.20
27690 00	Surgery	18.91	18.91	\$ 1,323.70	\$ 1,323.70
27691 00	Surgery	21.94	21.94	\$ 1,535.80	\$ 1,535.80
27692 00	Surgery	3.01	3.01	\$ 210.70	\$ 210.70
27695 00	Surgery	13.99	13.99	\$ 979.30	\$ 979.30
27696 00	Surgery	16.22	16.22	\$ 1,135.40	\$ 1,135.40
27698 00	Surgery	18.79	18.79	\$ 1,315.30	\$ 1,315.30
27700 00	Surgery	17.86	17.86	\$ 1,250.20	\$ 1,250.20
27702 00	Surgery	28.40	28.40	\$ 1,988.00	\$ 1,988.00
27703 00	Surgery	32.85	32.85	\$ 2,299.50	\$ 2,299.50
27704 00	Surgery	16.85	16.85	\$ 1,179.50	\$ 1,179.50
27705 00	Surgery	22.32	22.32	\$ 1,562.40	\$ 1,562.40
27707 00	Surgery	11.79	11.79	\$ 825.30	\$ 825.30
27709 00	Surgery	34.02	34.02	\$ 2,381.40	\$ 2,381.40
27712 00	Surgery	32.50	32.50	\$ 2,275.00	\$ 2,275.00
27715 00	Surgery	31.65	31.65	\$ 2,215.50	\$ 2,215.50
27720 00	Surgery	25.83	25.83	\$ 1,808.10	\$ 1,808.10
27722 00	Surgery	26.42	26.42	\$ 1,849.40	\$ 1,849.40
27724 00	Surgery	37.05	37.05	\$ 2,593.50	\$ 2,593.50
27725 00	Surgery	35.82	35.82	\$ 2,507.40	\$ 2,507.40

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
27726 00	Surgery	28.29	28.29	\$ 1,980.30	\$ 1,980.30
27727 00	Surgery	30.64	30.64	\$ 2,144.80	\$ 2,144.80
27730 00	Surgery	17.42	17.42	\$ 1,219.40	\$ 1,219.40
27732 00	Surgery	13.43	13.43	\$ 940.10	\$ 940.10
27734 00	Surgery	19.47	19.47	\$ 1,362.90	\$ 1,362.90
27740 00	Surgery	20.95	20.95	\$ 1,466.50	\$ 1,466.50
27742 00	Surgery	22.98	22.98	\$ 1,608.60	\$ 1,608.60
27745 00	Surgery	22.50	22.50	\$ 1,575.00	\$ 1,575.00
27750 00	Surgery	10.33	9.56	\$ 723.10	\$ 669.20
27752 00	Surgery	15.94	14.58	\$ 1,115.80	\$ 1,020.60
27756 00	Surgery	17.06	17.06	\$ 1,194.20	\$ 1,194.20
27758 00	Surgery	26.45	26.45	\$ 1,851.50	\$ 1,851.50
27759 00	Surgery	29.45	29.45	\$ 2,061.50	\$ 2,061.50
27760 00	Surgery	9.89	9.11	\$ 692.30	\$ 637.70
27762 00	Surgery	14.19	12.83	\$ 993.30	\$ 898.10
27766 00	Surgery	17.90	17.90	\$ 1,253.00	\$ 1,253.00
27767 00	Surgery	8.66	8.58	\$ 606.20	\$ 600.60
27768 00	Surgery	13.24	13.24	\$ 926.80	\$ 926.80
27769 00	Surgery	21.61	21.61	\$ 1,512.70	\$ 1,512.70
27780 00	Surgery	9.18	8.44	\$ 642.60	\$ 590.80
27781 00	Surgery	12.90	11.85	\$ 903.00	\$ 829.50
27784 00	Surgery	20.85	20.85	\$ 1,459.50	\$ 1,459.50
27786 00	Surgery	9.35	8.55	\$ 654.50	\$ 598.50
27788 00	Surgery	12.62	11.42	\$ 883.40	\$ 799.40
27792 00	Surgery	19.08	19.08	\$ 1,335.60	\$ 1,335.60
27808 00	Surgery	9.98	9.07	\$ 698.60	\$ 634.90
27810 00	Surgery	13.99	12.60	\$ 979.30	\$ 882.00
27814 00	Surgery	22.61	22.61	\$ 1,582.70	\$ 1,582.70
27816 00	Surgery	9.80	8.71	\$ 686.00	\$ 609.70
27818 00	Surgery	14.50	12.94	\$ 1,015.00	\$ 905.80
27822 00	Surgery	25.89	25.89	\$ 1,812.30	\$ 1,812.30
27823 00	Surgery	29.14	29.14	\$ 2,039.80	\$ 2,039.80
27824 00	Surgery	9.48	9.08	\$ 663.60	\$ 635.60
27825 00	Surgery	16.14	14.56	\$ 1,129.80	\$ 1,019.20
27826 00	Surgery	25.24	25.24	\$ 1,766.80	\$ 1,766.80
27827 00	Surgery	33.08	33.08	\$ 2,315.60	\$ 2,315.60
27828 00	Surgery	39.23	39.23	\$ 2,746.10	\$ 2,746.10
27829 00	Surgery	20.98	20.98	\$ 1,468.60	\$ 1,468.60
27830 00	Surgery	11.58	10.66	\$ 810.60	\$ 746.20
27831 00	Surgery	12.09	12.09	\$ 846.30	\$ 846.30
27832 00	Surgery	22.39	22.39	\$ 1,567.30	\$ 1,567.30
27840 00	Surgery	11.23	11.23	\$ 786.10	\$ 786.10
27842 00	Surgery	14.66	14.66	\$ 1,026.20	\$ 1,026.20
27846 00	Surgery	21.14	21.14	\$ 1,479.80	\$ 1,479.80
27848 00	Surgery	23.53	23.53	\$ 1,647.10	\$ 1,647.10
27860 00	Surgery	4.94	4.94	\$ 345.80	\$ 345.80
27870 00	Surgery	29.87	29.87	\$ 2,090.90	\$ 2,090.90
27871 00	Surgery	20.33	20.33	\$ 1,423.10	\$ 1,423.10
27880 00	Surgery	26.55	26.55	\$ 1,858.50	\$ 1,858.50
27881 00	Surgery	25.15	25.15	\$ 1,760.50	\$ 1,760.50
27882 00	Surgery	17.40	17.40	\$ 1,218.00	\$ 1,218.00
27884 00	Surgery	16.89	16.89	\$ 1,182.30	\$ 1,182.30
27886 00	Surgery	19.21	19.21	\$ 1,344.70	\$ 1,344.70
27888 00	Surgery	19.24	19.24	\$ 1,346.80	\$ 1,346.80
27889 00	Surgery	18.66	18.66	\$ 1,306.20	\$ 1,306.20
27892 00	Surgery	15.81	15.81	\$ 1,106.70	\$ 1,106.70
27893 00	Surgery	18.14	18.14	\$ 1,269.80	\$ 1,269.80
27894 00	Surgery	24.42	24.42	\$ 1,709.40	\$ 1,709.40
27899 00	Surgery	0.00	0.00	BR	BR

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
28001 00	Surgery	8.12	4.90	\$ 568.40	\$ 343.00
28002 00	Surgery	12.89	9.22	\$ 902.30	\$ 645.40
28003 00	Surgery	20.67	16.41	\$ 1,446.90	\$ 1,148.70
28005 00	Surgery	16.78	16.78	\$ 1,174.60	\$ 1,174.60
28008 00	Surgery	12.85	8.63	\$ 899.50	\$ 604.10
28010 00	Surgery	6.80	6.03	\$ 476.00	\$ 422.10
28011 00	Surgery	9.23	8.17	\$ 646.10	\$ 571.90
28020 00	Surgery	16.32	10.75	\$ 1,142.40	\$ 752.50
28022 00	Surgery	14.51	9.52	\$ 1,015.70	\$ 666.40
28024 00	Surgery	13.58	8.85	\$ 950.60	\$ 619.50
28035 00	Surgery	15.73	10.44	\$ 1,101.10	\$ 730.80
28039 00	Surgery	14.73	10.16	\$ 1,031.10	\$ 711.20
28041 00	Surgery	13.16	13.16	\$ 921.20	\$ 921.20
28043 00	Surgery	11.56	7.59	\$ 809.20	\$ 531.30
28045 00	Surgery	14.37	10.11	\$ 1,005.90	\$ 707.70
28046 00	Surgery	20.91	20.91	\$ 1,463.70	\$ 1,463.70
28047 00	Surgery	30.26	30.26	\$ 2,118.20	\$ 2,118.20
28050 00	Surgery	12.41	8.10	\$ 868.70	\$ 567.00
28052 00	Surgery	13.23	8.29	\$ 926.10	\$ 580.30
28054 00	Surgery	10.98	6.80	\$ 768.60	\$ 476.00
28055 00	Surgery	11.29	11.29	\$ 790.30	\$ 790.30
28060 00	Surgery	15.53	10.55	\$ 1,087.10	\$ 738.50
28062 00	Surgery	17.17	11.85	\$ 1,201.90	\$ 829.50
28070 00	Surgery	15.62	10.31	\$ 1,093.40	\$ 721.70
28072 00	Surgery	14.48	9.37	\$ 1,013.60	\$ 655.90
28080 00	Surgery	15.72	10.88	\$ 1,100.40	\$ 761.60
28086 00	Surgery	16.08	10.44	\$ 1,125.60	\$ 730.80
28088 00	Surgery	13.27	8.24	\$ 928.90	\$ 576.80
28090 00	Surgery	13.84	8.95	\$ 968.80	\$ 626.50
28092 00	Surgery	12.50	7.83	\$ 875.00	\$ 548.10
28100 00	Surgery	18.32	12.23	\$ 1,282.40	\$ 856.10
28102 00	Surgery	18.06	18.06	\$ 1,264.20	\$ 1,264.20
28103 00	Surgery	11.31	11.31	\$ 791.70	\$ 791.70
28104 00	Surgery	15.71	10.37	\$ 1,099.70	\$ 725.90
28106 00	Surgery	12.44	12.44	\$ 870.80	\$ 870.80
28107 00	Surgery	16.91	11.18	\$ 1,183.70	\$ 782.60
28108 00	Surgery	12.95	8.37	\$ 906.50	\$ 585.90
28110 00	Surgery	13.72	8.46	\$ 960.40	\$ 592.20
28111 00	Surgery	14.42	9.42	\$ 1,009.40	\$ 659.40
28112 00	Surgery	14.41	9.09	\$ 1,008.70	\$ 636.30
28113 00	Surgery	17.40	12.39	\$ 1,218.00	\$ 867.30
28114 00	Surgery	31.54	24.42	\$ 2,207.80	\$ 1,709.40
28116 00	Surgery	22.69	16.95	\$ 1,588.30	\$ 1,186.50
28118 00	Surgery	17.94	12.28	\$ 1,255.80	\$ 859.60
28119 00	Surgery	15.53	10.55	\$ 1,087.10	\$ 738.50
28120 00	Surgery	20.07	14.57	\$ 1,404.90	\$ 1,019.90
28122 00	Surgery	17.57	12.77	\$ 1,229.90	\$ 893.90
28124 00	Surgery	14.16	9.70	\$ 991.20	\$ 679.00
28126 00	Surgery	11.60	7.18	\$ 812.00	\$ 502.60
28130 00	Surgery	18.19	18.19	\$ 1,273.30	\$ 1,273.30
28140 00	Surgery	17.22	12.64	\$ 1,205.40	\$ 884.80
28150 00	Surgery	12.52	8.13	\$ 876.40	\$ 569.10
28153 00	Surgery	12.17	7.70	\$ 851.90	\$ 539.00
28160 00	Surgery	12.28	7.78	\$ 859.60	\$ 544.60
28171 00	Surgery	32.67	32.67	\$ 2,286.90	\$ 2,286.90
28173 00	Surgery	21.24	21.24	\$ 1,486.80	\$ 1,486.80
28175 00	Surgery	13.69	13.69	\$ 958.30	\$ 958.30
28190 00	Surgery	7.44	3.89	\$ 520.80	\$ 272.30
28192 00	Surgery	13.80	9.09	\$ 966.00	\$ 636.30

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
28193 00	Surgery	15.60	10.72	\$ 1,092.00	\$ 750.40
28200 00	Surgery	14.69	9.49	\$ 1,028.30	\$ 664.30
28202 00	Surgery	17.77	12.55	\$ 1,243.90	\$ 878.50
28208 00	Surgery	14.40	9.30	\$ 1,008.00	\$ 651.00
28210 00	Surgery	17.77	12.45	\$ 1,243.90	\$ 871.50
28220 00	Surgery	13.38	8.84	\$ 936.60	\$ 618.80
28222 00	Surgery	15.45	10.47	\$ 1,081.50	\$ 732.90
28225 00	Surgery	12.45	7.74	\$ 871.50	\$ 541.80
28226 00	Surgery	18.61	11.74	\$ 1,302.70	\$ 821.80
28230 00	Surgery	12.92	8.29	\$ 904.40	\$ 580.30
28232 00	Surgery	11.36	7.02	\$ 795.20	\$ 491.40
28234 00	Surgery	12.21	7.77	\$ 854.70	\$ 543.90
28238 00	Surgery	19.68	14.14	\$ 1,377.60	\$ 989.80
28240 00	Surgery	13.31	8.59	\$ 931.70	\$ 601.30
28250 00	Surgery	17.16	11.78	\$ 1,201.20	\$ 824.60
28260 00	Surgery	20.81	15.23	\$ 1,456.70	\$ 1,066.10
28261 00	Surgery	35.83	27.67	\$ 2,508.10	\$ 1,936.90
28262 00	Surgery	41.22	32.94	\$ 2,885.40	\$ 2,305.80
28264 00	Surgery	26.97	20.42	\$ 1,887.90	\$ 1,429.40
28270 00	Surgery	14.54	9.75	\$ 1,017.80	\$ 682.50
28272 00	Surgery	11.48	7.30	\$ 803.60	\$ 511.00
28280 00	Surgery	15.13	10.10	\$ 1,059.10	\$ 707.00
28285 00	Surgery	15.91	11.13	\$ 1,113.70	\$ 779.10
28286 00	Surgery	13.14	8.62	\$ 919.80	\$ 603.40
28288 00	Surgery	18.05	12.67	\$ 1,263.50	\$ 886.90
28289 00	Surgery	20.83	13.37	\$ 1,458.10	\$ 935.90
28291 00	Surgery	21.53	14.39	\$ 1,507.10	\$ 1,007.30
28292 00	Surgery	21.01	14.03	\$ 1,470.70	\$ 982.10
28295 00	Surgery	33.25	18.16	\$ 2,327.50	\$ 1,271.20
28296 00	Surgery	26.85	14.93	\$ 1,879.50	\$ 1,045.10
28297 00	Surgery	31.24	17.63	\$ 2,186.80	\$ 1,234.10
28298 00	Surgery	25.07	14.61	\$ 1,754.90	\$ 1,022.70
28299 00	Surgery	30.18	17.10	\$ 2,112.60	\$ 1,197.00
28300 00	Surgery	19.12	19.12	\$ 1,338.40	\$ 1,338.40
28302 00	Surgery	21.16	21.16	\$ 1,481.20	\$ 1,481.20
28304 00	Surgery	24.48	17.81	\$ 1,713.60	\$ 1,246.70
28305 00	Surgery	19.85	19.85	\$ 1,389.50	\$ 1,389.50
28306 00	Surgery	17.93	11.69	\$ 1,255.10	\$ 818.30
28307 00	Surgery	18.20	12.06	\$ 1,274.00	\$ 844.20
28308 00	Surgery	16.99	11.22	\$ 1,189.30	\$ 785.40
28309 00	Surgery	26.06	26.06	\$ 1,824.20	\$ 1,824.20
28310 00	Surgery	16.28	10.56	\$ 1,139.60	\$ 739.20
28312 00	Surgery	15.15	9.39	\$ 1,060.50	\$ 657.30
28313 00	Surgery	15.78	10.52	\$ 1,104.60	\$ 736.40
28315 00	Surgery	14.33	9.55	\$ 1,003.10	\$ 668.50
28320 00	Surgery	18.12	18.12	\$ 1,268.40	\$ 1,268.40
28322 00	Surgery	23.38	16.93	\$ 1,636.60	\$ 1,185.10
28340 00	Surgery	16.80	11.92	\$ 1,176.00	\$ 834.40
28341 00	Surgery	19.47	14.21	\$ 1,362.90	\$ 994.70
28344 00	Surgery	12.50	8.12	\$ 875.00	\$ 568.40
28345 00	Surgery	15.23	10.56	\$ 1,066.10	\$ 739.20
28360 00	Surgery	32.39	32.39	\$ 2,267.30	\$ 2,267.30
28400 00	Surgery	7.29	6.73	\$ 510.30	\$ 471.10
28405 00	Surgery	11.63	10.48	\$ 814.10	\$ 733.60
28406 00	Surgery	16.43	16.43	\$ 1,150.10	\$ 1,150.10
28415 00	Surgery	33.13	33.13	\$ 2,319.10	\$ 2,319.10
28420 00	Surgery	38.32	38.32	\$ 2,682.40	\$ 2,682.40
28430 00	Surgery	7.10	6.22	\$ 497.00	\$ 435.40
28435 00	Surgery	9.84	8.70	\$ 688.80	\$ 609.00

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
28436 00	Surgery	14.45	14.45	\$ 1,011.50	\$ 1,011.50
28445 00	Surgery	30.20	30.20	\$ 2,114.00	\$ 2,114.00
28446 00	Surgery	36.12	36.12	\$ 2,528.40	\$ 2,528.40
28450 00	Surgery	6.23	5.61	\$ 436.10	\$ 392.70
28455 00	Surgery	8.54	7.59	\$ 597.80	\$ 531.30
28456 00	Surgery	10.70	10.70	\$ 749.00	\$ 749.00
28465 00	Surgery	18.53	18.53	\$ 1,297.10	\$ 1,297.10
28470 00	Surgery	6.45	6.03	\$ 451.50	\$ 422.10
28475 00	Surgery	7.56	6.65	\$ 529.20	\$ 465.50
28476 00	Surgery	11.34	11.34	\$ 793.80	\$ 793.80
28485 00	Surgery	16.45	16.45	\$ 1,151.50	\$ 1,151.50
28490 00	Surgery	4.15	3.62	\$ 290.50	\$ 253.40
28495 00	Surgery	5.22	4.32	\$ 365.40	\$ 302.40
28496 00	Surgery	13.66	7.18	\$ 956.20	\$ 502.60
28505 00	Surgery	19.60	14.55	\$ 1,372.00	\$ 1,018.50
28510 00	Surgery	3.56	3.50	\$ 249.20	\$ 245.00
28515 00	Surgery	4.77	4.14	\$ 333.90	\$ 289.80
28525 00	Surgery	16.99	11.83	\$ 1,189.30	\$ 828.10
28530 00	Surgery	3.35	2.91	\$ 234.50	\$ 203.70
28531 00	Surgery	9.94	5.27	\$ 695.80	\$ 368.90
28540 00	Surgery	5.68	5.09	\$ 397.60	\$ 356.30
28545 00	Surgery	9.10	7.96	\$ 637.00	\$ 557.20
28546 00	Surgery	17.75	10.32	\$ 1,242.50	\$ 722.40
28555 00	Surgery	25.53	19.24	\$ 1,787.10	\$ 1,346.80
28570 00	Surgery	6.91	5.76	\$ 483.70	\$ 403.20
28575 00	Surgery	11.16	9.98	\$ 781.20	\$ 698.60
28576 00	Surgery	11.40	11.40	\$ 798.00	\$ 798.00
28585 00	Surgery	25.78	20.08	\$ 1,804.60	\$ 1,405.60
28600 00	Surgery	6.41	5.44	\$ 448.70	\$ 380.80
28605 00	Surgery	10.08	8.96	\$ 705.60	\$ 627.20
28606 00	Surgery	11.19	11.19	\$ 783.30	\$ 783.30
28615 00	Surgery	24.25	24.25	\$ 1,697.50	\$ 1,697.50
28630 00	Surgery	4.56	3.23	\$ 319.20	\$ 226.10
28635 00	Surgery	5.25	3.94	\$ 367.50	\$ 275.80
28636 00	Surgery	9.29	5.83	\$ 650.30	\$ 408.10
28645 00	Surgery	19.42	14.21	\$ 1,359.40	\$ 994.70
28660 00	Surgery	3.57	2.71	\$ 249.90	\$ 189.70
28665 00	Surgery	4.38	3.68	\$ 306.60	\$ 257.60
28666 00	Surgery	5.08	5.08	\$ 355.60	\$ 355.60
28675 00	Surgery	16.96	11.86	\$ 1,187.20	\$ 830.20
28705 00	Surgery	35.80	35.80	\$ 2,506.00	\$ 2,506.00
28715 00	Surgery	27.71	27.71	\$ 1,939.70	\$ 1,939.70
28725 00	Surgery	22.87	22.87	\$ 1,600.90	\$ 1,600.90
28730 00	Surgery	21.58	21.58	\$ 1,510.60	\$ 1,510.60
28735 00	Surgery	22.91	22.91	\$ 1,603.70	\$ 1,603.70
28737 00	Surgery	20.03	20.03	\$ 1,402.10	\$ 1,402.10
28740 00	Surgery	24.72	18.12	\$ 1,730.40	\$ 1,268.40
28750 00	Surgery	23.54	17.05	\$ 1,647.80	\$ 1,193.50
28755 00	Surgery	15.16	9.76	\$ 1,061.20	\$ 683.20
28760 00	Surgery	22.73	16.61	\$ 1,591.10	\$ 1,162.70
28800 00	Surgery	15.54	15.54	\$ 1,087.80	\$ 1,087.80
28805 00	Surgery	20.87	20.87	\$ 1,460.90	\$ 1,460.90
28810 00	Surgery	12.46	12.46	\$ 872.20	\$ 872.20
28820 00	Surgery	9.11	5.29	\$ 637.70	\$ 370.30
28825 00	Surgery	8.92	5.13	\$ 624.40	\$ 359.10
28890 00	Surgery	9.20	6.36	\$ 644.00	\$ 445.20
28899 00	Surgery	0.00	0.00	BR	BR
29000 00	Surgery	10.14	5.71	\$ 709.80	\$ 399.70
29010 00	Surgery	7.89	4.68	\$ 552.30	\$ 327.60

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
29015 00	Surgery	8.47	5.26	\$ 592.90	\$ 368.20
29035 00	Surgery	7.39	4.17	\$ 517.30	\$ 291.90
29040 00	Surgery	8.45	5.04	\$ 591.50	\$ 352.80
29044 00	Surgery	8.28	4.87	\$ 579.60	\$ 340.90
29046 00	Surgery	9.06	5.45	\$ 634.20	\$ 381.50
29049 00	Surgery	2.87	2.02	\$ 200.90	\$ 141.40
29055 00	Surgery	6.29	3.94	\$ 440.30	\$ 275.80
29058 00	Surgery	3.60	2.75	\$ 252.00	\$ 192.50
29065 00	Surgery	2.78	1.98	\$ 194.60	\$ 138.60
29075 00	Surgery	2.54	1.82	\$ 177.80	\$ 127.40
29085 00	Surgery	2.77	1.95	\$ 193.90	\$ 136.50
29086 00	Surgery	2.15	1.40	\$ 150.50	\$ 98.00
29105 00	Surgery	2.40	1.24	\$ 168.00	\$ 86.80
29125 00	Surgery	1.89	1.16	\$ 132.30	\$ 81.20
29126 00	Surgery	2.21	1.41	\$ 154.70	\$ 98.70
29130 00	Surgery	1.20	0.85	\$ 84.00	\$ 59.50
29131 00	Surgery	1.52	1.00	\$ 106.40	\$ 70.00
29200 00	Surgery	0.97	0.54	\$ 67.90	\$ 37.80
29240 00	Surgery	0.90	0.54	\$ 63.00	\$ 37.80
29260 00	Surgery	0.88	0.57	\$ 61.60	\$ 39.90
29280 00	Surgery	0.86	0.57	\$ 60.20	\$ 39.90
29305 00	Surgery	7.17	4.62	\$ 501.90	\$ 323.40
29325 00	Surgery	7.91	5.16	\$ 553.70	\$ 361.20
29345 00	Surgery	3.93	2.91	\$ 275.10	\$ 203.70
29355 00	Surgery	4.17	3.14	\$ 291.90	\$ 219.80
29358 00	Surgery	4.64	3.01	\$ 324.80	\$ 210.70
29365 00	Surgery	3.54	2.53	\$ 247.80	\$ 177.10
29405 00	Surgery	2.33	1.71	\$ 163.10	\$ 119.70
29425 00	Surgery	2.20	1.59	\$ 154.00	\$ 111.30
29435 00	Surgery	3.31	2.37	\$ 231.70	\$ 165.90
29440 00	Surgery	1.24	0.82	\$ 86.80	\$ 57.40
29445 00	Surgery	3.77	2.93	\$ 263.90	\$ 205.10
29450 00	Surgery	4.17	3.28	\$ 291.90	\$ 229.60
29505 00	Surgery	2.54	1.51	\$ 177.80	\$ 105.70
29515 00	Surgery	2.06	1.43	\$ 144.20	\$ 100.10
29520 00	Surgery	1.05	0.54	\$ 73.50	\$ 37.80
29530 00	Surgery	0.89	0.53	\$ 62.30	\$ 37.10
29540 00	Surgery	0.82	0.52	\$ 57.40	\$ 36.40
29550 00	Surgery	0.55	0.33	\$ 38.50	\$ 23.10
29580 00	Surgery	1.87	0.77	\$ 130.90	\$ 53.90
29581 00	Surgery	2.65	0.80	\$ 185.50	\$ 56.00
29584 00	Surgery	2.48	0.46	\$ 173.60	\$ 32.20
29700 00	Surgery	1.80	0.97	\$ 126.00	\$ 67.90
29705 00	Surgery	1.87	1.34	\$ 130.90	\$ 93.80
29710 00	Surgery	3.55	2.42	\$ 248.50	\$ 169.40
29720 00	Surgery	2.47	1.28	\$ 172.90	\$ 89.60
29730 00	Surgery	1.84	1.29	\$ 128.80	\$ 90.30
29740 00	Surgery	2.88	2.03	\$ 201.60	\$ 142.10
29750 00	Surgery	3.13	2.27	\$ 219.10	\$ 158.90
29799 00	Surgery	0.00	0.00	BR	BR
29800 00	Surgery	15.68	15.68	\$ 1,097.60	\$ 1,097.60
29804 00	Surgery	17.80	17.80	\$ 1,246.00	\$ 1,246.00
29805 00	Surgery	13.93	13.93	\$ 975.10	\$ 975.10
29806 00	Surgery	31.20	31.20	\$ 2,184.00	\$ 2,184.00
29807 00	Surgery	30.49	30.49	\$ 2,134.30	\$ 2,134.30
29819 00	Surgery	17.40	17.40	\$ 1,218.00	\$ 1,218.00
29820 00	Surgery	15.93	15.93	\$ 1,115.10	\$ 1,115.10
29821 00	Surgery	17.60	17.60	\$ 1,232.00	\$ 1,232.00
29822 00	Surgery	16.03	16.03	\$ 1,122.10	\$ 1,122.10

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
29823 00	Surgery	17.53	17.53	\$ 1,227.10	\$ 1,227.10
29824 00	Surgery	20.00	20.00	\$ 1,400.00	\$ 1,400.00
29825 00	Surgery	17.39	17.39	\$ 1,217.30	\$ 1,217.30
29826 00	Surgery	5.11	5.11	\$ 357.70	\$ 357.70
29827 00	Surgery	31.54	31.54	\$ 2,207.80	\$ 2,207.80
29828 00	Surgery	27.07	27.07	\$ 1,894.90	\$ 1,894.90
29830 00	Surgery	13.38	13.38	\$ 936.60	\$ 936.60
29834 00	Surgery	14.61	14.61	\$ 1,022.70	\$ 1,022.70
29835 00	Surgery	15.09	15.09	\$ 1,056.30	\$ 1,056.30
29836 00	Surgery	17.25	17.25	\$ 1,207.50	\$ 1,207.50
29837 00	Surgery	15.63	15.63	\$ 1,094.10	\$ 1,094.10
29838 00	Surgery	17.55	17.55	\$ 1,228.50	\$ 1,228.50
29840 00	Surgery	13.36	13.36	\$ 935.20	\$ 935.20
29843 00	Surgery	14.41	14.41	\$ 1,008.70	\$ 1,008.70
29844 00	Surgery	14.78	14.78	\$ 1,034.60	\$ 1,034.60
29845 00	Surgery	17.30	17.30	\$ 1,211.00	\$ 1,211.00
29846 00	Surgery	15.46	15.46	\$ 1,082.20	\$ 1,082.20
29847 00	Surgery	16.11	16.11	\$ 1,127.70	\$ 1,127.70
29848 00	Surgery	15.08	15.08	\$ 1,055.60	\$ 1,055.60
29850 00	Surgery	18.43	18.43	\$ 1,290.10	\$ 1,290.10
29851 00	Surgery	27.44	27.44	\$ 1,920.80	\$ 1,920.80
29855 00	Surgery	23.07	23.07	\$ 1,614.90	\$ 1,614.90
29856 00	Surgery	29.13	29.13	\$ 2,039.10	\$ 2,039.10
29860 00	Surgery	19.00	19.00	\$ 1,330.00	\$ 1,330.00
29861 00	Surgery	21.35	21.35	\$ 1,494.50	\$ 1,494.50
29862 00	Surgery	24.02	24.02	\$ 1,681.40	\$ 1,681.40
29863 00	Surgery	23.98	23.98	\$ 1,678.60	\$ 1,678.60
29866 00	Surgery	31.01	31.01	\$ 2,170.70	\$ 2,170.70
29867 00	Surgery	37.71	37.71	\$ 2,639.70	\$ 2,639.70
29868 00	Surgery	49.17	49.17	\$ 3,441.90	\$ 3,441.90
29870 00	Surgery	16.74	12.01	\$ 1,171.80	\$ 840.70
29871 00	Surgery	15.21	15.21	\$ 1,064.70	\$ 1,064.70
29873 00	Surgery	15.84	15.84	\$ 1,108.80	\$ 1,108.80
29874 00	Surgery	15.90	15.90	\$ 1,113.00	\$ 1,113.00
29875 00	Surgery	14.69	14.69	\$ 1,028.30	\$ 1,028.30
29876 00	Surgery	19.31	19.31	\$ 1,351.70	\$ 1,351.70
29877 00	Surgery	18.37	18.37	\$ 1,285.90	\$ 1,285.90
29879 00	Surgery	19.55	19.55	\$ 1,368.50	\$ 1,368.50
29880 00	Surgery	16.63	16.63	\$ 1,164.10	\$ 1,164.10
29881 00	Surgery	16.04	16.04	\$ 1,122.80	\$ 1,122.80
29882 00	Surgery	20.41	20.41	\$ 1,428.70	\$ 1,428.70
29883 00	Surgery	24.75	24.75	\$ 1,732.50	\$ 1,732.50
29884 00	Surgery	18.30	18.30	\$ 1,281.00	\$ 1,281.00
29885 00	Surgery	22.32	22.32	\$ 1,562.40	\$ 1,562.40
29886 00	Surgery	18.81	18.81	\$ 1,316.70	\$ 1,316.70
29887 00	Surgery	22.24	22.24	\$ 1,556.80	\$ 1,556.80
29888 00	Surgery	28.84	28.84	\$ 2,018.80	\$ 2,018.80
29889 00	Surgery	36.09	36.09	\$ 2,526.30	\$ 2,526.30
29891 00	Surgery	19.75	19.75	\$ 1,382.50	\$ 1,382.50
29892 00	Surgery	18.94	18.94	\$ 1,325.80	\$ 1,325.80
29893 00	Surgery	19.44	12.57	\$ 1,360.80	\$ 879.90
29894 00	Surgery	14.67	14.67	\$ 1,026.90	\$ 1,026.90
29895 00	Surgery	13.75	13.75	\$ 962.50	\$ 962.50
29897 00	Surgery	14.62	14.62	\$ 1,023.40	\$ 1,023.40
29898 00	Surgery	16.49	16.49	\$ 1,154.30	\$ 1,154.30
29899 00	Surgery	30.13	30.13	\$ 2,109.10	\$ 2,109.10
29900 00	Surgery	14.84	14.84	\$ 1,038.80	\$ 1,038.80
29901 00	Surgery	15.97	15.97	\$ 1,117.90	\$ 1,117.90
29902 00	Surgery	16.94	16.94	\$ 1,185.80	\$ 1,185.80

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
29904 00	Surgery	18.86	18.86	\$ 1,320.20	\$ 1,320.20
29905 00	Surgery	15.00	15.00	\$ 1,050.00	\$ 1,050.00
29906 00	Surgery	19.37	19.37	\$ 1,355.90	\$ 1,355.90
29907 00	Surgery	25.88	25.88	\$ 1,811.60	\$ 1,811.60
29914 00	Surgery	29.41	29.41	\$ 2,058.70	\$ 2,058.70
29915 00	Surgery	30.14	30.14	\$ 2,109.80	\$ 2,109.80
29916 00	Surgery	30.14	30.14	\$ 2,109.80	\$ 2,109.80
29999 00	Surgery	0.00	0.00	BR	BR
30000 00	Surgery	7.89	3.48	\$ 552.30	\$ 243.60
30020 00	Surgery	7.96	3.50	\$ 557.20	\$ 245.00
30100 00	Surgery	4.27	1.95	\$ 298.90	\$ 136.50
30110 00	Surgery	7.31	3.80	\$ 511.70	\$ 266.00
30115 00	Surgery	13.73	13.73	\$ 961.10	\$ 961.10
30117 00	Surgery	29.23	9.80	\$ 2,046.10	\$ 686.00
30118 00	Surgery	23.29	23.29	\$ 1,630.30	\$ 1,630.30
30120 00	Surgery	15.13	12.42	\$ 1,059.10	\$ 869.40
30124 00	Surgery	8.86	8.86	\$ 620.20	\$ 620.20
30125 00	Surgery	19.23	19.23	\$ 1,346.10	\$ 1,346.10
30130 00	Surgery	12.28	12.28	\$ 859.60	\$ 859.60
30140 00	Surgery	8.71	5.18	\$ 609.70	\$ 362.60
30150 00	Surgery	23.69	23.69	\$ 1,658.30	\$ 1,658.30
30160 00	Surgery	23.96	23.96	\$ 1,677.20	\$ 1,677.20
30200 00	Surgery	3.33	1.69	\$ 233.10	\$ 118.30
30210 00	Surgery	4.45	2.94	\$ 311.50	\$ 205.80
30220 00	Surgery	9.26	3.66	\$ 648.20	\$ 256.20
30300 00	Surgery	6.06	3.54	\$ 424.20	\$ 247.80
30310 00	Surgery	6.13	6.13	\$ 429.10	\$ 429.10
30320 00	Surgery	14.33	14.33	\$ 1,003.10	\$ 1,003.10
30400 00	Surgery	36.85	36.85	\$ 2,579.50	\$ 2,579.50
30410 00	Surgery	42.37	42.37	\$ 2,965.90	\$ 2,965.90
30420 00	Surgery	42.82	42.82	\$ 2,997.40	\$ 2,997.40
30430 00	Surgery	32.25	32.25	\$ 2,257.50	\$ 2,257.50
30435 00	Surgery	40.15	40.15	\$ 2,810.50	\$ 2,810.50
30450 00	Surgery	52.33	52.33	\$ 3,663.10	\$ 3,663.10
30460 00	Surgery	24.74	24.74	\$ 1,731.80	\$ 1,731.80
30462 00	Surgery	47.63	47.63	\$ 3,334.10	\$ 3,334.10
30465 00	Surgery	30.24	30.24	\$ 2,116.80	\$ 2,116.80
30468 00	Surgery	83.90	4.87	\$ 5,873.00	\$ 340.90
30520 00	Surgery	19.78	19.78	\$ 1,384.60	\$ 1,384.60
30540 00	Surgery	21.71	21.71	\$ 1,519.70	\$ 1,519.70
30545 00	Surgery	29.49	29.49	\$ 2,064.30	\$ 2,064.30
30560 00	Surgery	9.42	4.33	\$ 659.40	\$ 303.10
30580 00	Surgery	18.21	13.54	\$ 1,274.70	\$ 947.80
30600 00	Surgery	17.68	12.49	\$ 1,237.60	\$ 874.30
30620 00	Surgery	19.87	19.87	\$ 1,390.90	\$ 1,390.90
30630 00	Surgery	19.71	19.71	\$ 1,379.70	\$ 1,379.70
30801 00	Surgery	6.66	4.48	\$ 466.20	\$ 313.60
30802 00	Surgery	8.38	5.97	\$ 586.60	\$ 417.90
30901 00	Surgery	4.63	1.64	\$ 324.10	\$ 114.80
30903 00	Surgery	7.29	2.27	\$ 510.30	\$ 158.90
30905 00	Surgery	10.60	3.09	\$ 742.00	\$ 216.30
30906 00	Surgery	10.94	3.95	\$ 765.80	\$ 276.50
30915 00	Surgery	17.69	17.69	\$ 1,238.30	\$ 1,238.30
30920 00	Surgery	25.66	25.66	\$ 1,796.20	\$ 1,796.20
30930 00	Surgery	3.43	3.43	\$ 240.10	\$ 240.10
30999 00	Surgery	0.00	0.00	BR	BR
31000 00	Surgery	5.44	3.12	\$ 380.80	\$ 218.40
31002 00	Surgery	5.75	5.75	\$ 402.50	\$ 402.50
31020 00	Surgery	14.53	11.48	\$ 1,017.10	\$ 803.60

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
31030 00	Surgery	19.03	15.14	\$ 1,332.10	\$ 1,059.80
31032 00	Surgery	17.51	17.51	\$ 1,225.70	\$ 1,225.70
31040 00	Surgery	23.75	23.75	\$ 1,662.50	\$ 1,662.50
31050 00	Surgery	15.20	15.20	\$ 1,064.00	\$ 1,064.00
31051 00	Surgery	20.43	20.43	\$ 1,430.10	\$ 1,430.10
31070 00	Surgery	13.98	13.98	\$ 978.60	\$ 978.60
31075 00	Surgery	24.33	24.33	\$ 1,703.10	\$ 1,703.10
31080 00	Surgery	32.02	32.02	\$ 2,241.40	\$ 2,241.40
31081 00	Surgery	34.28	34.28	\$ 2,399.60	\$ 2,399.60
31084 00	Surgery	35.52	35.52	\$ 2,486.40	\$ 2,486.40
31085 00	Surgery	36.58	36.58	\$ 2,560.60	\$ 2,560.60
31086 00	Surgery	34.56	34.56	\$ 2,419.20	\$ 2,419.20
31087 00	Surgery	32.83	32.83	\$ 2,298.10	\$ 2,298.10
31090 00	Surgery	32.76	32.76	\$ 2,293.20	\$ 2,293.20
31200 00	Surgery	18.47	18.47	\$ 1,292.90	\$ 1,292.90
31201 00	Surgery	23.51	23.51	\$ 1,645.70	\$ 1,645.70
31205 00	Surgery	27.82	27.82	\$ 1,947.40	\$ 1,947.40
31225 00	Surgery	53.48	53.48	\$ 3,743.60	\$ 3,743.60
31230 00	Surgery	59.26	59.26	\$ 4,148.20	\$ 4,148.20
31231 00	Surgery	5.79	1.86	\$ 405.30	\$ 130.20
31233 00	Surgery	7.99	3.90	\$ 559.30	\$ 273.00
31235 00	Surgery	9.07	4.56	\$ 634.90	\$ 319.20
31237 00	Surgery	7.52	4.61	\$ 526.40	\$ 322.70
31238 00	Surgery	7.37	4.83	\$ 515.90	\$ 338.10
31239 00	Surgery	17.77	17.77	\$ 1,243.90	\$ 1,243.90
31240 00	Surgery	4.59	4.59	\$ 321.30	\$ 321.30
31241 00	Surgery	12.88	12.88	\$ 901.60	\$ 901.60
31253 00	Surgery	14.51	14.51	\$ 1,015.70	\$ 1,015.70
31254 00	Surgery	12.89	7.05	\$ 902.30	\$ 493.50
31255 00	Surgery	9.37	9.37	\$ 655.90	\$ 655.90
31256 00	Surgery	5.22	5.22	\$ 365.40	\$ 365.40
31257 00	Surgery	12.93	12.93	\$ 905.10	\$ 905.10
31259 00	Surgery	13.69	13.69	\$ 958.30	\$ 958.30
31267 00	Surgery	7.68	7.68	\$ 537.60	\$ 537.60
31276 00	Surgery	10.95	10.95	\$ 766.50	\$ 766.50
31287 00	Surgery	5.82	5.82	\$ 407.40	\$ 407.40
31288 00	Surgery	6.79	6.79	\$ 475.30	\$ 475.30
31290 00	Surgery	33.39	33.39	\$ 2,337.30	\$ 2,337.30
31291 00	Surgery	35.36	35.36	\$ 2,475.20	\$ 2,475.20
31292 00	Surgery	28.98	28.98	\$ 2,028.60	\$ 2,028.60
31293 00	Surgery	31.36	31.36	\$ 2,195.20	\$ 2,195.20
31294 00	Surgery	35.83	35.83	\$ 2,508.10	\$ 2,508.10
31295 00	Surgery	55.37	4.57	\$ 3,875.90	\$ 319.90
31296 00	Surgery	56.12	5.20	\$ 3,928.40	\$ 364.00
31297 00	Surgery	54.95	4.16	\$ 3,846.50	\$ 291.20
31298 00	Surgery	105.01	7.41	\$ 7,350.70	\$ 518.70
31299 00	Surgery	0.00	0.00	BR	BR
31300 00	Surgery	37.27	37.27	\$ 2,608.90	\$ 2,608.90
31360 00	Surgery	60.61	60.61	\$ 4,242.70	\$ 4,242.70
31365 00	Surgery	74.66	74.66	\$ 5,226.20	\$ 5,226.20
31367 00	Surgery	64.34	64.34	\$ 4,503.80	\$ 4,503.80
31368 00	Surgery	71.26	71.26	\$ 4,988.20	\$ 4,988.20
31370 00	Surgery	60.54	60.54	\$ 4,237.80	\$ 4,237.80
31375 00	Surgery	57.50	57.50	\$ 4,025.00	\$ 4,025.00
31380 00	Surgery	56.70	56.70	\$ 3,969.00	\$ 3,969.00
31382 00	Surgery	62.14	62.14	\$ 4,349.80	\$ 4,349.80
31390 00	Surgery	82.77	82.77	\$ 5,793.90	\$ 5,793.90
31395 00	Surgery	87.26	87.26	\$ 6,108.20	\$ 6,108.20
31400 00	Surgery	29.61	29.61	\$ 2,072.70	\$ 2,072.70

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
31420 00	Surgery	24.39	24.39	\$ 1,707.30	\$ 1,707.30
31500 00	Surgery	4.15	4.15	\$ 290.50	\$ 290.50
31502 00	Surgery	1.02	1.02	\$ 71.40	\$ 71.40
31505 00	Surgery	2.68	1.41	\$ 187.60	\$ 98.70
31510 00	Surgery	6.35	3.49	\$ 444.50	\$ 244.30
31511 00	Surgery	6.27	3.84	\$ 438.90	\$ 268.80
31512 00	Surgery	6.30	3.71	\$ 441.00	\$ 259.70
31513 00	Surgery	3.79	3.79	\$ 265.30	\$ 265.30
31515 00	Surgery	6.35	3.21	\$ 444.50	\$ 224.70
31520 00	Surgery	4.49	4.49	\$ 314.30	\$ 314.30
31525 00	Surgery	7.41	4.61	\$ 518.70	\$ 322.70
31526 00	Surgery	4.53	4.53	\$ 317.10	\$ 317.10
31527 00	Surgery	5.61	5.61	\$ 392.70	\$ 392.70
31528 00	Surgery	4.15	4.15	\$ 290.50	\$ 290.50
31529 00	Surgery	4.65	4.65	\$ 325.50	\$ 325.50
31530 00	Surgery	5.73	5.73	\$ 401.10	\$ 401.10
31531 00	Surgery	6.07	6.07	\$ 424.90	\$ 424.90
31535 00	Surgery	5.46	5.46	\$ 382.20	\$ 382.20
31536 00	Surgery	6.05	6.05	\$ 423.50	\$ 423.50
31540 00	Surgery	6.96	6.96	\$ 487.20	\$ 487.20
31541 00	Surgery	7.59	7.59	\$ 531.30	\$ 531.30
31545 00	Surgery	10.43	10.43	\$ 730.10	\$ 730.10
31546 00	Surgery	15.85	15.85	\$ 1,109.50	\$ 1,109.50
31551 00	Surgery	45.03	45.03	\$ 3,152.10	\$ 3,152.10
31552 00	Surgery	43.47	43.47	\$ 3,042.90	\$ 3,042.90
31553 00	Surgery	49.61	49.61	\$ 3,472.70	\$ 3,472.70
31554 00	Surgery	49.63	49.63	\$ 3,474.10	\$ 3,474.10
31560 00	Surgery	9.00	9.00	\$ 630.00	\$ 630.00
31561 00	Surgery	9.82	9.82	\$ 687.40	\$ 687.40
31570 00	Surgery	10.08	6.62	\$ 705.60	\$ 463.40
31571 00	Surgery	7.17	7.17	\$ 501.90	\$ 501.90
31572 00	Surgery	15.86	5.21	\$ 1,110.20	\$ 364.70
31573 00	Surgery	8.33	4.29	\$ 583.10	\$ 300.30
31574 00	Surgery	30.14	4.30	\$ 2,109.80	\$ 301.00
31575 00	Surgery	3.76	1.94	\$ 263.20	\$ 135.80
31576 00	Surgery	7.98	3.42	\$ 558.60	\$ 239.40
31577 00	Surgery	8.28	3.86	\$ 579.60	\$ 270.20
31578 00	Surgery	8.93	4.24	\$ 625.10	\$ 296.80
31579 00	Surgery	5.78	3.44	\$ 404.60	\$ 240.80
31580 00	Surgery	37.94	37.94	\$ 2,655.80	\$ 2,655.80
31584 00	Surgery	41.83	41.83	\$ 2,928.10	\$ 2,928.10
31587 00	Surgery	35.24	35.24	\$ 2,466.80	\$ 2,466.80
31590 00	Surgery	26.98	26.98	\$ 1,888.60	\$ 1,888.60
31591 00	Surgery	32.09	32.09	\$ 2,246.30	\$ 2,246.30
31592 00	Surgery	50.58	50.58	\$ 3,540.60	\$ 3,540.60
31599 00	Surgery	0.00	0.00	BR	BR
31600 00	Surgery	8.97	8.97	\$ 627.90	\$ 627.90
31601 00	Surgery	13.03	13.03	\$ 912.10	\$ 912.10
31603 00	Surgery	9.37	9.37	\$ 655.90	\$ 655.90
31605 00	Surgery	9.73	9.73	\$ 681.10	\$ 681.10
31610 00	Surgery	28.42	28.42	\$ 1,989.40	\$ 1,989.40
31611 00	Surgery	15.83	15.83	\$ 1,108.10	\$ 1,108.10
31612 00	Surgery	2.70	1.41	\$ 189.00	\$ 98.70
31613 00	Surgery	12.91	12.91	\$ 903.70	\$ 903.70
31614 00	Surgery	21.44	21.44	\$ 1,500.80	\$ 1,500.80
31615 00	Surgery	5.11	3.33	\$ 357.70	\$ 233.10
31622 00	Surgery	7.31	3.83	\$ 511.70	\$ 268.10
31623 00	Surgery	8.20	3.85	\$ 574.00	\$ 269.50
31624 00	Surgery	7.59	3.89	\$ 531.30	\$ 272.30

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
31625 00	Surgery	10.53	4.54	\$ 737.10	\$ 317.80
31626 00	Surgery	25.35	5.76	\$ 1,774.50	\$ 403.20
31627 00	Surgery	37.49	2.82	\$ 2,624.30	\$ 197.40
31628 00	Surgery	11.18	5.11	\$ 782.60	\$ 357.70
31629 00	Surgery	13.84	5.42	\$ 968.80	\$ 379.40
31630 00	Surgery	5.78	5.78	\$ 404.60	\$ 404.60
31631 00	Surgery	6.62	6.62	\$ 463.40	\$ 463.40
31632 00	Surgery	1.89	1.44	\$ 132.30	\$ 100.80
31633 00	Surgery	2.36	1.85	\$ 165.20	\$ 129.50
31634 00	Surgery	51.27	5.54	\$ 3,588.90	\$ 387.80
31635 00	Surgery	8.60	5.10	\$ 602.00	\$ 357.00
31636 00	Surgery	6.37	6.37	\$ 445.90	\$ 445.90
31637 00	Surgery	2.25	2.25	\$ 157.50	\$ 157.50
31638 00	Surgery	7.23	7.23	\$ 506.10	\$ 506.10
31640 00	Surgery	7.24	7.24	\$ 506.80	\$ 506.80
31641 00	Surgery	7.43	7.43	\$ 520.10	\$ 520.10
31643 00	Surgery	5.06	5.06	\$ 354.20	\$ 354.20
31645 00	Surgery	8.04	4.27	\$ 562.80	\$ 298.90
31646 00	Surgery	4.12	4.12	\$ 288.40	\$ 288.40
31647 00	Surgery	6.05	6.05	\$ 423.50	\$ 423.50
31648 00	Surgery	5.79	5.79	\$ 405.30	\$ 405.30
31649 00	Surgery	1.96	1.96	\$ 137.20	\$ 137.20
31651 00	Surgery	2.22	2.22	\$ 155.40	\$ 155.40
31652 00	Surgery	37.33	6.47	\$ 2,613.10	\$ 452.90
31653 00	Surgery	38.74	7.15	\$ 2,711.80	\$ 500.50
31654 00	Surgery	3.63	1.95	\$ 254.10	\$ 136.50
31660 00	Surgery	5.70	5.70	\$ 399.00	\$ 399.00
31661 00	Surgery	6.02	6.02	\$ 421.40	\$ 421.40
31717 00	Surgery	8.61	3.09	\$ 602.70	\$ 216.30
31720 00	Surgery	1.59	1.59	\$ 111.30	\$ 111.30
31725 00	Surgery	2.28	2.28	\$ 159.60	\$ 159.60
31730 00	Surgery	35.74	4.38	\$ 2,501.80	\$ 306.60
31750 00	Surgery	40.65	40.65	\$ 2,845.50	\$ 2,845.50
31755 00	Surgery	51.66	51.66	\$ 3,616.20	\$ 3,616.20
31760 00	Surgery	40.22	40.22	\$ 2,815.40	\$ 2,815.40
31766 00	Surgery	51.94	51.94	\$ 3,635.80	\$ 3,635.80
31770 00	Surgery	38.86	38.86	\$ 2,720.20	\$ 2,720.20
31775 00	Surgery	40.92	40.92	\$ 2,864.40	\$ 2,864.40
31780 00	Surgery	34.73	34.73	\$ 2,431.10	\$ 2,431.10
31781 00	Surgery	40.51	40.51	\$ 2,835.70	\$ 2,835.70
31785 00	Surgery	31.22	31.22	\$ 2,185.40	\$ 2,185.40
31786 00	Surgery	42.17	42.17	\$ 2,951.90	\$ 2,951.90
31800 00	Surgery	21.22	21.22	\$ 1,485.40	\$ 1,485.40
31805 00	Surgery	23.95	23.95	\$ 1,676.50	\$ 1,676.50
31820 00	Surgery	13.12	9.62	\$ 918.40	\$ 673.40
31825 00	Surgery	17.92	14.01	\$ 1,254.40	\$ 980.70
31830 00	Surgery	14.30	10.50	\$ 1,001.00	\$ 735.00
31899 00	Surgery	0.00	0.00	BR	BR
32035 00	Surgery	21.50	21.50	\$ 1,505.00	\$ 1,505.00
32036 00	Surgery	23.17	23.17	\$ 1,621.90	\$ 1,621.90
32096 00	Surgery	23.46	23.46	\$ 1,642.20	\$ 1,642.20
32097 00	Surgery	23.41	23.41	\$ 1,638.70	\$ 1,638.70
32098 00	Surgery	22.20	22.20	\$ 1,554.00	\$ 1,554.00
32100 00	Surgery	23.59	23.59	\$ 1,651.30	\$ 1,651.30
32110 00	Surgery	43.03	43.03	\$ 3,012.10	\$ 3,012.10
32120 00	Surgery	25.57	25.57	\$ 1,789.90	\$ 1,789.90
32124 00	Surgery	27.09	27.09	\$ 1,896.30	\$ 1,896.30
32140 00	Surgery	28.98	28.98	\$ 2,028.60	\$ 2,028.60
32141 00	Surgery	44.52	44.52	\$ 3,116.40	\$ 3,116.40

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
32150 00	Surgery	29.42	29.42	\$ 2,059.40	\$ 2,059.40
32151 00	Surgery	29.42	29.42	\$ 2,059.40	\$ 2,059.40
32160 00	Surgery	23.29	23.29	\$ 1,630.30	\$ 1,630.30
32200 00	Surgery	33.31	33.31	\$ 2,331.70	\$ 2,331.70
32215 00	Surgery	23.49	23.49	\$ 1,644.30	\$ 1,644.30
32220 00	Surgery	46.59	46.59	\$ 3,261.30	\$ 3,261.30
32225 00	Surgery	29.08	29.08	\$ 2,035.60	\$ 2,035.60
32310 00	Surgery	26.87	26.87	\$ 1,880.90	\$ 1,880.90
32320 00	Surgery	46.89	46.89	\$ 3,282.30	\$ 3,282.30
32400 00	Surgery	4.80	2.46	\$ 336.00	\$ 172.20
32408 00	Surgery	27.71	4.44	\$ 1,939.70	\$ 310.80
32440 00	Surgery	45.92	45.92	\$ 3,214.40	\$ 3,214.40
32442 00	Surgery	89.26	89.26	\$ 6,248.20	\$ 6,248.20
32445 00	Surgery	103.10	103.10	\$ 7,217.00	\$ 7,217.00
32480 00	Surgery	43.28	43.28	\$ 3,029.60	\$ 3,029.60
32482 00	Surgery	46.35	46.35	\$ 3,244.50	\$ 3,244.50
32484 00	Surgery	41.93	41.93	\$ 2,935.10	\$ 2,935.10
32486 00	Surgery	68.44	68.44	\$ 4,790.80	\$ 4,790.80
32488 00	Surgery	69.87	69.87	\$ 4,890.90	\$ 4,890.90
32491 00	Surgery	43.05	43.05	\$ 3,013.50	\$ 3,013.50
32501 00	Surgery	7.12	7.12	\$ 498.40	\$ 498.40
32503 00	Surgery	52.48	52.48	\$ 3,673.60	\$ 3,673.60
32504 00	Surgery	59.77	59.77	\$ 4,183.90	\$ 4,183.90
32505 00	Surgery	27.25	27.25	\$ 1,907.50	\$ 1,907.50
32506 00	Surgery	4.57	4.57	\$ 319.90	\$ 319.90
32507 00	Surgery	4.57	4.57	\$ 319.90	\$ 319.90
32540 00	Surgery	50.45	50.45	\$ 3,531.50	\$ 3,531.50
32550 00	Surgery	24.63	5.99	\$ 1,724.10	\$ 419.30
32551 00	Surgery	4.57	4.57	\$ 319.90	\$ 319.90
32552 00	Surgery	5.41	4.63	\$ 378.70	\$ 324.10
32553 00	Surgery	15.89	5.13	\$ 1,112.30	\$ 359.10
32554 00	Surgery	7.08	2.61	\$ 495.60	\$ 182.70
32555 00	Surgery	9.61	3.22	\$ 672.70	\$ 225.40
32556 00	Surgery	22.11	3.60	\$ 1,547.70	\$ 252.00
32557 00	Surgery	19.82	4.36	\$ 1,387.40	\$ 305.20
32560 00	Surgery	7.93	2.25	\$ 555.10	\$ 157.50
32561 00	Surgery	2.76	1.98	\$ 193.20	\$ 138.60
32562 00	Surgery	2.47	1.77	\$ 172.90	\$ 123.90
32601 00	Surgery	8.99	8.99	\$ 629.30	\$ 629.30
32604 00	Surgery	13.97	13.97	\$ 977.90	\$ 977.90
32606 00	Surgery	13.47	13.47	\$ 942.90	\$ 942.90
32607 00	Surgery	8.98	8.98	\$ 628.60	\$ 628.60
32608 00	Surgery	11.06	11.06	\$ 774.20	\$ 774.20
32609 00	Surgery	7.49	7.49	\$ 524.30	\$ 524.30
32650 00	Surgery	19.51	19.51	\$ 1,365.70	\$ 1,365.70
32651 00	Surgery	32.03	32.03	\$ 2,242.10	\$ 2,242.10
32652 00	Surgery	48.56	48.56	\$ 3,399.20	\$ 3,399.20
32653 00	Surgery	31.01	31.01	\$ 2,170.70	\$ 2,170.70
32654 00	Surgery	33.80	33.80	\$ 2,366.00	\$ 2,366.00
32655 00	Surgery	27.99	27.99	\$ 1,959.30	\$ 1,959.30
32656 00	Surgery	23.50	23.50	\$ 1,645.00	\$ 1,645.00
32658 00	Surgery	20.90	20.90	\$ 1,463.00	\$ 1,463.00
32659 00	Surgery	21.43	21.43	\$ 1,500.10	\$ 1,500.10
32661 00	Surgery	23.36	23.36	\$ 1,635.20	\$ 1,635.20
32662 00	Surgery	26.12	26.12	\$ 1,828.40	\$ 1,828.40
32663 00	Surgery	40.92	40.92	\$ 2,864.40	\$ 2,864.40
32664 00	Surgery	24.81	24.81	\$ 1,736.70	\$ 1,736.70
32665 00	Surgery	35.98	35.98	\$ 2,518.60	\$ 2,518.60
32666 00	Surgery	25.45	25.45	\$ 1,781.50	\$ 1,781.50

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
32667 00	Surgery	4.57	4.57	\$ 319.90	\$ 319.90
32668 00	Surgery	4.58	4.58	\$ 320.60	\$ 320.60
32669 00	Surgery	39.25	39.25	\$ 2,747.50	\$ 2,747.50
32670 00	Surgery	46.87	46.87	\$ 3,280.90	\$ 3,280.90
32671 00	Surgery	51.83	51.83	\$ 3,628.10	\$ 3,628.10
32672 00	Surgery	44.53	44.53	\$ 3,117.10	\$ 3,117.10
32673 00	Surgery	35.52	35.52	\$ 2,486.40	\$ 2,486.40
32674 00	Surgery	6.29	6.29	\$ 440.30	\$ 440.30
32701 00	Surgery	6.21	6.21	\$ 434.70	\$ 434.70
32800 00	Surgery	27.73	27.73	\$ 1,941.10	\$ 1,941.10
32810 00	Surgery	26.35	26.35	\$ 1,844.50	\$ 1,844.50
32815 00	Surgery	82.02	82.02	\$ 5,741.40	\$ 5,741.40
32820 00	Surgery	38.94	38.94	\$ 2,725.80	\$ 2,725.80
32850 00	Surgery	0.00	0.00	BR	BR
32851 00	Surgery	95.58	95.58	\$ 6,690.60	\$ 6,690.60
32852 00	Surgery	104.56	104.56	\$ 7,319.20	\$ 7,319.20
32853 00	Surgery	133.47	133.47	\$ 9,342.90	\$ 9,342.90
32854 00	Surgery	141.56	141.56	\$ 9,909.20	\$ 9,909.20
32855 00	Surgery	-	-	\$ 549.50	\$ 549.50
32856 00	Surgery	-	-	\$ 671.30	\$ 671.30
32900 00	Surgery	41.75	41.75	\$ 2,922.50	\$ 2,922.50
32905 00	Surgery	39.02	39.02	\$ 2,731.40	\$ 2,731.40
32906 00	Surgery	48.16	48.16	\$ 3,371.20	\$ 3,371.20
32940 00	Surgery	36.05	36.05	\$ 2,523.50	\$ 2,523.50
32960 00	Surgery	3.73	2.66	\$ 261.10	\$ 186.20
32994 00	Surgery	162.13	12.69	\$ 11,349.10	\$ 888.30
32997 00	Surgery	9.92	9.92	\$ 694.40	\$ 694.40
32998 00	Surgery	102.62	12.67	\$ 7,183.40	\$ 886.90
32999 00	Surgery	0.00	0.00	BR	BR
33016 00	Surgery	6.89	6.89	\$ 482.30	\$ 482.30
33017 00	Surgery	7.14	7.14	\$ 499.80	\$ 499.80
33018 00	Surgery	8.11	8.11	\$ 567.70	\$ 567.70
33019 00	Surgery	6.60	6.60	\$ 462.00	\$ 462.00
33020 00	Surgery	24.19	24.19	\$ 1,693.30	\$ 1,693.30
33025 00	Surgery	22.51	22.51	\$ 1,575.70	\$ 1,575.70
33030 00	Surgery	58.44	58.44	\$ 4,090.80	\$ 4,090.80
33031 00	Surgery	72.36	72.36	\$ 5,065.20	\$ 5,065.20
33050 00	Surgery	29.43	29.43	\$ 2,060.10	\$ 2,060.10
33120 00	Surgery	61.15	61.15	\$ 4,280.50	\$ 4,280.50
33130 00	Surgery	39.94	39.94	\$ 2,795.80	\$ 2,795.80
33140 00	Surgery	45.52	45.52	\$ 3,186.40	\$ 3,186.40
33141 00	Surgery	3.86	3.86	\$ 270.20	\$ 270.20
33202 00	Surgery	22.56	22.56	\$ 1,579.20	\$ 1,579.20
33203 00	Surgery	23.63	23.63	\$ 1,654.10	\$ 1,654.10
33206 00	Surgery	13.41	13.41	\$ 938.70	\$ 938.70
33207 00	Surgery	14.10	14.10	\$ 987.00	\$ 987.00
33208 00	Surgery	15.31	15.31	\$ 1,071.70	\$ 1,071.70
33210 00	Surgery	4.75	4.75	\$ 332.50	\$ 332.50
33211 00	Surgery	4.97	4.97	\$ 347.90	\$ 347.90
33212 00	Surgery	9.50	9.50	\$ 665.00	\$ 665.00
33213 00	Surgery	9.89	9.89	\$ 692.30	\$ 692.30
33214 00	Surgery	14.12	14.12	\$ 988.40	\$ 988.40
33215 00	Surgery	9.11	9.11	\$ 637.70	\$ 637.70
33216 00	Surgery	10.96	10.96	\$ 767.20	\$ 767.20
33217 00	Surgery	10.85	10.85	\$ 759.50	\$ 759.50
33218 00	Surgery	11.45	11.45	\$ 801.50	\$ 801.50
33220 00	Surgery	11.07	11.07	\$ 774.90	\$ 774.90
33221 00	Surgery	10.66	10.66	\$ 746.20	\$ 746.20
33222 00	Surgery	10.08	10.08	\$ 705.60	\$ 705.60

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
33223 00	Surgery	12.10	12.10	\$ 847.00	\$ 847.00
33224 00	Surgery	15.11	15.11	\$ 1,057.70	\$ 1,057.70
33225 00	Surgery	13.72	13.72	\$ 960.40	\$ 960.40
33226 00	Surgery	14.46	14.46	\$ 1,012.20	\$ 1,012.20
33227 00	Surgery	9.98	9.98	\$ 698.60	\$ 698.60
33228 00	Surgery	10.45	10.45	\$ 731.50	\$ 731.50
33229 00	Surgery	11.05	11.05	\$ 773.50	\$ 773.50
33230 00	Surgery	11.30	11.30	\$ 791.00	\$ 791.00
33231 00	Surgery	11.81	11.81	\$ 826.70	\$ 826.70
33233 00	Surgery	6.86	6.86	\$ 480.20	\$ 480.20
33234 00	Surgery	14.32	14.32	\$ 1,002.40	\$ 1,002.40
33235 00	Surgery	18.78	18.78	\$ 1,314.60	\$ 1,314.60
33236 00	Surgery	22.90	22.90	\$ 1,603.00	\$ 1,603.00
33237 00	Surgery	24.55	24.55	\$ 1,718.50	\$ 1,718.50
33238 00	Surgery	27.68	27.68	\$ 1,937.60	\$ 1,937.60
33240 00	Surgery	10.75	10.75	\$ 752.50	\$ 752.50
33241 00	Surgery	6.34	6.34	\$ 443.80	\$ 443.80
33243 00	Surgery	40.09	40.09	\$ 2,806.30	\$ 2,806.30
33244 00	Surgery	25.51	25.51	\$ 1,785.70	\$ 1,785.70
33249 00	Surgery	26.99	26.99	\$ 1,889.30	\$ 1,889.30
33250 00	Surgery	42.55	42.55	\$ 2,978.50	\$ 2,978.50
33251 00	Surgery	47.58	47.58	\$ 3,330.60	\$ 3,330.60
33254 00	Surgery	39.65	39.65	\$ 2,775.50	\$ 2,775.50
33255 00	Surgery	47.52	47.52	\$ 3,326.40	\$ 3,326.40
33256 00	Surgery	56.73	56.73	\$ 3,971.10	\$ 3,971.10
33257 00	Surgery	17.03	17.03	\$ 1,192.10	\$ 1,192.10
33258 00	Surgery	19.00	19.00	\$ 1,330.00	\$ 1,330.00
33259 00	Surgery	24.70	24.70	\$ 1,729.00	\$ 1,729.00
33261 00	Surgery	47.08	47.08	\$ 3,295.60	\$ 3,295.60
33262 00	Surgery	11.01	11.01	\$ 770.70	\$ 770.70
33263 00	Surgery	11.45	11.45	\$ 801.50	\$ 801.50
33264 00	Surgery	11.96	11.96	\$ 837.20	\$ 837.20
33265 00	Surgery	39.78	39.78	\$ 2,784.60	\$ 2,784.60
33266 00	Surgery	53.89	53.89	\$ 3,772.30	\$ 3,772.30
33270 00	Surgery	16.59	16.59	\$ 1,161.30	\$ 1,161.30
33271 00	Surgery	13.30	13.30	\$ 931.00	\$ 931.00
33272 00	Surgery	10.20	10.20	\$ 714.00	\$ 714.00
33273 00	Surgery	11.71	11.71	\$ 819.70	\$ 819.70
33274 00	Surgery	14.23	14.23	\$ 996.10	\$ 996.10
33275 00	Surgery	15.43	15.43	\$ 1,080.10	\$ 1,080.10
33285 00	Surgery	149.03	2.58	\$ 10,432.10	\$ 180.60
33286 00	Surgery	4.04	2.55	\$ 282.80	\$ 178.50
33289 00	Surgery	9.74	9.74	\$ 681.80	\$ 681.80
33300 00	Surgery	71.45	71.45	\$ 5,001.50	\$ 5,001.50
33305 00	Surgery	119.43	119.43	\$ 8,360.10	\$ 8,360.10
33310 00	Surgery	34.15	34.15	\$ 2,390.50	\$ 2,390.50
33315 00	Surgery	55.93	55.93	\$ 3,915.10	\$ 3,915.10
33320 00	Surgery	30.91	30.91	\$ 2,163.70	\$ 2,163.70
33321 00	Surgery	34.70	34.70	\$ 2,429.00	\$ 2,429.00
33322 00	Surgery	40.63	40.63	\$ 2,844.10	\$ 2,844.10
33330 00	Surgery	41.61	41.61	\$ 2,912.70	\$ 2,912.70
33335 00	Surgery	54.57	54.57	\$ 3,819.90	\$ 3,819.90
33340 00	Surgery	23.06	23.06	\$ 1,614.20	\$ 1,614.20
33361 00	Surgery	35.34	35.34	\$ 2,473.80	\$ 2,473.80
33362 00	Surgery	38.50	38.50	\$ 2,695.00	\$ 2,695.00
33363 00	Surgery	39.93	39.93	\$ 2,795.10	\$ 2,795.10
33364 00	Surgery	39.95	39.95	\$ 2,796.50	\$ 2,796.50
33365 00	Surgery	41.62	41.62	\$ 2,913.40	\$ 2,913.40
33366 00	Surgery	45.90	45.90	\$ 3,213.00	\$ 3,213.00

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
33367 00	Surgery	18.35	18.35	\$ 1,284.50	\$ 1,284.50
33368 00	Surgery	21.66	21.66	\$ 1,516.20	\$ 1,516.20
33369 00	Surgery	28.60	28.60	\$ 2,002.00	\$ 2,002.00
33390 00	Surgery	56.21	56.21	\$ 3,934.70	\$ 3,934.70
33391 00	Surgery	66.93	66.93	\$ 4,685.10	\$ 4,685.10
33404 00	Surgery	51.08	51.08	\$ 3,575.60	\$ 3,575.60
33405 00	Surgery	66.32	66.32	\$ 4,642.40	\$ 4,642.40
33406 00	Surgery	84.13	84.13	\$ 5,889.10	\$ 5,889.10
33410 00	Surgery	74.23	74.23	\$ 5,196.10	\$ 5,196.10
33411 00	Surgery	97.95	97.95	\$ 6,856.50	\$ 6,856.50
33412 00	Surgery	91.95	91.95	\$ 6,436.50	\$ 6,436.50
33413 00	Surgery	94.15	94.15	\$ 6,590.50	\$ 6,590.50
33414 00	Surgery	62.75	62.75	\$ 4,392.50	\$ 4,392.50
33415 00	Surgery	59.10	59.10	\$ 4,137.00	\$ 4,137.00
33416 00	Surgery	59.05	59.05	\$ 4,133.50	\$ 4,133.50
33417 00	Surgery	48.76	48.76	\$ 3,413.20	\$ 3,413.20
33418 00	Surgery	52.51	52.51	\$ 3,675.70	\$ 3,675.70
33419 00	Surgery	12.40	12.40	\$ 868.00	\$ 868.00
33420 00	Surgery	42.38	42.38	\$ 2,966.60	\$ 2,966.60
33422 00	Surgery	48.61	48.61	\$ 3,402.70	\$ 3,402.70
33425 00	Surgery	79.79	79.79	\$ 5,585.30	\$ 5,585.30
33426 00	Surgery	69.52	69.52	\$ 4,866.40	\$ 4,866.40
33427 00	Surgery	71.21	71.21	\$ 4,984.70	\$ 4,984.70
33430 00	Surgery	81.81	81.81	\$ 5,726.70	\$ 5,726.70
33440 00	Surgery	96.38	96.38	\$ 6,746.60	\$ 6,746.60
33460 00	Surgery	70.14	70.14	\$ 4,909.80	\$ 4,909.80
33463 00	Surgery	89.68	89.68	\$ 6,277.60	\$ 6,277.60
33464 00	Surgery	71.18	71.18	\$ 4,982.60	\$ 4,982.60
33465 00	Surgery	80.35	80.35	\$ 5,624.50	\$ 5,624.50
33468 00	Surgery	71.59	71.59	\$ 5,011.30	\$ 5,011.30
33470 00	Surgery	36.21	36.21	\$ 2,534.70	\$ 2,534.70
33471 00	Surgery	38.72	38.72	\$ 2,710.40	\$ 2,710.40
33474 00	Surgery	63.68	63.68	\$ 4,457.60	\$ 4,457.60
33475 00	Surgery	67.85	67.85	\$ 4,749.50	\$ 4,749.50
33476 00	Surgery	44.55	44.55	\$ 3,118.50	\$ 3,118.50
33477 00	Surgery	39.58	39.58	\$ 2,770.60	\$ 2,770.60
33478 00	Surgery	46.02	46.02	\$ 3,221.40	\$ 3,221.40
33496 00	Surgery	48.65	48.65	\$ 3,405.50	\$ 3,405.50
33500 00	Surgery	45.61	45.61	\$ 3,192.70	\$ 3,192.70
33501 00	Surgery	32.63	32.63	\$ 2,284.10	\$ 2,284.10
33502 00	Surgery	37.35	37.35	\$ 2,614.50	\$ 2,614.50
33503 00	Surgery	38.83	38.83	\$ 2,718.10	\$ 2,718.10
33504 00	Surgery	42.89	42.89	\$ 3,002.30	\$ 3,002.30
33505 00	Surgery	60.22	60.22	\$ 4,215.40	\$ 4,215.40
33506 00	Surgery	59.96	59.96	\$ 4,197.20	\$ 4,197.20
33507 00	Surgery	50.31	50.31	\$ 3,521.70	\$ 3,521.70
33508 00	Surgery	0.46	0.46	\$ 32.20	\$ 32.20
33510 00	Surgery	56.49	56.49	\$ 3,954.30	\$ 3,954.30
33511 00	Surgery	62.02	62.02	\$ 4,341.40	\$ 4,341.40
33512 00	Surgery	70.73	70.73	\$ 4,951.10	\$ 4,951.10
33513 00	Surgery	72.64	72.64	\$ 5,084.80	\$ 5,084.80
33514 00	Surgery	76.56	76.56	\$ 5,359.20	\$ 5,359.20
33516 00	Surgery	78.93	78.93	\$ 5,525.10	\$ 5,525.10
33517 00	Surgery	5.46	5.46	\$ 382.20	\$ 382.20
33518 00	Surgery	12.01	12.01	\$ 840.70	\$ 840.70
33519 00	Surgery	15.88	15.88	\$ 1,111.60	\$ 1,111.60
33521 00	Surgery	19.06	19.06	\$ 1,334.20	\$ 1,334.20
33522 00	Surgery	21.40	21.40	\$ 1,498.00	\$ 1,498.00
33523 00	Surgery	24.27	24.27	\$ 1,698.90	\$ 1,698.90

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
33530 00	Surgery	15.32	15.32	\$ 1,072.40	\$ 1,072.40
33533 00	Surgery	54.69	54.69	\$ 3,828.30	\$ 3,828.30
33534 00	Surgery	64.19	64.19	\$ 4,493.30	\$ 4,493.30
33535 00	Surgery	71.52	71.52	\$ 5,006.40	\$ 5,006.40
33536 00	Surgery	76.96	76.96	\$ 5,387.20	\$ 5,387.20
33542 00	Surgery	76.78	76.78	\$ 5,374.60	\$ 5,374.60
33545 00	Surgery	89.61	89.61	\$ 6,272.70	\$ 6,272.70
33548 00	Surgery	86.60	86.60	\$ 6,062.00	\$ 6,062.00
33572 00	Surgery	6.73	6.73	\$ 471.10	\$ 471.10
33600 00	Surgery	50.26	50.26	\$ 3,518.20	\$ 3,518.20
33602 00	Surgery	48.77	48.77	\$ 3,413.90	\$ 3,413.90
33606 00	Surgery	51.99	51.99	\$ 3,639.30	\$ 3,639.30
33608 00	Surgery	52.64	52.64	\$ 3,684.80	\$ 3,684.80
33610 00	Surgery	51.90	51.90	\$ 3,633.00	\$ 3,633.00
33611 00	Surgery	56.96	56.96	\$ 3,987.20	\$ 3,987.20
33612 00	Surgery	58.49	58.49	\$ 4,094.30	\$ 4,094.30
33615 00	Surgery	58.38	58.38	\$ 4,086.60	\$ 4,086.60
33617 00	Surgery	63.23	63.23	\$ 4,426.10	\$ 4,426.10
33619 00	Surgery	80.18	80.18	\$ 5,612.60	\$ 5,612.60
33620 00	Surgery	48.17	48.17	\$ 3,371.90	\$ 3,371.90
33621 00	Surgery	27.21	27.21	\$ 1,904.70	\$ 1,904.70
33622 00	Surgery	100.18	100.18	\$ 7,012.60	\$ 7,012.60
33641 00	Surgery	47.89	47.89	\$ 3,352.30	\$ 3,352.30
33645 00	Surgery	50.58	50.58	\$ 3,540.60	\$ 3,540.60
33647 00	Surgery	53.07	53.07	\$ 3,714.90	\$ 3,714.90
33660 00	Surgery	51.30	51.30	\$ 3,591.00	\$ 3,591.00
33665 00	Surgery	55.88	55.88	\$ 3,911.60	\$ 3,911.60
33670 00	Surgery	57.62	57.62	\$ 4,033.40	\$ 4,033.40
33675 00	Surgery	57.58	57.58	\$ 4,030.60	\$ 4,030.60
33676 00	Surgery	59.10	59.10	\$ 4,137.00	\$ 4,137.00
33677 00	Surgery	61.36	61.36	\$ 4,295.20	\$ 4,295.20
33681 00	Surgery	53.90	53.90	\$ 3,773.00	\$ 3,773.00
33684 00	Surgery	55.16	55.16	\$ 3,861.20	\$ 3,861.20
33688 00	Surgery	55.02	55.02	\$ 3,851.40	\$ 3,851.40
33690 00	Surgery	35.14	35.14	\$ 2,459.80	\$ 2,459.80
33692 00	Surgery	57.15	57.15	\$ 4,000.50	\$ 4,000.50
33694 00	Surgery	56.96	56.96	\$ 3,987.20	\$ 3,987.20
33697 00	Surgery	60.00	60.00	\$ 4,200.00	\$ 4,200.00
33702 00	Surgery	45.25	45.25	\$ 3,167.50	\$ 3,167.50
33710 00	Surgery	59.90	59.90	\$ 4,193.00	\$ 4,193.00
33720 00	Surgery	45.29	45.29	\$ 3,170.30	\$ 3,170.30
33722 00	Surgery	47.58	47.58	\$ 3,330.60	\$ 3,330.60
33724 00	Surgery	44.96	44.96	\$ 3,147.20	\$ 3,147.20
33726 00	Surgery	59.37	59.37	\$ 4,155.90	\$ 4,155.90
33730 00	Surgery	58.63	58.63	\$ 4,104.10	\$ 4,104.10
33732 00	Surgery	48.20	48.20	\$ 3,374.00	\$ 3,374.00
33735 00	Surgery	37.95	37.95	\$ 2,656.50	\$ 2,656.50
33736 00	Surgery	41.16	41.16	\$ 2,881.20	\$ 2,881.20
33737 00	Surgery	38.00	38.00	\$ 2,660.00	\$ 2,660.00
33741 00	Surgery	22.10	22.10	\$ 1,547.00	\$ 1,547.00
33745 00	Surgery	31.20	31.20	\$ 2,184.00	\$ 2,184.00
33746 00	Surgery	12.33	12.33	\$ 863.10	\$ 863.10
33750 00	Surgery	36.98	36.98	\$ 2,588.60	\$ 2,588.60
33755 00	Surgery	38.54	38.54	\$ 2,697.80	\$ 2,697.80
33762 00	Surgery	37.54	37.54	\$ 2,627.80	\$ 2,627.80
33764 00	Surgery	38.54	38.54	\$ 2,697.80	\$ 2,697.80
33766 00	Surgery	39.01	39.01	\$ 2,730.70	\$ 2,730.70
33767 00	Surgery	41.63	41.63	\$ 2,914.10	\$ 2,914.10
33768 00	Surgery	12.15	12.15	\$ 850.50	\$ 850.50

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
33770 00	Surgery	61.81	61.81	\$ 4,326.70	\$ 4,326.70
33771 00	Surgery	63.62	63.62	\$ 4,453.40	\$ 4,453.40
33774 00	Surgery	52.62	52.62	\$ 3,683.40	\$ 3,683.40
33775 00	Surgery	54.20	54.20	\$ 3,794.00	\$ 3,794.00
33776 00	Surgery	57.29	57.29	\$ 4,010.30	\$ 4,010.30
33777 00	Surgery	55.33	55.33	\$ 3,873.10	\$ 3,873.10
33778 00	Surgery	68.67	68.67	\$ 4,806.90	\$ 4,806.90
33779 00	Surgery	67.92	67.92	\$ 4,754.40	\$ 4,754.40
33780 00	Surgery	69.16	69.16	\$ 4,841.20	\$ 4,841.20
33781 00	Surgery	67.54	67.54	\$ 4,727.80	\$ 4,727.80
33782 00	Surgery	94.23	94.23	\$ 6,596.10	\$ 6,596.10
33783 00	Surgery	101.82	101.82	\$ 7,127.40	\$ 7,127.40
33786 00	Surgery	66.57	66.57	\$ 4,659.90	\$ 4,659.90
33788 00	Surgery	44.88	44.88	\$ 3,141.60	\$ 3,141.60
33800 00	Surgery	28.87	28.87	\$ 2,020.90	\$ 2,020.90
33802 00	Surgery	31.77	31.77	\$ 2,223.90	\$ 2,223.90
33803 00	Surgery	33.72	33.72	\$ 2,360.40	\$ 2,360.40
33813 00	Surgery	36.31	36.31	\$ 2,541.70	\$ 2,541.70
33814 00	Surgery	44.59	44.59	\$ 3,121.30	\$ 3,121.30
33820 00	Surgery	28.31	28.31	\$ 1,981.70	\$ 1,981.70
33822 00	Surgery	29.85	29.85	\$ 2,089.50	\$ 2,089.50
33824 00	Surgery	34.54	34.54	\$ 2,417.80	\$ 2,417.80
33840 00	Surgery	36.27	36.27	\$ 2,538.90	\$ 2,538.90
33845 00	Surgery	39.03	39.03	\$ 2,732.10	\$ 2,732.10
33851 00	Surgery	37.24	37.24	\$ 2,606.80	\$ 2,606.80
33852 00	Surgery	40.95	40.95	\$ 2,866.50	\$ 2,866.50
33853 00	Surgery	53.60	53.60	\$ 3,752.00	\$ 3,752.00
33858 00	Surgery	99.07	99.07	\$ 6,934.90	\$ 6,934.90
33859 00	Surgery	71.20	71.20	\$ 4,984.00	\$ 4,984.00
33863 00	Surgery	91.91	91.91	\$ 6,433.70	\$ 6,433.70
33864 00	Surgery	93.88	93.88	\$ 6,571.60	\$ 6,571.60
33866 00	Surgery	26.94	26.94	\$ 1,885.80	\$ 1,885.80
33871 00	Surgery	95.14	95.14	\$ 6,659.80	\$ 6,659.80
33875 00	Surgery	79.72	79.72	\$ 5,580.40	\$ 5,580.40
33877 00	Surgery	105.20	105.20	\$ 7,364.00	\$ 7,364.00
33880 00	Surgery	52.13	52.13	\$ 3,649.10	\$ 3,649.10
33881 00	Surgery	44.68	44.68	\$ 3,127.60	\$ 3,127.60
33883 00	Surgery	32.43	32.43	\$ 2,270.10	\$ 2,270.10
33884 00	Surgery	11.46	11.46	\$ 802.20	\$ 802.20
33886 00	Surgery	27.78	27.78	\$ 1,944.60	\$ 1,944.60
33889 00	Surgery	22.95	22.95	\$ 1,606.50	\$ 1,606.50
33891 00	Surgery	27.98	27.98	\$ 1,958.60	\$ 1,958.60
33910 00	Surgery	76.51	76.51	\$ 5,355.70	\$ 5,355.70
33915 00	Surgery	40.27	40.27	\$ 2,818.90	\$ 2,818.90
33916 00	Surgery	122.94	122.94	\$ 8,605.80	\$ 8,605.80
33917 00	Surgery	42.63	42.63	\$ 2,984.10	\$ 2,984.10
33920 00	Surgery	52.95	52.95	\$ 3,706.50	\$ 3,706.50
33922 00	Surgery	40.65	40.65	\$ 2,845.50	\$ 2,845.50
33924 00	Surgery	8.33	8.33	\$ 583.10	\$ 583.10
33925 00	Surgery	50.15	50.15	\$ 3,510.50	\$ 3,510.50
33926 00	Surgery	70.55	70.55	\$ 4,938.50	\$ 4,938.50
33927 00	Surgery	74.40	74.40	\$ 5,208.00	\$ 5,208.00
33928 00	Surgery	-	-	\$ 5,160.40	\$ 5,160.40
33929 00	Surgery	-	-	\$ 3,322.20	\$ 3,322.20
33930 00	Surgery	0.00	0.00	BR	BR
33933 00	Surgery	-	-	\$ 775.60	\$ 775.60
33935 00	Surgery	143.98	143.98	\$ 10,078.60	\$ 10,078.60
33940 00	Surgery	0.00	0.00	BR	BR
33944 00	Surgery	-	-	\$ 618.80	\$ 618.80

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
33945 00	Surgery	141.72	141.72	\$ 9,920.40	\$ 9,920.40
33946 00	Surgery	9.03	9.03	\$ 632.10	\$ 632.10
33947 00	Surgery	10.04	10.04	\$ 702.80	\$ 702.80
33948 00	Surgery	6.97	6.97	\$ 487.90	\$ 487.90
33949 00	Surgery	6.75	6.75	\$ 472.50	\$ 472.50
33951 00	Surgery	12.35	12.35	\$ 864.50	\$ 864.50
33952 00	Surgery	12.47	12.47	\$ 872.90	\$ 872.90
33953 00	Surgery	13.81	13.81	\$ 966.70	\$ 966.70
33954 00	Surgery	13.89	13.89	\$ 972.30	\$ 972.30
33955 00	Surgery	24.17	24.17	\$ 1,691.90	\$ 1,691.90
33956 00	Surgery	24.36	24.36	\$ 1,705.20	\$ 1,705.20
33957 00	Surgery	5.37	5.37	\$ 375.90	\$ 375.90
33958 00	Surgery	5.37	5.37	\$ 375.90	\$ 375.90
33959 00	Surgery	6.84	6.84	\$ 478.80	\$ 478.80
33962 00	Surgery	6.84	6.84	\$ 478.80	\$ 478.80
33963 00	Surgery	13.64	13.64	\$ 954.80	\$ 954.80
33964 00	Surgery	14.38	14.38	\$ 1,006.60	\$ 1,006.60
33965 00	Surgery	5.37	5.37	\$ 375.90	\$ 375.90
33966 00	Surgery	6.91	6.91	\$ 483.70	\$ 483.70
33967 00	Surgery	7.58	7.58	\$ 530.60	\$ 530.60
33968 00	Surgery	0.99	0.99	\$ 69.30	\$ 69.30
33969 00	Surgery	7.96	7.96	\$ 557.20	\$ 557.20
33970 00	Surgery	10.29	10.29	\$ 720.30	\$ 720.30
33971 00	Surgery	20.53	20.53	\$ 1,437.10	\$ 1,437.10
33973 00	Surgery	14.68	14.68	\$ 1,027.60	\$ 1,027.60
33974 00	Surgery	26.04	26.04	\$ 1,822.80	\$ 1,822.80
33975 00	Surgery	37.95	37.95	\$ 2,656.50	\$ 2,656.50
33976 00	Surgery	46.27	46.27	\$ 3,238.90	\$ 3,238.90
33977 00	Surgery	32.64	32.64	\$ 2,284.80	\$ 2,284.80
33978 00	Surgery	38.82	38.82	\$ 2,717.40	\$ 2,717.40
33979 00	Surgery	56.74	56.74	\$ 3,971.80	\$ 3,971.80
33980 00	Surgery	51.84	51.84	\$ 3,628.80	\$ 3,628.80
33981 00	Surgery	24.23	24.23	\$ 1,696.10	\$ 1,696.10
33982 00	Surgery	56.96	56.96	\$ 3,987.20	\$ 3,987.20
33983 00	Surgery	67.42	67.42	\$ 4,719.40	\$ 4,719.40
33984 00	Surgery	8.29	8.29	\$ 580.30	\$ 580.30
33985 00	Surgery	14.98	14.98	\$ 1,048.60	\$ 1,048.60
33986 00	Surgery	15.27	15.27	\$ 1,068.90	\$ 1,068.90
33987 00	Surgery	6.10	6.10	\$ 427.00	\$ 427.00
33988 00	Surgery	22.69	22.69	\$ 1,588.30	\$ 1,588.30
33989 00	Surgery	14.38	14.38	\$ 1,006.60	\$ 1,006.60
33990 00	Surgery	10.56	10.56	\$ 739.20	\$ 739.20
33991 00	Surgery	13.79	13.79	\$ 965.30	\$ 965.30
33992 00	Surgery	5.49	5.49	\$ 384.30	\$ 384.30
33993 00	Surgery	4.83	4.83	\$ 338.10	\$ 338.10
33995 00	Surgery	10.61	10.61	\$ 742.70	\$ 742.70
33997 00	Surgery	4.72	4.72	\$ 330.40	\$ 330.40
33999 00	Surgery	0.00	0.00	BR	BR
34001 00	Surgery	26.59	26.59	\$ 1,861.30	\$ 1,861.30
34051 00	Surgery	29.05	29.05	\$ 2,033.50	\$ 2,033.50
34101 00	Surgery	17.40	17.40	\$ 1,218.00	\$ 1,218.00
34111 00	Surgery	17.49	17.49	\$ 1,224.30	\$ 1,224.30
34151 00	Surgery	40.50	40.50	\$ 2,835.00	\$ 2,835.00
34201 00	Surgery	29.80	29.80	\$ 2,086.00	\$ 2,086.00
34203 00	Surgery	27.61	27.61	\$ 1,932.70	\$ 1,932.70
34401 00	Surgery	42.90	42.90	\$ 3,003.00	\$ 3,003.00
34421 00	Surgery	21.46	21.46	\$ 1,502.20	\$ 1,502.20
34451 00	Surgery	41.71	41.71	\$ 2,919.70	\$ 2,919.70
34471 00	Surgery	31.36	31.36	\$ 2,195.20	\$ 2,195.20

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
34490 00	Surgery	18.90	18.90	\$ 1,323.00	\$ 1,323.00
34501 00	Surgery	25.94	25.94	\$ 1,815.80	\$ 1,815.80
34502 00	Surgery	45.21	45.21	\$ 3,164.70	\$ 3,164.70
34510 00	Surgery	29.67	29.67	\$ 2,076.90	\$ 2,076.90
34520 00	Surgery	28.71	28.71	\$ 2,009.70	\$ 2,009.70
34530 00	Surgery	27.33	27.33	\$ 1,913.10	\$ 1,913.10
34701 00	Surgery	36.15	36.15	\$ 2,530.50	\$ 2,530.50
34702 00	Surgery	53.91	53.91	\$ 3,773.70	\$ 3,773.70
34703 00	Surgery	40.02	40.02	\$ 2,801.40	\$ 2,801.40
34704 00	Surgery	66.81	66.81	\$ 4,676.70	\$ 4,676.70
34705 00	Surgery	44.51	44.51	\$ 3,115.70	\$ 3,115.70
34706 00	Surgery	66.97	66.97	\$ 4,687.90	\$ 4,687.90
34707 00	Surgery	33.96	33.96	\$ 2,377.20	\$ 2,377.20
34708 00	Surgery	53.91	53.91	\$ 3,773.70	\$ 3,773.70
34709 00	Surgery	9.41	9.41	\$ 658.70	\$ 658.70
34710 00	Surgery	23.23	23.23	\$ 1,626.10	\$ 1,626.10
34711 00	Surgery	8.68	8.68	\$ 607.60	\$ 607.60
34712 00	Surgery	19.18	19.18	\$ 1,342.60	\$ 1,342.60
34713 00	Surgery	3.62	3.62	\$ 253.40	\$ 253.40
34714 00	Surgery	7.86	7.86	\$ 550.20	\$ 550.20
34715 00	Surgery	8.75	8.75	\$ 612.50	\$ 612.50
34716 00	Surgery	10.82	10.82	\$ 757.40	\$ 757.40
34717 00	Surgery	12.82	12.82	\$ 897.40	\$ 897.40
34718 00	Surgery	35.76	35.76	\$ 2,503.20	\$ 2,503.20
34808 00	Surgery	5.79	5.79	\$ 405.30	\$ 405.30
34812 00	Surgery	6.01	6.01	\$ 420.70	\$ 420.70
34813 00	Surgery	6.90	6.90	\$ 483.00	\$ 483.00
34820 00	Surgery	10.11	10.11	\$ 707.70	\$ 707.70
34830 00	Surgery	51.21	51.21	\$ 3,584.70	\$ 3,584.70
34831 00	Surgery	55.91	55.91	\$ 3,913.70	\$ 3,913.70
34832 00	Surgery	55.03	55.03	\$ 3,852.10	\$ 3,852.10
34833 00	Surgery	11.41	11.41	\$ 798.70	\$ 798.70
34834 00	Surgery	3.77	3.77	\$ 263.90	\$ 263.90
34839 00	Surgery	0.00	0.00	Bundled Code	Bundled Code
34841 00	Surgery	-	-	\$ 2,940.00	\$ 2,940.00
34842 00	Surgery	-	-	\$ 3,217.20	\$ 3,217.20
34843 00	Surgery	-	-	\$ 3,530.10	\$ 3,530.10
34844 00	Surgery	-	-	\$ 3,915.10	\$ 3,915.10
34845 00	Surgery	-	-	\$ 3,472.70	\$ 3,472.70
34846 00	Surgery	-	-	\$ 3,803.80	\$ 3,803.80
34847 00	Surgery	-	-	\$ 4,009.60	\$ 4,009.60
34848 00	Surgery	-	-	\$ 4,281.20	\$ 4,281.20
35001 00	Surgery	32.88	32.88	\$ 2,301.60	\$ 2,301.60
35002 00	Surgery	33.06	33.06	\$ 2,314.20	\$ 2,314.20
35005 00	Surgery	28.94	28.94	\$ 2,025.80	\$ 2,025.80
35011 00	Surgery	29.34	29.34	\$ 2,053.80	\$ 2,053.80
35013 00	Surgery	36.78	36.78	\$ 2,574.60	\$ 2,574.60
35021 00	Surgery	36.81	36.81	\$ 2,576.70	\$ 2,576.70
35022 00	Surgery	42.16	42.16	\$ 2,951.20	\$ 2,951.20
35045 00	Surgery	28.41	28.41	\$ 1,988.70	\$ 1,988.70
35081 00	Surgery	50.37	50.37	\$ 3,525.90	\$ 3,525.90
35082 00	Surgery	63.32	63.32	\$ 4,432.40	\$ 4,432.40
35091 00	Surgery	52.17	52.17	\$ 3,651.90	\$ 3,651.90
35092 00	Surgery	75.33	75.33	\$ 5,273.10	\$ 5,273.10
35102 00	Surgery	54.68	54.68	\$ 3,827.60	\$ 3,827.60
35103 00	Surgery	64.86	64.86	\$ 4,540.20	\$ 4,540.20
35111 00	Surgery	38.59	38.59	\$ 2,701.30	\$ 2,701.30
35112 00	Surgery	47.47	47.47	\$ 3,322.90	\$ 3,322.90
35121 00	Surgery	45.91	45.91	\$ 3,213.70	\$ 3,213.70

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
35122 00	Surgery	54.90	54.90	\$ 3,843.00	\$ 3,843.00
35131 00	Surgery	40.06	40.06	\$ 2,804.20	\$ 2,804.20
35132 00	Surgery	47.47	47.47	\$ 3,322.90	\$ 3,322.90
35141 00	Surgery	31.99	31.99	\$ 2,239.30	\$ 2,239.30
35142 00	Surgery	38.58	38.58	\$ 2,700.60	\$ 2,700.60
35151 00	Surgery	35.91	35.91	\$ 2,513.70	\$ 2,513.70
35152 00	Surgery	40.59	40.59	\$ 2,841.30	\$ 2,841.30
35180 00	Surgery	25.81	25.81	\$ 1,806.70	\$ 1,806.70
35182 00	Surgery	52.37	52.37	\$ 3,665.90	\$ 3,665.90
35184 00	Surgery	28.03	28.03	\$ 1,962.10	\$ 1,962.10
35188 00	Surgery	37.80	37.80	\$ 2,646.00	\$ 2,646.00
35189 00	Surgery	43.86	43.86	\$ 3,070.20	\$ 3,070.20
35190 00	Surgery	22.28	22.28	\$ 1,559.60	\$ 1,559.60
35201 00	Surgery	27.55	27.55	\$ 1,928.50	\$ 1,928.50
35206 00	Surgery	22.85	22.85	\$ 1,599.50	\$ 1,599.50
35207 00	Surgery	22.15	22.15	\$ 1,550.50	\$ 1,550.50
35211 00	Surgery	40.79	40.79	\$ 2,855.30	\$ 2,855.30
35216 00	Surgery	60.94	60.94	\$ 4,265.80	\$ 4,265.80
35221 00	Surgery	42.99	42.99	\$ 3,009.30	\$ 3,009.30
35226 00	Surgery	24.26	24.26	\$ 1,698.20	\$ 1,698.20
35231 00	Surgery	36.63	36.63	\$ 2,564.10	\$ 2,564.10
35236 00	Surgery	29.35	29.35	\$ 2,054.50	\$ 2,054.50
35241 00	Surgery	41.97	41.97	\$ 2,937.90	\$ 2,937.90
35246 00	Surgery	45.72	45.72	\$ 3,200.40	\$ 3,200.40
35251 00	Surgery	50.56	50.56	\$ 3,539.20	\$ 3,539.20
35256 00	Surgery	29.96	29.96	\$ 2,097.20	\$ 2,097.20
35261 00	Surgery	28.45	28.45	\$ 1,991.50	\$ 1,991.50
35266 00	Surgery	25.28	25.28	\$ 1,769.60	\$ 1,769.60
35271 00	Surgery	40.47	40.47	\$ 2,832.90	\$ 2,832.90
35276 00	Surgery	42.61	42.61	\$ 2,982.70	\$ 2,982.70
35281 00	Surgery	47.12	47.12	\$ 3,298.40	\$ 3,298.40
35286 00	Surgery	27.23	27.23	\$ 1,906.10	\$ 1,906.10
35301 00	Surgery	32.98	32.98	\$ 2,308.60	\$ 2,308.60
35302 00	Surgery	32.65	32.65	\$ 2,285.50	\$ 2,285.50
35303 00	Surgery	36.02	36.02	\$ 2,521.40	\$ 2,521.40
35304 00	Surgery	37.03	37.03	\$ 2,592.10	\$ 2,592.10
35305 00	Surgery	35.85	35.85	\$ 2,509.50	\$ 2,509.50
35306 00	Surgery	12.93	12.93	\$ 905.10	\$ 905.10
35311 00	Surgery	45.50	45.50	\$ 3,185.00	\$ 3,185.00
35321 00	Surgery	26.04	26.04	\$ 1,822.80	\$ 1,822.80
35331 00	Surgery	42.23	42.23	\$ 2,956.10	\$ 2,956.10
35341 00	Surgery	39.87	39.87	\$ 2,790.90	\$ 2,790.90
35351 00	Surgery	37.43	37.43	\$ 2,620.10	\$ 2,620.10
35355 00	Surgery	30.01	30.01	\$ 2,100.70	\$ 2,100.70
35361 00	Surgery	44.20	44.20	\$ 3,094.00	\$ 3,094.00
35363 00	Surgery	47.16	47.16	\$ 3,301.20	\$ 3,301.20
35371 00	Surgery	23.79	23.79	\$ 1,665.30	\$ 1,665.30
35372 00	Surgery	28.42	28.42	\$ 1,989.40	\$ 1,989.40
35390 00	Surgery	4.62	4.62	\$ 323.40	\$ 323.40
35400 00	Surgery	4.31	4.31	\$ 301.70	\$ 301.70
35500 00	Surgery	9.26	9.26	\$ 648.20	\$ 648.20
35501 00	Surgery	42.39	42.39	\$ 2,967.30	\$ 2,967.30
35506 00	Surgery	36.98	36.98	\$ 2,588.60	\$ 2,588.60
35508 00	Surgery	38.54	38.54	\$ 2,697.80	\$ 2,697.80
35509 00	Surgery	41.03	41.03	\$ 2,872.10	\$ 2,872.10
35510 00	Surgery	35.71	35.71	\$ 2,499.70	\$ 2,499.70
35511 00	Surgery	32.56	32.56	\$ 2,279.20	\$ 2,279.20
35512 00	Surgery	35.01	35.01	\$ 2,450.70	\$ 2,450.70
35515 00	Surgery	38.54	38.54	\$ 2,697.80	\$ 2,697.80

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
35516 00	Surgery	35.43	35.43	\$ 2,480.10	\$ 2,480.10
35518 00	Surgery	33.18	33.18	\$ 2,322.60	\$ 2,322.60
35521 00	Surgery	35.65	35.65	\$ 2,495.50	\$ 2,495.50
35522 00	Surgery	35.56	35.56	\$ 2,489.20	\$ 2,489.20
35523 00	Surgery	37.15	37.15	\$ 2,600.50	\$ 2,600.50
35525 00	Surgery	33.05	33.05	\$ 2,313.50	\$ 2,313.50
35526 00	Surgery	50.57	50.57	\$ 3,539.90	\$ 3,539.90
35531 00	Surgery	56.61	56.61	\$ 3,962.70	\$ 3,962.70
35533 00	Surgery	43.77	43.77	\$ 3,063.90	\$ 3,063.90
35535 00	Surgery	55.28	55.28	\$ 3,869.60	\$ 3,869.60
35536 00	Surgery	49.09	49.09	\$ 3,436.30	\$ 3,436.30
35537 00	Surgery	60.56	60.56	\$ 4,239.20	\$ 4,239.20
35538 00	Surgery	67.84	67.84	\$ 4,748.80	\$ 4,748.80
35539 00	Surgery	63.64	63.64	\$ 4,454.80	\$ 4,454.80
35540 00	Surgery	70.96	70.96	\$ 4,967.20	\$ 4,967.20
35556 00	Surgery	40.76	40.76	\$ 2,853.20	\$ 2,853.20
35558 00	Surgery	35.71	35.71	\$ 2,499.70	\$ 2,499.70
35560 00	Surgery	49.52	49.52	\$ 3,466.40	\$ 3,466.40
35563 00	Surgery	38.45	38.45	\$ 2,691.50	\$ 2,691.50
35565 00	Surgery	38.21	38.21	\$ 2,674.70	\$ 2,674.70
35566 00	Surgery	48.56	48.56	\$ 3,399.20	\$ 3,399.20
35570 00	Surgery	42.80	42.80	\$ 2,996.00	\$ 2,996.00
35571 00	Surgery	38.58	38.58	\$ 2,700.60	\$ 2,700.60
35572 00	Surgery	10.06	10.06	\$ 704.20	\$ 704.20
35583 00	Surgery	41.98	41.98	\$ 2,938.60	\$ 2,938.60
35585 00	Surgery	48.72	48.72	\$ 3,410.40	\$ 3,410.40
35587 00	Surgery	39.49	39.49	\$ 2,764.30	\$ 2,764.30
35600 00	Surgery	7.48	7.48	\$ 523.60	\$ 523.60
35601 00	Surgery	40.66	40.66	\$ 2,846.20	\$ 2,846.20
35606 00	Surgery	34.10	34.10	\$ 2,387.00	\$ 2,387.00
35612 00	Surgery	30.34	30.34	\$ 2,123.80	\$ 2,123.80
35616 00	Surgery	31.99	31.99	\$ 2,239.30	\$ 2,239.30
35621 00	Surgery	31.91	31.91	\$ 2,233.70	\$ 2,233.70
35623 00	Surgery	38.18	38.18	\$ 2,672.60	\$ 2,672.60
35626 00	Surgery	46.57	46.57	\$ 3,259.90	\$ 3,259.90
35631 00	Surgery	53.93	53.93	\$ 3,775.10	\$ 3,775.10
35632 00	Surgery	52.48	52.48	\$ 3,673.60	\$ 3,673.60
35633 00	Surgery	57.60	57.60	\$ 4,032.00	\$ 4,032.00
35634 00	Surgery	51.35	51.35	\$ 3,594.50	\$ 3,594.50
35636 00	Surgery	46.31	46.31	\$ 3,241.70	\$ 3,241.70
35637 00	Surgery	48.18	48.18	\$ 3,372.60	\$ 3,372.60
35638 00	Surgery	50.69	50.69	\$ 3,548.30	\$ 3,548.30
35642 00	Surgery	28.66	28.66	\$ 2,006.20	\$ 2,006.20
35645 00	Surgery	27.54	27.54	\$ 1,927.80	\$ 1,927.80
35646 00	Surgery	49.84	49.84	\$ 3,488.80	\$ 3,488.80
35647 00	Surgery	45.14	45.14	\$ 3,159.80	\$ 3,159.80
35650 00	Surgery	29.69	29.69	\$ 2,078.30	\$ 2,078.30
35654 00	Surgery	39.78	39.78	\$ 2,784.60	\$ 2,784.60
35656 00	Surgery	31.41	31.41	\$ 2,198.70	\$ 2,198.70
35661 00	Surgery	31.58	31.58	\$ 2,210.60	\$ 2,210.60
35663 00	Surgery	35.37	35.37	\$ 2,475.90	\$ 2,475.90
35665 00	Surgery	34.15	34.15	\$ 2,390.50	\$ 2,390.50
35666 00	Surgery	37.46	37.46	\$ 2,622.20	\$ 2,622.20
35671 00	Surgery	32.97	32.97	\$ 2,307.90	\$ 2,307.90
35681 00	Surgery	2.34	2.34	\$ 163.80	\$ 163.80
35682 00	Surgery	10.28	10.28	\$ 719.60	\$ 719.60
35683 00	Surgery	11.88	11.88	\$ 831.60	\$ 831.60
35685 00	Surgery	5.78	5.78	\$ 404.60	\$ 404.60
35686 00	Surgery	4.66	4.66	\$ 326.20	\$ 326.20

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
35691 00	Surgery	27.49	27.49	\$ 1,924.30	\$ 1,924.30
35693 00	Surgery	24.25	24.25	\$ 1,697.50	\$ 1,697.50
35694 00	Surgery	28.70	28.70	\$ 2,009.00	\$ 2,009.00
35695 00	Surgery	29.80	29.80	\$ 2,086.00	\$ 2,086.00
35697 00	Surgery	4.31	4.31	\$ 301.70	\$ 301.70
35700 00	Surgery	4.43	4.43	\$ 310.10	\$ 310.10
35701 00	Surgery	12.83	12.83	\$ 898.10	\$ 898.10
35702 00	Surgery	12.05	12.05	\$ 843.50	\$ 843.50
35703 00	Surgery	12.24	12.24	\$ 856.80	\$ 856.80
35800 00	Surgery	21.16	21.16	\$ 1,481.20	\$ 1,481.20
35820 00	Surgery	58.71	58.71	\$ 4,109.70	\$ 4,109.70
35840 00	Surgery	35.32	35.32	\$ 2,472.40	\$ 2,472.40
35860 00	Surgery	24.40	24.40	\$ 1,708.00	\$ 1,708.00
35870 00	Surgery	36.24	36.24	\$ 2,536.80	\$ 2,536.80
35875 00	Surgery	17.34	17.34	\$ 1,213.80	\$ 1,213.80
35876 00	Surgery	27.56	27.56	\$ 1,929.20	\$ 1,929.20
35879 00	Surgery	26.86	26.86	\$ 1,880.20	\$ 1,880.20
35881 00	Surgery	29.76	29.76	\$ 2,083.20	\$ 2,083.20
35883 00	Surgery	35.01	35.01	\$ 2,450.70	\$ 2,450.70
35884 00	Surgery	36.01	36.01	\$ 2,520.70	\$ 2,520.70
35901 00	Surgery	13.78	13.78	\$ 964.60	\$ 964.60
35903 00	Surgery	16.55	16.55	\$ 1,158.50	\$ 1,158.50
35905 00	Surgery	51.73	51.73	\$ 3,621.10	\$ 3,621.10
35907 00	Surgery	55.38	55.38	\$ 3,876.60	\$ 3,876.60
36000 00	Surgery	0.00	0.00	Bundled Code	Bundled Code
36002 00	Surgery	4.45	3.02	\$ 311.50	\$ 211.40
36005 00	Surgery	8.58	1.40	\$ 600.60	\$ 98.00
36010 00	Surgery	16.69	3.19	\$ 1,168.30	\$ 223.30
36011 00	Surgery	26.14	4.59	\$ 1,829.80	\$ 321.30
36012 00	Surgery	26.57	5.04	\$ 1,859.90	\$ 352.80
36013 00	Surgery	24.69	3.58	\$ 1,728.30	\$ 250.60
36014 00	Surgery	25.30	4.41	\$ 1,771.00	\$ 308.70
36015 00	Surgery	27.24	4.96	\$ 1,906.80	\$ 347.20
36100 00	Surgery	17.73	4.57	\$ 1,241.10	\$ 319.90
36140 00	Surgery	15.47	2.61	\$ 1,082.90	\$ 182.70
36160 00	Surgery	17.17	3.58	\$ 1,201.90	\$ 250.60
36200 00	Surgery	18.43	4.05	\$ 1,290.10	\$ 283.50
36215 00	Surgery	32.75	6.15	\$ 2,292.50	\$ 430.50
36216 00	Surgery	34.19	7.88	\$ 2,393.30	\$ 551.60
36217 00	Surgery	56.71	9.52	\$ 3,969.70	\$ 666.40
36218 00	Surgery	6.51	1.46	\$ 455.70	\$ 102.20
36221 00	Surgery	31.81	5.84	\$ 2,226.70	\$ 408.80
36222 00	Surgery	38.05	8.26	\$ 2,663.50	\$ 578.20
36223 00	Surgery	49.92	9.34	\$ 3,494.40	\$ 653.80
36224 00	Surgery	63.50	10.55	\$ 4,445.00	\$ 738.50
36225 00	Surgery	47.33	9.29	\$ 3,313.10	\$ 650.30
36226 00	Surgery	60.70	10.44	\$ 4,249.00	\$ 730.80
36227 00	Surgery	7.27	3.44	\$ 508.90	\$ 240.80
36228 00	Surgery	39.76	7.08	\$ 2,783.20	\$ 495.60
36245 00	Surgery	40.13	6.84	\$ 2,809.10	\$ 478.80
36246 00	Surgery	26.13	7.36	\$ 1,829.10	\$ 515.20
36247 00	Surgery	45.55	8.72	\$ 3,188.50	\$ 610.40
36248 00	Surgery	3.85	1.42	\$ 269.50	\$ 99.40
36251 00	Surgery	41.62	7.47	\$ 2,913.40	\$ 522.90
36252 00	Surgery	44.89	10.45	\$ 3,142.30	\$ 731.50
36253 00	Surgery	65.26	10.26	\$ 4,568.20	\$ 718.20
36254 00	Surgery	64.08	11.96	\$ 4,485.60	\$ 837.20
36260 00	Surgery	19.36	19.36	\$ 1,355.20	\$ 1,355.20
36261 00	Surgery	12.13	12.13	\$ 849.10	\$ 849.10

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
36262 00	Surgery	9.25	9.25	\$ 647.50	\$ 647.50
36299 00	Surgery	0.00	0.00	BR	BR
36400 00	Surgery	0.80	0.56	\$ 56.00	\$ 39.20
36405 00	Surgery	0.68	0.44	\$ 47.60	\$ 30.80
36406 00	Surgery	0.50	0.25	\$ 35.00	\$ 17.50
36410 00	Surgery	0.51	0.27	\$ 35.70	\$ 18.90
36415 00	Surgery	-	-	\$ 6.30	\$ 6.30
36416 00	Surgery	0.00	0.00	Bundled Code	Bundled Code
36420 00	Surgery	1.39	1.39	\$ 97.30	\$ 97.30
36425 00	Surgery	1.18	1.18	\$ 82.60	\$ 82.60
36430 00	Surgery	1.08	1.08	\$ 75.60	\$ 75.60
36440 00	Surgery	1.46	1.46	\$ 102.20	\$ 102.20
36450 00	Surgery	4.97	4.97	\$ 347.90	\$ 347.90
36455 00	Surgery	3.69	3.69	\$ 258.30	\$ 258.30
36456 00	Surgery	2.84	2.84	\$ 198.80	\$ 198.80
36460 00	Surgery	10.12	10.12	\$ 708.40	\$ 708.40
36465 00	Surgery	44.29	3.47	\$ 3,100.30	\$ 242.90
36466 00	Surgery	49.40	4.49	\$ 3,458.00	\$ 314.30
36468 00	Surgery	0.00	0.00	BR	BR
36470 00	Surgery	3.37	1.12	\$ 235.90	\$ 78.40
36471 00	Surgery	5.92	2.20	\$ 414.40	\$ 154.00
36473 00	Surgery	41.31	5.22	\$ 2,891.70	\$ 365.40
36474 00	Surgery	8.46	2.62	\$ 592.20	\$ 183.40
36475 00	Surgery	37.76	8.13	\$ 2,643.20	\$ 569.10
36476 00	Surgery	8.96	3.91	\$ 627.20	\$ 273.70
36478 00	Surgery	31.74	8.08	\$ 2,221.80	\$ 565.60
36479 00	Surgery	9.43	3.95	\$ 660.10	\$ 276.50
36481 00	Surgery	56.44	9.47	\$ 3,950.80	\$ 662.90
36482 00	Surgery	55.63	5.24	\$ 3,894.10	\$ 366.80
36483 00	Surgery	4.26	2.59	\$ 298.20	\$ 181.30
36500 00	Surgery	5.31	5.31	\$ 371.70	\$ 371.70
36510 00	Surgery	2.45	1.54	\$ 171.50	\$ 107.80
36511 00	Surgery	3.20	3.20	\$ 224.00	\$ 224.00
36512 00	Surgery	3.13	3.13	\$ 219.10	\$ 219.10
36513 00	Surgery	3.16	3.16	\$ 221.20	\$ 221.20
36514 00	Surgery	18.97	2.75	\$ 1,327.90	\$ 192.50
36516 00	Surgery	58.51	2.47	\$ 4,095.70	\$ 172.90
36522 00	Surgery	50.66	2.85	\$ 3,546.20	\$ 199.50
36555 00	Surgery	5.78	2.45	\$ 404.60	\$ 171.50
36556 00	Surgery	6.56	2.46	\$ 459.20	\$ 172.20
36557 00	Surgery	35.69	9.43	\$ 2,498.30	\$ 660.10
36558 00	Surgery	25.54	7.57	\$ 1,787.80	\$ 529.90
36560 00	Surgery	40.02	11.28	\$ 2,801.40	\$ 789.60
36561 00	Surgery	31.90	9.77	\$ 2,233.00	\$ 683.90
36563 00	Surgery	36.15	10.72	\$ 2,530.50	\$ 750.40
36565 00	Surgery	26.24	9.83	\$ 1,836.80	\$ 688.10
36566 00	Surgery	137.89	10.51	\$ 9,652.30	\$ 735.70
36568 00	Surgery	2.66	2.66	\$ 186.20	\$ 186.20
36569 00	Surgery	2.72	2.72	\$ 190.40	\$ 190.40
36570 00	Surgery	46.55	9.78	\$ 3,258.50	\$ 684.60
36571 00	Surgery	40.58	9.19	\$ 2,840.60	\$ 643.30
36572 00	Surgery	13.34	2.64	\$ 933.80	\$ 184.80
36573 00	Surgery	12.16	2.45	\$ 851.20	\$ 171.50
36575 00	Surgery	4.80	1.00	\$ 336.00	\$ 70.00
36576 00	Surgery	10.54	5.39	\$ 737.80	\$ 377.30
36578 00	Surgery	13.84	5.92	\$ 968.80	\$ 414.40
36580 00	Surgery	6.25	1.91	\$ 437.50	\$ 133.70
36581 00	Surgery	24.71	5.34	\$ 1,729.70	\$ 373.80
36582 00	Surgery	29.04	8.42	\$ 2,032.80	\$ 589.40

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
36583 00	Surgery	37.99	9.69	\$ 2,659.30	\$ 678.30
36584 00	Surgery	10.54	1.74	\$ 737.80	\$ 121.80
36585 00	Surgery	34.47	7.95	\$ 2,412.90	\$ 556.50
36589 00	Surgery	4.94	4.03	\$ 345.80	\$ 282.10
36590 00	Surgery	6.68	5.55	\$ 467.60	\$ 388.50
36591 00	Surgery	0.77	0.77	\$ 53.90	\$ 53.90
36592 00	Surgery	0.87	0.87	\$ 60.90	\$ 60.90
36593 00	Surgery	0.96	0.96	\$ 67.20	\$ 67.20
36595 00	Surgery	18.87	5.30	\$ 1,320.90	\$ 371.00
36596 00	Surgery	3.52	1.27	\$ 246.40	\$ 88.90
36597 00	Surgery	3.64	1.76	\$ 254.80	\$ 123.20
36598 00	Surgery	3.66	1.04	\$ 256.20	\$ 72.80
36600 00	Surgery	0.87	0.46	\$ 60.90	\$ 32.20
36620 00	Surgery	1.29	1.29	\$ 90.30	\$ 90.30
36625 00	Surgery	3.08	3.08	\$ 215.60	\$ 215.60
36640 00	Surgery	3.39	3.39	\$ 237.30	\$ 237.30
36660 00	Surgery	1.99	1.99	\$ 139.30	\$ 139.30
36680 00	Surgery	1.73	1.73	\$ 121.10	\$ 121.10
36800 00	Surgery	3.57	3.57	\$ 249.90	\$ 249.90
36810 00	Surgery	6.24	6.24	\$ 436.80	\$ 436.80
36815 00	Surgery	3.93	3.93	\$ 275.10	\$ 275.10
36818 00	Surgery	20.15	20.15	\$ 1,410.50	\$ 1,410.50
36819 00	Surgery	21.34	21.34	\$ 1,493.80	\$ 1,493.80
36820 00	Surgery	21.05	21.05	\$ 1,473.50	\$ 1,473.50
36821 00	Surgery	19.35	19.35	\$ 1,354.50	\$ 1,354.50
36823 00	Surgery	41.41	41.41	\$ 2,898.70	\$ 2,898.70
36825 00	Surgery	23.24	23.24	\$ 1,626.80	\$ 1,626.80
36830 00	Surgery	19.46	19.46	\$ 1,362.20	\$ 1,362.20
36831 00	Surgery	17.95	17.95	\$ 1,256.50	\$ 1,256.50
36832 00	Surgery	22.07	22.07	\$ 1,544.90	\$ 1,544.90
36833 00	Surgery	23.63	23.63	\$ 1,654.10	\$ 1,654.10
36835 00	Surgery	14.20	14.20	\$ 994.00	\$ 994.00
36838 00	Surgery	33.27	33.27	\$ 2,328.90	\$ 2,328.90
36860 00	Surgery	7.20	3.24	\$ 504.00	\$ 226.80
36861 00	Surgery	4.09	4.09	\$ 286.30	\$ 286.30
36901 00	Surgery	21.68	4.89	\$ 1,517.60	\$ 342.30
36902 00	Surgery	38.96	6.96	\$ 2,727.20	\$ 487.20
36903 00	Surgery	147.65	9.17	\$ 10,335.50	\$ 641.90
36904 00	Surgery	57.25	10.69	\$ 4,007.50	\$ 748.30
36905 00	Surgery	73.18	12.89	\$ 5,122.60	\$ 902.30
36906 00	Surgery	185.01	14.85	\$ 12,950.70	\$ 1,039.50
36907 00	Surgery	19.77	4.26	\$ 1,383.90	\$ 298.20
36908 00	Surgery	54.39	6.02	\$ 3,807.30	\$ 421.40
36909 00	Surgery	61.77	5.86	\$ 4,323.90	\$ 410.20
37140 00	Surgery	68.54	68.54	\$ 4,797.80	\$ 4,797.80
37145 00	Surgery	63.58	63.58	\$ 4,450.60	\$ 4,450.60
37160 00	Surgery	65.29	65.29	\$ 4,570.30	\$ 4,570.30
37180 00	Surgery	62.76	62.76	\$ 4,393.20	\$ 4,393.20
37181 00	Surgery	68.54	68.54	\$ 4,797.80	\$ 4,797.80
37182 00	Surgery	23.57	23.57	\$ 1,649.90	\$ 1,649.90
37183 00	Surgery	188.92	10.79	\$ 13,224.40	\$ 755.30
37184 00	Surgery	56.70	12.53	\$ 3,969.00	\$ 877.10
37185 00	Surgery	16.23	4.74	\$ 1,136.10	\$ 331.80
37186 00	Surgery	39.23	7.10	\$ 2,746.10	\$ 497.00
37187 00	Surgery	56.58	11.39	\$ 3,960.60	\$ 797.30
37188 00	Surgery	48.51	8.06	\$ 3,395.70	\$ 564.20
37191 00	Surgery	69.04	6.45	\$ 4,832.80	\$ 451.50
37192 00	Surgery	40.42	10.02	\$ 2,829.40	\$ 701.40
37193 00	Surgery	47.62	10.07	\$ 3,333.40	\$ 704.90

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
37195 00	Surgery	-	-	\$ 1,980.30	\$ 1,980.30
37197 00	Surgery	49.03	8.72	\$ 3,432.10	\$ 610.40
37200 00	Surgery	6.25	6.25	\$ 437.50	\$ 437.50
37211 00	Surgery	11.21	11.21	\$ 784.70	\$ 784.70
37212 00	Surgery	9.80	9.80	\$ 686.00	\$ 686.00
37213 00	Surgery	6.74	6.74	\$ 471.80	\$ 471.80
37214 00	Surgery	3.56	3.56	\$ 249.20	\$ 249.20
37215 00	Surgery	29.07	29.07	\$ 2,034.90	\$ 2,034.90
37216 00	Surgery	28.49	28.49	\$ 1,994.30	\$ 1,994.30
37217 00	Surgery	31.33	31.33	\$ 2,193.10	\$ 2,193.10
37218 00	Surgery	23.91	23.91	\$ 1,673.70	\$ 1,673.70
37220 00	Surgery	83.83	11.65	\$ 5,868.10	\$ 815.50
37221 00	Surgery	108.70	14.37	\$ 7,609.00	\$ 1,005.90
37222 00	Surgery	20.68	5.38	\$ 1,447.60	\$ 376.60
37223 00	Surgery	49.23	6.19	\$ 3,446.10	\$ 433.30
37224 00	Surgery	99.12	12.94	\$ 6,938.40	\$ 905.80
37225 00	Surgery	314.02	17.52	\$ 21,981.40	\$ 1,226.40
37226 00	Surgery	285.70	15.13	\$ 19,999.00	\$ 1,059.10
37227 00	Surgery	402.50	20.99	\$ 28,175.00	\$ 1,469.30
37228 00	Surgery	141.95	15.75	\$ 9,936.50	\$ 1,102.50
37229 00	Surgery	315.86	20.29	\$ 22,110.20	\$ 1,420.30
37230 00	Surgery	300.50	20.27	\$ 21,035.00	\$ 1,418.90
37231 00	Surgery	403.82	21.81	\$ 28,267.40	\$ 1,526.70
37232 00	Surgery	28.34	5.80	\$ 1,983.80	\$ 406.00
37233 00	Surgery	34.97	9.46	\$ 2,447.90	\$ 662.20
37234 00	Surgery	118.41	8.30	\$ 8,288.70	\$ 581.00
37235 00	Surgery	125.83	11.46	\$ 8,808.10	\$ 802.20
37236 00	Surgery	95.08	12.88	\$ 6,655.60	\$ 901.60
37237 00	Surgery	48.47	6.13	\$ 3,392.90	\$ 429.10
37238 00	Surgery	113.98	8.93	\$ 7,978.60	\$ 625.10
37239 00	Surgery	57.04	4.42	\$ 3,992.80	\$ 309.40
37241 00	Surgery	147.86	12.55	\$ 10,350.20	\$ 878.50
37242 00	Surgery	231.27	13.79	\$ 16,188.90	\$ 965.30
37243 00	Surgery	284.68	16.14	\$ 19,927.60	\$ 1,129.80
37244 00	Surgery	213.35	19.15	\$ 14,934.50	\$ 1,340.50
37246 00	Surgery	59.55	10.08	\$ 4,168.50	\$ 705.60
37247 00	Surgery	18.54	4.93	\$ 1,297.80	\$ 345.10
37248 00	Surgery	44.13	8.61	\$ 3,089.10	\$ 602.70
37249 00	Surgery	14.78	4.21	\$ 1,034.60	\$ 294.70
37252 00	Surgery	33.00	2.61	\$ 2,310.00	\$ 182.70
37253 00	Surgery	5.36	2.07	\$ 375.20	\$ 144.90
37500 00	Surgery	18.38	18.38	\$ 1,286.60	\$ 1,286.60
37501 00	Surgery	0.00	0.00	BR	BR
37565 00	Surgery	21.42	21.42	\$ 1,499.40	\$ 1,499.40
37600 00	Surgery	21.63	21.63	\$ 1,514.10	\$ 1,514.10
37605 00	Surgery	21.45	21.45	\$ 1,501.50	\$ 1,501.50
37606 00	Surgery	21.41	21.41	\$ 1,498.70	\$ 1,498.70
37607 00	Surgery	10.95	10.95	\$ 766.50	\$ 766.50
37609 00	Surgery	9.43	6.01	\$ 660.10	\$ 420.70
37615 00	Surgery	15.72	15.72	\$ 1,100.40	\$ 1,100.40
37616 00	Surgery	32.25	32.25	\$ 2,257.50	\$ 2,257.50
37617 00	Surgery	38.89	38.89	\$ 2,722.30	\$ 2,722.30
37618 00	Surgery	11.47	11.47	\$ 802.90	\$ 802.90
37619 00	Surgery	51.00	51.00	\$ 3,570.00	\$ 3,570.00
37650 00	Surgery	13.36	13.36	\$ 935.20	\$ 935.20
37660 00	Surgery	38.87	38.87	\$ 2,720.90	\$ 2,720.90
37700 00	Surgery	7.18	7.18	\$ 502.60	\$ 502.60
37718 00	Surgery	12.41	12.41	\$ 868.70	\$ 868.70
37722 00	Surgery	13.75	13.75	\$ 962.50	\$ 962.50

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
37735 00	Surgery	16.92	16.92	\$ 1,184.40	\$ 1,184.40
37760 00	Surgery	18.32	18.32	\$ 1,282.40	\$ 1,282.40
37761 00	Surgery	15.68	15.68	\$ 1,097.60	\$ 1,097.60
37765 00	Surgery	13.05	7.91	\$ 913.50	\$ 553.70
37766 00	Surgery	15.17	9.67	\$ 1,061.90	\$ 676.90
37780 00	Surgery	6.84	6.84	\$ 478.80	\$ 478.80
37785 00	Surgery	10.64	7.53	\$ 744.80	\$ 527.10
37788 00	Surgery	36.79	36.79	\$ 2,575.30	\$ 2,575.30
37790 00	Surgery	14.19	14.19	\$ 993.30	\$ 993.30
37799 00	Surgery	0.00	0.00	BR	BR
38100 00	Surgery	34.00	34.00	\$ 2,380.00	\$ 2,380.00
38101 00	Surgery	34.44	34.44	\$ 2,410.80	\$ 2,410.80
38102 00	Surgery	7.67	7.67	\$ 536.90	\$ 536.90
38115 00	Surgery	37.57	37.57	\$ 2,629.90	\$ 2,629.90
38120 00	Surgery	31.19	31.19	\$ 2,183.30	\$ 2,183.30
38129 00	Surgery	0.00	0.00	BR	BR
38200 00	Surgery	3.81	3.81	\$ 266.70	\$ 266.70
38204 00	Surgery	0.00	0.00	Bundled Code	Bundled Code
38205 00	Surgery	2.47	2.47	\$ 172.90	\$ 172.90
38206 00	Surgery	2.47	2.47	\$ 172.90	\$ 172.90
38207 00	Surgery	1.29	1.29	\$ 90.30	\$ 90.30
38208 00	Surgery	0.83	0.83	\$ 58.10	\$ 58.10
38209 00	Surgery	0.35	0.35	\$ 24.50	\$ 24.50
38210 00	Surgery	2.31	2.31	\$ 161.70	\$ 161.70
38211 00	Surgery	2.10	2.10	\$ 147.00	\$ 147.00
38212 00	Surgery	1.39	1.39	\$ 97.30	\$ 97.30
38213 00	Surgery	0.35	0.35	\$ 24.50	\$ 24.50
38214 00	Surgery	1.18	1.18	\$ 82.60	\$ 82.60
38215 00	Surgery	1.39	1.39	\$ 97.30	\$ 97.30
38220 00	Surgery	4.94	2.03	\$ 345.80	\$ 142.10
38221 00	Surgery	4.74	2.03	\$ 331.80	\$ 142.10
38222 00	Surgery	5.20	2.24	\$ 364.00	\$ 156.80
38230 00	Surgery	5.99	5.99	\$ 419.30	\$ 419.30
38232 00	Surgery	5.84	5.84	\$ 408.80	\$ 408.80
38240 00	Surgery	6.95	6.95	\$ 486.50	\$ 486.50
38241 00	Surgery	5.16	5.16	\$ 361.20	\$ 361.20
38242 00	Surgery	3.71	3.71	\$ 259.70	\$ 259.70
38243 00	Surgery	3.59	3.59	\$ 251.30	\$ 251.30
38300 00	Surgery	10.26	6.16	\$ 718.20	\$ 431.20
38305 00	Surgery	14.54	14.54	\$ 1,017.80	\$ 1,017.80
38308 00	Surgery	13.59	13.59	\$ 951.30	\$ 951.30
38380 00	Surgery	16.67	16.67	\$ 1,166.90	\$ 1,166.90
38381 00	Surgery	23.49	23.49	\$ 1,644.30	\$ 1,644.30
38382 00	Surgery	20.09	20.09	\$ 1,406.30	\$ 1,406.30
38500 00	Surgery	10.05	7.53	\$ 703.50	\$ 527.10
38505 00	Surgery	3.61	2.02	\$ 252.70	\$ 141.40
38510 00	Surgery	15.62	12.27	\$ 1,093.40	\$ 858.90
38520 00	Surgery	13.71	13.71	\$ 959.70	\$ 959.70
38525 00	Surgery	12.99	12.99	\$ 909.30	\$ 909.30
38530 00	Surgery	16.61	16.61	\$ 1,162.70	\$ 1,162.70
38531 00	Surgery	13.11	13.11	\$ 917.70	\$ 917.70
38542 00	Surgery	15.15	15.15	\$ 1,060.50	\$ 1,060.50
38550 00	Surgery	15.38	15.38	\$ 1,076.60	\$ 1,076.60
38555 00	Surgery	30.26	30.26	\$ 2,118.20	\$ 2,118.20
38562 00	Surgery	20.75	20.75	\$ 1,452.50	\$ 1,452.50
38564 00	Surgery	20.82	20.82	\$ 1,457.40	\$ 1,457.40
38570 00	Surgery	15.11	15.11	\$ 1,057.70	\$ 1,057.70
38571 00	Surgery	19.36	19.36	\$ 1,355.20	\$ 1,355.20
38572 00	Surgery	26.65	26.65	\$ 1,865.50	\$ 1,865.50

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
38573 00	Surgery	34.20	34.20	\$ 2,394.00	\$ 2,394.00
38589 00	Surgery	0.00	0.00	BR	BR
38700 00	Surgery	23.41	23.41	\$ 1,638.70	\$ 1,638.70
38720 00	Surgery	39.04	39.04	\$ 2,732.80	\$ 2,732.80
38724 00	Surgery	42.16	42.16	\$ 2,951.20	\$ 2,951.20
38740 00	Surgery	20.67	20.67	\$ 1,446.90	\$ 1,446.90
38745 00	Surgery	26.00	26.00	\$ 1,820.00	\$ 1,820.00
38746 00	Surgery	6.28	6.28	\$ 439.60	\$ 439.60
38747 00	Surgery	7.84	7.84	\$ 548.80	\$ 548.80
38760 00	Surgery	24.68	24.68	\$ 1,727.60	\$ 1,727.60
38765 00	Surgery	38.36	38.36	\$ 2,685.20	\$ 2,685.20
38770 00	Surgery	23.53	23.53	\$ 1,647.10	\$ 1,647.10
38780 00	Surgery	30.40	30.40	\$ 2,128.00	\$ 2,128.00
38790 00	Surgery	2.38	2.38	\$ 166.60	\$ 166.60
38792 00	Surgery	2.46	0.97	\$ 172.20	\$ 67.90
38794 00	Surgery	8.52	8.52	\$ 596.40	\$ 596.40
38900 00	Surgery	4.05	4.05	\$ 283.50	\$ 283.50
38999 00	Surgery	0.00	0.00	BR	BR
39000 00	Surgery	14.57	14.57	\$ 1,019.90	\$ 1,019.90
39010 00	Surgery	23.07	23.07	\$ 1,614.90	\$ 1,614.90
39200 00	Surgery	25.49	25.49	\$ 1,784.30	\$ 1,784.30
39220 00	Surgery	33.12	33.12	\$ 2,318.40	\$ 2,318.40
39401 00	Surgery	8.99	8.99	\$ 629.30	\$ 629.30
39402 00	Surgery	11.77	11.77	\$ 823.90	\$ 823.90
39499 00	Surgery	0.00	0.00	BR	BR
39501 00	Surgery	25.19	25.19	\$ 1,763.30	\$ 1,763.30
39503 00	Surgery	170.22	170.22	\$ 11,915.40	\$ 11,915.40
39540 00	Surgery	25.43	25.43	\$ 1,780.10	\$ 1,780.10
39541 00	Surgery	27.64	27.64	\$ 1,934.80	\$ 1,934.80
39545 00	Surgery	26.25	26.25	\$ 1,837.50	\$ 1,837.50
39560 00	Surgery	23.53	23.53	\$ 1,647.10	\$ 1,647.10
39561 00	Surgery	36.60	36.60	\$ 2,562.00	\$ 2,562.00
39599 00	Surgery	0.00	0.00	BR	BR
40490 00	Surgery	3.69	2.03	\$ 258.30	\$ 142.10
40500 00	Surgery	15.46	10.68	\$ 1,082.20	\$ 747.60
40510 00	Surgery	14.51	10.20	\$ 1,015.70	\$ 714.00
40520 00	Surgery	14.86	10.40	\$ 1,040.20	\$ 728.00
40525 00	Surgery	16.20	16.20	\$ 1,134.00	\$ 1,134.00
40527 00	Surgery	18.17	18.17	\$ 1,271.90	\$ 1,271.90
40530 00	Surgery	16.39	11.77	\$ 1,147.30	\$ 823.90
40650 00	Surgery	14.21	9.09	\$ 994.70	\$ 636.30
40652 00	Surgery	15.36	10.46	\$ 1,075.20	\$ 732.20
40654 00	Surgery	17.18	12.36	\$ 1,202.60	\$ 865.20
40700 00	Surgery	29.59	29.59	\$ 2,071.30	\$ 2,071.30
40701 00	Surgery	34.97	34.97	\$ 2,447.90	\$ 2,447.90
40702 00	Surgery	29.35	29.35	\$ 2,054.50	\$ 2,054.50
40720 00	Surgery	30.13	30.13	\$ 2,109.10	\$ 2,109.10
40761 00	Surgery	31.71	31.71	\$ 2,219.70	\$ 2,219.70
40799 00	Surgery	0.00	0.00	BR	BR
40800 00	Surgery	6.23	3.55	\$ 436.10	\$ 248.50
40801 00	Surgery	8.76	5.85	\$ 613.20	\$ 409.50
40804 00	Surgery	5.79	3.34	\$ 405.30	\$ 233.80
40805 00	Surgery	8.58	5.85	\$ 600.60	\$ 409.50
40806 00	Surgery	3.02	0.83	\$ 211.40	\$ 58.10
40808 00	Surgery	4.99	2.54	\$ 349.30	\$ 177.80
40810 00	Surgery	6.45	3.57	\$ 451.50	\$ 249.90
40812 00	Surgery	8.58	5.47	\$ 600.60	\$ 382.90
40814 00	Surgery	11.23	8.42	\$ 786.10	\$ 589.40
40816 00	Surgery	11.88	8.87	\$ 831.60	\$ 620.90

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
40818 00	Surgery	11.20	8.02	\$ 784.00	\$ 561.40
40819 00	Surgery	8.13	5.91	\$ 569.10	\$ 413.70
40820 00	Surgery	7.95	5.02	\$ 556.50	\$ 351.40
40830 00	Surgery	8.40	4.86	\$ 588.00	\$ 340.20
40831 00	Surgery	10.61	6.70	\$ 742.70	\$ 469.00
40840 00	Surgery	25.12	18.32	\$ 1,758.40	\$ 1,282.40
40842 00	Surgery	27.48	19.87	\$ 1,923.60	\$ 1,390.90
40843 00	Surgery	35.54	25.64	\$ 2,487.80	\$ 1,794.80
40844 00	Surgery	44.46	34.59	\$ 3,112.20	\$ 2,421.30
40845 00	Surgery	43.66	35.35	\$ 3,056.20	\$ 2,474.50
40899 00	Surgery	0.00	0.00	BR	BR
41000 00	Surgery	4.68	3.17	\$ 327.60	\$ 221.90
41005 00	Surgery	6.51	3.24	\$ 455.70	\$ 226.80
41006 00	Surgery	9.99	6.68	\$ 699.30	\$ 467.60
41007 00	Surgery	9.81	6.46	\$ 686.70	\$ 452.20
41008 00	Surgery	11.67	7.53	\$ 816.90	\$ 527.10
41009 00	Surgery	12.50	8.26	\$ 875.00	\$ 578.20
41010 00	Surgery	6.53	3.19	\$ 457.10	\$ 223.30
41015 00	Surgery	11.91	8.86	\$ 833.70	\$ 620.20
41016 00	Surgery	13.98	10.25	\$ 978.60	\$ 717.50
41017 00	Surgery	13.86	10.15	\$ 970.20	\$ 710.50
41018 00	Surgery	15.46	11.72	\$ 1,082.20	\$ 820.40
41019 00	Surgery	14.06	14.06	\$ 984.20	\$ 984.20
41100 00	Surgery	5.52	3.13	\$ 386.40	\$ 219.10
41105 00	Surgery	5.53	3.21	\$ 387.10	\$ 224.70
41108 00	Surgery	4.94	2.66	\$ 345.80	\$ 186.20
41110 00	Surgery	6.83	3.80	\$ 478.10	\$ 266.00
41112 00	Surgery	10.06	7.12	\$ 704.20	\$ 498.40
41113 00	Surgery	10.88	7.83	\$ 761.60	\$ 548.10
41114 00	Surgery	17.94	17.94	\$ 1,255.80	\$ 1,255.80
41115 00	Surgery	7.83	4.27	\$ 548.10	\$ 298.90
41116 00	Surgery	10.03	6.29	\$ 702.10	\$ 440.30
41120 00	Surgery	31.76	31.76	\$ 2,223.20	\$ 2,223.20
41130 00	Surgery	39.00	39.00	\$ 2,730.00	\$ 2,730.00
41135 00	Surgery	63.84	63.84	\$ 4,468.80	\$ 4,468.80
41140 00	Surgery	64.40	64.40	\$ 4,508.00	\$ 4,508.00
41145 00	Surgery	81.25	81.25	\$ 5,687.50	\$ 5,687.50
41150 00	Surgery	64.71	64.71	\$ 4,529.70	\$ 4,529.70
41153 00	Surgery	70.31	70.31	\$ 4,921.70	\$ 4,921.70
41155 00	Surgery	88.24	88.24	\$ 6,176.80	\$ 6,176.80
41250 00	Surgery	8.52	4.53	\$ 596.40	\$ 317.10
41251 00	Surgery	9.36	5.34	\$ 655.20	\$ 373.80
41252 00	Surgery	9.76	6.12	\$ 683.20	\$ 428.40
41510 00	Surgery	13.54	13.54	\$ 947.80	\$ 947.80
41512 00	Surgery	19.86	19.86	\$ 1,390.20	\$ 1,390.20
41520 00	Surgery	10.85	7.30	\$ 759.50	\$ 511.00
41530 00	Surgery	29.22	11.39	\$ 2,045.40	\$ 797.30
41599 00	Surgery	0.00	0.00	BR	BR
41800 00	Surgery	9.05	4.62	\$ 633.50	\$ 323.40
41805 00	Surgery	9.58	6.02	\$ 670.60	\$ 421.40
41806 00	Surgery	12.57	8.43	\$ 879.90	\$ 590.10
41820 00	Surgery	-	-	\$ 525.70	\$ 525.70
41821 00	Surgery	-	-	\$ 118.30	\$ 118.30
41822 00	Surgery	10.59	5.84	\$ 741.30	\$ 408.80
41823 00	Surgery	15.59	10.59	\$ 1,091.30	\$ 741.30
41825 00	Surgery	6.61	3.49	\$ 462.70	\$ 244.30
41826 00	Surgery	9.38	5.98	\$ 656.60	\$ 418.60
41827 00	Surgery	13.13	8.53	\$ 919.10	\$ 597.10
41828 00	Surgery	10.53	6.52	\$ 737.10	\$ 456.40

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
41830 00	Surgery	14.07	9.33	\$ 984.90	\$ 653.10
41850 00	Surgery	-	-	\$ 262.50	\$ 262.50
41870 00	Surgery	-	-	\$ 657.30	\$ 657.30
41872 00	Surgery	13.82	8.78	\$ 967.40	\$ 614.60
41874 00	Surgery	11.61	7.18	\$ 812.70	\$ 502.60
41899 00	Surgery	0.00	0.00	BR	BR
42000 00	Surgery	4.73	3.08	\$ 331.10	\$ 215.60
42100 00	Surgery	4.36	3.15	\$ 305.20	\$ 220.50
42104 00	Surgery	6.44	3.93	\$ 450.80	\$ 275.10
42106 00	Surgery	7.80	4.85	\$ 546.00	\$ 339.50
42107 00	Surgery	13.89	9.85	\$ 972.30	\$ 689.50
42120 00	Surgery	29.87	29.87	\$ 2,090.90	\$ 2,090.90
42140 00	Surgery	9.02	4.61	\$ 631.40	\$ 322.70
42145 00	Surgery	20.25	20.25	\$ 1,417.50	\$ 1,417.50
42160 00	Surgery	7.00	4.21	\$ 490.00	\$ 294.70
42180 00	Surgery	7.54	5.39	\$ 527.80	\$ 377.30
42182 00	Surgery	9.73	7.49	\$ 681.10	\$ 524.30
42200 00	Surgery	27.59	27.59	\$ 1,931.30	\$ 1,931.30
42205 00	Surgery	28.69	28.69	\$ 2,008.30	\$ 2,008.30
42210 00	Surgery	32.01	32.01	\$ 2,240.70	\$ 2,240.70
42215 00	Surgery	20.95	20.95	\$ 1,466.50	\$ 1,466.50
42220 00	Surgery	17.25	17.25	\$ 1,207.50	\$ 1,207.50
42225 00	Surgery	29.41	29.41	\$ 2,058.70	\$ 2,058.70
42226 00	Surgery	26.54	26.54	\$ 1,857.80	\$ 1,857.80
42227 00	Surgery	24.77	24.77	\$ 1,733.90	\$ 1,733.90
42235 00	Surgery	21.78	21.78	\$ 1,524.60	\$ 1,524.60
42260 00	Surgery	25.04	19.41	\$ 1,752.80	\$ 1,358.70
42280 00	Surgery	5.33	3.21	\$ 373.10	\$ 224.70
42281 00	Surgery	6.78	4.73	\$ 474.60	\$ 331.10
42299 00	Surgery	0.00	0.00	BR	BR
42300 00	Surgery	6.39	4.51	\$ 447.30	\$ 315.70
42305 00	Surgery	12.41	12.41	\$ 868.70	\$ 868.70
42310 00	Surgery	5.15	3.91	\$ 360.50	\$ 273.70
42320 00	Surgery	7.72	5.17	\$ 540.40	\$ 361.90
42330 00	Surgery	6.90	4.79	\$ 483.00	\$ 335.30
42335 00	Surgery	12.61	7.55	\$ 882.70	\$ 528.50
42340 00	Surgery	15.43	9.92	\$ 1,080.10	\$ 694.40
42400 00	Surgery	3.02	1.54	\$ 211.40	\$ 107.80
42405 00	Surgery	8.91	6.59	\$ 623.70	\$ 461.30
42408 00	Surgery	16.16	10.21	\$ 1,131.20	\$ 714.70
42409 00	Surgery	11.49	6.62	\$ 804.30	\$ 463.40
42410 00	Surgery	18.31	18.31	\$ 1,281.70	\$ 1,281.70
42415 00	Surgery	30.74	30.74	\$ 2,151.80	\$ 2,151.80
42420 00	Surgery	34.49	34.49	\$ 2,414.30	\$ 2,414.30
42425 00	Surgery	24.39	24.39	\$ 1,707.30	\$ 1,707.30
42426 00	Surgery	39.22	39.22	\$ 2,745.40	\$ 2,745.40
42440 00	Surgery	12.06	12.06	\$ 844.20	\$ 844.20
42450 00	Surgery	13.90	10.65	\$ 973.00	\$ 745.50
42500 00	Surgery	13.26	10.12	\$ 928.20	\$ 708.40
42505 00	Surgery	16.83	13.37	\$ 1,178.10	\$ 935.90
42507 00	Surgery	14.72	14.72	\$ 1,030.40	\$ 1,030.40
42509 00	Surgery	24.27	24.27	\$ 1,698.90	\$ 1,698.90
42510 00	Surgery	18.04	18.04	\$ 1,262.80	\$ 1,262.80
42550 00	Surgery	4.72	1.79	\$ 330.40	\$ 125.30
42600 00	Surgery	15.82	10.28	\$ 1,107.40	\$ 719.60
42650 00	Surgery	2.28	1.68	\$ 159.60	\$ 117.60
42660 00	Surgery	3.52	2.53	\$ 246.40	\$ 177.10
42665 00	Surgery	10.89	6.17	\$ 762.30	\$ 431.90
42699 00	Surgery	0.00	0.00	BR	BR

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
42700 00	Surgery	5.72	3.94	\$ 400.40	\$ 275.80
42720 00	Surgery	13.19	11.25	\$ 923.30	\$ 787.50
42725 00	Surgery	23.37	23.37	\$ 1,635.90	\$ 1,635.90
42800 00	Surgery	4.69	3.33	\$ 328.30	\$ 233.10
42804 00	Surgery	6.17	3.44	\$ 431.90	\$ 240.80
42806 00	Surgery	6.89	3.99	\$ 482.30	\$ 279.30
42808 00	Surgery	6.79	4.77	\$ 475.30	\$ 333.90
42809 00	Surgery	5.97	3.66	\$ 417.90	\$ 256.20
42810 00	Surgery	11.57	8.26	\$ 809.90	\$ 578.20
42815 00	Surgery	15.95	15.95	\$ 1,116.50	\$ 1,116.50
42820 00	Surgery	8.44	8.44	\$ 590.80	\$ 590.80
42821 00	Surgery	8.82	8.82	\$ 617.40	\$ 617.40
42825 00	Surgery	7.73	7.73	\$ 541.10	\$ 541.10
42826 00	Surgery	7.37	7.37	\$ 515.90	\$ 515.90
42830 00	Surgery	6.11	6.11	\$ 427.70	\$ 427.70
42831 00	Surgery	6.64	6.64	\$ 464.80	\$ 464.80
42835 00	Surgery	5.68	5.68	\$ 397.60	\$ 397.60
42836 00	Surgery	7.07	7.07	\$ 494.90	\$ 494.90
42842 00	Surgery	29.94	29.94	\$ 2,095.80	\$ 2,095.80
42844 00	Surgery	40.81	40.81	\$ 2,856.70	\$ 2,856.70
42845 00	Surgery	65.45	65.45	\$ 4,581.50	\$ 4,581.50
42860 00	Surgery	5.56	5.56	\$ 389.20	\$ 389.20
42870 00	Surgery	17.59	17.59	\$ 1,231.30	\$ 1,231.30
42890 00	Surgery	42.03	42.03	\$ 2,942.10	\$ 2,942.10
42892 00	Surgery	54.97	54.97	\$ 3,847.90	\$ 3,847.90
42894 00	Surgery	69.57	69.57	\$ 4,869.90	\$ 4,869.90
42900 00	Surgery	9.69	9.69	\$ 678.30	\$ 678.30
42950 00	Surgery	23.90	23.90	\$ 1,673.00	\$ 1,673.00
42953 00	Surgery	28.87	28.87	\$ 2,020.90	\$ 2,020.90
42955 00	Surgery	22.66	22.66	\$ 1,586.20	\$ 1,586.20
42960 00	Surgery	4.75	4.75	\$ 332.50	\$ 332.50
42961 00	Surgery	12.22	12.22	\$ 855.40	\$ 855.40
42962 00	Surgery	15.11	15.11	\$ 1,057.70	\$ 1,057.70
42970 00	Surgery	12.02	12.02	\$ 841.40	\$ 841.40
42971 00	Surgery	13.27	13.27	\$ 928.90	\$ 928.90
42972 00	Surgery	14.81	14.81	\$ 1,036.70	\$ 1,036.70
42999 00	Surgery	0.00	0.00	BR	BR
43020 00	Surgery	16.67	16.67	\$ 1,166.90	\$ 1,166.90
43030 00	Surgery	15.18	15.18	\$ 1,062.60	\$ 1,062.60
43045 00	Surgery	38.19	38.19	\$ 2,673.30	\$ 2,673.30
43100 00	Surgery	18.43	18.43	\$ 1,290.10	\$ 1,290.10
43101 00	Surgery	29.55	29.55	\$ 2,068.50	\$ 2,068.50
43107 00	Surgery	87.24	87.24	\$ 6,106.80	\$ 6,106.80
43108 00	Surgery	130.13	130.13	\$ 9,109.10	\$ 9,109.10
43112 00	Surgery	101.97	101.97	\$ 7,137.90	\$ 7,137.90
43113 00	Surgery	127.11	127.11	\$ 8,897.70	\$ 8,897.70
43116 00	Surgery	145.49	145.49	\$ 10,184.30	\$ 10,184.30
43117 00	Surgery	95.31	95.31	\$ 6,671.70	\$ 6,671.70
43118 00	Surgery	106.11	106.11	\$ 7,427.70	\$ 7,427.70
43121 00	Surgery	83.62	83.62	\$ 5,853.40	\$ 5,853.40
43122 00	Surgery	74.77	74.77	\$ 5,233.90	\$ 5,233.90
43123 00	Surgery	131.77	131.77	\$ 9,223.90	\$ 9,223.90
43124 00	Surgery	111.38	111.38	\$ 7,796.60	\$ 7,796.60
43130 00	Surgery	23.13	23.13	\$ 1,619.10	\$ 1,619.10
43135 00	Surgery	43.08	43.08	\$ 3,015.60	\$ 3,015.60
43180 00	Surgery	15.91	15.91	\$ 1,113.70	\$ 1,113.70
43191 00	Surgery	4.50	4.50	\$ 315.00	\$ 315.00
43192 00	Surgery	4.93	4.93	\$ 345.10	\$ 345.10
43193 00	Surgery	4.90	4.90	\$ 343.00	\$ 343.00

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
43194 00	Surgery	5.59	5.59	\$ 391.30	\$ 391.30
43195 00	Surgery	5.33	5.33	\$ 373.10	\$ 373.10
43196 00	Surgery	5.68	5.68	\$ 397.60	\$ 397.60
43197 00	Surgery	5.82	2.40	\$ 407.40	\$ 168.00
43198 00	Surgery	6.39	2.86	\$ 447.30	\$ 200.20
43200 00	Surgery	7.84	2.55	\$ 548.80	\$ 178.50
43201 00	Surgery	7.73	2.99	\$ 541.10	\$ 209.30
43202 00	Surgery	10.88	2.99	\$ 761.60	\$ 209.30
43204 00	Surgery	3.93	3.93	\$ 275.10	\$ 275.10
43205 00	Surgery	4.10	4.10	\$ 287.00	\$ 287.00
43206 00	Surgery	9.06	3.87	\$ 634.20	\$ 270.90
43210 00	Surgery	12.59	12.59	\$ 881.30	\$ 881.30
43211 00	Surgery	6.82	6.82	\$ 477.40	\$ 477.40
43212 00	Surgery	5.53	5.53	\$ 387.10	\$ 387.10
43213 00	Surgery	38.66	7.55	\$ 2,706.20	\$ 528.50
43214 00	Surgery	5.61	5.61	\$ 392.70	\$ 392.70
43215 00	Surgery	12.08	4.11	\$ 845.60	\$ 287.70
43216 00	Surgery	12.57	3.89	\$ 879.90	\$ 272.30
43217 00	Surgery	12.82	4.66	\$ 897.40	\$ 326.20
43220 00	Surgery	30.22	3.44	\$ 2,115.40	\$ 240.80
43226 00	Surgery	11.55	3.80	\$ 808.50	\$ 266.00
43227 00	Surgery	19.11	4.80	\$ 1,337.70	\$ 336.00
43229 00	Surgery	22.16	5.74	\$ 1,551.20	\$ 401.80
43231 00	Surgery	4.63	4.63	\$ 324.10	\$ 324.10
43232 00	Surgery	5.79	5.79	\$ 405.30	\$ 405.30
43233 00	Surgery	6.69	6.69	\$ 468.30	\$ 468.30
43235 00	Surgery	8.93	3.57	\$ 625.10	\$ 249.90
43236 00	Surgery	12.08	4.02	\$ 845.60	\$ 281.40
43237 00	Surgery	5.69	5.69	\$ 398.30	\$ 398.30
43238 00	Surgery	6.76	6.76	\$ 473.20	\$ 473.20
43239 00	Surgery	11.49	4.02	\$ 804.30	\$ 281.40
43240 00	Surgery	11.39	11.39	\$ 797.30	\$ 797.30
43241 00	Surgery	4.13	4.13	\$ 289.10	\$ 289.10
43242 00	Surgery	7.63	7.63	\$ 534.10	\$ 534.10
43243 00	Surgery	6.89	6.89	\$ 482.30	\$ 482.30
43244 00	Surgery	7.12	7.12	\$ 498.40	\$ 498.40
43245 00	Surgery	18.54	5.14	\$ 1,297.80	\$ 359.80
43246 00	Surgery	5.83	5.83	\$ 408.10	\$ 408.10
43247 00	Surgery	11.60	5.15	\$ 812.00	\$ 360.50
43248 00	Surgery	12.41	4.83	\$ 868.70	\$ 338.10
43249 00	Surgery	34.45	4.47	\$ 2,411.50	\$ 312.90
43250 00	Surgery	13.84	4.98	\$ 968.80	\$ 348.60
43251 00	Surgery	15.14	5.70	\$ 1,059.80	\$ 399.00
43252 00	Surgery	10.16	4.90	\$ 711.20	\$ 343.00
43253 00	Surgery	7.63	7.63	\$ 534.10	\$ 534.10
43254 00	Surgery	7.85	7.85	\$ 549.50	\$ 549.50
43255 00	Surgery	20.07	5.83	\$ 1,404.90	\$ 408.10
43257 00	Surgery	6.75	6.75	\$ 472.50	\$ 472.50
43259 00	Surgery	6.57	6.57	\$ 459.90	\$ 459.90
43260 00	Surgery	9.38	9.38	\$ 656.60	\$ 656.60
43261 00	Surgery	9.84	9.84	\$ 688.80	\$ 688.80
43262 00	Surgery	10.39	10.39	\$ 727.30	\$ 727.30
43263 00	Surgery	10.39	10.39	\$ 727.30	\$ 727.30
43264 00	Surgery	10.59	10.59	\$ 741.30	\$ 741.30
43265 00	Surgery	12.61	12.61	\$ 882.70	\$ 882.70
43266 00	Surgery	6.33	6.33	\$ 443.10	\$ 443.10
43270 00	Surgery	22.66	6.53	\$ 1,586.20	\$ 457.10
43273 00	Surgery	3.49	3.49	\$ 244.30	\$ 244.30
43274 00	Surgery	13.47	13.47	\$ 942.90	\$ 942.90

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
43275 00	Surgery	10.95	10.95	\$ 766.50	\$ 766.50
43276 00	Surgery	14.02	14.02	\$ 981.40	\$ 981.40
43277 00	Surgery	11.01	11.01	\$ 770.70	\$ 770.70
43278 00	Surgery	12.58	12.58	\$ 880.60	\$ 880.60
43279 00	Surgery	37.95	37.95	\$ 2,656.50	\$ 2,656.50
43280 00	Surgery	31.89	31.89	\$ 2,232.30	\$ 2,232.30
43281 00	Surgery	45.51	45.51	\$ 3,185.70	\$ 3,185.70
43282 00	Surgery	51.15	51.15	\$ 3,580.50	\$ 3,580.50
43283 00	Surgery	4.65	4.65	\$ 325.50	\$ 325.50
43284 00	Surgery	19.29	19.29	\$ 1,350.30	\$ 1,350.30
43285 00	Surgery	19.86	19.86	\$ 1,390.20	\$ 1,390.20
43286 00	Surgery	93.45	93.45	\$ 6,541.50	\$ 6,541.50
43287 00	Surgery	104.53	104.53	\$ 7,317.10	\$ 7,317.10
43288 00	Surgery	110.06	110.06	\$ 7,704.20	\$ 7,704.20
43289 00	Surgery	0.00	0.00	BR	BR
43300 00	Surgery	18.11	18.11	\$ 1,267.70	\$ 1,267.70
43305 00	Surgery	31.96	31.96	\$ 2,237.20	\$ 2,237.20
43310 00	Surgery	43.45	43.45	\$ 3,041.50	\$ 3,041.50
43312 00	Surgery	46.53	46.53	\$ 3,257.10	\$ 3,257.10
43313 00	Surgery	80.03	80.03	\$ 5,602.10	\$ 5,602.10
43314 00	Surgery	86.13	86.13	\$ 6,029.10	\$ 6,029.10
43320 00	Surgery	41.35	41.35	\$ 2,894.50	\$ 2,894.50
43325 00	Surgery	40.22	40.22	\$ 2,815.40	\$ 2,815.40
43327 00	Surgery	24.21	24.21	\$ 1,694.70	\$ 1,694.70
43328 00	Surgery	32.97	32.97	\$ 2,307.90	\$ 2,307.90
43330 00	Surgery	39.58	39.58	\$ 2,770.60	\$ 2,770.60
43331 00	Surgery	39.27	39.27	\$ 2,748.90	\$ 2,748.90
43332 00	Surgery	33.98	33.98	\$ 2,378.60	\$ 2,378.60
43333 00	Surgery	37.24	37.24	\$ 2,606.80	\$ 2,606.80
43334 00	Surgery	36.62	36.62	\$ 2,563.40	\$ 2,563.40
43335 00	Surgery	39.15	39.15	\$ 2,740.50	\$ 2,740.50
43336 00	Surgery	42.54	42.54	\$ 2,977.80	\$ 2,977.80
43337 00	Surgery	45.34	45.34	\$ 3,173.80	\$ 3,173.80
43338 00	Surgery	3.38	3.38	\$ 236.60	\$ 236.60
43340 00	Surgery	40.85	40.85	\$ 2,859.50	\$ 2,859.50
43341 00	Surgery	41.05	41.05	\$ 2,873.50	\$ 2,873.50
43351 00	Surgery	38.66	38.66	\$ 2,706.20	\$ 2,706.20
43352 00	Surgery	31.31	31.31	\$ 2,191.70	\$ 2,191.70
43360 00	Surgery	65.88	65.88	\$ 4,611.60	\$ 4,611.60
43361 00	Surgery	79.60	79.60	\$ 5,572.00	\$ 5,572.00
43400 00	Surgery	45.07	45.07	\$ 3,154.90	\$ 3,154.90
43405 00	Surgery	42.72	42.72	\$ 2,990.40	\$ 2,990.40
43410 00	Surgery	29.87	29.87	\$ 2,090.90	\$ 2,090.90
43415 00	Surgery	74.94	74.94	\$ 5,245.80	\$ 5,245.80
43420 00	Surgery	29.54	29.54	\$ 2,067.80	\$ 2,067.80
43425 00	Surgery	42.28	42.28	\$ 2,959.60	\$ 2,959.60
43450 00	Surgery	5.61	2.31	\$ 392.70	\$ 161.70
43453 00	Surgery	26.67	2.50	\$ 1,866.90	\$ 175.00
43460 00	Surgery	6.18	6.18	\$ 432.60	\$ 432.60
43496 00	Surgery	-	-	\$ 4,085.90	\$ 4,085.90
43499 00	Surgery	0.00	0.00	BR	BR
43500 00	Surgery	23.20	23.20	\$ 1,624.00	\$ 1,624.00
43501 00	Surgery	39.84	39.84	\$ 2,788.80	\$ 2,788.80
43502 00	Surgery	45.16	45.16	\$ 3,161.20	\$ 3,161.20
43510 00	Surgery	28.13	28.13	\$ 1,969.10	\$ 1,969.10
43520 00	Surgery	20.28	20.28	\$ 1,419.60	\$ 1,419.60
43605 00	Surgery	24.78	24.78	\$ 1,734.60	\$ 1,734.60
43610 00	Surgery	29.02	29.02	\$ 2,031.40	\$ 2,031.40
43611 00	Surgery	36.15	36.15	\$ 2,530.50	\$ 2,530.50

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
43620 00	Surgery	58.64	58.64	\$ 4,104.80	\$ 4,104.80
43621 00	Surgery	67.07	67.07	\$ 4,694.90	\$ 4,694.90
43622 00	Surgery	68.34	68.34	\$ 4,783.80	\$ 4,783.80
43631 00	Surgery	42.87	42.87	\$ 3,000.90	\$ 3,000.90
43632 00	Surgery	59.96	59.96	\$ 4,197.20	\$ 4,197.20
43633 00	Surgery	56.74	56.74	\$ 3,971.80	\$ 3,971.80
43634 00	Surgery	62.85	62.85	\$ 4,399.50	\$ 4,399.50
43635 00	Surgery	3.30	3.30	\$ 231.00	\$ 231.00
43640 00	Surgery	34.89	34.89	\$ 2,442.30	\$ 2,442.30
43641 00	Surgery	35.66	35.66	\$ 2,496.20	\$ 2,496.20
43644 00	Surgery	51.32	51.32	\$ 3,592.40	\$ 3,592.40
43645 00	Surgery	54.29	54.29	\$ 3,800.30	\$ 3,800.30
43647 00	Surgery	-	-	\$ 1,220.80	\$ 1,220.80
43648 00	Surgery	-	-	\$ 1,143.10	\$ 1,143.10
43651 00	Surgery	19.44	19.44	\$ 1,360.80	\$ 1,360.80
43652 00	Surgery	22.68	22.68	\$ 1,587.60	\$ 1,587.60
43653 00	Surgery	17.13	17.13	\$ 1,199.10	\$ 1,199.10
43659 00	Surgery	0.00	0.00	BR	BR
43752 00	Surgery	1.18	1.18	\$ 82.60	\$ 82.60
43753 00	Surgery	0.65	0.65	\$ 45.50	\$ 45.50
43754 00	Surgery	6.44	1.05	\$ 450.80	\$ 73.50
43755 00	Surgery	5.86	1.73	\$ 410.20	\$ 121.10
43756 00	Surgery	8.36	1.48	\$ 585.20	\$ 103.60
43757 00	Surgery	11.27	2.23	\$ 788.90	\$ 156.10
43761 00	Surgery	3.63	3.04	\$ 254.10	\$ 212.80
43762 00	Surgery	7.11	1.11	\$ 497.70	\$ 77.70
43763 00	Surgery	10.68	2.47	\$ 747.60	\$ 172.90
43770 00	Surgery	33.36	33.36	\$ 2,335.20	\$ 2,335.20
43771 00	Surgery	37.91	37.91	\$ 2,653.70	\$ 2,653.70
43772 00	Surgery	28.06	28.06	\$ 1,964.20	\$ 1,964.20
43773 00	Surgery	37.91	37.91	\$ 2,653.70	\$ 2,653.70
43774 00	Surgery	28.43	28.43	\$ 1,990.10	\$ 1,990.10
43775 00	Surgery	32.82	32.82	\$ 2,297.40	\$ 2,297.40
43800 00	Surgery	27.55	27.55	\$ 1,928.50	\$ 1,928.50
43810 00	Surgery	30.11	30.11	\$ 2,107.70	\$ 2,107.70
43820 00	Surgery	39.72	39.72	\$ 2,780.40	\$ 2,780.40
43825 00	Surgery	38.81	38.81	\$ 2,716.70	\$ 2,716.70
43830 00	Surgery	20.83	20.83	\$ 1,458.10	\$ 1,458.10
43831 00	Surgery	18.07	18.07	\$ 1,264.90	\$ 1,264.90
43832 00	Surgery	30.86	30.86	\$ 2,160.20	\$ 2,160.20
43840 00	Surgery	40.17	40.17	\$ 2,811.90	\$ 2,811.90
43842 00	Surgery	33.68	33.68	\$ 2,357.60	\$ 2,357.60
43843 00	Surgery	38.02	38.02	\$ 2,661.40	\$ 2,661.40
43845 00	Surgery	57.32	57.32	\$ 4,012.40	\$ 4,012.40
43846 00	Surgery	48.87	48.87	\$ 3,420.90	\$ 3,420.90
43847 00	Surgery	53.51	53.51	\$ 3,745.70	\$ 3,745.70
43848 00	Surgery	57.10	57.10	\$ 3,997.00	\$ 3,997.00
43850 00	Surgery	48.21	48.21	\$ 3,374.70	\$ 3,374.70
43855 00	Surgery	50.02	50.02	\$ 3,501.40	\$ 3,501.40
43860 00	Surgery	48.27	48.27	\$ 3,378.90	\$ 3,378.90
43865 00	Surgery	50.60	50.60	\$ 3,542.00	\$ 3,542.00
43870 00	Surgery	21.02	21.02	\$ 1,471.40	\$ 1,471.40
43880 00	Surgery	46.86	46.86	\$ 3,280.20	\$ 3,280.20
43881 00	Surgery	-	-	\$ 1,395.80	\$ 1,395.80
43882 00	Surgery	-	-	\$ 1,574.30	\$ 1,574.30
43886 00	Surgery	10.92	10.92	\$ 764.40	\$ 764.40
43887 00	Surgery	9.79	9.79	\$ 685.30	\$ 685.30
43888 00	Surgery	13.82	13.82	\$ 967.40	\$ 967.40
43999 00	Surgery	0.00	0.00	BR	BR

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
44005 00	Surgery	32.25	32.25	\$ 2,257.50	\$ 2,257.50
44010 00	Surgery	25.32	25.32	\$ 1,772.40	\$ 1,772.40
44015 00	Surgery	4.18	4.18	\$ 292.60	\$ 292.60
44020 00	Surgery	28.83	28.83	\$ 2,018.10	\$ 2,018.10
44021 00	Surgery	28.80	28.80	\$ 2,016.00	\$ 2,016.00
44025 00	Surgery	28.89	28.89	\$ 2,022.30	\$ 2,022.30
44050 00	Surgery	27.65	27.65	\$ 1,935.50	\$ 1,935.50
44055 00	Surgery	43.96	43.96	\$ 3,077.20	\$ 3,077.20
44100 00	Surgery	3.11	3.11	\$ 217.70	\$ 217.70
44110 00	Surgery	25.02	25.02	\$ 1,751.40	\$ 1,751.40
44111 00	Surgery	28.77	28.77	\$ 2,013.90	\$ 2,013.90
44120 00	Surgery	36.05	36.05	\$ 2,523.50	\$ 2,523.50
44121 00	Surgery	7.10	7.10	\$ 497.00	\$ 497.00
44125 00	Surgery	34.73	34.73	\$ 2,431.10	\$ 2,431.10
44126 00	Surgery	72.99	72.99	\$ 5,109.30	\$ 5,109.30
44127 00	Surgery	84.31	84.31	\$ 5,901.70	\$ 5,901.70
44128 00	Surgery	7.19	7.19	\$ 503.30	\$ 503.30
44130 00	Surgery	38.80	38.80	\$ 2,716.00	\$ 2,716.00
44132 00	Surgery	0.00	0.00	BR	BR
44133 00	Surgery	0.00	0.00	BR	BR
44135 00	Surgery	0.00	0.00	BR	BR
44136 00	Surgery	0.00	0.00	BR	BR
44137 00	Surgery	-	-	\$ 2,267.30	\$ 2,267.30
44139 00	Surgery	3.54	3.54	\$ 247.80	\$ 247.80
44140 00	Surgery	39.58	39.58	\$ 2,770.60	\$ 2,770.60
44141 00	Surgery	53.74	53.74	\$ 3,761.80	\$ 3,761.80
44143 00	Surgery	49.01	49.01	\$ 3,430.70	\$ 3,430.70
44144 00	Surgery	52.06	52.06	\$ 3,644.20	\$ 3,644.20
44145 00	Surgery	48.50	48.50	\$ 3,395.00	\$ 3,395.00
44146 00	Surgery	61.96	61.96	\$ 4,337.20	\$ 4,337.20
44147 00	Surgery	56.92	56.92	\$ 3,984.40	\$ 3,984.40
44150 00	Surgery	54.81	54.81	\$ 3,836.70	\$ 3,836.70
44151 00	Surgery	63.92	63.92	\$ 4,474.40	\$ 4,474.40
44155 00	Surgery	60.85	60.85	\$ 4,259.50	\$ 4,259.50
44156 00	Surgery	68.41	68.41	\$ 4,788.70	\$ 4,788.70
44157 00	Surgery	64.88	64.88	\$ 4,541.60	\$ 4,541.60
44158 00	Surgery	66.47	66.47	\$ 4,652.90	\$ 4,652.90
44160 00	Surgery	36.55	36.55	\$ 2,558.50	\$ 2,558.50
44180 00	Surgery	27.17	27.17	\$ 1,901.90	\$ 1,901.90
44186 00	Surgery	19.28	19.28	\$ 1,349.60	\$ 1,349.60
44187 00	Surgery	32.26	32.26	\$ 2,258.20	\$ 2,258.20
44188 00	Surgery	35.95	35.95	\$ 2,516.50	\$ 2,516.50
44202 00	Surgery	40.86	40.86	\$ 2,860.20	\$ 2,860.20
44203 00	Surgery	7.05	7.05	\$ 493.50	\$ 493.50
44204 00	Surgery	45.15	45.15	\$ 3,160.50	\$ 3,160.50
44205 00	Surgery	39.21	39.21	\$ 2,744.70	\$ 2,744.70
44206 00	Surgery	51.38	51.38	\$ 3,596.60	\$ 3,596.60
44207 00	Surgery	53.15	53.15	\$ 3,720.50	\$ 3,720.50
44208 00	Surgery	57.91	57.91	\$ 4,053.70	\$ 4,053.70
44210 00	Surgery	51.80	51.80	\$ 3,626.00	\$ 3,626.00
44211 00	Surgery	61.66	61.66	\$ 4,316.20	\$ 4,316.20
44212 00	Surgery	59.53	59.53	\$ 4,167.10	\$ 4,167.10
44213 00	Surgery	5.48	5.48	\$ 383.60	\$ 383.60
44227 00	Surgery	48.90	48.90	\$ 3,423.00	\$ 3,423.00
44238 00	Surgery	0.00	0.00	BR	BR
44300 00	Surgery	24.88	24.88	\$ 1,741.60	\$ 1,741.60
44310 00	Surgery	30.56	30.56	\$ 2,139.20	\$ 2,139.20
44312 00	Surgery	17.56	17.56	\$ 1,229.20	\$ 1,229.20
44314 00	Surgery	29.56	29.56	\$ 2,069.20	\$ 2,069.20

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
44316 00	Surgery	41.88	41.88	\$ 2,931.60	\$ 2,931.60
44320 00	Surgery	35.37	35.37	\$ 2,475.90	\$ 2,475.90
44322 00	Surgery	30.10	30.10	\$ 2,107.00	\$ 2,107.00
44340 00	Surgery	18.38	18.38	\$ 1,286.60	\$ 1,286.60
44345 00	Surgery	30.88	30.88	\$ 2,161.60	\$ 2,161.60
44346 00	Surgery	34.84	34.84	\$ 2,438.80	\$ 2,438.80
44360 00	Surgery	4.17	4.17	\$ 291.90	\$ 291.90
44361 00	Surgery	4.62	4.62	\$ 323.40	\$ 323.40
44363 00	Surgery	5.57	5.57	\$ 389.90	\$ 389.90
44364 00	Surgery	5.94	5.94	\$ 415.80	\$ 415.80
44365 00	Surgery	5.29	5.29	\$ 370.30	\$ 370.30
44366 00	Surgery	6.97	6.97	\$ 487.90	\$ 487.90
44369 00	Surgery	7.14	7.14	\$ 499.80	\$ 499.80
44370 00	Surgery	7.73	7.73	\$ 541.10	\$ 541.10
44372 00	Surgery	6.96	6.96	\$ 487.20	\$ 487.20
44373 00	Surgery	5.59	5.59	\$ 391.30	\$ 391.30
44376 00	Surgery	8.25	8.25	\$ 577.50	\$ 577.50
44377 00	Surgery	8.69	8.69	\$ 608.30	\$ 608.30
44378 00	Surgery	11.18	11.18	\$ 782.60	\$ 782.60
44379 00	Surgery	11.88	11.88	\$ 831.60	\$ 831.60
44380 00	Surgery	5.92	1.64	\$ 414.40	\$ 114.80
44381 00	Surgery	31.01	2.43	\$ 2,170.70	\$ 170.10
44382 00	Surgery	9.18	2.14	\$ 642.60	\$ 149.80
44384 00	Surgery	4.49	4.49	\$ 314.30	\$ 314.30
44385 00	Surgery	6.44	2.09	\$ 450.80	\$ 146.30
44386 00	Surgery	9.54	2.58	\$ 667.80	\$ 180.60
44388 00	Surgery	9.50	4.56	\$ 665.00	\$ 319.20
44389 00	Surgery	12.53	5.01	\$ 877.10	\$ 350.70
44390 00	Surgery	12.20	6.12	\$ 854.00	\$ 428.40
44391 00	Surgery	20.46	6.70	\$ 1,432.20	\$ 469.00
44392 00	Surgery	11.60	5.78	\$ 812.00	\$ 404.60
44394 00	Surgery	13.24	6.55	\$ 926.80	\$ 458.50
44401 00	Surgery	82.23	7.04	\$ 5,756.10	\$ 492.80
44402 00	Surgery	7.59	7.59	\$ 531.30	\$ 531.30
44403 00	Surgery	8.84	8.84	\$ 618.80	\$ 618.80
44404 00	Surgery	12.61	5.00	\$ 882.70	\$ 350.00
44405 00	Surgery	17.32	5.32	\$ 1,212.40	\$ 372.40
44406 00	Surgery	6.67	6.67	\$ 466.90	\$ 466.90
44407 00	Surgery	8.00	8.00	\$ 560.00	\$ 560.00
44408 00	Surgery	6.74	6.74	\$ 471.80	\$ 471.80
44500 00	Surgery	0.57	0.57	\$ 39.90	\$ 39.90
44602 00	Surgery	41.52	41.52	\$ 2,906.40	\$ 2,906.40
44603 00	Surgery	47.66	47.66	\$ 3,336.20	\$ 3,336.20
44604 00	Surgery	31.15	31.15	\$ 2,180.50	\$ 2,180.50
44605 00	Surgery	38.23	38.23	\$ 2,676.10	\$ 2,676.10
44615 00	Surgery	31.57	31.57	\$ 2,209.90	\$ 2,209.90
44620 00	Surgery	25.45	25.45	\$ 1,781.50	\$ 1,781.50
44625 00	Surgery	29.69	29.69	\$ 2,078.30	\$ 2,078.30
44626 00	Surgery	46.96	46.96	\$ 3,287.20	\$ 3,287.20
44640 00	Surgery	41.10	41.10	\$ 2,877.00	\$ 2,877.00
44650 00	Surgery	42.35	42.35	\$ 2,964.50	\$ 2,964.50
44660 00	Surgery	39.18	39.18	\$ 2,742.60	\$ 2,742.60
44661 00	Surgery	45.47	45.47	\$ 3,182.90	\$ 3,182.90
44680 00	Surgery	31.89	31.89	\$ 2,232.30	\$ 2,232.30
44700 00	Surgery	29.25	29.25	\$ 2,047.50	\$ 2,047.50
44701 00	Surgery	4.99	4.99	\$ 349.30	\$ 349.30
44705 00	Surgery	3.27	2.10	\$ 228.90	\$ 147.00
44715 00	Surgery	-	-	\$ 719.60	\$ 719.60
44720 00	Surgery	8.09	8.09	\$ 566.30	\$ 566.30

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
44721 00	Surgery	11.31	11.31	\$ 791.70	\$ 791.70
44799 00	Surgery	0.00	0.00	BR	BR
44800 00	Surgery	22.79	22.79	\$ 1,595.30	\$ 1,595.30
44820 00	Surgery	24.84	24.84	\$ 1,738.80	\$ 1,738.80
44850 00	Surgery	22.07	22.07	\$ 1,544.90	\$ 1,544.90
44899 00	Surgery	0.00	0.00	BR	BR
44900 00	Surgery	23.25	23.25	\$ 1,627.50	\$ 1,627.50
44950 00	Surgery	19.02	19.02	\$ 1,331.40	\$ 1,331.40
44955 00	Surgery	2.45	2.45	\$ 171.50	\$ 171.50
44960 00	Surgery	25.95	25.95	\$ 1,816.50	\$ 1,816.50
44970 00	Surgery	17.82	17.82	\$ 1,247.40	\$ 1,247.40
44979 00	Surgery	0.00	0.00	BR	BR
45000 00	Surgery	12.53	12.53	\$ 877.10	\$ 877.10
45005 00	Surgery	9.26	4.83	\$ 648.20	\$ 338.10
45020 00	Surgery	16.95	16.95	\$ 1,186.50	\$ 1,186.50
45100 00	Surgery	8.86	8.86	\$ 620.20	\$ 620.20
45108 00	Surgery	11.05	11.05	\$ 773.50	\$ 773.50
45110 00	Surgery	53.67	53.67	\$ 3,756.90	\$ 3,756.90
45111 00	Surgery	31.95	31.95	\$ 2,236.50	\$ 2,236.50
45112 00	Surgery	54.46	54.46	\$ 3,812.20	\$ 3,812.20
45113 00	Surgery	54.55	54.55	\$ 3,818.50	\$ 3,818.50
45114 00	Surgery	53.76	53.76	\$ 3,763.20	\$ 3,763.20
45116 00	Surgery	44.98	44.98	\$ 3,148.60	\$ 3,148.60
45119 00	Surgery	54.93	54.93	\$ 3,845.10	\$ 3,845.10
45120 00	Surgery	47.33	47.33	\$ 3,313.10	\$ 3,313.10
45121 00	Surgery	51.66	51.66	\$ 3,616.20	\$ 3,616.20
45123 00	Surgery	32.64	32.64	\$ 2,284.80	\$ 2,284.80
45126 00	Surgery	80.30	80.30	\$ 5,621.00	\$ 5,621.00
45130 00	Surgery	31.67	31.67	\$ 2,216.90	\$ 2,216.90
45135 00	Surgery	37.71	37.71	\$ 2,639.70	\$ 2,639.70
45136 00	Surgery	52.24	52.24	\$ 3,656.80	\$ 3,656.80
45150 00	Surgery	12.51	12.51	\$ 875.70	\$ 875.70
45160 00	Surgery	30.38	30.38	\$ 2,126.60	\$ 2,126.60
45171 00	Surgery	18.34	18.34	\$ 1,283.80	\$ 1,283.80
45172 00	Surgery	24.36	24.36	\$ 1,705.20	\$ 1,705.20
45190 00	Surgery	20.83	20.83	\$ 1,458.10	\$ 1,458.10
45300 00	Surgery	3.92	1.41	\$ 274.40	\$ 98.70
45303 00	Surgery	30.07	2.46	\$ 2,104.90	\$ 172.20
45305 00	Surgery	5.41	2.13	\$ 378.70	\$ 149.10
45307 00	Surgery	6.07	2.79	\$ 424.90	\$ 195.30
45308 00	Surgery	6.16	2.47	\$ 431.20	\$ 172.90
45309 00	Surgery	6.35	2.63	\$ 444.50	\$ 184.10
45315 00	Surgery	6.88	3.13	\$ 481.60	\$ 219.10
45317 00	Surgery	6.55	3.21	\$ 458.50	\$ 224.70
45320 00	Surgery	6.76	3.09	\$ 473.20	\$ 216.30
45321 00	Surgery	3.05	3.05	\$ 213.50	\$ 213.50
45327 00	Surgery	3.43	3.43	\$ 240.10	\$ 240.10
45330 00	Surgery	5.60	1.62	\$ 392.00	\$ 113.40
45331 00	Surgery	8.78	2.09	\$ 614.60	\$ 146.30
45332 00	Surgery	8.38	3.05	\$ 586.60	\$ 213.50
45333 00	Surgery	10.08	2.73	\$ 705.60	\$ 191.10
45334 00	Surgery	16.05	3.41	\$ 1,123.50	\$ 238.70
45335 00	Surgery	8.79	1.94	\$ 615.30	\$ 135.80
45337 00	Surgery	3.35	3.35	\$ 234.50	\$ 234.50
45338 00	Surgery	9.07	3.50	\$ 634.90	\$ 245.00
45340 00	Surgery	14.39	2.26	\$ 1,007.30	\$ 158.20
45341 00	Surgery	3.60	3.60	\$ 252.00	\$ 252.00
45342 00	Surgery	4.94	4.94	\$ 345.80	\$ 345.80
45346 00	Surgery	79.97	4.67	\$ 5,597.90	\$ 326.90

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
45347 00	Surgery	4.49	4.49	\$ 314.30	\$ 314.30
45349 00	Surgery	5.77	5.77	\$ 403.90	\$ 403.90
45350 00	Surgery	20.55	2.93	\$ 1,438.50	\$ 205.10
45378 00	Surgery	10.23	5.40	\$ 716.10	\$ 378.00
45379 00	Surgery	13.09	6.94	\$ 916.30	\$ 485.80
45380 00	Surgery	13.23	5.85	\$ 926.10	\$ 409.50
45381 00	Surgery	13.34	5.85	\$ 933.80	\$ 409.50
45382 00	Surgery	21.24	7.53	\$ 1,486.80	\$ 527.10
45384 00	Surgery	14.86	6.64	\$ 1,040.20	\$ 464.80
45385 00	Surgery	13.70	7.39	\$ 959.00	\$ 517.30
45386 00	Surgery	18.99	6.16	\$ 1,329.30	\$ 431.20
45388 00	Surgery	84.91	7.88	\$ 5,943.70	\$ 551.60
45389 00	Surgery	8.43	8.43	\$ 590.10	\$ 590.10
45390 00	Surgery	9.66	9.66	\$ 676.20	\$ 676.20
45391 00	Surgery	7.48	7.48	\$ 523.60	\$ 523.60
45392 00	Surgery	8.87	8.87	\$ 620.90	\$ 620.90
45393 00	Surgery	7.37	7.37	\$ 515.90	\$ 515.90
45395 00	Surgery	57.50	57.50	\$ 4,025.00	\$ 4,025.00
45397 00	Surgery	62.25	62.25	\$ 4,357.50	\$ 4,357.50
45398 00	Surgery	25.23	6.85	\$ 1,766.10	\$ 479.50
45399 00	Surgery	0.00	0.00	BR	BR
45400 00	Surgery	33.11	33.11	\$ 2,317.70	\$ 2,317.70
45402 00	Surgery	44.23	44.23	\$ 3,096.10	\$ 3,096.10
45499 00	Surgery	0.00	0.00	BR	BR
45500 00	Surgery	16.91	16.91	\$ 1,183.70	\$ 1,183.70
45505 00	Surgery	17.74	17.74	\$ 1,241.80	\$ 1,241.80
45520 00	Surgery	4.98	1.15	\$ 348.60	\$ 80.50
45540 00	Surgery	30.93	30.93	\$ 2,165.10	\$ 2,165.10
45541 00	Surgery	27.86	27.86	\$ 1,950.20	\$ 1,950.20
45550 00	Surgery	42.95	42.95	\$ 3,006.50	\$ 3,006.50
45560 00	Surgery	20.35	20.35	\$ 1,424.50	\$ 1,424.50
45562 00	Surgery	33.32	33.32	\$ 2,332.40	\$ 2,332.40
45563 00	Surgery	49.25	49.25	\$ 3,447.50	\$ 3,447.50
45800 00	Surgery	37.69	37.69	\$ 2,638.30	\$ 2,638.30
45805 00	Surgery	43.67	43.67	\$ 3,056.90	\$ 3,056.90
45820 00	Surgery	37.78	37.78	\$ 2,644.60	\$ 2,644.60
45825 00	Surgery	45.71	45.71	\$ 3,199.70	\$ 3,199.70
45900 00	Surgery	6.30	6.30	\$ 441.00	\$ 441.00
45905 00	Surgery	4.98	4.98	\$ 348.60	\$ 348.60
45910 00	Surgery	5.64	5.64	\$ 394.80	\$ 394.80
45915 00	Surgery	10.64	6.83	\$ 744.80	\$ 478.10
45990 00	Surgery	3.08	3.08	\$ 215.60	\$ 215.60
45999 00	Surgery	0.00	0.00	BR	BR
46020 00	Surgery	8.45	7.03	\$ 591.50	\$ 492.10
46030 00	Surgery	4.56	2.64	\$ 319.20	\$ 184.80
46040 00	Surgery	16.67	12.55	\$ 1,166.90	\$ 878.50
46045 00	Surgery	13.05	13.05	\$ 913.50	\$ 913.50
46050 00	Surgery	7.04	2.95	\$ 492.80	\$ 206.50
46060 00	Surgery	14.34	14.34	\$ 1,003.80	\$ 1,003.80
46070 00	Surgery	8.07	8.07	\$ 564.90	\$ 564.90
46080 00	Surgery	8.51	4.65	\$ 595.70	\$ 325.50
46083 00	Surgery	6.22	3.22	\$ 435.40	\$ 225.40
46200 00	Surgery	14.26	9.93	\$ 998.20	\$ 695.10
46220 00	Surgery	7.38	3.54	\$ 516.60	\$ 247.80
46221 00	Surgery	8.60	5.72	\$ 602.00	\$ 400.40
46230 00	Surgery	9.22	5.08	\$ 645.40	\$ 355.60
46250 00	Surgery	14.48	9.45	\$ 1,013.60	\$ 661.50
46255 00	Surgery	15.75	10.57	\$ 1,102.50	\$ 739.90
46257 00	Surgery	12.66	12.66	\$ 886.20	\$ 886.20

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
46258 00	Surgery	14.19	14.19	\$ 993.30	\$ 993.30
46260 00	Surgery	14.26	14.26	\$ 998.20	\$ 998.20
46261 00	Surgery	15.50	15.50	\$ 1,085.00	\$ 1,085.00
46262 00	Surgery	16.56	16.56	\$ 1,159.20	\$ 1,159.20
46270 00	Surgery	16.05	11.81	\$ 1,123.50	\$ 826.70
46275 00	Surgery	16.87	12.42	\$ 1,180.90	\$ 869.40
46280 00	Surgery	14.14	14.14	\$ 989.80	\$ 989.80
46285 00	Surgery	16.80	12.42	\$ 1,176.00	\$ 869.40
46288 00	Surgery	16.41	16.41	\$ 1,148.70	\$ 1,148.70
46320 00	Surgery	6.31	3.32	\$ 441.70	\$ 232.40
46500 00	Surgery	9.52	5.53	\$ 666.40	\$ 387.10
46505 00	Surgery	9.32	7.39	\$ 652.40	\$ 517.30
46600 00	Surgery	3.57	1.18	\$ 249.90	\$ 82.60
46601 00	Surgery	4.48	2.78	\$ 313.60	\$ 194.60
46604 00	Surgery	21.15	1.91	\$ 1,480.50	\$ 133.70
46606 00	Surgery	8.56	2.21	\$ 599.20	\$ 154.70
46607 00	Surgery	6.26	3.74	\$ 438.20	\$ 261.80
46608 00	Surgery	9.00	2.47	\$ 630.00	\$ 172.90
46610 00	Surgery	8.48	2.34	\$ 593.60	\$ 163.80
46611 00	Surgery	6.78	2.34	\$ 474.60	\$ 163.80
46612 00	Surgery	10.34	2.80	\$ 723.80	\$ 196.00
46614 00	Surgery	5.01	1.86	\$ 350.70	\$ 130.20
46615 00	Surgery	5.36	2.66	\$ 375.20	\$ 186.20
46700 00	Surgery	19.37	19.37	\$ 1,355.90	\$ 1,355.90
46705 00	Surgery	16.96	16.96	\$ 1,187.20	\$ 1,187.20
46706 00	Surgery	5.28	5.28	\$ 369.60	\$ 369.60
46707 00	Surgery	14.96	14.96	\$ 1,047.20	\$ 1,047.20
46710 00	Surgery	33.03	33.03	\$ 2,312.10	\$ 2,312.10
46712 00	Surgery	66.02	66.02	\$ 4,621.40	\$ 4,621.40
46715 00	Surgery	16.53	16.53	\$ 1,157.10	\$ 1,157.10
46716 00	Surgery	36.46	36.46	\$ 2,552.20	\$ 2,552.20
46730 00	Surgery	58.72	58.72	\$ 4,110.40	\$ 4,110.40
46735 00	Surgery	67.59	67.59	\$ 4,731.30	\$ 4,731.30
46740 00	Surgery	64.06	64.06	\$ 4,484.20	\$ 4,484.20
46742 00	Surgery	74.04	74.04	\$ 5,182.80	\$ 5,182.80
46744 00	Surgery	104.51	104.51	\$ 7,315.70	\$ 7,315.70
46746 00	Surgery	115.16	115.16	\$ 8,061.20	\$ 8,061.20
46748 00	Surgery	124.82	124.82	\$ 8,737.40	\$ 8,737.40
46750 00	Surgery	22.17	22.17	\$ 1,551.90	\$ 1,551.90
46751 00	Surgery	19.87	19.87	\$ 1,390.90	\$ 1,390.90
46753 00	Surgery	18.44	18.44	\$ 1,290.80	\$ 1,290.80
46754 00	Surgery	10.09	6.96	\$ 706.30	\$ 487.20
46760 00	Surgery	32.14	32.14	\$ 2,249.80	\$ 2,249.80
46761 00	Surgery	27.06	27.06	\$ 1,894.20	\$ 1,894.20
46900 00	Surgery	7.15	3.97	\$ 500.50	\$ 277.90
46910 00	Surgery	7.99	3.95	\$ 559.30	\$ 276.50
46916 00	Surgery	7.63	4.11	\$ 534.10	\$ 287.70
46917 00	Surgery	13.08	3.74	\$ 915.60	\$ 261.80
46922 00	Surgery	9.35	4.01	\$ 654.50	\$ 280.70
46924 00	Surgery	16.71	5.28	\$ 1,169.70	\$ 369.60
46930 00	Surgery	6.56	4.51	\$ 459.20	\$ 315.70
46940 00	Surgery	7.83	4.25	\$ 548.10	\$ 297.50
46942 00	Surgery	7.45	3.80	\$ 521.50	\$ 266.00
46945 00	Surgery	10.07	10.07	\$ 704.90	\$ 704.90
46946 00	Surgery	11.33	11.33	\$ 793.10	\$ 793.10
46947 00	Surgery	11.42	11.42	\$ 799.40	\$ 799.40
46948 00	Surgery	13.25	13.25	\$ 927.50	\$ 927.50
46999 00	Surgery	0.00	0.00	BR	BR
47000 00	Surgery	9.31	2.56	\$ 651.70	\$ 179.20

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
47001 00	Surgery	3.05	3.05	\$ 213.50	\$ 213.50
47010 00	Surgery	35.92	35.92	\$ 2,514.40	\$ 2,514.40
47015 00	Surgery	34.61	34.61	\$ 2,422.70	\$ 2,422.70
47100 00	Surgery	25.17	25.17	\$ 1,761.90	\$ 1,761.90
47120 00	Surgery	69.00	69.00	\$ 4,830.00	\$ 4,830.00
47122 00	Surgery	100.96	100.96	\$ 7,067.20	\$ 7,067.20
47125 00	Surgery	90.76	90.76	\$ 6,353.20	\$ 6,353.20
47130 00	Surgery	97.58	97.58	\$ 6,830.60	\$ 6,830.60
47133 00	Surgery	0.00	0.00	BR	BR
47135 00	Surgery	158.38	158.38	\$ 11,086.60	\$ 11,086.60
47140 00	Surgery	105.21	105.21	\$ 7,364.70	\$ 7,364.70
47141 00	Surgery	125.79	125.79	\$ 8,805.30	\$ 8,805.30
47142 00	Surgery	138.63	138.63	\$ 9,704.10	\$ 9,704.10
47143 00	Surgery	-	-	\$ 716.80	\$ 716.80
47144 00	Surgery	-	-	\$ 917.70	\$ 917.70
47145 00	Surgery	-	-	\$ 945.70	\$ 945.70
47146 00	Surgery	9.66	9.66	\$ 676.20	\$ 676.20
47147 00	Surgery	11.23	11.23	\$ 786.10	\$ 786.10
47300 00	Surgery	33.64	33.64	\$ 2,354.80	\$ 2,354.80
47350 00	Surgery	40.51	40.51	\$ 2,835.70	\$ 2,835.70
47360 00	Surgery	55.62	55.62	\$ 3,893.40	\$ 3,893.40
47361 00	Surgery	89.19	89.19	\$ 6,243.30	\$ 6,243.30
47362 00	Surgery	42.25	42.25	\$ 2,957.50	\$ 2,957.50
47370 00	Surgery	36.97	36.97	\$ 2,587.90	\$ 2,587.90
47371 00	Surgery	37.25	37.25	\$ 2,607.50	\$ 2,607.50
47379 00	Surgery	0.00	0.00	BR	BR
47380 00	Surgery	42.65	42.65	\$ 2,985.50	\$ 2,985.50
47381 00	Surgery	43.85	43.85	\$ 3,069.50	\$ 3,069.50
47382 00	Surgery	124.61	21.35	\$ 8,722.70	\$ 1,494.50
47383 00	Surgery	197.22	12.91	\$ 13,805.40	\$ 903.70
47399 00	Surgery	0.00	0.00	BR	BR
47400 00	Surgery	63.79	63.79	\$ 4,465.30	\$ 4,465.30
47420 00	Surgery	39.51	39.51	\$ 2,765.70	\$ 2,765.70
47425 00	Surgery	40.61	40.61	\$ 2,842.70	\$ 2,842.70
47460 00	Surgery	37.70	37.70	\$ 2,639.00	\$ 2,639.00
47480 00	Surgery	26.10	26.10	\$ 1,827.00	\$ 1,827.00
47490 00	Surgery	9.73	9.73	\$ 681.10	\$ 681.10
47531 00	Surgery	12.69	2.05	\$ 888.30	\$ 143.50
47532 00	Surgery	26.04	6.16	\$ 1,822.80	\$ 431.20
47533 00	Surgery	37.38	7.65	\$ 2,616.60	\$ 535.50
47534 00	Surgery	41.43	10.67	\$ 2,900.10	\$ 746.90
47535 00	Surgery	28.89	5.64	\$ 2,022.30	\$ 394.80
47536 00	Surgery	20.63	3.80	\$ 1,444.10	\$ 266.00
47537 00	Surgery	14.71	2.77	\$ 1,029.70	\$ 193.90
47538 00	Surgery	126.03	6.80	\$ 8,822.10	\$ 476.00
47539 00	Surgery	138.26	12.12	\$ 9,678.20	\$ 848.40
47540 00	Surgery	141.36	12.67	\$ 9,895.20	\$ 886.90
47541 00	Surgery	36.59	9.61	\$ 2,561.30	\$ 672.70
47542 00	Surgery	15.62	3.92	\$ 1,093.40	\$ 274.40
47543 00	Surgery	12.96	4.15	\$ 907.20	\$ 290.50
47544 00	Surgery	28.24	4.51	\$ 1,976.80	\$ 315.70
47550 00	Surgery	4.86	4.86	\$ 340.20	\$ 340.20
47552 00	Surgery	7.94	7.94	\$ 555.80	\$ 555.80
47553 00	Surgery	7.99	7.99	\$ 559.30	\$ 559.30
47554 00	Surgery	15.18	15.18	\$ 1,062.60	\$ 1,062.60
47555 00	Surgery	9.51	9.51	\$ 665.70	\$ 665.70
47556 00	Surgery	10.77	10.77	\$ 753.90	\$ 753.90
47562 00	Surgery	19.54	19.54	\$ 1,367.80	\$ 1,367.80
47563 00	Surgery	21.26	21.26	\$ 1,488.20	\$ 1,488.20

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
47564 00	Surgery	33.09	33.09	\$ 2,316.30	\$ 2,316.30
47570 00	Surgery	23.00	23.00	\$ 1,610.00	\$ 1,610.00
47579 00	Surgery	0.00	0.00	BR	BR
47600 00	Surgery	31.64	31.64	\$ 2,214.80	\$ 2,214.80
47605 00	Surgery	33.35	33.35	\$ 2,334.50	\$ 2,334.50
47610 00	Surgery	37.10	37.10	\$ 2,597.00	\$ 2,597.00
47612 00	Surgery	37.80	37.80	\$ 2,646.00	\$ 2,646.00
47620 00	Surgery	40.81	40.81	\$ 2,856.70	\$ 2,856.70
47700 00	Surgery	31.48	31.48	\$ 2,203.60	\$ 2,203.60
47701 00	Surgery	51.57	51.57	\$ 3,609.90	\$ 3,609.90
47711 00	Surgery	46.08	46.08	\$ 3,225.60	\$ 3,225.60
47712 00	Surgery	59.19	59.19	\$ 4,143.30	\$ 4,143.30
47715 00	Surgery	39.51	39.51	\$ 2,765.70	\$ 2,765.70
47720 00	Surgery	34.35	34.35	\$ 2,404.50	\$ 2,404.50
47721 00	Surgery	40.24	40.24	\$ 2,816.80	\$ 2,816.80
47740 00	Surgery	39.01	39.01	\$ 2,730.70	\$ 2,730.70
47741 00	Surgery	43.84	43.84	\$ 3,068.80	\$ 3,068.80
47760 00	Surgery	66.56	66.56	\$ 4,659.20	\$ 4,659.20
47765 00	Surgery	89.81	89.81	\$ 6,286.70	\$ 6,286.70
47780 00	Surgery	73.12	73.12	\$ 5,118.40	\$ 5,118.40
47785 00	Surgery	95.60	95.60	\$ 6,692.00	\$ 6,692.00
47800 00	Surgery	46.19	46.19	\$ 3,233.30	\$ 3,233.30
47801 00	Surgery	33.17	33.17	\$ 2,321.90	\$ 2,321.90
47802 00	Surgery	45.32	45.32	\$ 3,172.40	\$ 3,172.40
47900 00	Surgery	40.21	40.21	\$ 2,814.70	\$ 2,814.70
47999 00	Surgery	0.00	0.00	BR	BR
48000 00	Surgery	55.75	55.75	\$ 3,902.50	\$ 3,902.50
48001 00	Surgery	68.28	68.28	\$ 4,779.60	\$ 4,779.60
48020 00	Surgery	34.99	34.99	\$ 2,449.30	\$ 2,449.30
48100 00	Surgery	26.09	26.09	\$ 1,826.30	\$ 1,826.30
48102 00	Surgery	15.98	6.87	\$ 1,118.60	\$ 480.90
48105 00	Surgery	83.90	83.90	\$ 5,873.00	\$ 5,873.00
48120 00	Surgery	32.75	32.75	\$ 2,292.50	\$ 2,292.50
48140 00	Surgery	46.20	46.20	\$ 3,234.00	\$ 3,234.00
48145 00	Surgery	48.38	48.38	\$ 3,386.60	\$ 3,386.60
48146 00	Surgery	55.97	55.97	\$ 3,917.90	\$ 3,917.90
48148 00	Surgery	37.08	37.08	\$ 2,595.60	\$ 2,595.60
48150 00	Surgery	92.08	92.08	\$ 6,445.60	\$ 6,445.60
48152 00	Surgery	85.65	85.65	\$ 5,995.50	\$ 5,995.50
48153 00	Surgery	91.80	91.80	\$ 6,426.00	\$ 6,426.00
48154 00	Surgery	86.03	86.03	\$ 6,022.10	\$ 6,022.10
48155 00	Surgery	53.92	53.92	\$ 3,774.40	\$ 3,774.40
48160 00	Surgery	-	-	\$ 6,505.80	\$ 6,505.80
48400 00	Surgery	3.15	3.15	\$ 220.50	\$ 220.50
48500 00	Surgery	34.19	34.19	\$ 2,393.30	\$ 2,393.30
48510 00	Surgery	32.64	32.64	\$ 2,284.80	\$ 2,284.80
48520 00	Surgery	32.65	32.65	\$ 2,285.50	\$ 2,285.50
48540 00	Surgery	38.80	38.80	\$ 2,716.00	\$ 2,716.00
48545 00	Surgery	39.94	39.94	\$ 2,795.80	\$ 2,795.80
48547 00	Surgery	53.09	53.09	\$ 3,716.30	\$ 3,716.30
48548 00	Surgery	49.53	49.53	\$ 3,467.10	\$ 3,467.10
48550 00	Surgery	0.00	0.00	BR	BR
48551 00	Surgery	-	-	\$ 482.30	\$ 482.30
48552 00	Surgery	6.94	6.94	\$ 485.80	\$ 485.80
48554 00	Surgery	76.28	76.28	\$ 5,339.60	\$ 5,339.60
48556 00	Surgery	37.87	37.87	\$ 2,650.90	\$ 2,650.90
48999 00	Surgery	0.00	0.00	BR	BR
49000 00	Surgery	22.69	22.69	\$ 1,588.30	\$ 1,588.30
49002 00	Surgery	30.82	30.82	\$ 2,157.40	\$ 2,157.40

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
49010 00	Surgery	27.19	27.19	\$ 1,903.30	\$ 1,903.30
49013 00	Surgery	12.73	12.73	\$ 891.10	\$ 891.10
49014 00	Surgery	10.53	10.53	\$ 737.10	\$ 737.10
49020 00	Surgery	47.04	47.04	\$ 3,292.80	\$ 3,292.80
49040 00	Surgery	29.71	29.71	\$ 2,079.70	\$ 2,079.70
49060 00	Surgery	32.38	32.38	\$ 2,266.60	\$ 2,266.60
49062 00	Surgery	22.75	22.75	\$ 1,592.50	\$ 1,592.50
49082 00	Surgery	6.47	2.13	\$ 452.90	\$ 149.10
49083 00	Surgery	9.07	3.08	\$ 634.90	\$ 215.60
49084 00	Surgery	3.17	3.17	\$ 221.90	\$ 221.90
49180 00	Surgery	5.14	2.43	\$ 359.80	\$ 170.10
49185 00	Surgery	38.31	3.44	\$ 2,681.70	\$ 240.80
49203 00	Surgery	35.16	35.16	\$ 2,461.20	\$ 2,461.20
49204 00	Surgery	44.73	44.73	\$ 3,131.10	\$ 3,131.10
49205 00	Surgery	51.32	51.32	\$ 3,592.40	\$ 3,592.40
49215 00	Surgery	65.37	65.37	\$ 4,575.90	\$ 4,575.90
49250 00	Surgery	17.39	17.39	\$ 1,217.30	\$ 1,217.30
49255 00	Surgery	23.29	23.29	\$ 1,630.30	\$ 1,630.30
49320 00	Surgery	9.71	9.71	\$ 679.70	\$ 679.70
49321 00	Surgery	10.19	10.19	\$ 713.30	\$ 713.30
49322 00	Surgery	11.08	11.08	\$ 775.60	\$ 775.60
49323 00	Surgery	18.72	18.72	\$ 1,310.40	\$ 1,310.40
49324 00	Surgery	11.50	11.50	\$ 805.00	\$ 805.00
49325 00	Surgery	12.27	12.27	\$ 858.90	\$ 858.90
49326 00	Surgery	5.56	5.56	\$ 389.20	\$ 389.20
49327 00	Surgery	3.86	3.86	\$ 270.20	\$ 270.20
49329 00	Surgery	0.00	0.00	BR	BR
49400 00	Surgery	4.40	2.65	\$ 308.00	\$ 185.50
49402 00	Surgery	25.26	25.26	\$ 1,768.20	\$ 1,768.20
49405 00	Surgery	27.32	5.66	\$ 1,912.40	\$ 396.20
49406 00	Surgery	27.33	5.66	\$ 1,913.10	\$ 396.20
49407 00	Surgery	22.70	6.03	\$ 1,589.00	\$ 422.10
49411 00	Surgery	14.75	5.32	\$ 1,032.50	\$ 372.40
49412 00	Surgery	2.43	2.43	\$ 170.10	\$ 170.10
49418 00	Surgery	33.66	5.85	\$ 2,356.20	\$ 409.50
49419 00	Surgery	12.62	12.62	\$ 883.40	\$ 883.40
49421 00	Surgery	6.70	6.70	\$ 469.00	\$ 469.00
49422 00	Surgery	6.53	6.53	\$ 457.10	\$ 457.10
49423 00	Surgery	18.62	2.05	\$ 1,303.40	\$ 143.50
49424 00	Surgery	5.48	1.08	\$ 383.60	\$ 75.60
49425 00	Surgery	20.73	20.73	\$ 1,451.10	\$ 1,451.10
49426 00	Surgery	19.84	19.84	\$ 1,388.80	\$ 1,388.80
49427 00	Surgery	1.12	1.12	\$ 78.40	\$ 78.40
49428 00	Surgery	12.77	12.77	\$ 893.90	\$ 893.90
49429 00	Surgery	13.58	13.58	\$ 950.60	\$ 950.60
49435 00	Surgery	3.51	3.51	\$ 245.70	\$ 245.70
49436 00	Surgery	5.56	5.56	\$ 389.20	\$ 389.20
49440 00	Surgery	27.20	5.89	\$ 1,904.00	\$ 412.30
49441 00	Surgery	30.88	6.94	\$ 2,161.60	\$ 485.80
49442 00	Surgery	25.90	5.97	\$ 1,813.00	\$ 417.90
49446 00	Surgery	26.19	4.25	\$ 1,833.30	\$ 297.50
49450 00	Surgery	19.51	1.91	\$ 1,365.70	\$ 133.70
49451 00	Surgery	21.00	2.57	\$ 1,470.00	\$ 179.90
49452 00	Surgery	25.54	3.97	\$ 1,787.80	\$ 277.90
49460 00	Surgery	21.81	1.42	\$ 1,526.70	\$ 99.40
49465 00	Surgery	4.36	0.89	\$ 305.20	\$ 62.30
49491 00	Surgery	23.65	23.65	\$ 1,655.50	\$ 1,655.50
49492 00	Surgery	28.42	28.42	\$ 1,989.40	\$ 1,989.40
49495 00	Surgery	12.13	12.13	\$ 849.10	\$ 849.10

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
49496 00	Surgery	18.22	18.22	\$ 1,275.40	\$ 1,275.40
49500 00	Surgery	12.31	12.31	\$ 861.70	\$ 861.70
49501 00	Surgery	17.98	17.98	\$ 1,258.60	\$ 1,258.60
49505 00	Surgery	15.48	15.48	\$ 1,083.60	\$ 1,083.60
49507 00	Surgery	17.37	17.37	\$ 1,215.90	\$ 1,215.90
49520 00	Surgery	18.74	18.74	\$ 1,311.80	\$ 1,311.80
49521 00	Surgery	21.22	21.22	\$ 1,485.40	\$ 1,485.40
49525 00	Surgery	16.99	16.99	\$ 1,189.30	\$ 1,189.30
49540 00	Surgery	20.17	20.17	\$ 1,411.90	\$ 1,411.90
49550 00	Surgery	17.09	17.09	\$ 1,196.30	\$ 1,196.30
49553 00	Surgery	18.72	18.72	\$ 1,310.40	\$ 1,310.40
49555 00	Surgery	17.87	17.87	\$ 1,250.90	\$ 1,250.90
49557 00	Surgery	21.39	21.39	\$ 1,497.30	\$ 1,497.30
49560 00	Surgery	21.82	21.82	\$ 1,527.40	\$ 1,527.40
49561 00	Surgery	27.47	27.47	\$ 1,922.90	\$ 1,922.90
49565 00	Surgery	22.73	22.73	\$ 1,591.10	\$ 1,591.10
49566 00	Surgery	27.72	27.72	\$ 1,940.40	\$ 1,940.40
49568 00	Surgery	7.85	7.85	\$ 549.50	\$ 549.50
49570 00	Surgery	12.44	12.44	\$ 870.80	\$ 870.80
49572 00	Surgery	15.37	15.37	\$ 1,075.90	\$ 1,075.90
49580 00	Surgery	9.99	9.99	\$ 699.30	\$ 699.30
49582 00	Surgery	14.37	14.37	\$ 1,005.90	\$ 1,005.90
49585 00	Surgery	13.25	13.25	\$ 927.50	\$ 927.50
49587 00	Surgery	14.14	14.14	\$ 989.80	\$ 989.80
49590 00	Surgery	17.02	17.02	\$ 1,191.40	\$ 1,191.40
49600 00	Surgery	21.77	21.77	\$ 1,523.90	\$ 1,523.90
49605 00	Surgery	145.40	145.40	\$ 10,178.00	\$ 10,178.00
49606 00	Surgery	33.58	33.58	\$ 2,350.60	\$ 2,350.60
49610 00	Surgery	20.53	20.53	\$ 1,437.10	\$ 1,437.10
49611 00	Surgery	18.11	18.11	\$ 1,267.70	\$ 1,267.70
49650 00	Surgery	12.79	12.79	\$ 895.30	\$ 895.30
49651 00	Surgery	16.65	16.65	\$ 1,165.50	\$ 1,165.50
49652 00	Surgery	22.03	22.03	\$ 1,542.10	\$ 1,542.10
49653 00	Surgery	27.56	27.56	\$ 1,929.20	\$ 1,929.20
49654 00	Surgery	24.99	24.99	\$ 1,749.30	\$ 1,749.30
49655 00	Surgery	30.60	30.60	\$ 2,142.00	\$ 2,142.00
49656 00	Surgery	27.12	27.12	\$ 1,898.40	\$ 1,898.40
49657 00	Surgery	39.02	39.02	\$ 2,731.40	\$ 2,731.40
49659 00	Surgery	0.00	0.00	BR	BR
49900 00	Surgery	24.14	24.14	\$ 1,689.80	\$ 1,689.80
49904 00	Surgery	41.01	41.01	\$ 2,870.70	\$ 2,870.70
49905 00	Surgery	10.37	10.37	\$ 725.90	\$ 725.90
49906 00	Surgery	-	-	\$ 5,157.60	\$ 5,157.60
49999 00	Surgery	0.00	0.00	BR	BR
50010 00	Surgery	21.66	21.66	\$ 1,516.20	\$ 1,516.20
50020 00	Surgery	29.56	29.56	\$ 2,069.20	\$ 2,069.20
50040 00	Surgery	26.91	26.91	\$ 1,883.70	\$ 1,883.70
50045 00	Surgery	27.15	27.15	\$ 1,900.50	\$ 1,900.50
50060 00	Surgery	33.17	33.17	\$ 2,321.90	\$ 2,321.90
50065 00	Surgery	35.17	35.17	\$ 2,461.90	\$ 2,461.90
50070 00	Surgery	34.49	34.49	\$ 2,414.30	\$ 2,414.30
50075 00	Surgery	42.38	42.38	\$ 2,966.60	\$ 2,966.60
50080 00	Surgery	25.31	25.31	\$ 1,771.70	\$ 1,771.70
50081 00	Surgery	37.18	37.18	\$ 2,602.60	\$ 2,602.60
50100 00	Surgery	32.01	32.01	\$ 2,240.70	\$ 2,240.70
50120 00	Surgery	27.64	27.64	\$ 1,934.80	\$ 1,934.80
50125 00	Surgery	28.61	28.61	\$ 2,002.70	\$ 2,002.70
50130 00	Surgery	30.05	30.05	\$ 2,103.50	\$ 2,103.50
50135 00	Surgery	32.63	32.63	\$ 2,284.10	\$ 2,284.10

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
50200 00	Surgery	16.30	3.69	\$ 1,141.00	\$ 258.30
50205 00	Surgery	22.18	22.18	\$ 1,552.60	\$ 1,552.60
50220 00	Surgery	30.70	30.70	\$ 2,149.00	\$ 2,149.00
50225 00	Surgery	34.98	34.98	\$ 2,448.60	\$ 2,448.60
50230 00	Surgery	37.28	37.28	\$ 2,609.60	\$ 2,609.60
50234 00	Surgery	37.94	37.94	\$ 2,655.80	\$ 2,655.80
50236 00	Surgery	42.67	42.67	\$ 2,986.90	\$ 2,986.90
50240 00	Surgery	38.58	38.58	\$ 2,700.60	\$ 2,700.60
50250 00	Surgery	35.43	35.43	\$ 2,480.10	\$ 2,480.10
50280 00	Surgery	28.23	28.23	\$ 1,976.10	\$ 1,976.10
50290 00	Surgery	26.20	26.20	\$ 1,834.00	\$ 1,834.00
50300 00	Surgery	0.00	0.00	BR	BR
50320 00	Surgery	44.64	44.64	\$ 3,124.80	\$ 3,124.80
50323 00	Surgery	-	-	\$ 426.30	\$ 426.30
50325 00	Surgery	-	-	\$ 395.50	\$ 395.50
50327 00	Surgery	6.38	6.38	\$ 446.60	\$ 446.60
50328 00	Surgery	5.56	5.56	\$ 389.20	\$ 389.20
50329 00	Surgery	5.30	5.30	\$ 371.00	\$ 371.00
50340 00	Surgery	28.18	28.18	\$ 1,972.60	\$ 1,972.60
50360 00	Surgery	71.42	71.42	\$ 4,999.40	\$ 4,999.40
50365 00	Surgery	84.76	84.76	\$ 5,933.20	\$ 5,933.20
50370 00	Surgery	35.72	35.72	\$ 2,500.40	\$ 2,500.40
50380 00	Surgery	59.80	59.80	\$ 4,186.00	\$ 4,186.00
50382 00	Surgery	32.53	7.36	\$ 2,277.10	\$ 515.20
50384 00	Surgery	27.23	6.62	\$ 1,906.10	\$ 463.40
50385 00	Surgery	32.55	6.33	\$ 2,278.50	\$ 443.10
50386 00	Surgery	23.17	4.68	\$ 1,621.90	\$ 327.60
50387 00	Surgery	17.30	2.41	\$ 1,211.00	\$ 168.70
50389 00	Surgery	12.50	1.55	\$ 875.00	\$ 108.50
50390 00	Surgery	2.76	2.76	\$ 193.20	\$ 193.20
50391 00	Surgery	3.70	2.85	\$ 259.00	\$ 199.50
50396 00	Surgery	3.35	3.35	\$ 234.50	\$ 234.50
50400 00	Surgery	33.62	33.62	\$ 2,353.40	\$ 2,353.40
50405 00	Surgery	40.59	40.59	\$ 2,841.30	\$ 2,841.30
50430 00	Surgery	18.58	4.45	\$ 1,300.60	\$ 311.50
50431 00	Surgery	9.12	1.89	\$ 638.40	\$ 132.30
50432 00	Surgery	27.73	5.91	\$ 1,941.10	\$ 413.70
50433 00	Surgery	35.20	7.35	\$ 2,464.00	\$ 514.50
50434 00	Surgery	28.20	5.53	\$ 1,974.00	\$ 387.10
50435 00	Surgery	18.16	2.86	\$ 1,271.20	\$ 200.20
50436 00	Surgery	4.36	4.36	\$ 305.20	\$ 305.20
50437 00	Surgery	7.23	7.23	\$ 506.10	\$ 506.10
50500 00	Surgery	36.38	36.38	\$ 2,546.60	\$ 2,546.60
50520 00	Surgery	34.29	34.29	\$ 2,400.30	\$ 2,400.30
50525 00	Surgery	43.53	43.53	\$ 3,047.10	\$ 3,047.10
50526 00	Surgery	46.62	46.62	\$ 3,263.40	\$ 3,263.40
50540 00	Surgery	33.37	33.37	\$ 2,335.90	\$ 2,335.90
50541 00	Surgery	26.75	26.75	\$ 1,872.50	\$ 1,872.50
50542 00	Surgery	34.01	34.01	\$ 2,380.70	\$ 2,380.70
50543 00	Surgery	43.36	43.36	\$ 3,035.20	\$ 3,035.20
50544 00	Surgery	36.16	36.16	\$ 2,531.20	\$ 2,531.20
50545 00	Surgery	38.88	38.88	\$ 2,721.60	\$ 2,721.60
50546 00	Surgery	35.09	35.09	\$ 2,456.30	\$ 2,456.30
50547 00	Surgery	47.44	47.44	\$ 3,320.80	\$ 3,320.80
50548 00	Surgery	39.15	39.15	\$ 2,740.50	\$ 2,740.50
50549 00	Surgery	0.00	0.00	BR	BR
50551 00	Surgery	10.61	8.52	\$ 742.70	\$ 596.40
50553 00	Surgery	11.36	9.11	\$ 795.20	\$ 637.70
50555 00	Surgery	12.10	9.86	\$ 847.00	\$ 690.20

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
50557 00	Surgery	12.31	10.00	\$ 861.70	\$ 700.00
50561 00	Surgery	13.95	11.42	\$ 976.50	\$ 799.40
50562 00	Surgery	16.78	16.78	\$ 1,174.60	\$ 1,174.60
50570 00	Surgery	14.23	14.23	\$ 996.10	\$ 996.10
50572 00	Surgery	15.39	15.39	\$ 1,077.30	\$ 1,077.30
50574 00	Surgery	16.36	16.36	\$ 1,145.20	\$ 1,145.20
50575 00	Surgery	20.68	20.68	\$ 1,447.60	\$ 1,447.60
50576 00	Surgery	16.32	16.32	\$ 1,142.40	\$ 1,142.40
50580 00	Surgery	17.60	17.60	\$ 1,232.00	\$ 1,232.00
50590 00	Surgery	21.94	16.63	\$ 1,535.80	\$ 1,164.10
50592 00	Surgery	94.20	9.92	\$ 6,594.00	\$ 694.40
50593 00	Surgery	126.49	13.23	\$ 8,854.30	\$ 926.10
50600 00	Surgery	27.31	27.31	\$ 1,911.70	\$ 1,911.70
50605 00	Surgery	29.36	29.36	\$ 2,055.20	\$ 2,055.20
50606 00	Surgery	17.42	4.34	\$ 1,219.40	\$ 303.80
50610 00	Surgery	27.50	27.50	\$ 1,925.00	\$ 1,925.00
50620 00	Surgery	26.32	26.32	\$ 1,842.40	\$ 1,842.40
50630 00	Surgery	26.00	26.00	\$ 1,820.00	\$ 1,820.00
50650 00	Surgery	30.21	30.21	\$ 2,114.70	\$ 2,114.70
50660 00	Surgery	33.27	33.27	\$ 2,328.90	\$ 2,328.90
50684 00	Surgery	3.71	1.46	\$ 259.70	\$ 102.20
50686 00	Surgery	4.21	2.55	\$ 294.70	\$ 178.50
50688 00	Surgery	2.23	2.23	\$ 156.10	\$ 156.10
50690 00	Surgery	3.39	2.01	\$ 237.30	\$ 140.70
50693 00	Surgery	31.47	5.88	\$ 2,202.90	\$ 411.60
50694 00	Surgery	35.00	7.69	\$ 2,450.00	\$ 538.30
50695 00	Surgery	42.23	9.91	\$ 2,956.10	\$ 693.70
50700 00	Surgery	26.97	26.97	\$ 1,887.90	\$ 1,887.90
50705 00	Surgery	58.03	5.09	\$ 4,062.10	\$ 356.30
50706 00	Surgery	27.43	5.25	\$ 1,920.10	\$ 367.50
50715 00	Surgery	35.21	35.21	\$ 2,464.70	\$ 2,464.70
50722 00	Surgery	30.09	30.09	\$ 2,106.30	\$ 2,106.30
50725 00	Surgery	32.07	32.07	\$ 2,244.90	\$ 2,244.90
50727 00	Surgery	14.90	14.90	\$ 1,043.00	\$ 1,043.00
50728 00	Surgery	21.47	21.47	\$ 1,502.90	\$ 1,502.90
50740 00	Surgery	36.23	36.23	\$ 2,536.10	\$ 2,536.10
50750 00	Surgery	33.56	33.56	\$ 2,349.20	\$ 2,349.20
50760 00	Surgery	33.24	33.24	\$ 2,326.80	\$ 2,326.80
50770 00	Surgery	33.56	33.56	\$ 2,349.20	\$ 2,349.20
50780 00	Surgery	32.38	32.38	\$ 2,266.60	\$ 2,266.60
50782 00	Surgery	31.28	31.28	\$ 2,189.60	\$ 2,189.60
50783 00	Surgery	32.80	32.80	\$ 2,296.00	\$ 2,296.00
50785 00	Surgery	35.33	35.33	\$ 2,473.10	\$ 2,473.10
50800 00	Surgery	26.95	26.95	\$ 1,886.50	\$ 1,886.50
50810 00	Surgery	41.55	41.55	\$ 2,908.50	\$ 2,908.50
50815 00	Surgery	35.64	35.64	\$ 2,494.80	\$ 2,494.80
50820 00	Surgery	38.25	38.25	\$ 2,677.50	\$ 2,677.50
50825 00	Surgery	48.21	48.21	\$ 3,374.70	\$ 3,374.70
50830 00	Surgery	52.41	52.41	\$ 3,668.70	\$ 3,668.70
50840 00	Surgery	35.84	35.84	\$ 2,508.80	\$ 2,508.80
50845 00	Surgery	36.49	36.49	\$ 2,554.30	\$ 2,554.30
50860 00	Surgery	27.53	27.53	\$ 1,927.10	\$ 1,927.10
50900 00	Surgery	24.56	24.56	\$ 1,719.20	\$ 1,719.20
50920 00	Surgery	25.68	25.68	\$ 1,797.60	\$ 1,797.60
50930 00	Surgery	32.05	32.05	\$ 2,243.50	\$ 2,243.50
50940 00	Surgery	25.87	25.87	\$ 1,810.90	\$ 1,810.90
50945 00	Surgery	28.27	28.27	\$ 1,978.90	\$ 1,978.90
50947 00	Surgery	40.34	40.34	\$ 2,823.80	\$ 2,823.80
50948 00	Surgery	37.21	37.21	\$ 2,604.70	\$ 2,604.70

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
50949 00	Surgery	0.00	0.00	BR	BR
50951 00	Surgery	11.14	8.89	\$ 779.80	\$ 622.30
50953 00	Surgery	11.76	9.45	\$ 823.20	\$ 661.50
50955 00	Surgery	12.52	10.18	\$ 876.40	\$ 712.60
50957 00	Surgery	12.65	10.24	\$ 885.50	\$ 716.80
50961 00	Surgery	11.43	9.18	\$ 800.10	\$ 642.60
50970 00	Surgery	10.72	10.72	\$ 750.40	\$ 750.40
50972 00	Surgery	10.35	10.35	\$ 724.50	\$ 724.50
50974 00	Surgery	13.67	13.67	\$ 956.90	\$ 956.90
50976 00	Surgery	13.49	13.49	\$ 944.30	\$ 944.30
50980 00	Surgery	10.30	10.30	\$ 721.00	\$ 721.00
51020 00	Surgery	13.73	13.73	\$ 961.10	\$ 961.10
51030 00	Surgery	13.83	13.83	\$ 968.10	\$ 968.10
51040 00	Surgery	8.49	8.49	\$ 594.30	\$ 594.30
51045 00	Surgery	14.75	14.75	\$ 1,032.50	\$ 1,032.50
51050 00	Surgery	13.79	13.79	\$ 965.30	\$ 965.30
51060 00	Surgery	17.00	17.00	\$ 1,190.00	\$ 1,190.00
51065 00	Surgery	16.93	16.93	\$ 1,185.10	\$ 1,185.10
51080 00	Surgery	11.93	11.93	\$ 835.10	\$ 835.10
51100 00	Surgery	2.18	1.12	\$ 152.60	\$ 78.40
51101 00	Surgery	4.55	1.50	\$ 318.50	\$ 105.00
51102 00	Surgery	7.19	4.21	\$ 503.30	\$ 294.70
51500 00	Surgery	18.60	18.60	\$ 1,302.00	\$ 1,302.00
51520 00	Surgery	17.38	17.38	\$ 1,216.60	\$ 1,216.60
51525 00	Surgery	25.07	25.07	\$ 1,754.90	\$ 1,754.90
51530 00	Surgery	22.46	22.46	\$ 1,572.20	\$ 1,572.20
51535 00	Surgery	22.75	22.75	\$ 1,592.50	\$ 1,592.50
51550 00	Surgery	28.06	28.06	\$ 1,964.20	\$ 1,964.20
51555 00	Surgery	36.79	36.79	\$ 2,575.30	\$ 2,575.30
51565 00	Surgery	37.51	37.51	\$ 2,625.70	\$ 2,625.70
51570 00	Surgery	42.76	42.76	\$ 2,993.20	\$ 2,993.20
51575 00	Surgery	52.93	52.93	\$ 3,705.10	\$ 3,705.10
51580 00	Surgery	55.17	55.17	\$ 3,861.90	\$ 3,861.90
51585 00	Surgery	61.37	61.37	\$ 4,295.90	\$ 4,295.90
51590 00	Surgery	56.23	56.23	\$ 3,936.10	\$ 3,936.10
51595 00	Surgery	63.58	63.58	\$ 4,450.60	\$ 4,450.60
51596 00	Surgery	68.49	68.49	\$ 4,794.30	\$ 4,794.30
51597 00	Surgery	66.69	66.69	\$ 4,668.30	\$ 4,668.30
51600 00	Surgery	6.47	1.28	\$ 452.90	\$ 89.60
51605 00	Surgery	1.12	1.12	\$ 78.40	\$ 78.40
51610 00	Surgery	3.76	1.85	\$ 263.20	\$ 129.50
51700 00	Surgery	2.32	0.90	\$ 162.40	\$ 63.00
51701 00	Surgery	1.34	0.74	\$ 93.80	\$ 51.80
51702 00	Surgery	1.87	0.73	\$ 130.90	\$ 51.10
51703 00	Surgery	4.37	2.22	\$ 305.90	\$ 155.40
51705 00	Surgery	2.86	1.50	\$ 200.20	\$ 105.00
51710 00	Surgery	4.00	2.30	\$ 280.00	\$ 161.00
51715 00	Surgery	10.79	5.82	\$ 755.30	\$ 407.40
51720 00	Surgery	2.61	1.27	\$ 182.70	\$ 88.90
51725 00	Surgery	6.71	6.71	\$ 469.70	\$ 469.70
51725 26	Surgery	2.21	2.21	\$ 154.70	\$ 154.70
51725 TC	Surgery	4.50	4.50	\$ 315.00	\$ 315.00
51726 00	Surgery	9.02	9.02	\$ 631.40	\$ 631.40
51726 26	Surgery	2.46	2.46	\$ 172.20	\$ 172.20
51726 TC	Surgery	6.56	6.56	\$ 459.20	\$ 459.20
51727 00	Surgery	10.85	10.85	\$ 759.50	\$ 759.50
51727 26	Surgery	3.08	3.08	\$ 215.60	\$ 215.60
51727 TC	Surgery	7.77	7.77	\$ 543.90	\$ 543.90
51728 00	Surgery	10.95	10.95	\$ 766.50	\$ 766.50

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
51728 26	Surgery	3.01	3.01	\$ 210.70	\$ 210.70
51728 TC	Surgery	7.94	7.94	\$ 555.80	\$ 555.80
51729 00	Surgery	11.62	11.62	\$ 813.40	\$ 813.40
51729 26	Surgery	3.67	3.67	\$ 256.90	\$ 256.90
51729 TC	Surgery	7.95	7.95	\$ 556.50	\$ 556.50
51736 00	Surgery	0.39	0.39	\$ 27.30	\$ 27.30
51736 26	Surgery	0.24	0.24	\$ 16.80	\$ 16.80
51736 TC	Surgery	0.15	0.15	\$ 10.50	\$ 10.50
51741 00	Surgery	0.41	0.41	\$ 28.70	\$ 28.70
51741 26	Surgery	0.25	0.25	\$ 17.50	\$ 17.50
51741 TC	Surgery	0.16	0.16	\$ 11.20	\$ 11.20
51784 00	Surgery	1.93	1.93	\$ 135.10	\$ 135.10
51784 26	Surgery	1.08	1.08	\$ 75.60	\$ 75.60
51784 TC	Surgery	0.85	0.85	\$ 59.50	\$ 59.50
51785 00	Surgery	12.85	12.85	\$ 899.50	\$ 899.50
51785 26	Surgery	2.72	2.72	\$ 190.40	\$ 190.40
51785 TC	Surgery	10.13	10.13	\$ 709.10	\$ 709.10
51792 00	Surgery	7.93	7.93	\$ 555.10	\$ 555.10
51792 26	Surgery	1.58	1.58	\$ 110.60	\$ 110.60
51792 TC	Surgery	6.35	6.35	\$ 444.50	\$ 444.50
51797 00	Surgery	5.52	5.52	\$ 386.40	\$ 386.40
51797 26	Surgery	1.14	1.14	\$ 79.80	\$ 79.80
51797 TC	Surgery	4.38	4.38	\$ 306.60	\$ 306.60
51798 00	Surgery	0.30	0.30	\$ 21.00	\$ 21.00
51800 00	Surgery	30.37	30.37	\$ 2,125.90	\$ 2,125.90
51820 00	Surgery	31.61	31.61	\$ 2,212.70	\$ 2,212.70
51840 00	Surgery	20.27	20.27	\$ 1,418.90	\$ 1,418.90
51841 00	Surgery	23.43	23.43	\$ 1,640.10	\$ 1,640.10
51845 00	Surgery	17.01	17.01	\$ 1,190.70	\$ 1,190.70
51860 00	Surgery	21.82	21.82	\$ 1,527.40	\$ 1,527.40
51865 00	Surgery	26.24	26.24	\$ 1,836.80	\$ 1,836.80
51880 00	Surgery	13.64	13.64	\$ 954.80	\$ 954.80
51900 00	Surgery	24.01	24.01	\$ 1,680.70	\$ 1,680.70
51920 00	Surgery	22.27	22.27	\$ 1,558.90	\$ 1,558.90
51925 00	Surgery	31.66	31.66	\$ 2,216.20	\$ 2,216.20
51940 00	Surgery	47.75	47.75	\$ 3,342.50	\$ 3,342.50
51960 00	Surgery	40.29	40.29	\$ 2,820.30	\$ 2,820.30
51980 00	Surgery	20.83	20.83	\$ 1,458.10	\$ 1,458.10
51990 00	Surgery	21.76	21.76	\$ 1,523.20	\$ 1,523.20
51992 00	Surgery	24.51	24.51	\$ 1,715.70	\$ 1,715.70
51999 00	Surgery	0.00	0.00	BR	BR
52000 00	Surgery	6.91	2.33	\$ 483.70	\$ 163.10
52001 00	Surgery	12.82	8.32	\$ 897.40	\$ 582.40
52005 00	Surgery	9.10	3.84	\$ 637.00	\$ 268.80
52007 00	Surgery	14.19	4.80	\$ 993.30	\$ 336.00
52010 00	Surgery	11.86	4.78	\$ 830.20	\$ 334.60
52204 00	Surgery	11.69	4.09	\$ 818.30	\$ 286.30
52214 00	Surgery	22.98	5.12	\$ 1,608.60	\$ 358.40
52224 00	Surgery	23.92	5.90	\$ 1,674.40	\$ 413.00
52234 00	Surgery	7.11	7.11	\$ 497.70	\$ 497.70
52235 00	Surgery	8.35	8.35	\$ 584.50	\$ 584.50
52240 00	Surgery	11.34	11.34	\$ 793.80	\$ 793.80
52250 00	Surgery	6.92	6.92	\$ 484.40	\$ 484.40
52260 00	Surgery	6.10	6.10	\$ 427.00	\$ 427.00
52265 00	Surgery	11.51	4.72	\$ 805.70	\$ 330.40
52270 00	Surgery	12.59	5.28	\$ 881.30	\$ 369.60
52275 00	Surgery	16.27	7.18	\$ 1,138.90	\$ 502.60
52276 00	Surgery	7.66	7.66	\$ 536.20	\$ 536.20
52277 00	Surgery	9.35	9.35	\$ 654.50	\$ 654.50

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
52281 00	Surgery	9.86	4.40	\$ 690.20	\$ 308.00
52282 00	Surgery	9.71	9.71	\$ 679.70	\$ 679.70
52283 00	Surgery	10.27	5.85	\$ 718.90	\$ 409.50
52285 00	Surgery	10.18	5.68	\$ 712.60	\$ 397.60
52287 00	Surgery	11.41	4.91	\$ 798.70	\$ 343.70
52290 00	Surgery	7.06	7.06	\$ 494.20	\$ 494.20
52300 00	Surgery	8.12	8.12	\$ 568.40	\$ 568.40
52301 00	Surgery	8.40	8.40	\$ 588.00	\$ 588.00
52305 00	Surgery	8.06	8.06	\$ 564.20	\$ 564.20
52310 00	Surgery	9.19	4.38	\$ 643.30	\$ 306.60
52315 00	Surgery	14.05	7.96	\$ 983.50	\$ 557.20
52317 00	Surgery	26.97	10.04	\$ 1,887.90	\$ 702.80
52318 00	Surgery	13.72	13.72	\$ 960.40	\$ 960.40
52320 00	Surgery	7.13	7.13	\$ 499.10	\$ 499.10
52325 00	Surgery	9.27	9.27	\$ 648.90	\$ 648.90
52327 00	Surgery	7.64	7.64	\$ 534.80	\$ 534.80
52330 00	Surgery	18.09	7.63	\$ 1,266.30	\$ 534.10
52332 00	Surgery	13.09	4.50	\$ 916.30	\$ 315.00
52334 00	Surgery	5.30	5.30	\$ 371.00	\$ 371.00
52341 00	Surgery	8.22	8.22	\$ 575.40	\$ 575.40
52342 00	Surgery	8.94	8.94	\$ 625.80	\$ 625.80
52343 00	Surgery	9.94	9.94	\$ 695.80	\$ 695.80
52344 00	Surgery	10.67	10.67	\$ 746.90	\$ 746.90
52345 00	Surgery	11.41	11.41	\$ 798.70	\$ 798.70
52346 00	Surgery	12.92	12.92	\$ 904.40	\$ 904.40
52351 00	Surgery	8.75	8.75	\$ 612.50	\$ 612.50
52352 00	Surgery	10.24	10.24	\$ 716.80	\$ 716.80
52353 00	Surgery	11.34	11.34	\$ 793.80	\$ 793.80
52354 00	Surgery	12.08	12.08	\$ 845.60	\$ 845.60
52355 00	Surgery	13.52	13.52	\$ 946.40	\$ 946.40
52356 00	Surgery	12.04	12.04	\$ 842.80	\$ 842.80
52400 00	Surgery	13.88	13.88	\$ 971.60	\$ 971.60
52402 00	Surgery	7.73	7.73	\$ 541.10	\$ 541.10
52441 00	Surgery	41.08	6.08	\$ 2,875.60	\$ 425.60
52442 00	Surgery	29.26	1.49	\$ 2,048.20	\$ 104.30
52450 00	Surgery	13.80	13.80	\$ 966.00	\$ 966.00
52500 00	Surgery	14.32	14.32	\$ 1,002.40	\$ 1,002.40
52601 00	Surgery	21.23	21.23	\$ 1,486.10	\$ 1,486.10
52630 00	Surgery	11.77	11.77	\$ 823.90	\$ 823.90
52640 00	Surgery	9.31	9.31	\$ 651.70	\$ 651.70
52647 00	Surgery	48.78	18.94	\$ 3,414.60	\$ 1,325.80
52648 00	Surgery	50.30	20.17	\$ 3,521.00	\$ 1,411.90
52649 00	Surgery	24.08	24.08	\$ 1,685.60	\$ 1,685.60
52700 00	Surgery	12.87	12.87	\$ 900.90	\$ 900.90
53000 00	Surgery	4.33	4.33	\$ 303.10	\$ 303.10
53010 00	Surgery	8.63	8.63	\$ 604.10	\$ 604.10
53020 00	Surgery	2.81	2.81	\$ 196.70	\$ 196.70
53025 00	Surgery	1.97	1.97	\$ 137.90	\$ 137.90
53040 00	Surgery	11.45	11.45	\$ 801.50	\$ 801.50
53060 00	Surgery	5.57	4.87	\$ 389.90	\$ 340.90
53080 00	Surgery	12.27	12.27	\$ 858.90	\$ 858.90
53085 00	Surgery	18.96	18.96	\$ 1,327.20	\$ 1,327.20
53200 00	Surgery	4.61	4.12	\$ 322.70	\$ 288.40
53210 00	Surgery	22.46	22.46	\$ 1,572.20	\$ 1,572.20
53215 00	Surgery	27.00	27.00	\$ 1,890.00	\$ 1,890.00
53220 00	Surgery	13.18	13.18	\$ 922.60	\$ 922.60
53230 00	Surgery	17.81	17.81	\$ 1,246.70	\$ 1,246.70
53235 00	Surgery	18.49	18.49	\$ 1,294.30	\$ 1,294.30
53240 00	Surgery	12.39	12.39	\$ 867.30	\$ 867.30

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
53250 00	Surgery	11.55	11.55	\$ 808.50	\$ 808.50
53260 00	Surgery	6.08	5.30	\$ 425.60	\$ 371.00
53265 00	Surgery	6.73	5.51	\$ 471.10	\$ 385.70
53270 00	Surgery	6.18	5.37	\$ 432.60	\$ 375.90
53275 00	Surgery	7.67	7.67	\$ 536.90	\$ 536.90
53400 00	Surgery	23.32	23.32	\$ 1,632.40	\$ 1,632.40
53405 00	Surgery	25.46	25.46	\$ 1,782.20	\$ 1,782.20
53410 00	Surgery	28.56	28.56	\$ 1,999.20	\$ 1,999.20
53415 00	Surgery	32.94	32.94	\$ 2,305.80	\$ 2,305.80
53420 00	Surgery	24.54	24.54	\$ 1,717.80	\$ 1,717.80
53425 00	Surgery	27.29	27.29	\$ 1,910.30	\$ 1,910.30
53430 00	Surgery	28.43	28.43	\$ 1,990.10	\$ 1,990.10
53431 00	Surgery	33.57	33.57	\$ 2,349.90	\$ 2,349.90
53440 00	Surgery	21.97	21.97	\$ 1,537.90	\$ 1,537.90
53442 00	Surgery	22.89	22.89	\$ 1,602.30	\$ 1,602.30
53444 00	Surgery	23.13	23.13	\$ 1,619.10	\$ 1,619.10
53445 00	Surgery	22.05	22.05	\$ 1,543.50	\$ 1,543.50
53446 00	Surgery	18.76	18.76	\$ 1,313.20	\$ 1,313.20
53447 00	Surgery	23.54	23.54	\$ 1,647.80	\$ 1,647.80
53448 00	Surgery	37.19	37.19	\$ 2,603.30	\$ 2,603.30
53449 00	Surgery	17.91	17.91	\$ 1,253.70	\$ 1,253.70
53450 00	Surgery	11.94	11.94	\$ 835.80	\$ 835.80
53460 00	Surgery	13.37	13.37	\$ 935.90	\$ 935.90
53500 00	Surgery	21.93	21.93	\$ 1,535.10	\$ 1,535.10
53502 00	Surgery	14.19	14.19	\$ 993.30	\$ 993.30
53505 00	Surgery	14.18	14.18	\$ 992.60	\$ 992.60
53510 00	Surgery	18.45	18.45	\$ 1,291.50	\$ 1,291.50
53515 00	Surgery	23.19	23.19	\$ 1,623.30	\$ 1,623.30
53520 00	Surgery	16.30	16.30	\$ 1,141.00	\$ 1,141.00
53600 00	Surgery	2.59	1.85	\$ 181.30	\$ 129.50
53601 00	Surgery	2.50	1.56	\$ 175.00	\$ 109.20
53605 00	Surgery	1.87	1.87	\$ 130.90	\$ 130.90
53620 00	Surgery	4.83	2.53	\$ 338.10	\$ 177.10
53621 00	Surgery	4.59	2.08	\$ 321.30	\$ 145.60
53660 00	Surgery	2.21	1.21	\$ 154.70	\$ 84.70
53661 00	Surgery	2.18	1.17	\$ 152.60	\$ 81.90
53665 00	Surgery	1.12	1.12	\$ 78.40	\$ 78.40
53850 00	Surgery	46.24	10.31	\$ 3,236.80	\$ 721.70
53852 00	Surgery	44.92	11.04	\$ 3,144.40	\$ 772.80
53854 00	Surgery	54.11	11.05	\$ 3,787.70	\$ 773.50
53855 00	Surgery	21.86	2.39	\$ 1,530.20	\$ 167.30
53860 00	Surgery	71.09	6.47	\$ 4,976.30	\$ 452.90
53899 00	Surgery	0.00	0.00	BR	BR
54000 00	Surgery	4.77	3.21	\$ 333.90	\$ 224.70
54001 00	Surgery	5.81	4.08	\$ 406.70	\$ 285.60
54015 00	Surgery	8.91	8.91	\$ 623.70	\$ 623.70
54050 00	Surgery	4.12	3.07	\$ 288.40	\$ 214.90
54055 00	Surgery	3.93	2.76	\$ 275.10	\$ 193.20
54056 00	Surgery	4.19	3.18	\$ 293.30	\$ 222.60
54057 00	Surgery	4.16	2.80	\$ 291.20	\$ 196.00
54060 00	Surgery	5.72	3.80	\$ 400.40	\$ 266.00
54065 00	Surgery	6.52	4.95	\$ 456.40	\$ 346.50
54100 00	Surgery	6.00	3.52	\$ 420.00	\$ 246.40
54105 00	Surgery	8.13	6.22	\$ 569.10	\$ 435.40
54110 00	Surgery	18.26	18.26	\$ 1,278.20	\$ 1,278.20
54111 00	Surgery	23.30	23.30	\$ 1,631.00	\$ 1,631.00
54112 00	Surgery	27.29	27.29	\$ 1,910.30	\$ 1,910.30
54115 00	Surgery	13.33	12.42	\$ 933.10	\$ 869.40
54120 00	Surgery	18.42	18.42	\$ 1,289.40	\$ 1,289.40

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
54125 00	Surgery	23.81	23.81	\$ 1,666.70	\$ 1,666.70
54130 00	Surgery	34.76	34.76	\$ 2,433.20	\$ 2,433.20
54135 00	Surgery	43.97	43.97	\$ 3,077.90	\$ 3,077.90
54150 00	Surgery	4.49	2.84	\$ 314.30	\$ 198.80
54160 00	Surgery	6.56	4.23	\$ 459.20	\$ 296.10
54161 00	Surgery	5.75	5.75	\$ 402.50	\$ 402.50
54162 00	Surgery	7.67	5.83	\$ 536.90	\$ 408.10
54163 00	Surgery	6.36	6.36	\$ 445.20	\$ 445.20
54164 00	Surgery	5.62	5.62	\$ 393.40	\$ 393.40
54200 00	Surgery	3.35	2.49	\$ 234.50	\$ 174.30
54205 00	Surgery	15.54	15.54	\$ 1,087.80	\$ 1,087.80
54220 00	Surgery	6.46	3.89	\$ 452.20	\$ 272.30
54230 00	Surgery	3.03	2.30	\$ 212.10	\$ 161.00
54231 00	Surgery	4.14	3.35	\$ 289.80	\$ 234.50
54235 00	Surgery	2.59	2.12	\$ 181.30	\$ 148.40
54240 00	Surgery	3.04	3.04	\$ 212.80	\$ 212.80
54240 26	Surgery	1.90	1.90	\$ 133.00	\$ 133.00
54240 TC	Surgery	1.14	1.14	\$ 79.80	\$ 79.80
54250 00	Surgery	3.54	3.54	\$ 247.80	\$ 247.80
54250 26	Surgery	3.15	3.15	\$ 220.50	\$ 220.50
54250 TC	Surgery	0.39	0.39	\$ 27.30	\$ 27.30
54300 00	Surgery	18.86	18.86	\$ 1,320.20	\$ 1,320.20
54304 00	Surgery	21.83	21.83	\$ 1,528.10	\$ 1,528.10
54308 00	Surgery	20.90	20.90	\$ 1,463.00	\$ 1,463.00
54312 00	Surgery	23.86	23.86	\$ 1,670.20	\$ 1,670.20
54316 00	Surgery	29.01	29.01	\$ 2,030.70	\$ 2,030.70
54318 00	Surgery	20.77	20.77	\$ 1,453.90	\$ 1,453.90
54322 00	Surgery	22.80	22.80	\$ 1,596.00	\$ 1,596.00
54324 00	Surgery	28.21	28.21	\$ 1,974.70	\$ 1,974.70
54326 00	Surgery	27.48	27.48	\$ 1,923.60	\$ 1,923.60
54328 00	Surgery	27.31	27.31	\$ 1,911.70	\$ 1,911.70
54332 00	Surgery	29.47	29.47	\$ 2,062.90	\$ 2,062.90
54336 00	Surgery	34.64	34.64	\$ 2,424.80	\$ 2,424.80
54340 00	Surgery	16.64	16.64	\$ 1,164.80	\$ 1,164.80
54344 00	Surgery	27.53	27.53	\$ 1,927.10	\$ 1,927.10
54348 00	Surgery	29.47	29.47	\$ 2,062.90	\$ 2,062.90
54352 00	Surgery	41.21	41.21	\$ 2,884.70	\$ 2,884.70
54360 00	Surgery	21.04	21.04	\$ 1,472.80	\$ 1,472.80
54380 00	Surgery	23.31	23.31	\$ 1,631.70	\$ 1,631.70
54385 00	Surgery	27.13	27.13	\$ 1,899.10	\$ 1,899.10
54390 00	Surgery	36.16	36.16	\$ 2,531.20	\$ 2,531.20
54400 00	Surgery	15.51	15.51	\$ 1,085.70	\$ 1,085.70
54401 00	Surgery	19.30	19.30	\$ 1,351.00	\$ 1,351.00
54405 00	Surgery	23.58	23.58	\$ 1,650.60	\$ 1,650.60
54406 00	Surgery	21.34	21.34	\$ 1,493.80	\$ 1,493.80
54408 00	Surgery	23.07	23.07	\$ 1,614.90	\$ 1,614.90
54410 00	Surgery	25.16	25.16	\$ 1,761.20	\$ 1,761.20
54411 00	Surgery	30.13	30.13	\$ 2,109.10	\$ 2,109.10
54415 00	Surgery	15.49	15.49	\$ 1,084.30	\$ 1,084.30
54416 00	Surgery	20.87	20.87	\$ 1,460.90	\$ 1,460.90
54417 00	Surgery	26.19	26.19	\$ 1,833.30	\$ 1,833.30
54420 00	Surgery	20.54	20.54	\$ 1,437.80	\$ 1,437.80
54430 00	Surgery	18.66	18.66	\$ 1,306.20	\$ 1,306.20
54435 00	Surgery	12.10	12.10	\$ 847.00	\$ 847.00
54437 00	Surgery	19.76	19.76	\$ 1,383.20	\$ 1,383.20
54438 00	Surgery	38.92	38.92	\$ 2,724.40	\$ 2,724.40
54440 00	Surgery	-	-	\$ 1,168.30	\$ 1,168.30
54450 00	Surgery	2.00	1.67	\$ 140.00	\$ 116.90
54500 00	Surgery	2.15	2.15	\$ 150.50	\$ 150.50

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
54505 00	Surgery	6.14	6.14	\$ 429.80	\$ 429.80
54512 00	Surgery	15.77	15.77	\$ 1,103.90	\$ 1,103.90
54520 00	Surgery	9.59	9.59	\$ 671.30	\$ 671.30
54522 00	Surgery	17.19	17.19	\$ 1,203.30	\$ 1,203.30
54530 00	Surgery	14.85	14.85	\$ 1,039.50	\$ 1,039.50
54535 00	Surgery	21.71	21.71	\$ 1,519.70	\$ 1,519.70
54550 00	Surgery	14.37	14.37	\$ 1,005.90	\$ 1,005.90
54560 00	Surgery	20.08	20.08	\$ 1,405.60	\$ 1,405.60
54600 00	Surgery	13.22	13.22	\$ 925.40	\$ 925.40
54620 00	Surgery	8.73	8.73	\$ 611.10	\$ 611.10
54640 00	Surgery	12.67	12.67	\$ 886.90	\$ 886.90
54650 00	Surgery	20.79	20.79	\$ 1,455.30	\$ 1,455.30
54660 00	Surgery	10.45	10.45	\$ 731.50	\$ 731.50
54670 00	Surgery	11.92	11.92	\$ 834.40	\$ 834.40
54680 00	Surgery	22.98	22.98	\$ 1,608.60	\$ 1,608.60
54690 00	Surgery	19.14	19.14	\$ 1,339.80	\$ 1,339.80
54692 00	Surgery	22.07	22.07	\$ 1,544.90	\$ 1,544.90
54699 00	Surgery	0.00	0.00	BR	BR
54700 00	Surgery	6.24	6.24	\$ 436.80	\$ 436.80
54800 00	Surgery	3.63	3.63	\$ 254.10	\$ 254.10
54830 00	Surgery	10.88	10.88	\$ 761.60	\$ 761.60
54840 00	Surgery	9.43	9.43	\$ 660.10	\$ 660.10
54860 00	Surgery	12.24	12.24	\$ 856.80	\$ 856.80
54861 00	Surgery	16.59	16.59	\$ 1,161.30	\$ 1,161.30
54865 00	Surgery	10.50	10.50	\$ 735.00	\$ 735.00
54900 00	Surgery	23.35	23.35	\$ 1,634.50	\$ 1,634.50
54901 00	Surgery	30.86	30.86	\$ 2,160.20	\$ 2,160.20
55000 00	Surgery	3.53	2.45	\$ 247.10	\$ 171.50
55040 00	Surgery	9.90	9.90	\$ 693.00	\$ 693.00
55041 00	Surgery	14.96	14.96	\$ 1,047.20	\$ 1,047.20
55060 00	Surgery	11.12	11.12	\$ 778.40	\$ 778.40
55100 00	Surgery	6.77	4.88	\$ 473.90	\$ 341.60
55110 00	Surgery	11.33	11.33	\$ 793.10	\$ 793.10
55120 00	Surgery	10.35	10.35	\$ 724.50	\$ 724.50
55150 00	Surgery	14.40	14.40	\$ 1,008.00	\$ 1,008.00
55175 00	Surgery	10.66	10.66	\$ 746.20	\$ 746.20
55180 00	Surgery	20.21	20.21	\$ 1,414.70	\$ 1,414.70
55200 00	Surgery	11.86	8.09	\$ 830.20	\$ 566.30
55250 00	Surgery	10.42	6.66	\$ 729.40	\$ 466.20
55300 00	Surgery	5.43	5.43	\$ 380.10	\$ 380.10
55400 00	Surgery	14.60	14.60	\$ 1,022.00	\$ 1,022.00
55500 00	Surgery	11.53	11.53	\$ 807.10	\$ 807.10
55520 00	Surgery	13.52	13.52	\$ 946.40	\$ 946.40
55530 00	Surgery	10.30	10.30	\$ 721.00	\$ 721.00
55535 00	Surgery	12.57	12.57	\$ 879.90	\$ 879.90
55540 00	Surgery	16.43	16.43	\$ 1,150.10	\$ 1,150.10
55550 00	Surgery	12.53	12.53	\$ 877.10	\$ 877.10
55559 00	Surgery	0.00	0.00	BR	BR
55600 00	Surgery	12.32	12.32	\$ 862.40	\$ 862.40
55605 00	Surgery	15.29	15.29	\$ 1,070.30	\$ 1,070.30
55650 00	Surgery	20.97	20.97	\$ 1,467.90	\$ 1,467.90
55680 00	Surgery	10.14	10.14	\$ 709.80	\$ 709.80
55700 00	Surgery	7.35	3.78	\$ 514.50	\$ 264.60
55705 00	Surgery	7.74	7.74	\$ 541.80	\$ 541.80
55706 00	Surgery	10.93	10.93	\$ 765.10	\$ 765.10
55720 00	Surgery	13.22	13.22	\$ 925.40	\$ 925.40
55725 00	Surgery	17.36	17.36	\$ 1,215.20	\$ 1,215.20
55801 00	Surgery	31.90	31.90	\$ 2,233.00	\$ 2,233.00
55810 00	Surgery	38.10	38.10	\$ 2,667.00	\$ 2,667.00

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
55812 00	Surgery	46.78	46.78	\$ 3,274.60	\$ 3,274.60
55815 00	Surgery	51.25	51.25	\$ 3,587.50	\$ 3,587.50
55821 00	Surgery	25.47	25.47	\$ 1,782.90	\$ 1,782.90
55831 00	Surgery	27.55	27.55	\$ 1,928.50	\$ 1,928.50
55840 00	Surgery	34.06	34.06	\$ 2,384.20	\$ 2,384.20
55842 00	Surgery	34.12	34.12	\$ 2,388.40	\$ 2,388.40
55845 00	Surgery	39.62	39.62	\$ 2,773.40	\$ 2,773.40
55860 00	Surgery	25.52	25.52	\$ 1,786.40	\$ 1,786.40
55862 00	Surgery	31.90	31.90	\$ 2,233.00	\$ 2,233.00
55865 00	Surgery	38.86	38.86	\$ 2,720.20	\$ 2,720.20
55866 00	Surgery	41.95	41.95	\$ 2,936.50	\$ 2,936.50
55870 00	Surgery	5.11	4.11	\$ 357.70	\$ 287.70
55873 00	Surgery	186.69	22.28	\$ 13,068.30	\$ 1,559.60
55874 00	Surgery	93.45	4.77	\$ 6,541.50	\$ 333.90
55875 00	Surgery	22.53	22.53	\$ 1,577.10	\$ 1,577.10
55876 00	Surgery	4.38	2.92	\$ 306.60	\$ 204.40
55880 00	Surgery	28.57	28.57	\$ 1,999.90	\$ 1,999.90
55899 00	Surgery	0.00	0.00	BR	BR
55920 00	Surgery	13.28	13.28	\$ 929.60	\$ 929.60
55970 00	Surgery	0.00	0.00	BR	BR
55980 00	Surgery	0.00	0.00	BR	BR
56405 00	Surgery	4.18	3.67	\$ 292.60	\$ 256.90
56420 00	Surgery	5.20	3.21	\$ 364.00	\$ 224.70
56440 00	Surgery	5.33	5.33	\$ 373.10	\$ 373.10
56441 00	Surgery	5.24	4.48	\$ 366.80	\$ 313.60
56442 00	Surgery	1.37	1.37	\$ 95.90	\$ 95.90
56501 00	Surgery	5.40	3.82	\$ 378.00	\$ 267.40
56515 00	Surgery	7.96	6.20	\$ 557.20	\$ 434.00
56605 00	Surgery	2.79	1.74	\$ 195.30	\$ 121.80
56606 00	Surgery	1.14	0.86	\$ 79.80	\$ 60.20
56620 00	Surgery	16.93	16.93	\$ 1,185.10	\$ 1,185.10
56625 00	Surgery	19.47	19.47	\$ 1,362.90	\$ 1,362.90
56630 00	Surgery	28.07	28.07	\$ 1,964.90	\$ 1,964.90
56631 00	Surgery	34.66	34.66	\$ 2,426.20	\$ 2,426.20
56632 00	Surgery	41.79	41.79	\$ 2,925.30	\$ 2,925.30
56633 00	Surgery	36.01	36.01	\$ 2,520.70	\$ 2,520.70
56634 00	Surgery	37.87	37.87	\$ 2,650.90	\$ 2,650.90
56637 00	Surgery	43.96	43.96	\$ 3,077.20	\$ 3,077.20
56640 00	Surgery	44.65	44.65	\$ 3,125.50	\$ 3,125.50
56700 00	Surgery	5.94	5.94	\$ 415.80	\$ 415.80
56740 00	Surgery	9.24	9.24	\$ 646.80	\$ 646.80
56800 00	Surgery	7.39	7.39	\$ 517.30	\$ 517.30
56805 00	Surgery	34.37	34.37	\$ 2,405.90	\$ 2,405.90
56810 00	Surgery	7.94	7.94	\$ 555.80	\$ 555.80
56820 00	Surgery	3.62	2.47	\$ 253.40	\$ 172.90
56821 00	Surgery	4.86	3.32	\$ 340.20	\$ 232.40
57000 00	Surgery	5.90	5.90	\$ 413.00	\$ 413.00
57010 00	Surgery	13.44	13.44	\$ 940.80	\$ 940.80
57020 00	Surgery	3.57	2.36	\$ 249.90	\$ 165.20
57022 00	Surgery	5.32	5.32	\$ 372.40	\$ 372.40
57023 00	Surgery	9.40	9.40	\$ 658.00	\$ 658.00
57061 00	Surgery	4.70	3.31	\$ 329.00	\$ 231.70
57065 00	Surgery	7.08	5.44	\$ 495.60	\$ 380.80
57100 00	Surgery	2.99	1.93	\$ 209.30	\$ 135.10
57105 00	Surgery	5.06	4.21	\$ 354.20	\$ 294.70
57106 00	Surgery	15.63	15.63	\$ 1,094.10	\$ 1,094.10
57107 00	Surgery	42.50	42.50	\$ 2,975.00	\$ 2,975.00
57109 00	Surgery	50.64	50.64	\$ 3,544.80	\$ 3,544.80
57110 00	Surgery	26.69	26.69	\$ 1,868.30	\$ 1,868.30

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
57111 00	Surgery	50.64	50.64	\$ 3,544.80	\$ 3,544.80
57120 00	Surgery	15.59	15.59	\$ 1,091.30	\$ 1,091.30
57130 00	Surgery	6.60	5.05	\$ 462.00	\$ 353.50
57135 00	Surgery	7.09	5.48	\$ 496.30	\$ 383.60
57150 00	Surgery	1.72	0.78	\$ 120.40	\$ 54.60
57155 00	Surgery	11.38	8.22	\$ 796.60	\$ 575.40
57156 00	Surgery	6.54	4.36	\$ 457.80	\$ 305.20
57160 00	Surgery	2.14	1.37	\$ 149.80	\$ 95.90
57170 00	Surgery	2.24	1.41	\$ 156.80	\$ 98.70
57180 00	Surgery	5.70	3.53	\$ 399.00	\$ 247.10
57200 00	Surgery	9.67	9.67	\$ 676.90	\$ 676.90
57210 00	Surgery	11.55	11.55	\$ 808.50	\$ 808.50
57220 00	Surgery	10.12	10.12	\$ 708.40	\$ 708.40
57230 00	Surgery	12.31	12.31	\$ 861.70	\$ 861.70
57240 00	Surgery	17.98	17.98	\$ 1,258.60	\$ 1,258.60
57250 00	Surgery	18.08	18.08	\$ 1,265.60	\$ 1,265.60
57260 00	Surgery	22.92	22.92	\$ 1,604.40	\$ 1,604.40
57265 00	Surgery	25.70	25.70	\$ 1,799.00	\$ 1,799.00
57267 00	Surgery	7.39	7.39	\$ 517.30	\$ 517.30
57268 00	Surgery	14.88	14.88	\$ 1,041.60	\$ 1,041.60
57270 00	Surgery	23.93	23.93	\$ 1,675.10	\$ 1,675.10
57280 00	Surgery	28.43	28.43	\$ 1,990.10	\$ 1,990.10
57282 00	Surgery	20.42	20.42	\$ 1,429.40	\$ 1,429.40
57283 00	Surgery	20.56	20.56	\$ 1,439.20	\$ 1,439.20
57284 00	Surgery	24.50	24.50	\$ 1,715.00	\$ 1,715.00
57285 00	Surgery	20.41	20.41	\$ 1,428.70	\$ 1,428.70
57287 00	Surgery	21.64	21.64	\$ 1,514.80	\$ 1,514.80
57288 00	Surgery	21.79	21.79	\$ 1,525.30	\$ 1,525.30
57289 00	Surgery	23.37	23.37	\$ 1,635.90	\$ 1,635.90
57291 00	Surgery	16.20	16.20	\$ 1,134.00	\$ 1,134.00
57292 00	Surgery	24.46	24.46	\$ 1,712.20	\$ 1,712.20
57295 00	Surgery	14.70	14.70	\$ 1,029.00	\$ 1,029.00
57296 00	Surgery	28.01	28.01	\$ 1,960.70	\$ 1,960.70
57300 00	Surgery	17.85	17.85	\$ 1,249.50	\$ 1,249.50
57305 00	Surgery	28.91	28.91	\$ 2,023.70	\$ 2,023.70
57307 00	Surgery	31.43	31.43	\$ 2,200.10	\$ 2,200.10
57308 00	Surgery	19.37	19.37	\$ 1,355.90	\$ 1,355.90
57310 00	Surgery	14.33	14.33	\$ 1,003.10	\$ 1,003.10
57311 00	Surgery	16.19	16.19	\$ 1,133.30	\$ 1,133.30
57320 00	Surgery	16.42	16.42	\$ 1,149.40	\$ 1,149.40
57330 00	Surgery	22.37	22.37	\$ 1,565.90	\$ 1,565.90
57335 00	Surgery	34.72	34.72	\$ 2,430.40	\$ 2,430.40
57400 00	Surgery	3.85	3.85	\$ 269.50	\$ 269.50
57410 00	Surgery	3.09	3.09	\$ 216.30	\$ 216.30
57415 00	Surgery	5.12	5.12	\$ 358.40	\$ 358.40
57420 00	Surgery	3.82	2.63	\$ 267.40	\$ 184.10
57421 00	Surgery	5.15	3.56	\$ 360.50	\$ 249.20
57423 00	Surgery	27.34	27.34	\$ 1,913.80	\$ 1,913.80
57425 00	Surgery	28.65	28.65	\$ 2,005.50	\$ 2,005.50
57426 00	Surgery	25.57	25.57	\$ 1,789.90	\$ 1,789.90
57452 00	Surgery	3.67	2.66	\$ 256.90	\$ 186.20
57454 00	Surgery	4.95	3.93	\$ 346.50	\$ 275.10
57455 00	Surgery	4.71	3.20	\$ 329.70	\$ 224.00
57456 00	Surgery	4.42	2.97	\$ 309.40	\$ 207.90
57460 00	Surgery	9.48	4.70	\$ 663.60	\$ 329.00
57461 00	Surgery	10.55	5.42	\$ 738.50	\$ 379.40
57465 00	Surgery	1.66	1.27	\$ 116.20	\$ 88.90
57500 00	Surgery	4.55	2.20	\$ 318.50	\$ 154.00
57505 00	Surgery	4.33	3.13	\$ 303.10	\$ 219.10

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
57510 00	Surgery	4.78	3.32	\$ 334.60	\$ 232.40
57511 00	Surgery	5.66	4.27	\$ 396.20	\$ 298.90
57513 00	Surgery	5.81	4.26	\$ 406.70	\$ 298.20
57520 00	Surgery	10.29	8.63	\$ 720.30	\$ 604.10
57522 00	Surgery	8.85	7.48	\$ 619.50	\$ 523.60
57530 00	Surgery	10.91	10.91	\$ 763.70	\$ 763.70
57531 00	Surgery	53.77	53.77	\$ 3,763.90	\$ 3,763.90
57540 00	Surgery	23.37	23.37	\$ 1,635.90	\$ 1,635.90
57545 00	Surgery	24.60	24.60	\$ 1,722.00	\$ 1,722.00
57550 00	Surgery	12.67	12.67	\$ 886.90	\$ 886.90
57555 00	Surgery	18.25	18.25	\$ 1,277.50	\$ 1,277.50
57556 00	Surgery	17.30	17.30	\$ 1,211.00	\$ 1,211.00
57558 00	Surgery	4.53	3.73	\$ 317.10	\$ 261.10
57700 00	Surgery	10.35	10.35	\$ 724.50	\$ 724.50
57720 00	Surgery	9.80	9.80	\$ 686.00	\$ 686.00
57800 00	Surgery	2.24	1.41	\$ 156.80	\$ 98.70
58100 00	Surgery	3.01	1.88	\$ 210.70	\$ 131.60
58110 00	Surgery	1.49	1.20	\$ 104.30	\$ 84.00
58120 00	Surgery	8.68	6.82	\$ 607.60	\$ 477.40
58140 00	Surgery	27.52	27.52	\$ 1,926.40	\$ 1,926.40
58145 00	Surgery	16.77	16.77	\$ 1,173.90	\$ 1,173.90
58146 00	Surgery	34.14	34.14	\$ 2,389.80	\$ 2,389.80
58150 00	Surgery	29.77	29.77	\$ 2,083.90	\$ 2,083.90
58152 00	Surgery	36.59	36.59	\$ 2,561.30	\$ 2,561.30
58180 00	Surgery	28.26	28.26	\$ 1,978.20	\$ 1,978.20
58200 00	Surgery	39.74	39.74	\$ 2,781.80	\$ 2,781.80
58210 00	Surgery	53.46	53.46	\$ 3,742.20	\$ 3,742.20
58240 00	Surgery	85.89	85.89	\$ 6,012.30	\$ 6,012.30
58260 00	Surgery	24.74	24.74	\$ 1,731.80	\$ 1,731.80
58262 00	Surgery	27.34	27.34	\$ 1,913.80	\$ 1,913.80
58263 00	Surgery	29.34	29.34	\$ 2,053.80	\$ 2,053.80
58267 00	Surgery	31.55	31.55	\$ 2,208.50	\$ 2,208.50
58270 00	Surgery	26.38	26.38	\$ 1,846.60	\$ 1,846.60
58275 00	Surgery	29.22	29.22	\$ 2,045.40	\$ 2,045.40
58280 00	Surgery	31.28	31.28	\$ 2,189.60	\$ 2,189.60
58285 00	Surgery	41.58	41.58	\$ 2,910.60	\$ 2,910.60
58290 00	Surgery	34.03	34.03	\$ 2,382.10	\$ 2,382.10
58291 00	Surgery	36.80	36.80	\$ 2,576.00	\$ 2,576.00
58292 00	Surgery	38.79	38.79	\$ 2,715.30	\$ 2,715.30
58294 00	Surgery	36.00	36.00	\$ 2,520.00	\$ 2,520.00
58300 00	Surgery	3.05	1.49	\$ 213.50	\$ 104.30
58301 00	Surgery	3.19	1.96	\$ 223.30	\$ 137.20
58321 00	Surgery	2.40	1.42	\$ 168.00	\$ 99.40
58322 00	Surgery	2.67	1.69	\$ 186.90	\$ 118.30
58323 00	Surgery	0.45	0.36	\$ 31.50	\$ 25.20
58340 00	Surgery	6.90	1.67	\$ 483.00	\$ 116.90
58345 00	Surgery	8.50	8.50	\$ 595.00	\$ 595.00
58346 00	Surgery	14.16	14.16	\$ 991.20	\$ 991.20
58350 00	Surgery	4.28	2.73	\$ 299.60	\$ 191.10
58353 00	Surgery	30.29	6.79	\$ 2,120.30	\$ 475.30
58356 00	Surgery	54.78	10.47	\$ 3,834.60	\$ 732.90
58400 00	Surgery	13.59	13.59	\$ 951.30	\$ 951.30
58410 00	Surgery	24.10	24.10	\$ 1,687.00	\$ 1,687.00
58520 00	Surgery	23.60	23.60	\$ 1,652.00	\$ 1,652.00
58540 00	Surgery	27.08	27.08	\$ 1,895.60	\$ 1,895.60
58541 00	Surgery	21.52	21.52	\$ 1,506.40	\$ 1,506.40
58542 00	Surgery	24.51	24.51	\$ 1,715.70	\$ 1,715.70
58543 00	Surgery	24.88	24.88	\$ 1,741.60	\$ 1,741.60
58544 00	Surgery	26.78	26.78	\$ 1,874.60	\$ 1,874.60

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
58545 00	Surgery	26.57	26.57	\$ 1,859.90	\$ 1,859.90
58546 00	Surgery	32.91	32.91	\$ 2,303.70	\$ 2,303.70
58548 00	Surgery	55.15	55.15	\$ 3,860.50	\$ 3,860.50
58550 00	Surgery	26.01	26.01	\$ 1,820.70	\$ 1,820.70
58552 00	Surgery	28.93	28.93	\$ 2,025.10	\$ 2,025.10
58553 00	Surgery	33.12	33.12	\$ 2,318.40	\$ 2,318.40
58554 00	Surgery	38.55	38.55	\$ 2,698.50	\$ 2,698.50
58555 00	Surgery	10.65	4.46	\$ 745.50	\$ 312.20
58558 00	Surgery	42.87	6.78	\$ 3,000.90	\$ 474.60
58559 00	Surgery	8.36	8.36	\$ 585.20	\$ 585.20
58560 00	Surgery	9.22	9.22	\$ 645.40	\$ 645.40
58561 00	Surgery	10.52	10.52	\$ 736.40	\$ 736.40
58562 00	Surgery	12.71	6.52	\$ 889.70	\$ 456.40
58563 00	Surgery	64.72	7.24	\$ 4,530.40	\$ 506.80
58565 00	Surgery	54.33	13.43	\$ 3,803.10	\$ 940.10
58570 00	Surgery	23.62	23.62	\$ 1,653.40	\$ 1,653.40
58571 00	Surgery	26.60	26.60	\$ 1,862.00	\$ 1,862.00
58572 00	Surgery	30.51	30.51	\$ 2,135.70	\$ 2,135.70
58573 00	Surgery	35.76	35.76	\$ 2,503.20	\$ 2,503.20
58575 00	Surgery	56.41	56.41	\$ 3,948.70	\$ 3,948.70
58578 00	Surgery	0.00	0.00	BR	BR
58579 00	Surgery	0.00	0.00	BR	BR
58600 00	Surgery	10.94	10.94	\$ 765.80	\$ 765.80
58605 00	Surgery	9.91	9.91	\$ 693.70	\$ 693.70
58611 00	Surgery	2.24	2.24	\$ 156.80	\$ 156.80
58615 00	Surgery	7.49	7.49	\$ 524.30	\$ 524.30
58660 00	Surgery	20.05	20.05	\$ 1,403.50	\$ 1,403.50
58661 00	Surgery	19.21	19.21	\$ 1,344.70	\$ 1,344.70
58662 00	Surgery	20.98	20.98	\$ 1,468.60	\$ 1,468.60
58670 00	Surgery	10.96	10.96	\$ 767.20	\$ 767.20
58671 00	Surgery	10.96	10.96	\$ 767.20	\$ 767.20
58672 00	Surgery	21.62	21.62	\$ 1,513.40	\$ 1,513.40
58673 00	Surgery	23.47	23.47	\$ 1,642.90	\$ 1,642.90
58674 00	Surgery	24.03	24.03	\$ 1,682.10	\$ 1,682.10
58679 00	Surgery	0.00	0.00	BR	BR
58700 00	Surgery	23.44	23.44	\$ 1,640.80	\$ 1,640.80
58720 00	Surgery	22.19	22.19	\$ 1,553.30	\$ 1,553.30
58740 00	Surgery	26.55	26.55	\$ 1,858.50	\$ 1,858.50
58750 00	Surgery	26.88	26.88	\$ 1,881.60	\$ 1,881.60
58752 00	Surgery	26.81	26.81	\$ 1,876.70	\$ 1,876.70
58760 00	Surgery	24.26	24.26	\$ 1,698.20	\$ 1,698.20
58770 00	Surgery	25.46	25.46	\$ 1,782.20	\$ 1,782.20
58800 00	Surgery	10.62	9.28	\$ 743.40	\$ 649.60
58805 00	Surgery	12.58	12.58	\$ 880.60	\$ 880.60
58820 00	Surgery	9.93	9.93	\$ 695.10	\$ 695.10
58822 00	Surgery	21.10	21.10	\$ 1,477.00	\$ 1,477.00
58825 00	Surgery	20.95	20.95	\$ 1,466.50	\$ 1,466.50
58900 00	Surgery	12.83	12.83	\$ 898.10	\$ 898.10
58920 00	Surgery	21.10	21.10	\$ 1,477.00	\$ 1,477.00
58925 00	Surgery	22.54	22.54	\$ 1,577.80	\$ 1,577.80
58940 00	Surgery	16.28	16.28	\$ 1,139.60	\$ 1,139.60
58943 00	Surgery	34.51	34.51	\$ 2,415.70	\$ 2,415.70
58950 00	Surgery	33.68	33.68	\$ 2,357.60	\$ 2,357.60
58951 00	Surgery	42.25	42.25	\$ 2,957.50	\$ 2,957.50
58952 00	Surgery	48.18	48.18	\$ 3,372.60	\$ 3,372.60
58953 00	Surgery	58.73	58.73	\$ 4,111.10	\$ 4,111.10
58954 00	Surgery	63.56	63.56	\$ 4,449.20	\$ 4,449.20
58956 00	Surgery	39.90	39.90	\$ 2,793.00	\$ 2,793.00
58957 00	Surgery	46.64	46.64	\$ 3,264.80	\$ 3,264.80

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
58958 00	Surgery	48.93	48.93	\$ 3,425.10	\$ 3,425.10
58960 00	Surgery	28.72	28.72	\$ 2,010.40	\$ 2,010.40
58970 00	Surgery	7.04	5.78	\$ 492.80	\$ 404.60
58974 00	Surgery	-	-	\$ 306.60	\$ 306.60
58976 00	Surgery	7.60	6.25	\$ 532.00	\$ 437.50
58999 00	Surgery	0.00	0.00	BR	BR
59000 00	Surgery	3.49	2.33	\$ 244.30	\$ 163.10
59001 00	Surgery	5.22	5.22	\$ 365.40	\$ 365.40
59012 00	Surgery	5.91	5.91	\$ 413.70	\$ 413.70
59015 00	Surgery	4.60	3.86	\$ 322.00	\$ 270.20
59020 00	Surgery	2.06	2.06	\$ 144.20	\$ 144.20
59020 26	Surgery	1.07	1.07	\$ 74.90	\$ 74.90
59020 TC	Surgery	0.99	0.99	\$ 69.30	\$ 69.30
59025 00	Surgery	1.44	1.44	\$ 100.80	\$ 100.80
59025 26	Surgery	0.87	0.87	\$ 60.90	\$ 60.90
59025 TC	Surgery	0.57	0.57	\$ 39.90	\$ 39.90
59030 00	Surgery	3.29	3.29	\$ 230.30	\$ 230.30
59050 00	Surgery	1.48	1.48	\$ 103.60	\$ 103.60
59051 00	Surgery	1.23	1.23	\$ 86.10	\$ 86.10
59070 00	Surgery	11.87	9.05	\$ 830.90	\$ 633.50
59072 00	Surgery	15.30	15.30	\$ 1,071.00	\$ 1,071.00
59074 00	Surgery	11.36	9.05	\$ 795.20	\$ 633.50
59076 00	Surgery	15.30	15.30	\$ 1,071.00	\$ 1,071.00
59100 00	Surgery	25.20	25.20	\$ 1,764.00	\$ 1,764.00
59120 00	Surgery	24.02	24.02	\$ 1,681.40	\$ 1,681.40
59121 00	Surgery	24.04	24.04	\$ 1,682.80	\$ 1,682.80
59130 00	Surgery	27.95	27.95	\$ 1,956.50	\$ 1,956.50
59135 00	Surgery	27.60	27.60	\$ 1,932.00	\$ 1,932.00
59136 00	Surgery	26.51	26.51	\$ 1,855.70	\$ 1,855.70
59140 00	Surgery	12.29	12.29	\$ 860.30	\$ 860.30
59150 00	Surgery	23.31	23.31	\$ 1,631.70	\$ 1,631.70
59151 00	Surgery	22.73	22.73	\$ 1,591.10	\$ 1,591.10
59160 00	Surgery	7.80	5.50	\$ 546.00	\$ 385.00
59200 00	Surgery	2.97	1.31	\$ 207.90	\$ 91.70
59300 00	Surgery	6.70	4.31	\$ 469.00	\$ 301.70
59320 00	Surgery	4.43	4.43	\$ 310.10	\$ 310.10
59325 00	Surgery	7.07	7.07	\$ 494.90	\$ 494.90
59350 00	Surgery	8.21	8.21	\$ 574.70	\$ 574.70
59400 00	Surgery	70.26	70.26	\$ 4,918.20	\$ 4,918.20
59409 00	Surgery	23.64	23.64	\$ 1,654.80	\$ 1,654.80
59410 00	Surgery	31.17	31.17	\$ 2,181.90	\$ 2,181.90
59412 00	Surgery	3.01	3.01	\$ 210.70	\$ 210.70
59414 00	Surgery	2.68	2.68	\$ 187.60	\$ 187.60
59425 00	Surgery	16.39	12.81	\$ 1,147.30	\$ 896.70
59426 00	Surgery	29.99	23.47	\$ 2,099.30	\$ 1,642.90
59430 00	Surgery	7.62	5.29	\$ 533.40	\$ 370.30
59510 00	Surgery	77.60	77.60	\$ 5,432.00	\$ 5,432.00
59514 00	Surgery	26.75	26.75	\$ 1,872.50	\$ 1,872.50
59515 00	Surgery	38.41	38.41	\$ 2,688.70	\$ 2,688.70
59525 00	Surgery	14.15	14.15	\$ 990.50	\$ 990.50
59610 00	Surgery	73.45	73.45	\$ 5,141.50	\$ 5,141.50
59612 00	Surgery	26.71	26.71	\$ 1,869.70	\$ 1,869.70
59614 00	Surgery	33.75	33.75	\$ 2,362.50	\$ 2,362.50
59618 00	Surgery	78.45	78.45	\$ 5,491.50	\$ 5,491.50
59620 00	Surgery	27.62	27.62	\$ 1,933.40	\$ 1,933.40
59622 00	Surgery	39.78	39.78	\$ 2,784.60	\$ 2,784.60
59812 00	Surgery	10.58	9.06	\$ 740.60	\$ 634.20
59820 00	Surgery	12.73	11.25	\$ 891.10	\$ 787.50
59821 00	Surgery	12.59	11.05	\$ 881.30	\$ 773.50

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
59830 00	Surgery	13.61	13.61	\$ 952.70	\$ 952.70
59840 00	Surgery	7.26	6.50	\$ 508.20	\$ 455.00
59841 00	Surgery	12.43	10.94	\$ 870.10	\$ 765.80
59850 00	Surgery	11.49	11.49	\$ 804.30	\$ 804.30
59851 00	Surgery	12.50	12.50	\$ 875.00	\$ 875.00
59852 00	Surgery	17.25	17.25	\$ 1,207.50	\$ 1,207.50
59855 00	Surgery	12.51	12.51	\$ 875.70	\$ 875.70
59856 00	Surgery	14.63	14.63	\$ 1,024.10	\$ 1,024.10
59857 00	Surgery	17.09	17.09	\$ 1,196.30	\$ 1,196.30
59866 00	Surgery	6.98	6.98	\$ 488.60	\$ 488.60
59870 00	Surgery	15.58	15.58	\$ 1,090.60	\$ 1,090.60
59871 00	Surgery	3.89	3.89	\$ 272.30	\$ 272.30
59897 00	Surgery	0.00	0.00	BR	BR
59898 00	Surgery	0.00	0.00	BR	BR
59899 00	Surgery	-	-	\$ 1,130.50	\$ 1,130.50
60000 00	Surgery	5.28	4.49	\$ 369.60	\$ 314.30
60100 00	Surgery	3.25	2.25	\$ 227.50	\$ 157.50
60200 00	Surgery	19.59	19.59	\$ 1,371.30	\$ 1,371.30
60210 00	Surgery	20.77	20.77	\$ 1,453.90	\$ 1,453.90
60212 00	Surgery	30.41	30.41	\$ 2,128.70	\$ 2,128.70
60220 00	Surgery	20.71	20.71	\$ 1,449.70	\$ 1,449.70
60225 00	Surgery	27.34	27.34	\$ 1,913.80	\$ 1,913.80
60240 00	Surgery	26.91	26.91	\$ 1,883.70	\$ 1,883.70
60252 00	Surgery	38.71	38.71	\$ 2,709.70	\$ 2,709.70
60254 00	Surgery	48.66	48.66	\$ 3,406.20	\$ 3,406.20
60260 00	Surgery	31.90	31.90	\$ 2,233.00	\$ 2,233.00
60270 00	Surgery	40.04	40.04	\$ 2,802.80	\$ 2,802.80
60271 00	Surgery	30.91	30.91	\$ 2,163.70	\$ 2,163.70
60280 00	Surgery	13.15	13.15	\$ 920.50	\$ 920.50
60281 00	Surgery	17.27	17.27	\$ 1,208.90	\$ 1,208.90
60300 00	Surgery	3.30	1.43	\$ 231.00	\$ 100.10
60500 00	Surgery	28.49	28.49	\$ 1,994.30	\$ 1,994.30
60502 00	Surgery	38.15	38.15	\$ 2,670.50	\$ 2,670.50
60505 00	Surgery	40.88	40.88	\$ 2,861.60	\$ 2,861.60
60512 00	Surgery	7.09	7.09	\$ 496.30	\$ 496.30
60520 00	Surgery	30.81	30.81	\$ 2,156.70	\$ 2,156.70
60521 00	Surgery	32.85	32.85	\$ 2,299.50	\$ 2,299.50
60522 00	Surgery	40.05	40.05	\$ 2,803.50	\$ 2,803.50
60540 00	Surgery	31.63	31.63	\$ 2,214.10	\$ 2,214.10
60545 00	Surgery	36.58	36.58	\$ 2,560.60	\$ 2,560.60
60600 00	Surgery	39.82	39.82	\$ 2,787.40	\$ 2,787.40
60605 00	Surgery	48.25	48.25	\$ 3,377.50	\$ 3,377.50
60650 00	Surgery	35.03	35.03	\$ 2,452.10	\$ 2,452.10
60659 00	Surgery	0.00	0.00	BR	BR
60699 00	Surgery	0.00	0.00	BR	BR
61000 00	Surgery	3.33	3.33	\$ 233.10	\$ 233.10
61001 00	Surgery	3.14	3.14	\$ 219.80	\$ 219.80
61020 00	Surgery	3.07	3.07	\$ 214.90	\$ 214.90
61026 00	Surgery	3.10	3.10	\$ 217.00	\$ 217.00
61050 00	Surgery	2.40	2.40	\$ 168.00	\$ 168.00
61055 00	Surgery	3.50	3.50	\$ 245.00	\$ 245.00
61070 00	Surgery	1.64	1.64	\$ 114.80	\$ 114.80
61105 00	Surgery	13.67	13.67	\$ 956.90	\$ 956.90
61107 00	Surgery	9.19	9.19	\$ 643.30	\$ 643.30
61108 00	Surgery	26.63	26.63	\$ 1,864.10	\$ 1,864.10
61120 00	Surgery	22.16	22.16	\$ 1,551.20	\$ 1,551.20
61140 00	Surgery	37.54	37.54	\$ 2,627.80	\$ 2,627.80
61150 00	Surgery	39.87	39.87	\$ 2,790.90	\$ 2,790.90
61151 00	Surgery	29.35	29.35	\$ 2,054.50	\$ 2,054.50

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
61154 00	Surgery	37.67	37.67	\$ 2,636.90	\$ 2,636.90
61156 00	Surgery	36.69	36.69	\$ 2,568.30	\$ 2,568.30
61210 00	Surgery	10.77	10.77	\$ 753.90	\$ 753.90
61215 00	Surgery	15.06	15.06	\$ 1,054.20	\$ 1,054.20
61250 00	Surgery	25.66	25.66	\$ 1,796.20	\$ 1,796.20
61253 00	Surgery	29.35	29.35	\$ 2,054.50	\$ 2,054.50
61304 00	Surgery	48.44	48.44	\$ 3,390.80	\$ 3,390.80
61305 00	Surgery	59.16	59.16	\$ 4,141.20	\$ 4,141.20
61312 00	Surgery	61.07	61.07	\$ 4,274.90	\$ 4,274.90
61313 00	Surgery	58.46	58.46	\$ 4,092.20	\$ 4,092.20
61314 00	Surgery	53.97	53.97	\$ 3,777.90	\$ 3,777.90
61315 00	Surgery	60.92	60.92	\$ 4,264.40	\$ 4,264.40
61316 00	Surgery	2.57	2.57	\$ 179.90	\$ 179.90
61320 00	Surgery	55.93	55.93	\$ 3,915.10	\$ 3,915.10
61321 00	Surgery	62.65	62.65	\$ 4,385.50	\$ 4,385.50
61322 00	Surgery	70.10	70.10	\$ 4,907.00	\$ 4,907.00
61323 00	Surgery	70.37	70.37	\$ 4,925.90	\$ 4,925.90
61330 00	Surgery	52.89	52.89	\$ 3,702.30	\$ 3,702.30
61333 00	Surgery	59.47	59.47	\$ 4,162.90	\$ 4,162.90
61340 00	Surgery	42.53	42.53	\$ 2,977.10	\$ 2,977.10
61343 00	Surgery	64.69	64.69	\$ 4,528.30	\$ 4,528.30
61345 00	Surgery	60.21	60.21	\$ 4,214.70	\$ 4,214.70
61450 00	Surgery	56.58	56.58	\$ 3,960.60	\$ 3,960.60
61458 00	Surgery	59.39	59.39	\$ 4,157.30	\$ 4,157.30
61460 00	Surgery	62.07	62.07	\$ 4,344.90	\$ 4,344.90
61500 00	Surgery	38.47	38.47	\$ 2,692.90	\$ 2,692.90
61501 00	Surgery	33.13	33.13	\$ 2,319.10	\$ 2,319.10
61510 00	Surgery	64.80	64.80	\$ 4,536.00	\$ 4,536.00
61512 00	Surgery	75.20	75.20	\$ 5,264.00	\$ 5,264.00
61514 00	Surgery	56.41	56.41	\$ 3,948.70	\$ 3,948.70
61516 00	Surgery	55.22	55.22	\$ 3,865.40	\$ 3,865.40
61517 00	Surgery	2.56	2.56	\$ 179.20	\$ 179.20
61518 00	Surgery	81.54	81.54	\$ 5,707.80	\$ 5,707.80
61519 00	Surgery	86.71	86.71	\$ 6,069.70	\$ 6,069.70
61520 00	Surgery	110.00	110.00	\$ 7,700.00	\$ 7,700.00
61521 00	Surgery	93.05	93.05	\$ 6,513.50	\$ 6,513.50
61522 00	Surgery	64.49	64.49	\$ 4,514.30	\$ 4,514.30
61524 00	Surgery	61.44	61.44	\$ 4,300.80	\$ 4,300.80
61526 00	Surgery	98.28	98.28	\$ 6,879.60	\$ 6,879.60
61530 00	Surgery	90.43	90.43	\$ 6,330.10	\$ 6,330.10
61531 00	Surgery	36.16	36.16	\$ 2,531.20	\$ 2,531.20
61533 00	Surgery	45.03	45.03	\$ 3,152.10	\$ 3,152.10
61534 00	Surgery	48.69	48.69	\$ 3,408.30	\$ 3,408.30
61535 00	Surgery	29.67	29.67	\$ 2,076.90	\$ 2,076.90
61536 00	Surgery	75.92	75.92	\$ 5,314.40	\$ 5,314.40
61537 00	Surgery	72.49	72.49	\$ 5,074.30	\$ 5,074.30
61538 00	Surgery	78.36	78.36	\$ 5,485.20	\$ 5,485.20
61539 00	Surgery	69.57	69.57	\$ 4,869.90	\$ 4,869.90
61540 00	Surgery	64.20	64.20	\$ 4,494.00	\$ 4,494.00
61541 00	Surgery	63.36	63.36	\$ 4,435.20	\$ 4,435.20
61543 00	Surgery	64.06	64.06	\$ 4,484.20	\$ 4,484.20
61544 00	Surgery	55.99	55.99	\$ 3,919.30	\$ 3,919.30
61545 00	Surgery	93.80	93.80	\$ 6,566.00	\$ 6,566.00
61546 00	Surgery	68.01	68.01	\$ 4,760.70	\$ 4,760.70
61548 00	Surgery	46.22	46.22	\$ 3,235.40	\$ 3,235.40
61550 00	Surgery	35.27	35.27	\$ 2,468.90	\$ 2,468.90
61552 00	Surgery	43.85	43.85	\$ 3,069.50	\$ 3,069.50
61556 00	Surgery	50.40	50.40	\$ 3,528.00	\$ 3,528.00
61557 00	Surgery	49.71	49.71	\$ 3,479.70	\$ 3,479.70

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
61558 00	Surgery	55.48	55.48	\$ 3,883.60	\$ 3,883.60
61559 00	Surgery	70.67	70.67	\$ 4,946.90	\$ 4,946.90
61563 00	Surgery	58.46	58.46	\$ 4,092.20	\$ 4,092.20
61564 00	Surgery	70.90	70.90	\$ 4,963.00	\$ 4,963.00
61566 00	Surgery	66.10	66.10	\$ 4,627.00	\$ 4,627.00
61567 00	Surgery	75.28	75.28	\$ 5,269.60	\$ 5,269.60
61570 00	Surgery	55.17	55.17	\$ 3,861.90	\$ 3,861.90
61571 00	Surgery	58.70	58.70	\$ 4,109.00	\$ 4,109.00
61575 00	Surgery	73.78	73.78	\$ 5,164.60	\$ 5,164.60
61576 00	Surgery	124.39	124.39	\$ 8,707.30	\$ 8,707.30
61580 00	Surgery	73.89	73.89	\$ 5,172.30	\$ 5,172.30
61581 00	Surgery	84.92	84.92	\$ 5,944.40	\$ 5,944.40
61582 00	Surgery	89.91	89.91	\$ 6,293.70	\$ 6,293.70
61583 00	Surgery	86.75	86.75	\$ 6,072.50	\$ 6,072.50
61584 00	Surgery	85.65	85.65	\$ 5,995.50	\$ 5,995.50
61585 00	Surgery	97.48	97.48	\$ 6,823.60	\$ 6,823.60
61586 00	Surgery	75.49	75.49	\$ 5,284.30	\$ 5,284.30
61590 00	Surgery	89.49	89.49	\$ 6,264.30	\$ 6,264.30
61591 00	Surgery	90.46	90.46	\$ 6,332.20	\$ 6,332.20
61592 00	Surgery	94.36	94.36	\$ 6,605.20	\$ 6,605.20
61595 00	Surgery	70.70	70.70	\$ 4,949.00	\$ 4,949.00
61596 00	Surgery	71.50	71.50	\$ 5,005.00	\$ 5,005.00
61597 00	Surgery	87.79	87.79	\$ 6,145.30	\$ 6,145.30
61598 00	Surgery	85.22	85.22	\$ 5,965.40	\$ 5,965.40
61600 00	Surgery	63.42	63.42	\$ 4,439.40	\$ 4,439.40
61601 00	Surgery	72.07	72.07	\$ 5,044.90	\$ 5,044.90
61605 00	Surgery	64.03	64.03	\$ 4,482.10	\$ 4,482.10
61606 00	Surgery	86.83	86.83	\$ 6,078.10	\$ 6,078.10
61607 00	Surgery	90.45	90.45	\$ 6,331.50	\$ 6,331.50
61608 00	Surgery	96.70	96.70	\$ 6,769.00	\$ 6,769.00
61611 00	Surgery	13.71	13.71	\$ 959.70	\$ 959.70
61613 00	Surgery	97.76	97.76	\$ 6,843.20	\$ 6,843.20
61615 00	Surgery	84.09	84.09	\$ 5,886.30	\$ 5,886.30
61616 00	Surgery	99.09	99.09	\$ 6,936.30	\$ 6,936.30
61618 00	Surgery	38.06	38.06	\$ 2,664.20	\$ 2,664.20
61619 00	Surgery	40.97	40.97	\$ 2,867.90	\$ 2,867.90
61623 00	Surgery	16.68	16.68	\$ 1,167.60	\$ 1,167.60
61624 00	Surgery	33.65	33.65	\$ 2,355.50	\$ 2,355.50
61626 00	Surgery	25.86	25.86	\$ 1,810.20	\$ 1,810.20
61630 00	Surgery	40.18	40.18	\$ 2,812.60	\$ 2,812.60
61635 00	Surgery	42.48	42.48	\$ 2,973.60	\$ 2,973.60
61640 00	Surgery	14.01	14.01	\$ 980.70	\$ 980.70
61641 00	Surgery	4.92	4.92	\$ 344.40	\$ 344.40
61642 00	Surgery	9.84	9.84	\$ 688.80	\$ 688.80
61645 00	Surgery	24.48	24.48	\$ 1,713.60	\$ 1,713.60
61650 00	Surgery	16.67	16.67	\$ 1,166.90	\$ 1,166.90
61651 00	Surgery	7.15	7.15	\$ 500.50	\$ 500.50
61680 00	Surgery	66.85	66.85	\$ 4,679.50	\$ 4,679.50
61682 00	Surgery	122.22	122.22	\$ 8,555.40	\$ 8,555.40
61684 00	Surgery	83.67	83.67	\$ 5,856.90	\$ 5,856.90
61686 00	Surgery	132.04	132.04	\$ 9,242.80	\$ 9,242.80
61690 00	Surgery	64.26	64.26	\$ 4,498.20	\$ 4,498.20
61692 00	Surgery	107.32	107.32	\$ 7,512.40	\$ 7,512.40
61697 00	Surgery	123.56	123.56	\$ 8,649.20	\$ 8,649.20
61698 00	Surgery	135.97	135.97	\$ 9,517.90	\$ 9,517.90
61700 00	Surgery	100.27	100.27	\$ 7,018.90	\$ 7,018.90
61702 00	Surgery	118.24	118.24	\$ 8,276.80	\$ 8,276.80
61703 00	Surgery	40.12	40.12	\$ 2,808.40	\$ 2,808.40
61705 00	Surgery	76.64	76.64	\$ 5,364.80	\$ 5,364.80

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
61708 00	Surgery	74.97	74.97	\$ 5,247.90	\$ 5,247.90
61710 00	Surgery	63.25	63.25	\$ 4,427.50	\$ 4,427.50
61711 00	Surgery	75.75	75.75	\$ 5,302.50	\$ 5,302.50
61720 00	Surgery	37.53	37.53	\$ 2,627.10	\$ 2,627.10
61735 00	Surgery	47.07	47.07	\$ 3,294.90	\$ 3,294.90
61750 00	Surgery	41.54	41.54	\$ 2,907.80	\$ 2,907.80
61751 00	Surgery	40.88	40.88	\$ 2,861.60	\$ 2,861.60
61760 00	Surgery	46.71	46.71	\$ 3,269.70	\$ 3,269.70
61770 00	Surgery	47.85	47.85	\$ 3,349.50	\$ 3,349.50
61781 00	Surgery	6.93	6.93	\$ 485.10	\$ 485.10
61782 00	Surgery	5.04	5.04	\$ 352.80	\$ 352.80
61783 00	Surgery	6.82	6.82	\$ 477.40	\$ 477.40
61790 00	Surgery	26.08	26.08	\$ 1,825.60	\$ 1,825.60
61791 00	Surgery	33.29	33.29	\$ 2,330.30	\$ 2,330.30
61796 00	Surgery	30.01	30.01	\$ 2,100.70	\$ 2,100.70
61797 00	Surgery	6.45	6.45	\$ 451.50	\$ 451.50
61798 00	Surgery	40.66	40.66	\$ 2,846.20	\$ 2,846.20
61799 00	Surgery	8.87	8.87	\$ 620.90	\$ 620.90
61800 00	Surgery	4.48	4.48	\$ 313.60	\$ 313.60
61850 00	Surgery	29.13	29.13	\$ 2,039.10	\$ 2,039.10
61860 00	Surgery	46.14	46.14	\$ 3,229.80	\$ 3,229.80
61863 00	Surgery	44.38	44.38	\$ 3,106.60	\$ 3,106.60
61864 00	Surgery	8.30	8.30	\$ 581.00	\$ 581.00
61867 00	Surgery	67.20	67.20	\$ 4,704.00	\$ 4,704.00
61868 00	Surgery	14.62	14.62	\$ 1,023.40	\$ 1,023.40
61880 00	Surgery	17.17	17.17	\$ 1,201.90	\$ 1,201.90
61885 00	Surgery	15.49	15.49	\$ 1,084.30	\$ 1,084.30
61886 00	Surgery	25.69	25.69	\$ 1,798.30	\$ 1,798.30
61888 00	Surgery	11.75	11.75	\$ 822.50	\$ 822.50
62000 00	Surgery	30.57	30.57	\$ 2,139.90	\$ 2,139.90
62005 00	Surgery	37.54	37.54	\$ 2,627.80	\$ 2,627.80
62010 00	Surgery	45.35	45.35	\$ 3,174.50	\$ 3,174.50
62100 00	Surgery	46.01	46.01	\$ 3,220.70	\$ 3,220.70
62115 00	Surgery	49.70	49.70	\$ 3,479.00	\$ 3,479.00
62117 00	Surgery	57.96	57.96	\$ 4,057.20	\$ 4,057.20
62120 00	Surgery	62.64	62.64	\$ 4,384.80	\$ 4,384.80
62121 00	Surgery	46.22	46.22	\$ 3,235.40	\$ 3,235.40
62140 00	Surgery	30.03	30.03	\$ 2,102.10	\$ 2,102.10
62141 00	Surgery	33.76	33.76	\$ 2,363.20	\$ 2,363.20
62142 00	Surgery	26.18	26.18	\$ 1,832.60	\$ 1,832.60
62143 00	Surgery	30.89	30.89	\$ 2,162.30	\$ 2,162.30
62145 00	Surgery	41.51	41.51	\$ 2,905.70	\$ 2,905.70
62146 00	Surgery	36.92	36.92	\$ 2,584.40	\$ 2,584.40
62147 00	Surgery	41.87	41.87	\$ 2,930.90	\$ 2,930.90
62148 00	Surgery	3.70	3.70	\$ 259.00	\$ 259.00
62160 00	Surgery	5.57	5.57	\$ 389.90	\$ 389.90
62161 00	Surgery	44.71	44.71	\$ 3,129.70	\$ 3,129.70
62162 00	Surgery	55.72	55.72	\$ 3,900.40	\$ 3,900.40
62164 00	Surgery	61.72	61.72	\$ 4,320.40	\$ 4,320.40
62165 00	Surgery	44.60	44.60	\$ 3,122.00	\$ 3,122.00
62180 00	Surgery	47.18	47.18	\$ 3,302.60	\$ 3,302.60
62190 00	Surgery	27.46	27.46	\$ 1,922.20	\$ 1,922.20
62192 00	Surgery	29.01	29.01	\$ 2,030.70	\$ 2,030.70
62194 00	Surgery	14.58	14.58	\$ 1,020.60	\$ 1,020.60
62200 00	Surgery	40.64	40.64	\$ 2,844.80	\$ 2,844.80
62201 00	Surgery	35.81	35.81	\$ 2,506.70	\$ 2,506.70
62220 00	Surgery	28.99	28.99	\$ 2,029.30	\$ 2,029.30
62223 00	Surgery	30.71	30.71	\$ 2,149.70	\$ 2,149.70
62225 00	Surgery	15.74	15.74	\$ 1,101.80	\$ 1,101.80

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
62230 00	Surgery	24.88	24.88	\$ 1,741.60	\$ 1,741.60
62252 00	Surgery	2.41	2.41	\$ 168.70	\$ 168.70
62252 26	Surgery	1.35	1.35	\$ 94.50	\$ 94.50
62252 TC	Surgery	1.06	1.06	\$ 74.20	\$ 74.20
62256 00	Surgery	17.98	17.98	\$ 1,258.60	\$ 1,258.60
62258 00	Surgery	32.99	32.99	\$ 2,309.30	\$ 2,309.30
62263 00	Surgery	18.85	9.04	\$ 1,319.50	\$ 632.80
62264 00	Surgery	13.48	7.21	\$ 943.60	\$ 504.70
62267 00	Surgery	7.98	4.51	\$ 558.60	\$ 315.70
62268 00	Surgery	7.55	7.55	\$ 528.50	\$ 528.50
62269 00	Surgery	7.62	7.62	\$ 533.40	\$ 533.40
62270 00	Surgery	3.88	1.79	\$ 271.60	\$ 125.30
62272 00	Surgery	5.23	2.57	\$ 366.10	\$ 179.90
62273 00	Surgery	5.03	3.29	\$ 352.10	\$ 230.30
62280 00	Surgery	11.07	4.97	\$ 774.90	\$ 347.90
62281 00	Surgery	7.23	4.67	\$ 506.10	\$ 326.90
62282 00	Surgery	9.86	4.24	\$ 690.20	\$ 296.80
62284 00	Surgery	5.89	2.48	\$ 412.30	\$ 173.60
62287 00	Surgery	16.95	16.95	\$ 1,186.50	\$ 1,186.50
62290 00	Surgery	10.92	4.78	\$ 764.40	\$ 334.60
62291 00	Surgery	10.24	4.53	\$ 716.80	\$ 317.10
62292 00	Surgery	17.06	17.06	\$ 1,194.20	\$ 1,194.20
62294 00	Surgery	28.07	28.07	\$ 1,964.90	\$ 1,964.90
62302 00	Surgery	7.79	3.49	\$ 545.30	\$ 244.30
62303 00	Surgery	7.92	3.49	\$ 554.40	\$ 244.30
62304 00	Surgery	7.70	3.44	\$ 539.00	\$ 240.80
62305 00	Surgery	8.37	3.58	\$ 585.90	\$ 250.60
62320 00	Surgery	4.91	2.89	\$ 343.70	\$ 202.30
62321 00	Surgery	7.96	3.14	\$ 557.20	\$ 219.80
62322 00	Surgery	4.27	2.37	\$ 298.90	\$ 165.90
62323 00	Surgery	7.85	2.89	\$ 549.50	\$ 202.30
62324 00	Surgery	4.16	2.60	\$ 291.20	\$ 182.00
62325 00	Surgery	7.62	3.23	\$ 533.40	\$ 226.10
62326 00	Surgery	4.24	2.51	\$ 296.80	\$ 175.70
62327 00	Surgery	7.87	3.01	\$ 550.90	\$ 210.70
62328 00	Surgery	7.67	2.58	\$ 536.90	\$ 180.60
62329 00	Surgery	9.69	3.29	\$ 678.30	\$ 230.30
62350 00	Surgery	11.73	11.73	\$ 821.10	\$ 821.10
62351 00	Surgery	26.58	26.58	\$ 1,860.60	\$ 1,860.60
62355 00	Surgery	8.02	8.02	\$ 561.40	\$ 561.40
62360 00	Surgery	9.44	9.44	\$ 660.80	\$ 660.80
62361 00	Surgery	12.75	12.75	\$ 892.50	\$ 892.50
62362 00	Surgery	11.37	11.37	\$ 795.90	\$ 795.90
62365 00	Surgery	8.74	8.74	\$ 611.80	\$ 611.80
62367 00	Surgery	0.92	0.72	\$ 64.40	\$ 50.40
62368 00	Surgery	1.31	1.03	\$ 91.70	\$ 72.10
62369 00	Surgery	2.85	1.04	\$ 199.50	\$ 72.80
62370 00	Surgery	2.90	1.36	\$ 203.00	\$ 95.20
62380 00	Surgery	-	-	\$ 2,624.30	\$ 2,624.30
63001 00	Surgery	36.41	36.41	\$ 2,548.70	\$ 2,548.70
63003 00	Surgery	36.44	36.44	\$ 2,550.80	\$ 2,550.80
63005 00	Surgery	35.32	35.32	\$ 2,472.40	\$ 2,472.40
63011 00	Surgery	32.42	32.42	\$ 2,269.40	\$ 2,269.40
63012 00	Surgery	35.21	35.21	\$ 2,464.70	\$ 2,464.70
63015 00	Surgery	43.66	43.66	\$ 3,056.20	\$ 3,056.20
63016 00	Surgery	44.96	44.96	\$ 3,147.20	\$ 3,147.20
63017 00	Surgery	37.27	37.27	\$ 2,608.90	\$ 2,608.90
63020 00	Surgery	34.24	34.24	\$ 2,396.80	\$ 2,396.80
63030 00	Surgery	28.81	28.81	\$ 2,016.70	\$ 2,016.70

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
63035 00	Surgery	5.64	5.64	\$ 394.80	\$ 394.80
63040 00	Surgery	41.02	41.02	\$ 2,871.40	\$ 2,871.40
63042 00	Surgery	38.22	38.22	\$ 2,675.40	\$ 2,675.40
63043 00	Surgery	-	-	\$ 1,265.60	\$ 1,265.60
63044 00	Surgery	-	-	\$ 1,201.90	\$ 1,201.90
63045 00	Surgery	38.01	38.01	\$ 2,660.70	\$ 2,660.70
63046 00	Surgery	36.28	36.28	\$ 2,539.60	\$ 2,539.60
63047 00	Surgery	32.63	32.63	\$ 2,284.10	\$ 2,284.10
63048 00	Surgery	6.21	6.21	\$ 434.70	\$ 434.70
63050 00	Surgery	44.16	44.16	\$ 3,091.20	\$ 3,091.20
63051 00	Surgery	50.10	50.10	\$ 3,507.00	\$ 3,507.00
63055 00	Surgery	48.00	48.00	\$ 3,360.00	\$ 3,360.00
63056 00	Surgery	44.01	44.01	\$ 3,080.70	\$ 3,080.70
63057 00	Surgery	9.43	9.43	\$ 660.10	\$ 660.10
63064 00	Surgery	52.67	52.67	\$ 3,686.90	\$ 3,686.90
63066 00	Surgery	6.04	6.04	\$ 422.80	\$ 422.80
63075 00	Surgery	40.06	40.06	\$ 2,804.20	\$ 2,804.20
63076 00	Surgery	7.18	7.18	\$ 502.60	\$ 502.60
63077 00	Surgery	44.14	44.14	\$ 3,089.80	\$ 3,089.80
63078 00	Surgery	6.10	6.10	\$ 427.00	\$ 427.00
63081 00	Surgery	51.80	51.80	\$ 3,626.00	\$ 3,626.00
63082 00	Surgery	7.80	7.80	\$ 546.00	\$ 546.00
63085 00	Surgery	56.67	56.67	\$ 3,966.90	\$ 3,966.90
63086 00	Surgery	5.56	5.56	\$ 389.20	\$ 389.20
63087 00	Surgery	70.88	70.88	\$ 4,961.60	\$ 4,961.60
63088 00	Surgery	7.60	7.60	\$ 532.00	\$ 532.00
63090 00	Surgery	57.72	57.72	\$ 4,040.40	\$ 4,040.40
63091 00	Surgery	5.22	5.22	\$ 365.40	\$ 365.40
63101 00	Surgery	68.56	68.56	\$ 4,799.20	\$ 4,799.20
63102 00	Surgery	66.91	66.91	\$ 4,683.70	\$ 4,683.70
63103 00	Surgery	8.64	8.64	\$ 604.80	\$ 604.80
63170 00	Surgery	47.02	47.02	\$ 3,291.40	\$ 3,291.40
63172 00	Surgery	41.70	41.70	\$ 2,919.00	\$ 2,919.00
63173 00	Surgery	50.91	50.91	\$ 3,563.70	\$ 3,563.70
63185 00	Surgery	33.56	33.56	\$ 2,349.20	\$ 2,349.20
63190 00	Surgery	36.62	36.62	\$ 2,563.40	\$ 2,563.40
63191 00	Surgery	40.77	40.77	\$ 2,853.90	\$ 2,853.90
63194 00	Surgery	47.14	47.14	\$ 3,299.80	\$ 3,299.80
63195 00	Surgery	45.20	45.20	\$ 3,164.00	\$ 3,164.00
63196 00	Surgery	52.53	52.53	\$ 3,677.10	\$ 3,677.10
63197 00	Surgery	50.49	50.49	\$ 3,534.30	\$ 3,534.30
63198 00	Surgery	61.59	61.59	\$ 4,311.30	\$ 4,311.30
63199 00	Surgery	64.51	64.51	\$ 4,515.70	\$ 4,515.70
63200 00	Surgery	44.91	44.91	\$ 3,143.70	\$ 3,143.70
63250 00	Surgery	87.30	87.30	\$ 6,111.00	\$ 6,111.00
63251 00	Surgery	89.24	89.24	\$ 6,246.80	\$ 6,246.80
63252 00	Surgery	89.22	89.22	\$ 6,245.40	\$ 6,245.40
63265 00	Surgery	49.21	49.21	\$ 3,444.70	\$ 3,444.70
63266 00	Surgery	50.82	50.82	\$ 3,557.40	\$ 3,557.40
63267 00	Surgery	40.50	40.50	\$ 2,835.00	\$ 2,835.00
63268 00	Surgery	41.93	41.93	\$ 2,935.10	\$ 2,935.10
63270 00	Surgery	61.25	61.25	\$ 4,287.50	\$ 4,287.50
63271 00	Surgery	61.10	61.10	\$ 4,277.00	\$ 4,277.00
63272 00	Surgery	55.10	55.10	\$ 3,857.00	\$ 3,857.00
63273 00	Surgery	55.10	55.10	\$ 3,857.00	\$ 3,857.00
63275 00	Surgery	53.28	53.28	\$ 3,729.60	\$ 3,729.60
63276 00	Surgery	52.92	52.92	\$ 3,704.40	\$ 3,704.40
63277 00	Surgery	46.08	46.08	\$ 3,225.60	\$ 3,225.60
63278 00	Surgery	47.04	47.04	\$ 3,292.80	\$ 3,292.80

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
63280 00	Surgery	62.57	62.57	\$ 4,379.90	\$ 4,379.90
63281 00	Surgery	61.90	61.90	\$ 4,333.00	\$ 4,333.00
63282 00	Surgery	58.41	58.41	\$ 4,088.70	\$ 4,088.70
63283 00	Surgery	56.12	56.12	\$ 3,928.40	\$ 3,928.40
63285 00	Surgery	77.03	77.03	\$ 5,392.10	\$ 5,392.10
63286 00	Surgery	76.07	76.07	\$ 5,324.90	\$ 5,324.90
63287 00	Surgery	80.80	80.80	\$ 5,656.00	\$ 5,656.00
63290 00	Surgery	82.17	82.17	\$ 5,751.90	\$ 5,751.90
63295 00	Surgery	9.64	9.64	\$ 674.80	\$ 674.80
63300 00	Surgery	53.86	53.86	\$ 3,770.20	\$ 3,770.20
63301 00	Surgery	65.03	65.03	\$ 4,552.10	\$ 4,552.10
63302 00	Surgery	64.23	64.23	\$ 4,496.10	\$ 4,496.10
63303 00	Surgery	68.21	68.21	\$ 4,774.70	\$ 4,774.70
63304 00	Surgery	69.27	69.27	\$ 4,848.90	\$ 4,848.90
63305 00	Surgery	73.69	73.69	\$ 5,158.30	\$ 5,158.30
63306 00	Surgery	72.40	72.40	\$ 5,068.00	\$ 5,068.00
63307 00	Surgery	70.91	70.91	\$ 4,963.70	\$ 4,963.70
63308 00	Surgery	9.45	9.45	\$ 661.50	\$ 661.50
63600 00	Surgery	32.24	32.24	\$ 2,256.80	\$ 2,256.80
63610 00	Surgery	17.03	17.03	\$ 1,192.10	\$ 1,192.10
63620 00	Surgery	33.14	33.14	\$ 2,319.80	\$ 2,319.80
63621 00	Surgery	7.39	7.39	\$ 517.30	\$ 517.30
63650 00	Surgery	66.47	12.15	\$ 4,652.90	\$ 850.50
63655 00	Surgery	24.69	24.69	\$ 1,728.30	\$ 1,728.30
63661 00	Surgery	20.21	9.59	\$ 1,414.70	\$ 671.30
63662 00	Surgery	25.02	25.02	\$ 1,751.40	\$ 1,751.40
63663 00	Surgery	26.64	13.26	\$ 1,864.80	\$ 928.20
63664 00	Surgery	26.01	26.01	\$ 1,820.70	\$ 1,820.70
63685 00	Surgery	10.68	10.68	\$ 747.60	\$ 747.60
63688 00	Surgery	10.97	10.97	\$ 767.90	\$ 767.90
63700 00	Surgery	38.70	38.70	\$ 2,709.00	\$ 2,709.00
63702 00	Surgery	42.30	42.30	\$ 2,961.00	\$ 2,961.00
63704 00	Surgery	49.14	49.14	\$ 3,439.80	\$ 3,439.80
63706 00	Surgery	54.55	54.55	\$ 3,818.50	\$ 3,818.50
63707 00	Surgery	27.62	27.62	\$ 1,933.40	\$ 1,933.40
63709 00	Surgery	32.86	32.86	\$ 2,300.20	\$ 2,300.20
63710 00	Surgery	32.02	32.02	\$ 2,241.40	\$ 2,241.40
63740 00	Surgery	29.08	29.08	\$ 2,035.60	\$ 2,035.60
63741 00	Surgery	19.92	19.92	\$ 1,394.40	\$ 1,394.40
63744 00	Surgery	20.33	20.33	\$ 1,423.10	\$ 1,423.10
63746 00	Surgery	18.00	18.00	\$ 1,260.00	\$ 1,260.00
64400 00	Surgery	3.34	1.47	\$ 233.80	\$ 102.90
64405 00	Surgery	2.19	1.57	\$ 153.30	\$ 109.90
64408 00	Surgery	2.29	1.28	\$ 160.30	\$ 89.60
64415 00	Surgery	3.35	1.84	\$ 234.50	\$ 128.80
64416 00	Surgery	1.88	1.88	\$ 131.60	\$ 131.60
64417 00	Surgery	4.14	1.77	\$ 289.80	\$ 123.90
64418 00	Surgery	2.62	1.68	\$ 183.40	\$ 117.60
64420 00	Surgery	2.94	1.73	\$ 205.80	\$ 121.10
64421 00	Surgery	0.99	0.73	\$ 69.30	\$ 51.10
64425 00	Surgery	3.38	1.62	\$ 236.60	\$ 113.40
64430 00	Surgery	2.86	1.61	\$ 200.20	\$ 112.70
64435 00	Surgery	2.35	1.28	\$ 164.50	\$ 89.60
64445 00	Surgery	3.78	1.57	\$ 264.60	\$ 109.90
64446 00	Surgery	1.72	1.72	\$ 120.40	\$ 120.40
64447 00	Surgery	2.64	1.54	\$ 184.80	\$ 107.80
64448 00	Surgery	1.77	1.77	\$ 123.90	\$ 123.90
64449 00	Surgery	1.82	1.82	\$ 127.40	\$ 127.40
64450 00	Surgery	2.29	1.24	\$ 160.30	\$ 86.80

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
64451 00	Surgery	6.58	2.30	\$ 460.60	\$ 161.00
64454 00	Surgery	6.56	2.38	\$ 459.20	\$ 166.60
64455 00	Surgery	1.42	0.98	\$ 99.40	\$ 68.60
64461 00	Surgery	3.95	2.25	\$ 276.50	\$ 157.50
64462 00	Surgery	2.18	1.43	\$ 152.60	\$ 100.10
64463 00	Surgery	6.64	2.40	\$ 464.80	\$ 168.00
64479 00	Surgery	7.88	3.82	\$ 551.60	\$ 267.40
64480 00	Surgery	3.99	1.82	\$ 279.30	\$ 127.40
64483 00	Surgery	7.33	3.25	\$ 513.10	\$ 227.50
64484 00	Surgery	3.29	1.52	\$ 230.30	\$ 106.40
64486 00	Surgery	3.36	1.63	\$ 235.20	\$ 114.10
64487 00	Surgery	6.18	1.88	\$ 432.60	\$ 131.60
64488 00	Surgery	4.14	2.02	\$ 289.80	\$ 141.40
64489 00	Surgery	9.87	2.27	\$ 690.90	\$ 158.90
64490 00	Surgery	5.72	3.09	\$ 400.40	\$ 216.30
64491 00	Surgery	2.89	1.76	\$ 202.30	\$ 123.20
64492 00	Surgery	2.90	1.79	\$ 203.00	\$ 125.30
64493 00	Surgery	5.25	2.64	\$ 367.50	\$ 184.80
64494 00	Surgery	2.69	1.51	\$ 188.30	\$ 105.70
64495 00	Surgery	2.69	1.53	\$ 188.30	\$ 107.10
64505 00	Surgery	4.01	2.95	\$ 280.70	\$ 206.50
64510 00	Surgery	4.35	2.25	\$ 304.50	\$ 157.50
64517 00	Surgery	5.74	3.68	\$ 401.80	\$ 257.60
64520 00	Surgery	6.83	2.46	\$ 478.10	\$ 172.20
64530 00	Surgery	6.87	2.75	\$ 480.90	\$ 192.50
64553 00	Surgery	71.59	10.61	\$ 5,011.30	\$ 742.70
64555 00	Surgery	65.18	9.95	\$ 4,562.60	\$ 696.50
64561 00	Surgery	22.83	8.87	\$ 1,598.10	\$ 620.90
64566 00	Surgery	3.74	0.90	\$ 261.80	\$ 63.00
64568 00	Surgery	18.20	18.20	\$ 1,274.00	\$ 1,274.00
64569 00	Surgery	22.48	22.48	\$ 1,573.60	\$ 1,573.60
64570 00	Surgery	21.71	21.71	\$ 1,519.70	\$ 1,519.70
64575 00	Surgery	9.86	9.86	\$ 690.20	\$ 690.20
64580 00	Surgery	9.27	9.27	\$ 648.90	\$ 648.90
64581 00	Surgery	19.30	19.30	\$ 1,351.00	\$ 1,351.00
64585 00	Surgery	7.49	4.20	\$ 524.30	\$ 294.00
64590 00	Surgery	8.03	4.71	\$ 562.10	\$ 329.70
64595 00	Surgery	7.17	3.72	\$ 501.90	\$ 260.40
64600 00	Surgery	13.82	6.68	\$ 967.40	\$ 467.60
64605 00	Surgery	19.12	10.24	\$ 1,338.40	\$ 716.80
64610 00	Surgery	23.66	14.24	\$ 1,656.20	\$ 996.80
64611 00	Surgery	3.72	3.19	\$ 260.40	\$ 223.30
64612 00	Surgery	3.97	3.44	\$ 277.90	\$ 240.80
64615 00	Surgery	4.52	3.62	\$ 316.40	\$ 253.40
64616 00	Surgery	4.00	3.19	\$ 280.00	\$ 223.30
64617 00	Surgery	4.80	3.15	\$ 336.00	\$ 220.50
64620 00	Surgery	6.18	5.16	\$ 432.60	\$ 361.20
64624 00	Surgery	12.17	4.29	\$ 851.90	\$ 300.30
64625 00	Surgery	14.83	5.65	\$ 1,038.10	\$ 395.50
64630 00	Surgery	7.49	5.61	\$ 524.30	\$ 392.70
64632 00	Surgery	2.60	1.94	\$ 182.00	\$ 135.80
64633 00	Surgery	12.54	6.56	\$ 877.80	\$ 459.20
64634 00	Surgery	5.66	1.98	\$ 396.20	\$ 138.60
64635 00	Surgery	12.42	6.47	\$ 869.40	\$ 452.90
64636 00	Surgery	5.16	1.74	\$ 361.20	\$ 121.80
64640 00	Surgery	7.51	3.46	\$ 525.70	\$ 242.20
64642 00	Surgery	4.39	3.14	\$ 307.30	\$ 219.80
64643 00	Surgery	2.74	2.08	\$ 191.80	\$ 145.60
64644 00	Surgery	5.18	3.44	\$ 362.60	\$ 240.80

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
64645 00	Surgery	3.54	2.41	\$ 247.80	\$ 168.70
64646 00	Surgery	4.62	3.39	\$ 323.40	\$ 237.30
64647 00	Surgery	5.28	3.92	\$ 369.60	\$ 274.40
64650 00	Surgery	2.61	1.19	\$ 182.70	\$ 83.30
64653 00	Surgery	3.10	1.51	\$ 217.00	\$ 105.70
64680 00	Surgery	10.42	4.71	\$ 729.40	\$ 329.70
64681 00	Surgery	14.17	6.58	\$ 991.90	\$ 460.60
64702 00	Surgery	15.03	15.03	\$ 1,052.10	\$ 1,052.10
64704 00	Surgery	9.50	9.50	\$ 665.00	\$ 665.00
64708 00	Surgery	15.01	15.01	\$ 1,050.70	\$ 1,050.70
64712 00	Surgery	17.53	17.53	\$ 1,227.10	\$ 1,227.10
64713 00	Surgery	23.15	23.15	\$ 1,620.50	\$ 1,620.50
64714 00	Surgery	22.37	22.37	\$ 1,565.90	\$ 1,565.90
64716 00	Surgery	15.13	15.13	\$ 1,059.10	\$ 1,059.10
64718 00	Surgery	17.70	17.70	\$ 1,239.00	\$ 1,239.00
64719 00	Surgery	11.98	11.98	\$ 838.60	\$ 838.60
64721 00	Surgery	13.05	12.83	\$ 913.50	\$ 898.10
64722 00	Surgery	10.47	10.47	\$ 732.90	\$ 732.90
64726 00	Surgery	7.83	7.83	\$ 548.10	\$ 548.10
64727 00	Surgery	5.29	5.29	\$ 370.30	\$ 370.30
64732 00	Surgery	13.33	13.33	\$ 933.10	\$ 933.10
64734 00	Surgery	15.05	15.05	\$ 1,053.50	\$ 1,053.50
64736 00	Surgery	9.76	9.76	\$ 683.20	\$ 683.20
64738 00	Surgery	13.20	13.20	\$ 924.00	\$ 924.00
64740 00	Surgery	13.75	13.75	\$ 962.50	\$ 962.50
64742 00	Surgery	14.28	14.28	\$ 999.60	\$ 999.60
64744 00	Surgery	14.86	14.86	\$ 1,040.20	\$ 1,040.20
64746 00	Surgery	12.75	12.75	\$ 892.50	\$ 892.50
64755 00	Surgery	27.31	27.31	\$ 1,911.70	\$ 1,911.70
64760 00	Surgery	15.37	15.37	\$ 1,075.90	\$ 1,075.90
64763 00	Surgery	15.22	15.22	\$ 1,065.40	\$ 1,065.40
64766 00	Surgery	18.79	18.79	\$ 1,315.30	\$ 1,315.30
64771 00	Surgery	17.82	17.82	\$ 1,247.40	\$ 1,247.40
64772 00	Surgery	16.56	16.56	\$ 1,159.20	\$ 1,159.20
64774 00	Surgery	11.96	11.96	\$ 837.20	\$ 837.20
64776 00	Surgery	11.52	11.52	\$ 806.40	\$ 806.40
64778 00	Surgery	5.34	5.34	\$ 373.80	\$ 373.80
64782 00	Surgery	13.45	13.45	\$ 941.50	\$ 941.50
64783 00	Surgery	6.35	6.35	\$ 444.50	\$ 444.50
64784 00	Surgery	21.50	21.50	\$ 1,505.00	\$ 1,505.00
64786 00	Surgery	29.78	29.78	\$ 2,084.60	\$ 2,084.60
64787 00	Surgery	7.04	7.04	\$ 492.80	\$ 492.80
64788 00	Surgery	11.88	11.88	\$ 831.60	\$ 831.60
64790 00	Surgery	24.62	24.62	\$ 1,723.40	\$ 1,723.40
64792 00	Surgery	31.48	31.48	\$ 2,203.60	\$ 2,203.60
64795 00	Surgery	5.60	5.60	\$ 392.00	\$ 392.00
64802 00	Surgery	24.89	24.89	\$ 1,742.30	\$ 1,742.30
64804 00	Surgery	35.14	35.14	\$ 2,459.80	\$ 2,459.80
64809 00	Surgery	32.17	32.17	\$ 2,251.90	\$ 2,251.90
64818 00	Surgery	22.98	22.98	\$ 1,608.60	\$ 1,608.60
64820 00	Surgery	21.42	21.42	\$ 1,499.40	\$ 1,499.40
64821 00	Surgery	20.61	20.61	\$ 1,442.70	\$ 1,442.70
64822 00	Surgery	20.61	20.61	\$ 1,442.70	\$ 1,442.70
64823 00	Surgery	23.37	23.37	\$ 1,635.90	\$ 1,635.90
64831 00	Surgery	20.36	20.36	\$ 1,425.20	\$ 1,425.20
64832 00	Surgery	9.79	9.79	\$ 685.30	\$ 685.30
64834 00	Surgery	21.85	21.85	\$ 1,529.50	\$ 1,529.50
64835 00	Surgery	24.08	24.08	\$ 1,685.60	\$ 1,685.60
64836 00	Surgery	24.08	24.08	\$ 1,685.60	\$ 1,685.60

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
64837 00	Surgery	10.71	10.71	\$ 749.70	\$ 749.70
64840 00	Surgery	28.36	28.36	\$ 1,985.20	\$ 1,985.20
64856 00	Surgery	29.71	29.71	\$ 2,079.70	\$ 2,079.70
64857 00	Surgery	31.06	31.06	\$ 2,174.20	\$ 2,174.20
64858 00	Surgery	34.65	34.65	\$ 2,425.50	\$ 2,425.50
64859 00	Surgery	7.28	7.28	\$ 509.60	\$ 509.60
64861 00	Surgery	44.86	44.86	\$ 3,140.20	\$ 3,140.20
64862 00	Surgery	40.48	40.48	\$ 2,833.60	\$ 2,833.60
64864 00	Surgery	25.17	25.17	\$ 1,761.90	\$ 1,761.90
64865 00	Surgery	32.00	32.00	\$ 2,240.00	\$ 2,240.00
64866 00	Surgery	37.23	37.23	\$ 2,606.10	\$ 2,606.10
64868 00	Surgery	29.32	29.32	\$ 2,052.40	\$ 2,052.40
64872 00	Surgery	3.42	3.42	\$ 239.40	\$ 239.40
64874 00	Surgery	5.12	5.12	\$ 358.40	\$ 358.40
64876 00	Surgery	5.78	5.78	\$ 404.60	\$ 404.60
64885 00	Surgery	32.34	32.34	\$ 2,263.80	\$ 2,263.80
64886 00	Surgery	37.38	37.38	\$ 2,616.60	\$ 2,616.60
64890 00	Surgery	31.83	31.83	\$ 2,228.10	\$ 2,228.10
64891 00	Surgery	33.83	33.83	\$ 2,368.10	\$ 2,368.10
64892 00	Surgery	30.94	30.94	\$ 2,165.80	\$ 2,165.80
64893 00	Surgery	33.01	33.01	\$ 2,310.70	\$ 2,310.70
64895 00	Surgery	39.06	39.06	\$ 2,734.20	\$ 2,734.20
64896 00	Surgery	42.08	42.08	\$ 2,945.60	\$ 2,945.60
64897 00	Surgery	37.32	37.32	\$ 2,612.40	\$ 2,612.40
64898 00	Surgery	40.41	40.41	\$ 2,828.70	\$ 2,828.70
64901 00	Surgery	17.48	17.48	\$ 1,223.60	\$ 1,223.60
64902 00	Surgery	20.23	20.23	\$ 1,416.10	\$ 1,416.10
64905 00	Surgery	29.90	29.90	\$ 2,093.00	\$ 2,093.00
64907 00	Surgery	38.33	38.33	\$ 2,683.10	\$ 2,683.10
64910 00	Surgery	23.01	23.01	\$ 1,610.70	\$ 1,610.70
64911 00	Surgery	30.26	30.26	\$ 2,118.20	\$ 2,118.20
64912 00	Surgery	25.92	25.92	\$ 1,814.40	\$ 1,814.40
64913 00	Surgery	5.19	5.19	\$ 363.30	\$ 363.30
64999 00	Surgery	0.00	0.00	BR	BR
65091 00	Surgery	21.31	21.31	\$ 1,491.70	\$ 1,491.70
65093 00	Surgery	21.14	21.14	\$ 1,479.80	\$ 1,479.80
65101 00	Surgery	24.42	24.42	\$ 1,709.40	\$ 1,709.40
65103 00	Surgery	25.21	25.21	\$ 1,764.70	\$ 1,764.70
65105 00	Surgery	27.47	27.47	\$ 1,922.90	\$ 1,922.90
65110 00	Surgery	38.06	38.06	\$ 2,664.20	\$ 2,664.20
65112 00	Surgery	43.67	43.67	\$ 3,056.90	\$ 3,056.90
65114 00	Surgery	45.56	45.56	\$ 3,189.20	\$ 3,189.20
65125 00	Surgery	13.69	8.47	\$ 958.30	\$ 592.90
65130 00	Surgery	24.40	24.40	\$ 1,708.00	\$ 1,708.00
65135 00	Surgery	24.69	24.69	\$ 1,728.30	\$ 1,728.30
65140 00	Surgery	26.56	26.56	\$ 1,859.20	\$ 1,859.20
65150 00	Surgery	19.97	19.97	\$ 1,397.90	\$ 1,397.90
65155 00	Surgery	27.62	27.62	\$ 1,933.40	\$ 1,933.40
65175 00	Surgery	22.26	22.26	\$ 1,558.20	\$ 1,558.20
65205 00	Surgery	0.86	0.85	\$ 60.20	\$ 59.50
65210 00	Surgery	1.14	1.06	\$ 79.80	\$ 74.20
65220 00	Surgery	1.77	1.21	\$ 123.90	\$ 84.70
65222 00	Surgery	1.98	1.47	\$ 138.60	\$ 102.90
65235 00	Surgery	21.05	21.05	\$ 1,473.50	\$ 1,473.50
65260 00	Surgery	28.38	28.38	\$ 1,986.60	\$ 1,986.60
65265 00	Surgery	31.88	31.88	\$ 2,231.60	\$ 2,231.60
65270 00	Surgery	8.49	4.08	\$ 594.30	\$ 285.60
65272 00	Surgery	15.61	10.22	\$ 1,092.70	\$ 715.40
65273 00	Surgery	10.99	10.99	\$ 769.30	\$ 769.30

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
65275 00	Surgery	17.27	13.34	\$ 1,208.90	\$ 933.80
65280 00	Surgery	19.38	19.38	\$ 1,356.60	\$ 1,356.60
65285 00	Surgery	31.97	31.97	\$ 2,237.90	\$ 2,237.90
65286 00	Surgery	20.80	14.31	\$ 1,456.00	\$ 1,001.70
65290 00	Surgery	14.17	14.17	\$ 991.90	\$ 991.90
65400 00	Surgery	20.20	17.39	\$ 1,414.00	\$ 1,217.30
65410 00	Surgery	4.20	2.95	\$ 294.00	\$ 206.50
65420 00	Surgery	15.96	10.94	\$ 1,117.20	\$ 765.80
65426 00	Surgery	19.84	13.80	\$ 1,388.80	\$ 966.00
65430 00	Surgery	3.35	2.93	\$ 234.50	\$ 205.10
65435 00	Surgery	2.39	1.98	\$ 167.30	\$ 138.60
65436 00	Surgery	11.21	10.65	\$ 784.70	\$ 745.50
65450 00	Surgery	9.51	9.29	\$ 665.70	\$ 650.30
65600 00	Surgery	12.55	9.80	\$ 878.50	\$ 686.00
65710 00	Surgery	32.94	32.94	\$ 2,305.80	\$ 2,305.80
65730 00	Surgery	36.21	36.21	\$ 2,534.70	\$ 2,534.70
65750 00	Surgery	36.41	36.41	\$ 2,548.70	\$ 2,548.70
65755 00	Surgery	36.24	36.24	\$ 2,536.80	\$ 2,536.80
65756 00	Surgery	33.91	33.91	\$ 2,373.70	\$ 2,373.70
65757 00	Surgery	-	-	\$ 251.30	\$ 251.30
65760 00	Surgery	-	-	\$ 2,416.40	\$ 2,416.40
65765 00	Surgery	-	-	\$ 3,502.80	\$ 3,502.80
65767 00	Surgery	-	-	\$ 3,262.00	\$ 3,262.00
65770 00	Surgery	40.37	40.37	\$ 2,825.90	\$ 2,825.90
65771 00	Surgery	-	-	\$ 1,327.90	\$ 1,327.90
65772 00	Surgery	13.33	11.66	\$ 933.10	\$ 816.20
65775 00	Surgery	16.50	16.50	\$ 1,155.00	\$ 1,155.00
65778 00	Surgery	42.82	1.55	\$ 2,997.40	\$ 108.50
65779 00	Surgery	36.79	4.30	\$ 2,575.30	\$ 301.00
65780 00	Surgery	19.34	19.34	\$ 1,353.80	\$ 1,353.80
65781 00	Surgery	38.33	38.33	\$ 2,683.10	\$ 2,683.10
65782 00	Surgery	33.09	33.09	\$ 2,316.30	\$ 2,316.30
65785 00	Surgery	70.12	12.80	\$ 4,908.40	\$ 896.00
65800 00	Surgery	3.48	2.61	\$ 243.60	\$ 182.70
65810 00	Surgery	13.40	13.40	\$ 938.00	\$ 938.00
65815 00	Surgery	19.08	13.75	\$ 1,335.60	\$ 962.50
65820 00	Surgery	23.64	23.64	\$ 1,654.80	\$ 1,654.80
65850 00	Surgery	24.38	24.38	\$ 1,706.60	\$ 1,706.60
65855 00	Surgery	7.18	5.93	\$ 502.60	\$ 415.10
65860 00	Surgery	8.99	7.16	\$ 629.30	\$ 501.20
65865 00	Surgery	13.83	13.83	\$ 968.10	\$ 968.10
65870 00	Surgery	17.19	17.19	\$ 1,203.30	\$ 1,203.30
65875 00	Surgery	18.36	18.36	\$ 1,285.20	\$ 1,285.20
65880 00	Surgery	19.30	19.30	\$ 1,351.00	\$ 1,351.00
65900 00	Surgery	28.69	28.69	\$ 2,008.30	\$ 2,008.30
65920 00	Surgery	22.90	22.90	\$ 1,603.00	\$ 1,603.00
65930 00	Surgery	18.55	18.55	\$ 1,298.50	\$ 1,298.50
66020 00	Surgery	5.81	3.78	\$ 406.70	\$ 264.60
66030 00	Surgery	5.23	3.20	\$ 366.10	\$ 224.00
66130 00	Surgery	20.79	16.30	\$ 1,455.30	\$ 1,141.00
66150 00	Surgery	25.39	25.39	\$ 1,777.30	\$ 1,777.30
66155 00	Surgery	25.38	25.38	\$ 1,776.60	\$ 1,776.60
66160 00	Surgery	28.56	28.56	\$ 1,999.20	\$ 1,999.20
66170 00	Surgery	31.58	31.58	\$ 2,210.60	\$ 2,210.60
66172 00	Surgery	34.48	34.48	\$ 2,413.60	\$ 2,413.60
66174 00	Surgery	27.16	27.16	\$ 1,901.20	\$ 1,901.20
66175 00	Surgery	28.50	28.50	\$ 1,995.00	\$ 1,995.00
66179 00	Surgery	31.18	31.18	\$ 2,182.60	\$ 2,182.60
66180 00	Surgery	32.89	32.89	\$ 2,302.30	\$ 2,302.30

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
66183 00	Surgery	29.76	29.76	\$ 2,083.20	\$ 2,083.20
66184 00	Surgery	22.82	22.82	\$ 1,597.40	\$ 1,597.40
66185 00	Surgery	24.52	24.52	\$ 1,716.40	\$ 1,716.40
66225 00	Surgery	26.95	26.95	\$ 1,886.50	\$ 1,886.50
66250 00	Surgery	22.34	16.05	\$ 1,563.80	\$ 1,123.50
66500 00	Surgery	11.31	11.31	\$ 791.70	\$ 791.70
66505 00	Surgery	12.31	12.31	\$ 861.70	\$ 861.70
66600 00	Surgery	26.02	26.02	\$ 1,821.40	\$ 1,821.40
66605 00	Surgery	31.53	31.53	\$ 2,207.10	\$ 2,207.10
66625 00	Surgery	12.40	12.40	\$ 868.00	\$ 868.00
66630 00	Surgery	16.37	16.37	\$ 1,145.90	\$ 1,145.90
66635 00	Surgery	16.52	16.52	\$ 1,156.40	\$ 1,156.40
66680 00	Surgery	15.08	15.08	\$ 1,055.60	\$ 1,055.60
66682 00	Surgery	20.43	20.43	\$ 1,430.10	\$ 1,430.10
66700 00	Surgery	13.16	11.29	\$ 921.20	\$ 790.30
66710 00	Surgery	12.91	11.29	\$ 903.70	\$ 790.30
66711 00	Surgery	14.63	14.63	\$ 1,024.10	\$ 1,024.10
66720 00	Surgery	13.53	11.81	\$ 947.10	\$ 826.70
66740 00	Surgery	12.79	11.29	\$ 895.30	\$ 790.30
66761 00	Surgery	8.78	6.82	\$ 614.60	\$ 477.40
66762 00	Surgery	13.92	12.26	\$ 974.40	\$ 858.20
66770 00	Surgery	15.40	13.88	\$ 1,078.00	\$ 971.60
66820 00	Surgery	13.40	13.40	\$ 938.00	\$ 938.00
66821 00	Surgery	9.73	9.03	\$ 681.10	\$ 632.10
66825 00	Surgery	23.92	23.92	\$ 1,674.40	\$ 1,674.40
66830 00	Surgery	20.51	20.51	\$ 1,435.70	\$ 1,435.70
66840 00	Surgery	20.02	20.02	\$ 1,401.40	\$ 1,401.40
66850 00	Surgery	22.75	22.75	\$ 1,592.50	\$ 1,592.50
66852 00	Surgery	24.21	24.21	\$ 1,694.70	\$ 1,694.70
66920 00	Surgery	21.61	21.61	\$ 1,512.70	\$ 1,512.70
66930 00	Surgery	24.72	24.72	\$ 1,730.40	\$ 1,730.40
66940 00	Surgery	22.60	22.60	\$ 1,582.00	\$ 1,582.00
66982 00	Surgery	21.52	21.52	\$ 1,506.40	\$ 1,506.40
66983 00	Surgery	-	-	\$ 1,563.10	\$ 1,563.10
66984 00	Surgery	15.71	15.71	\$ 1,099.70	\$ 1,099.70
66985 00	Surgery	22.17	22.17	\$ 1,551.90	\$ 1,551.90
66986 00	Surgery	26.09	26.09	\$ 1,826.30	\$ 1,826.30
66987 00	Surgery	-	-	\$ 1,705.20	\$ 1,705.20
66988 00	Surgery	-	-	\$ 1,393.70	\$ 1,393.70
66990 00	Surgery	2.58	2.58	\$ 180.60	\$ 180.60
66999 00	Surgery	0.00	0.00	BR	BR
67005 00	Surgery	13.65	13.65	\$ 955.50	\$ 955.50
67010 00	Surgery	15.62	15.62	\$ 1,093.40	\$ 1,093.40
67015 00	Surgery	17.41	17.41	\$ 1,218.70	\$ 1,218.70
67025 00	Surgery	21.67	18.22	\$ 1,516.90	\$ 1,275.40
67027 00	Surgery	24.47	24.47	\$ 1,712.90	\$ 1,712.90
67028 00	Surgery	3.30	2.66	\$ 231.00	\$ 186.20
67030 00	Surgery	16.04	16.04	\$ 1,122.80	\$ 1,122.80
67031 00	Surgery	11.38	10.26	\$ 796.60	\$ 718.20
67036 00	Surgery	25.89	25.89	\$ 1,812.30	\$ 1,812.30
67039 00	Surgery	27.69	27.69	\$ 1,938.30	\$ 1,938.30
67040 00	Surgery	29.91	29.91	\$ 2,093.70	\$ 2,093.70
67041 00	Surgery	33.01	33.01	\$ 2,310.70	\$ 2,310.70
67042 00	Surgery	33.01	33.01	\$ 2,310.70	\$ 2,310.70
67043 00	Surgery	34.80	34.80	\$ 2,436.00	\$ 2,436.00
67101 00	Surgery	9.71	8.21	\$ 679.70	\$ 574.70
67105 00	Surgery	8.62	7.93	\$ 603.40	\$ 555.10
67107 00	Surgery	32.42	32.42	\$ 2,269.40	\$ 2,269.40
67108 00	Surgery	34.34	34.34	\$ 2,403.80	\$ 2,403.80

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
67110 00	Surgery	25.89	23.46	\$ 1,812.30	\$ 1,642.20
67113 00	Surgery	38.40	38.40	\$ 2,688.00	\$ 2,688.00
67115 00	Surgery	14.39	14.39	\$ 1,007.30	\$ 1,007.30
67120 00	Surgery	19.59	16.01	\$ 1,371.30	\$ 1,120.70
67121 00	Surgery	26.09	26.09	\$ 1,826.30	\$ 1,826.30
67141 00	Surgery	15.23	14.01	\$ 1,066.10	\$ 980.70
67145 00	Surgery	15.30	14.31	\$ 1,071.00	\$ 1,001.70
67208 00	Surgery	17.43	16.66	\$ 1,220.10	\$ 1,166.20
67210 00	Surgery	14.97	14.37	\$ 1,047.90	\$ 1,005.90
67218 00	Surgery	40.19	40.19	\$ 2,813.30	\$ 2,813.30
67220 00	Surgery	15.45	14.37	\$ 1,081.50	\$ 1,005.90
67221 00	Surgery	8.06	6.03	\$ 564.20	\$ 422.10
67225 00	Surgery	0.85	0.80	\$ 59.50	\$ 56.00
67227 00	Surgery	8.56	7.33	\$ 599.20	\$ 513.10
67228 00	Surgery	9.88	8.76	\$ 691.60	\$ 613.20
67229 00	Surgery	33.46	33.46	\$ 2,342.20	\$ 2,342.20
67250 00	Surgery	25.85	25.85	\$ 1,809.50	\$ 1,809.50
67255 00	Surgery	19.85	19.85	\$ 1,389.50	\$ 1,389.50
67299 00	Surgery	0.00	0.00	BR	BR
67311 00	Surgery	17.26	17.26	\$ 1,208.20	\$ 1,208.20
67312 00	Surgery	20.87	20.87	\$ 1,460.90	\$ 1,460.90
67314 00	Surgery	19.76	19.76	\$ 1,383.20	\$ 1,383.20
67316 00	Surgery	23.35	23.35	\$ 1,634.50	\$ 1,634.50
67318 00	Surgery	20.66	20.66	\$ 1,446.20	\$ 1,446.20
67320 00	Surgery	9.13	9.13	\$ 639.10	\$ 639.10
67331 00	Surgery	8.67	8.67	\$ 606.90	\$ 606.90
67332 00	Surgery	9.40	9.40	\$ 658.00	\$ 658.00
67334 00	Surgery	8.54	8.54	\$ 597.80	\$ 597.80
67335 00	Surgery	4.20	4.20	\$ 294.00	\$ 294.00
67340 00	Surgery	10.16	10.16	\$ 711.20	\$ 711.20
67343 00	Surgery	19.22	19.22	\$ 1,345.40	\$ 1,345.40
67345 00	Surgery	7.08	6.25	\$ 495.60	\$ 437.50
67346 00	Surgery	5.47	5.47	\$ 382.90	\$ 382.90
67399 00	Surgery	0.00	0.00	BR	BR
67400 00	Surgery	29.83	29.83	\$ 2,088.10	\$ 2,088.10
67405 00	Surgery	25.83	25.83	\$ 1,808.10	\$ 1,808.10
67412 00	Surgery	28.42	28.42	\$ 1,989.40	\$ 1,989.40
67413 00	Surgery	27.64	27.64	\$ 1,934.80	\$ 1,934.80
67414 00	Surgery	41.90	41.90	\$ 2,933.00	\$ 2,933.00
67415 00	Surgery	2.98	2.98	\$ 208.60	\$ 208.60
67420 00	Surgery	50.13	50.13	\$ 3,509.10	\$ 3,509.10
67430 00	Surgery	39.88	39.88	\$ 2,791.60	\$ 2,791.60
67440 00	Surgery	38.70	38.70	\$ 2,709.00	\$ 2,709.00
67445 00	Surgery	44.04	44.04	\$ 3,082.80	\$ 3,082.80
67450 00	Surgery	40.08	40.08	\$ 2,805.60	\$ 2,805.60
67500 00	Surgery	2.18	1.79	\$ 152.60	\$ 125.30
67505 00	Surgery	2.53	2.09	\$ 177.10	\$ 146.30
67515 00	Surgery	1.49	1.36	\$ 104.30	\$ 95.20
67550 00	Surgery	31.16	31.16	\$ 2,181.20	\$ 2,181.20
67560 00	Surgery	31.86	31.86	\$ 2,230.20	\$ 2,230.20
67570 00	Surgery	38.65	38.65	\$ 2,705.50	\$ 2,705.50
67599 00	Surgery	0.00	0.00	BR	BR
67700 00	Surgery	8.66	3.35	\$ 606.20	\$ 234.50
67710 00	Surgery	7.37	2.83	\$ 515.90	\$ 198.10
67715 00	Surgery	7.99	3.12	\$ 559.30	\$ 218.40
67800 00	Surgery	3.75	2.97	\$ 262.50	\$ 207.90
67801 00	Surgery	4.75	3.81	\$ 332.50	\$ 266.70
67805 00	Surgery	5.90	4.71	\$ 413.00	\$ 329.70
67808 00	Surgery	10.59	10.59	\$ 741.30	\$ 741.30

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
67810 00	Surgery	5.53	1.99	\$ 387.10	\$ 139.30
67820 00	Surgery	0.61	0.65	\$ 42.70	\$ 45.50
67825 00	Surgery	3.94	3.51	\$ 275.80	\$ 245.70
67830 00	Surgery	8.20	3.96	\$ 574.00	\$ 277.20
67835 00	Surgery	12.71	12.71	\$ 889.70	\$ 889.70
67840 00	Surgery	8.47	4.53	\$ 592.90	\$ 317.10
67850 00	Surgery	6.52	3.78	\$ 456.40	\$ 264.60
67875 00	Surgery	5.49	2.77	\$ 384.30	\$ 193.90
67880 00	Surgery	13.79	10.61	\$ 965.30	\$ 742.70
67882 00	Surgery	16.80	13.57	\$ 1,176.00	\$ 949.90
67900 00	Surgery	19.14	14.64	\$ 1,339.80	\$ 1,024.80
67901 00	Surgery	23.44	16.99	\$ 1,640.80	\$ 1,189.30
67902 00	Surgery	20.95	20.95	\$ 1,466.50	\$ 1,466.50
67903 00	Surgery	17.76	13.87	\$ 1,243.20	\$ 970.90
67904 00	Surgery	21.81	17.18	\$ 1,526.70	\$ 1,202.60
67906 00	Surgery	14.56	14.56	\$ 1,019.20	\$ 1,019.20
67908 00	Surgery	15.62	12.46	\$ 1,093.40	\$ 872.20
67909 00	Surgery	16.20	12.65	\$ 1,134.00	\$ 885.50
67911 00	Surgery	16.15	16.15	\$ 1,130.50	\$ 1,130.50
67912 00	Surgery	27.28	14.04	\$ 1,909.60	\$ 982.80
67914 00	Surgery	14.56	9.45	\$ 1,019.20	\$ 661.50
67915 00	Surgery	9.44	5.72	\$ 660.80	\$ 400.40
67916 00	Surgery	18.17	12.39	\$ 1,271.90	\$ 867.30
67917 00	Surgery	18.47	13.15	\$ 1,292.90	\$ 920.50
67921 00	Surgery	14.29	8.98	\$ 1,000.30	\$ 628.60
67922 00	Surgery	9.13	5.70	\$ 639.10	\$ 399.00
67923 00	Surgery	18.16	12.39	\$ 1,271.20	\$ 867.30
67924 00	Surgery	19.29	13.15	\$ 1,350.30	\$ 920.50
67930 00	Surgery	11.03	6.84	\$ 772.10	\$ 478.80
67935 00	Surgery	17.66	12.71	\$ 1,236.20	\$ 889.70
67938 00	Surgery	8.20	3.38	\$ 574.00	\$ 236.60
67950 00	Surgery	17.24	13.35	\$ 1,206.80	\$ 934.50
67961 00	Surgery	17.30	13.09	\$ 1,211.00	\$ 916.30
67966 00	Surgery	22.82	18.87	\$ 1,597.40	\$ 1,320.90
67971 00	Surgery	20.76	20.76	\$ 1,453.20	\$ 1,453.20
67973 00	Surgery	26.69	26.69	\$ 1,868.30	\$ 1,868.30
67974 00	Surgery	26.63	26.63	\$ 1,864.10	\$ 1,864.10
67975 00	Surgery	19.65	19.65	\$ 1,375.50	\$ 1,375.50
67999 00	Surgery	0.00	0.00	BR	BR
68020 00	Surgery	3.53	3.20	\$ 247.10	\$ 224.00
68040 00	Surgery	1.80	1.38	\$ 126.00	\$ 96.60
68100 00	Surgery	5.38	2.75	\$ 376.60	\$ 192.50
68110 00	Surgery	7.03	4.27	\$ 492.10	\$ 298.90
68115 00	Surgery	9.95	5.27	\$ 696.50	\$ 368.90
68130 00	Surgery	16.35	11.89	\$ 1,144.50	\$ 832.30
68135 00	Surgery	4.58	4.32	\$ 320.60	\$ 302.40
68200 00	Surgery	1.21	0.99	\$ 84.70	\$ 69.30
68320 00	Surgery	21.97	15.55	\$ 1,537.90	\$ 1,088.50
68325 00	Surgery	18.89	18.89	\$ 1,322.30	\$ 1,322.30
68326 00	Surgery	18.55	18.55	\$ 1,298.50	\$ 1,298.50
68328 00	Surgery	20.38	20.38	\$ 1,426.60	\$ 1,426.60
68330 00	Surgery	18.42	13.26	\$ 1,289.40	\$ 928.20
68335 00	Surgery	18.62	18.62	\$ 1,303.40	\$ 1,303.40
68340 00	Surgery	17.72	11.47	\$ 1,240.40	\$ 802.90
68360 00	Surgery	16.06	11.81	\$ 1,124.20	\$ 826.70
68362 00	Surgery	18.87	18.87	\$ 1,320.90	\$ 1,320.90
68371 00	Surgery	11.92	11.92	\$ 834.40	\$ 834.40
68399 00	Surgery	0.00	0.00	BR	BR
68400 00	Surgery	8.98	3.77	\$ 628.60	\$ 263.90

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
68420 00	Surgery	10.02	4.80	\$ 701.40	\$ 336.00
68440 00	Surgery	3.02	2.88	\$ 211.40	\$ 201.60
68500 00	Surgery	30.32	30.32	\$ 2,122.40	\$ 2,122.40
68505 00	Surgery	30.18	30.18	\$ 2,112.60	\$ 2,112.60
68510 00	Surgery	13.65	8.34	\$ 955.50	\$ 583.80
68520 00	Surgery	21.11	21.11	\$ 1,477.70	\$ 1,477.70
68525 00	Surgery	7.50	7.50	\$ 525.00	\$ 525.00
68530 00	Surgery	13.00	7.30	\$ 910.00	\$ 511.00
68540 00	Surgery	28.24	28.24	\$ 1,976.80	\$ 1,976.80
68550 00	Surgery	35.05	35.05	\$ 2,453.50	\$ 2,453.50
68700 00	Surgery	17.39	17.39	\$ 1,217.30	\$ 1,217.30
68705 00	Surgery	7.71	4.76	\$ 539.70	\$ 333.20
68720 00	Surgery	23.21	23.21	\$ 1,624.70	\$ 1,624.70
68745 00	Surgery	23.32	23.32	\$ 1,632.40	\$ 1,632.40
68750 00	Surgery	24.51	24.51	\$ 1,715.70	\$ 1,715.70
68760 00	Surgery	6.50	4.20	\$ 455.00	\$ 294.00
68761 00	Surgery	4.37	3.40	\$ 305.90	\$ 238.00
68770 00	Surgery	18.09	18.09	\$ 1,266.30	\$ 1,266.30
68801 00	Surgery	2.78	2.26	\$ 194.60	\$ 158.20
68810 00	Surgery	4.74	3.69	\$ 331.80	\$ 258.30
68811 00	Surgery	3.89	3.89	\$ 272.30	\$ 272.30
68815 00	Surgery	11.52	6.40	\$ 806.40	\$ 448.00
68816 00	Surgery	25.55	4.52	\$ 1,788.50	\$ 316.40
68840 00	Surgery	3.87	3.37	\$ 270.90	\$ 235.90
68850 00	Surgery	1.78	1.55	\$ 124.60	\$ 108.50
68899 00	Surgery	0.00	0.00	BR	BR
69000 00	Surgery	5.58	3.57	\$ 390.60	\$ 249.90
69005 00	Surgery	6.49	4.62	\$ 454.30	\$ 323.40
69020 00	Surgery	7.00	4.18	\$ 490.00	\$ 292.60
69090 00	Surgery	-	-	\$ 67.20	\$ 67.20
69100 00	Surgery	2.91	1.36	\$ 203.70	\$ 95.20
69105 00	Surgery	4.34	1.82	\$ 303.80	\$ 127.40
69110 00	Surgery	14.03	9.61	\$ 982.10	\$ 672.70
69120 00	Surgery	11.78	11.78	\$ 824.60	\$ 824.60
69140 00	Surgery	26.84	26.84	\$ 1,878.80	\$ 1,878.80
69145 00	Surgery	12.26	7.49	\$ 858.20	\$ 524.30
69150 00	Surgery	30.36	30.36	\$ 2,125.20	\$ 2,125.20
69155 00	Surgery	48.22	48.22	\$ 3,375.40	\$ 3,375.40
69200 00	Surgery	2.39	1.37	\$ 167.30	\$ 95.90
69205 00	Surgery	2.79	2.79	\$ 195.30	\$ 195.30
69209 00	Surgery	0.44	0.44	\$ 30.80	\$ 30.80
69210 00	Surgery	1.39	0.97	\$ 97.30	\$ 67.90
69220 00	Surgery	2.32	1.49	\$ 162.40	\$ 104.30
69222 00	Surgery	6.41	3.96	\$ 448.70	\$ 277.20
69300 00	Surgery	18.76	13.48	\$ 1,313.20	\$ 943.60
69310 00	Surgery	33.31	33.31	\$ 2,331.70	\$ 2,331.70
69320 00	Surgery	46.29	46.29	\$ 3,240.30	\$ 3,240.30
69399 00	Surgery	0.00	0.00	BR	BR
69420 00	Surgery	5.64	3.49	\$ 394.80	\$ 244.30
69421 00	Surgery	4.38	4.38	\$ 306.60	\$ 306.60
69424 00	Surgery	3.86	1.76	\$ 270.20	\$ 123.20
69433 00	Surgery	5.93	3.81	\$ 415.10	\$ 266.70
69436 00	Surgery	4.61	4.61	\$ 322.70	\$ 322.70
69440 00	Surgery	20.66	20.66	\$ 1,446.20	\$ 1,446.20
69450 00	Surgery	16.38	16.38	\$ 1,146.60	\$ 1,146.60
69501 00	Surgery	21.26	21.26	\$ 1,488.20	\$ 1,488.20
69502 00	Surgery	28.29	28.29	\$ 1,980.30	\$ 1,980.30
69505 00	Surgery	36.49	36.49	\$ 2,554.30	\$ 2,554.30
69511 00	Surgery	37.34	37.34	\$ 2,613.80	\$ 2,613.80

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
69530 00	Surgery	49.61	49.61	\$ 3,472.70	\$ 3,472.70
69535 00	Surgery	78.48	78.48	\$ 5,493.60	\$ 5,493.60
69540 00	Surgery	6.24	3.75	\$ 436.80	\$ 262.50
69550 00	Surgery	31.58	31.58	\$ 2,210.60	\$ 2,210.60
69552 00	Surgery	46.96	46.96	\$ 3,287.20	\$ 3,287.20
69554 00	Surgery	74.37	74.37	\$ 5,205.90	\$ 5,205.90
69601 00	Surgery	30.46	30.46	\$ 2,132.20	\$ 2,132.20
69602 00	Surgery	32.41	32.41	\$ 2,268.70	\$ 2,268.70
69603 00	Surgery	38.10	38.10	\$ 2,667.00	\$ 2,667.00
69604 00	Surgery	33.07	33.07	\$ 2,314.90	\$ 2,314.90
69610 00	Surgery	11.21	8.37	\$ 784.70	\$ 585.90
69620 00	Surgery	21.72	14.44	\$ 1,520.40	\$ 1,010.80
69631 00	Surgery	26.60	26.60	\$ 1,862.00	\$ 1,862.00
69632 00	Surgery	32.27	32.27	\$ 2,258.90	\$ 2,258.90
69633 00	Surgery	31.31	31.31	\$ 2,191.70	\$ 2,191.70
69635 00	Surgery	37.61	37.61	\$ 2,632.70	\$ 2,632.70
69636 00	Surgery	41.81	41.81	\$ 2,926.70	\$ 2,926.70
69637 00	Surgery	42.74	42.74	\$ 2,991.80	\$ 2,991.80
69641 00	Surgery	31.05	31.05	\$ 2,173.50	\$ 2,173.50
69642 00	Surgery	39.83	39.83	\$ 2,788.10	\$ 2,788.10
69643 00	Surgery	36.52	36.52	\$ 2,556.40	\$ 2,556.40
69644 00	Surgery	44.63	44.63	\$ 3,124.10	\$ 3,124.10
69645 00	Surgery	43.97	43.97	\$ 3,077.90	\$ 3,077.90
69646 00	Surgery	46.45	46.45	\$ 3,251.50	\$ 3,251.50
69650 00	Surgery	23.93	23.93	\$ 1,675.10	\$ 1,675.10
69660 00	Surgery	27.49	27.49	\$ 1,924.30	\$ 1,924.30
69661 00	Surgery	35.82	35.82	\$ 2,507.40	\$ 2,507.40
69662 00	Surgery	34.33	34.33	\$ 2,403.10	\$ 2,403.10
69666 00	Surgery	24.08	24.08	\$ 1,685.60	\$ 1,685.60
69667 00	Surgery	24.10	24.10	\$ 1,687.00	\$ 1,687.00
69670 00	Surgery	28.11	28.11	\$ 1,967.70	\$ 1,967.70
69676 00	Surgery	24.89	24.89	\$ 1,742.30	\$ 1,742.30
69700 00	Surgery	19.94	19.94	\$ 1,395.80	\$ 1,395.80
69705 00	Surgery	89.20	5.06	\$ 6,244.00	\$ 354.20
69706 00	Surgery	91.89	7.04	\$ 6,432.30	\$ 492.80
69710 00	Surgery	0.00	0.00	BR	BR
69711 00	Surgery	25.14	25.14	\$ 1,759.80	\$ 1,759.80
69714 00	Surgery	31.25	31.25	\$ 2,187.50	\$ 2,187.50
69715 00	Surgery	38.49	38.49	\$ 2,694.30	\$ 2,694.30
69717 00	Surgery	32.79	32.79	\$ 2,295.30	\$ 2,295.30
69718 00	Surgery	38.88	38.88	\$ 2,721.60	\$ 2,721.60
69720 00	Surgery	35.27	35.27	\$ 2,468.90	\$ 2,468.90
69725 00	Surgery	55.09	55.09	\$ 3,856.30	\$ 3,856.30
69740 00	Surgery	34.32	34.32	\$ 2,402.40	\$ 2,402.40
69745 00	Surgery	36.63	36.63	\$ 2,564.10	\$ 2,564.10
69799 00	Surgery	0.00	0.00	BR	BR
69801 00	Surgery	6.55	3.59	\$ 458.50	\$ 251.30
69805 00	Surgery	30.49	30.49	\$ 2,134.30	\$ 2,134.30
69806 00	Surgery	27.50	27.50	\$ 1,925.00	\$ 1,925.00
69905 00	Surgery	27.36	27.36	\$ 1,915.20	\$ 1,915.20
69910 00	Surgery	29.52	29.52	\$ 2,066.40	\$ 2,066.40
69915 00	Surgery	44.49	44.49	\$ 3,114.30	\$ 3,114.30
69930 00	Surgery	35.98	35.98	\$ 2,518.60	\$ 2,518.60
69949 00	Surgery	0.00	0.00	BR	BR
69950 00	Surgery	51.37	51.37	\$ 3,595.90	\$ 3,595.90
69955 00	Surgery	57.92	57.92	\$ 4,054.40	\$ 4,054.40
69960 00	Surgery	55.58	55.58	\$ 3,890.60	\$ 3,890.60
69970 00	Surgery	62.63	62.63	\$ 4,384.10	\$ 4,384.10
69979 00	Surgery	0.00	0.00	BR	BR

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
69990 00	Surgery	6.38	6.38	\$ 446.60	\$ 446.60

**Historical Note**

New Appendix A, Surgery Codes 2019-2020 made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Surgery Codes 2019-2020 will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Surgery Codes 2019-2020 repealed; new Appendix A, Surgery Codes 2020-2021 made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Surgery Codes 2020-2021 repealed; new Appendix A, Surgery Codes 2021-2022 made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3).

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

## RADIOLOGY GUIDELINES

This Fee Schedule has been updated to incorporate by reference the 2021 Edition of the American Medical Association's *Current Procedural Terminology* (CPT®) publication, including the general guidelines, identifiers, modifiers, and terminology changes associated with the adopted codes. In this Fee Schedule CPT® codes that contain explanatory language specific to Arizona are preceded by Δ. Codes, however, that are unique to Arizona and not otherwise found in CPT® are preceded by an AZ identifier and numbered in the following format: AZxxx. Additional information regarding publications (e.g., CMS Guidelines) adopted by reference is found in the Introduction of the Fee Schedule.

The following Commission guidelines are in addition to CMS and CPT® guidelines and represent additional guidance from the Commission relative to unit values for these services. To the extent that a conflict may exist between an adopted portion of the CPT® and a code, guideline, identifier or modifier unique to Arizona, then the Arizona code, guideline, identifier or modifier shall control.

**A. GENERAL GUIDELINES**

1. Values include usual contrast media, equipment, and materials. An additional charge may be warranted when special surgical trays and materials are provided by the healthcare provider.
2. Values include consultation and written reports to the referring healthcare provider.
3. X-ray findings and attending healthcare provider's written order for x-rays must be included with statement for x-ray services. Bills unsupported by findings will not be paid.
4. X-rays should be taken, reported, and be properly marked for identification and orientation in accordance with the accepted standard of radiologic practice in the State of Arizona.

**B. MODIFIERS**

Modifiers identify circumstances that alter or enhance the description of the service. For radiology codes, two modifiers affect the assigned unit value and are listed in *The Essential RBRVS*. However, other modifiers may be required for correct reporting of service. See CMS and the 2021 CPT® publication for additional information on modifiers. Listed radiology modifiers affect the unit values as follows:

1. Total: When no modifier is listed, the unit value represents the global value of the procedure. The five-digit code is used to represent a global service inclusive of professional and technical value of providing that service. The following sections provide additional definitions for each component.

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

2. Professional: Modifier 26 is used to designate professional services. The professional component includes examination of the patient, when indicated, performance and/or supervision of the procedure, interpretation and written report of the examination, and consultation with referring healthcare providers.
3. Technical: Modifier TC is used to designate the technical value of providing the service. The technical component includes personnel, materials, space, equipment, and other allocated facility overhead normally included in providing the service. Note that modifier TC is not CPT<sup>®</sup> compatible.

**C. REFERENCE TO RELATIVE VALUES**

Two patterns of billing currently prevail in radiology. A total charge for the radiology service, to include both professional fees and technical costs, is made by radiologists working in offices, clinics and, under some circumstances, in hospital or ambulatory surgery center x-ray departments.

In a majority of voluntary hospital or ambulatory surgery center radiology departments, the radiologist submits a separate statement to the patient for his professional services. The hospital or ambulatory surgery center charges for use of the department facilities and the services of its employees. This pattern is similar to the charges made by the hospital or ambulatory surgery center for the use of delivery rooms or surgical suites. Such charges are entirely separate from the fees charged by obstetricians and surgeons. In most separate radiology billing situations, the total will approximate the amount billed singly by the radiologist in their office or billed singly by the hospital or ambulatory surgery center.

The two separate scales in Radiology Relative Values have been devised for use in radiology and are not coordinated with scales for services in other branches of medicine such as surgery, medicine or pathology. The two scales are compatible only within themselves. Within each of the two separate headings, the total dollar value and the PC or professional components dollar value, where appropriate, can be used. Some procedures are noted as a “BR” value or “By Report”. This usage is intended to indicate that circumstances involving a given patient procedure may require much more than the average amount of time and effort to perform and thus a value would be unique and could not be anticipated or established. When such added involvement is claimed, a written explanation will usually be required as an addendum to the bill.

The PC values do not include charges made by the hospital in which the procedure was accomplished. Such charges by the hospital or ambulatory surgery center cover the services of technologists and other helpers, the films, contrast media, radioactive agents, chemical and other materials, the use of the space and facilities of the x-ray department plus any other hospital or ambulatory surgery center costs. Most hospitals or ambulatory surgery centers have derived their own schedule of charges of these items. Establishment of hospital or ambulatory surgery center charges is not the subject of the Fee Schedule.

The separation of billing in no way implies a division of responsibility, but only a division of the charge. The radiologist is a physician performing a needed medical service for a patient,

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

and he must retain full responsibility for his own activity and also full responsibility for the supervision of technologists, the selection and maintenance of equipment, the control of radiation hazards and the general administration of the radiology department.

**D. REVIEW OF DIAGNOSTIC STUDIES**

No separate charge is warranted for prior studies reviewed in conjunction with a visit, consultation, record review, or other evaluation by a healthcare provider; neither the professional component value modifier 26 nor the radiological consultation CPT® code 76140 is reimbursable. The review of diagnostic tests is included in the evaluation and management codes.

**Historical Note**

New Appendix A. Radiology Guidelines made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A. Radiology Guidelines will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Radiology Guidelines repealed; new Appendix A, Radiology Guidelines made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Radiology Guidelines repealed; new Appendix A, Radiology Guidelines made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3).

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

## ARIZONA PHYSICIANS' FEE SCHEDULE

## Radiology Codes 2021 -2022

## Radiology Conversion Factor \$70.00

Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
70010 00	Radiology	1.72	1.72	\$ 120.40	\$ 120.40
70015 00	Radiology	4.97	4.97	\$ 347.90	\$ 347.90
70015 26	Radiology	1.67	1.67	\$ 116.90	\$ 116.90
70015 TC	Radiology	3.30	3.30	\$ 231.00	\$ 231.00
70030 00	Radiology	0.94	0.94	\$ 65.80	\$ 65.80
70030 26	Radiology	0.26	0.26	\$ 18.20	\$ 18.20
70030 TC	Radiology	0.68	0.68	\$ 47.60	\$ 47.60
70100 00	Radiology	1.12	1.12	\$ 78.40	\$ 78.40
70100 26	Radiology	0.26	0.26	\$ 18.20	\$ 18.20
70100 TC	Radiology	0.86	0.86	\$ 60.20	\$ 60.20
70110 00	Radiology	1.27	1.27	\$ 88.90	\$ 88.90
70110 26	Radiology	0.35	0.35	\$ 24.50	\$ 24.50
70110 TC	Radiology	0.92	0.92	\$ 64.40	\$ 64.40
70120 00	Radiology	1.11	1.11	\$ 77.70	\$ 77.70
70120 26	Radiology	0.26	0.26	\$ 18.20	\$ 18.20
70120 TC	Radiology	0.85	0.85	\$ 59.50	\$ 59.50
70130 00	Radiology	1.83	1.83	\$ 128.10	\$ 128.10
70130 26	Radiology	0.48	0.48	\$ 33.60	\$ 33.60
70130 TC	Radiology	1.35	1.35	\$ 94.50	\$ 94.50
70134 00	Radiology	1.74	1.74	\$ 121.80	\$ 121.80
70134 26	Radiology	0.50	0.50	\$ 35.00	\$ 35.00
70134 TC	Radiology	1.24	1.24	\$ 86.80	\$ 86.80
70140 00	Radiology	0.94	0.94	\$ 65.80	\$ 65.80
70140 26	Radiology	0.29	0.29	\$ 20.30	\$ 20.30
70140 TC	Radiology	0.65	0.65	\$ 45.50	\$ 45.50
70150 00	Radiology	1.38	1.38	\$ 96.60	\$ 96.60
70150 26	Radiology	0.37	0.37	\$ 25.90	\$ 25.90
70150 TC	Radiology	1.01	1.01	\$ 70.70	\$ 70.70
70160 00	Radiology	1.11	1.11	\$ 77.70	\$ 77.70
70160 26	Radiology	0.25	0.25	\$ 17.50	\$ 17.50
70160 TC	Radiology	0.86	0.86	\$ 60.20	\$ 60.20
70170 00	Radiology	-	-	\$ 98.70	\$ 98.70
70170 26	Radiology	0.42	0.42	\$ 29.40	\$ 29.40
70170 TC	Radiology	-	-	\$ 70.00	\$ 70.00
70190 00	Radiology	1.13	1.13	\$ 79.10	\$ 79.10
70190 26	Radiology	0.32	0.32	\$ 22.40	\$ 22.40
70190 TC	Radiology	0.81	0.81	\$ 56.70	\$ 56.70
70200 00	Radiology	1.41	1.41	\$ 98.70	\$ 98.70
70200 26	Radiology	0.40	0.40	\$ 28.00	\$ 28.00
70200 TC	Radiology	1.01	1.01	\$ 70.70	\$ 70.70
70210 00	Radiology	0.94	0.94	\$ 65.80	\$ 65.80
70210 26	Radiology	0.25	0.25	\$ 17.50	\$ 17.50
70210 TC	Radiology	0.69	0.69	\$ 48.30	\$ 48.30
70220 00	Radiology	1.10	1.10	\$ 77.00	\$ 77.00
70220 26	Radiology	0.31	0.31	\$ 21.70	\$ 21.70
70220 TC	Radiology	0.79	0.79	\$ 55.30	\$ 55.30
70240 00	Radiology	0.97	0.97	\$ 67.90	\$ 67.90
70240 26	Radiology	0.27	0.27	\$ 18.90	\$ 18.90
70240 TC	Radiology	0.70	0.70	\$ 49.00	\$ 49.00
70250 00	Radiology	1.04	1.04	\$ 72.80	\$ 72.80
70250 26	Radiology	0.26	0.26	\$ 18.20	\$ 18.20
70250 TC	Radiology	0.78	0.78	\$ 54.60	\$ 54.60
70260 00	Radiology	1.31	1.31	\$ 91.70	\$ 91.70
70260 26	Radiology	0.40	0.40	\$ 28.00	\$ 28.00
70260 TC	Radiology	0.91	0.91	\$ 63.70	\$ 63.70

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
70300 00	Radiology	0.38	0.38	\$ 26.60	\$ 26.60
70300 26	Radiology	0.15	0.15	\$ 10.50	\$ 10.50
70300 TC	Radiology	0.23	0.23	\$ 16.10	\$ 16.10
70310 00	Radiology	1.13	1.13	\$ 79.10	\$ 79.10
70310 26	Radiology	0.22	0.22	\$ 15.40	\$ 15.40
70310 TC	Radiology	0.91	0.91	\$ 63.70	\$ 63.70
70320 00	Radiology	1.65	1.65	\$ 115.50	\$ 115.50
70320 26	Radiology	0.33	0.33	\$ 23.10	\$ 23.10
70320 TC	Radiology	1.32	1.32	\$ 92.40	\$ 92.40
70328 00	Radiology	1.01	1.01	\$ 70.70	\$ 70.70
70328 26	Radiology	0.26	0.26	\$ 18.20	\$ 18.20
70328 TC	Radiology	0.75	0.75	\$ 52.50	\$ 52.50
70330 00	Radiology	1.56	1.56	\$ 109.20	\$ 109.20
70330 26	Radiology	0.34	0.34	\$ 23.80	\$ 23.80
70330 TC	Radiology	1.22	1.22	\$ 85.40	\$ 85.40
70332 00	Radiology	2.52	2.52	\$ 176.40	\$ 176.40
70332 26	Radiology	0.78	0.78	\$ 54.60	\$ 54.60
70332 TC	Radiology	1.74	1.74	\$ 121.80	\$ 121.80
70336 00	Radiology	8.82	8.82	\$ 617.40	\$ 617.40
70336 26	Radiology	2.07	2.07	\$ 144.90	\$ 144.90
70336 TC	Radiology	6.75	6.75	\$ 472.50	\$ 472.50
70350 00	Radiology	0.48	0.48	\$ 33.60	\$ 33.60
70350 26	Radiology	0.25	0.25	\$ 17.50	\$ 17.50
70350 TC	Radiology	0.23	0.23	\$ 16.10	\$ 16.10
70355 00	Radiology	0.54	0.54	\$ 37.80	\$ 37.80
70355 26	Radiology	0.30	0.30	\$ 21.00	\$ 21.00
70355 TC	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
70360 00	Radiology	0.92	0.92	\$ 64.40	\$ 64.40
70360 26	Radiology	0.26	0.26	\$ 18.20	\$ 18.20
70360 TC	Radiology	0.66	0.66	\$ 46.20	\$ 46.20
70370 00	Radiology	2.83	2.83	\$ 198.10	\$ 198.10
70370 26	Radiology	0.43	0.43	\$ 30.10	\$ 30.10
70370 TC	Radiology	2.40	2.40	\$ 168.00	\$ 168.00
70371 00	Radiology	3.21	3.21	\$ 224.70	\$ 224.70
70371 26	Radiology	1.20	1.20	\$ 84.00	\$ 84.00
70371 TC	Radiology	2.01	2.01	\$ 140.70	\$ 140.70
70380 00	Radiology	1.10	1.10	\$ 77.00	\$ 77.00
70380 26	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
70380 TC	Radiology	0.86	0.86	\$ 60.20	\$ 60.20
70390 00	Radiology	3.51	3.51	\$ 245.70	\$ 245.70
70390 26	Radiology	0.54	0.54	\$ 37.80	\$ 37.80
70390 TC	Radiology	2.97	2.97	\$ 207.90	\$ 207.90
70450 00	Radiology	3.33	3.33	\$ 233.10	\$ 233.10
70450 26	Radiology	1.20	1.20	\$ 84.00	\$ 84.00
70450 TC	Radiology	2.13	2.13	\$ 149.10	\$ 149.10
70460 00	Radiology	4.68	4.68	\$ 327.60	\$ 327.60
70460 26	Radiology	1.59	1.59	\$ 111.30	\$ 111.30
70460 TC	Radiology	3.09	3.09	\$ 216.30	\$ 216.30
70470 00	Radiology	5.50	5.50	\$ 385.00	\$ 385.00
70470 26	Radiology	1.78	1.78	\$ 124.60	\$ 124.60
70470 TC	Radiology	3.72	3.72	\$ 260.40	\$ 260.40
70480 00	Radiology	4.98	4.98	\$ 348.60	\$ 348.60
70480 26	Radiology	1.79	1.79	\$ 125.30	\$ 125.30
70480 TC	Radiology	3.19	3.19	\$ 223.30	\$ 223.30
70481 00	Radiology	5.75	5.75	\$ 402.50	\$ 402.50
70481 26	Radiology	1.59	1.59	\$ 111.30	\$ 111.30
70481 TC	Radiology	4.16	4.16	\$ 291.20	\$ 291.20
70482 00	Radiology	6.76	6.76	\$ 473.20	\$ 473.20
70482 26	Radiology	1.77	1.77	\$ 123.90	\$ 123.90

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
70482 TC	Radiology	4.99	4.99	\$ 349.30	\$ 349.30
70486 00	Radiology	4.03	4.03	\$ 282.10	\$ 282.10
70486 26	Radiology	1.20	1.20	\$ 84.00	\$ 84.00
70486 TC	Radiology	2.83	2.83	\$ 198.10	\$ 198.10
70487 00	Radiology	4.81	4.81	\$ 336.70	\$ 336.70
70487 26	Radiology	1.58	1.58	\$ 110.60	\$ 110.60
70487 TC	Radiology	3.23	3.23	\$ 226.10	\$ 226.10
70488 00	Radiology	5.89	5.89	\$ 412.30	\$ 412.30
70488 26	Radiology	1.78	1.78	\$ 124.60	\$ 124.60
70488 TC	Radiology	4.11	4.11	\$ 287.70	\$ 287.70
70490 00	Radiology	4.72	4.72	\$ 330.40	\$ 330.40
70490 26	Radiology	1.79	1.79	\$ 125.30	\$ 125.30
70490 TC	Radiology	2.93	2.93	\$ 205.10	\$ 205.10
70491 00	Radiology	5.85	5.85	\$ 409.50	\$ 409.50
70491 26	Radiology	1.93	1.93	\$ 135.10	\$ 135.10
70491 TC	Radiology	3.92	3.92	\$ 274.40	\$ 274.40
70492 00	Radiology	7.09	7.09	\$ 496.30	\$ 496.30
70492 26	Radiology	2.29	2.29	\$ 160.30	\$ 160.30
70492 TC	Radiology	4.80	4.80	\$ 336.00	\$ 336.00
70496 00	Radiology	8.66	8.66	\$ 606.20	\$ 606.20
70496 26	Radiology	2.46	2.46	\$ 172.20	\$ 172.20
70496 TC	Radiology	6.20	6.20	\$ 434.00	\$ 434.00
70498 00	Radiology	8.65	8.65	\$ 605.50	\$ 605.50
70498 26	Radiology	2.46	2.46	\$ 172.20	\$ 172.20
70498 TC	Radiology	6.19	6.19	\$ 433.30	\$ 433.30
70540 00	Radiology	7.44	7.44	\$ 520.80	\$ 520.80
70540 26	Radiology	1.88	1.88	\$ 131.60	\$ 131.60
70540 TC	Radiology	5.56	5.56	\$ 389.20	\$ 389.20
70542 00	Radiology	8.87	8.87	\$ 620.90	\$ 620.90
70542 26	Radiology	2.30	2.30	\$ 161.00	\$ 161.00
70542 TC	Radiology	6.57	6.57	\$ 459.90	\$ 459.90
70543 00	Radiology	11.15	11.15	\$ 780.50	\$ 780.50
70543 26	Radiology	3.02	3.02	\$ 211.40	\$ 211.40
70543 TC	Radiology	8.13	8.13	\$ 569.10	\$ 569.10
70544 00	Radiology	6.98	6.98	\$ 488.60	\$ 488.60
70544 26	Radiology	1.68	1.68	\$ 117.60	\$ 117.60
70544 TC	Radiology	5.30	5.30	\$ 371.00	\$ 371.00
70545 00	Radiology	7.35	7.35	\$ 514.50	\$ 514.50
70545 26	Radiology	1.68	1.68	\$ 117.60	\$ 117.60
70545 TC	Radiology	5.67	5.67	\$ 396.90	\$ 396.90
70546 00	Radiology	10.67	10.67	\$ 746.90	\$ 746.90
70546 26	Radiology	2.07	2.07	\$ 144.90	\$ 144.90
70546 TC	Radiology	8.60	8.60	\$ 602.00	\$ 602.00
70547 00	Radiology	7.01	7.01	\$ 490.70	\$ 490.70
70547 26	Radiology	1.69	1.69	\$ 118.30	\$ 118.30
70547 TC	Radiology	5.32	5.32	\$ 372.40	\$ 372.40
70548 00	Radiology	7.90	7.90	\$ 553.00	\$ 553.00
70548 26	Radiology	2.10	2.10	\$ 147.00	\$ 147.00
70548 TC	Radiology	5.80	5.80	\$ 406.00	\$ 406.00
70549 00	Radiology	11.20	11.20	\$ 784.00	\$ 784.00
70549 26	Radiology	2.54	2.54	\$ 177.80	\$ 177.80
70549 TC	Radiology	8.66	8.66	\$ 606.20	\$ 606.20
70551 00	Radiology	6.32	6.32	\$ 442.40	\$ 442.40
70551 26	Radiology	2.07	2.07	\$ 144.90	\$ 144.90
70551 TC	Radiology	4.25	4.25	\$ 297.50	\$ 297.50
70552 00	Radiology	8.80	8.80	\$ 616.00	\$ 616.00
70552 26	Radiology	2.51	2.51	\$ 175.70	\$ 175.70
70552 TC	Radiology	6.29	6.29	\$ 440.30	\$ 440.30
70553 00	Radiology	10.39	10.39	\$ 727.30	\$ 727.30

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
70553 26	Radiology	3.23	3.23	\$ 226.10	\$ 226.10
70553 TC	Radiology	7.16	7.16	\$ 501.20	\$ 501.20
70554 00	Radiology	12.39	12.39	\$ 867.30	\$ 867.30
70554 26	Radiology	2.99	2.99	\$ 209.30	\$ 209.30
70554 TC	Radiology	9.40	9.40	\$ 658.00	\$ 658.00
70555 00	Radiology	-	-	\$ 1,449.70	\$ 1,449.70
70555 26	Radiology	3.54	3.54	\$ 247.80	\$ 247.80
70555 TC	Radiology	-	-	\$ 1,203.30	\$ 1,203.30
70557 00	Radiology	-	-	\$ 3,010.00	\$ 3,010.00
70557 26	Radiology	4.72	4.72	\$ 330.40	\$ 330.40
70557 TC	Radiology	-	-	\$ 2,678.90	\$ 2,678.90
70558 00	Radiology	-	-	\$ 3,168.90	\$ 3,168.90
70558 26	Radiology	4.96	4.96	\$ 347.20	\$ 347.20
70558 TC	Radiology	-	-	\$ 2,820.30	\$ 2,820.30
70559 00	Radiology	-	-	\$ 2,971.50	\$ 2,971.50
70559 26	Radiology	4.68	4.68	\$ 327.60	\$ 327.60
70559 TC	Radiology	-	-	\$ 2,644.60	\$ 2,644.60
71045 00	Radiology	0.75	0.75	\$ 52.50	\$ 52.50
71045 26	Radiology	0.26	0.26	\$ 18.20	\$ 18.20
71045 TC	Radiology	0.49	0.49	\$ 34.30	\$ 34.30
71046 00	Radiology	0.98	0.98	\$ 68.60	\$ 68.60
71046 26	Radiology	0.31	0.31	\$ 21.70	\$ 21.70
71046 TC	Radiology	0.67	0.67	\$ 46.90	\$ 46.90
71047 00	Radiology	1.24	1.24	\$ 86.80	\$ 86.80
71047 26	Radiology	0.39	0.39	\$ 27.30	\$ 27.30
71047 TC	Radiology	0.85	0.85	\$ 59.50	\$ 59.50
71048 00	Radiology	1.33	1.33	\$ 93.10	\$ 93.10
71048 26	Radiology	0.45	0.45	\$ 31.50	\$ 31.50
71048 TC	Radiology	0.88	0.88	\$ 61.60	\$ 61.60
71100 00	Radiology	1.07	1.07	\$ 74.90	\$ 74.90
71100 26	Radiology	0.32	0.32	\$ 22.40	\$ 22.40
71100 TC	Radiology	0.75	0.75	\$ 52.50	\$ 52.50
71101 00	Radiology	1.23	1.23	\$ 86.10	\$ 86.10
71101 26	Radiology	0.38	0.38	\$ 26.60	\$ 26.60
71101 TC	Radiology	0.85	0.85	\$ 59.50	\$ 59.50
71110 00	Radiology	1.28	1.28	\$ 89.60	\$ 89.60
71110 26	Radiology	0.41	0.41	\$ 28.70	\$ 28.70
71110 TC	Radiology	0.87	0.87	\$ 60.90	\$ 60.90
71111 00	Radiology	1.53	1.53	\$ 107.10	\$ 107.10
71111 26	Radiology	0.45	0.45	\$ 31.50	\$ 31.50
71111 TC	Radiology	1.08	1.08	\$ 75.60	\$ 75.60
71120 00	Radiology	0.98	0.98	\$ 68.60	\$ 68.60
71120 26	Radiology	0.28	0.28	\$ 19.60	\$ 19.60
71120 TC	Radiology	0.70	0.70	\$ 49.00	\$ 49.00
71130 00	Radiology	1.21	1.21	\$ 84.70	\$ 84.70
71130 26	Radiology	0.31	0.31	\$ 21.70	\$ 21.70
71130 TC	Radiology	0.90	0.90	\$ 63.00	\$ 63.00
71250 00	Radiology	4.18	4.18	\$ 292.60	\$ 292.60
71250 26	Radiology	1.52	1.52	\$ 106.40	\$ 106.40
71250 TC	Radiology	2.66	2.66	\$ 186.20	\$ 186.20
71260 00	Radiology	5.29	5.29	\$ 370.30	\$ 370.30
71260 26	Radiology	1.64	1.64	\$ 114.80	\$ 114.80
71260 TC	Radiology	3.65	3.65	\$ 255.50	\$ 255.50
71270 00	Radiology	6.27	6.27	\$ 438.90	\$ 438.90
71270 26	Radiology	1.75	1.75	\$ 122.50	\$ 122.50
71270 TC	Radiology	4.52	4.52	\$ 316.40	\$ 316.40
71271 00	Radiology	4.32	4.32	\$ 302.40	\$ 302.40
71271 26	Radiology	1.52	1.52	\$ 106.40	\$ 106.40
71271 TC	Radiology	2.80	2.80	\$ 196.00	\$ 196.00

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
71275 00	Radiology	8.84	8.84	\$ 618.80	\$ 618.80
71275 26	Radiology	2.56	2.56	\$ 179.20	\$ 179.20
71275 TC	Radiology	6.28	6.28	\$ 439.60	\$ 439.60
71550 00	Radiology	11.33	11.33	\$ 793.10	\$ 793.10
71550 26	Radiology	2.05	2.05	\$ 143.50	\$ 143.50
71550 TC	Radiology	9.28	9.28	\$ 649.60	\$ 649.60
71551 00	Radiology	12.50	12.50	\$ 875.00	\$ 875.00
71551 26	Radiology	2.44	2.44	\$ 170.80	\$ 170.80
71551 TC	Radiology	10.06	10.06	\$ 704.20	\$ 704.20
71552 00	Radiology	15.84	15.84	\$ 1,108.80	\$ 1,108.80
71552 26	Radiology	3.17	3.17	\$ 221.90	\$ 221.90
71552 TC	Radiology	12.67	12.67	\$ 886.90	\$ 886.90
71555 00	Radiology	11.01	11.01	\$ 770.70	\$ 770.70
71555 26	Radiology	2.53	2.53	\$ 177.10	\$ 177.10
71555 TC	Radiology	8.48	8.48	\$ 593.60	\$ 593.60
72020 00	Radiology	0.72	0.72	\$ 50.40	\$ 50.40
72020 26	Radiology	0.23	0.23	\$ 16.10	\$ 16.10
72020 TC	Radiology	0.49	0.49	\$ 34.30	\$ 34.30
72040 00	Radiology	1.15	1.15	\$ 80.50	\$ 80.50
72040 26	Radiology	0.32	0.32	\$ 22.40	\$ 22.40
72040 TC	Radiology	0.83	0.83	\$ 58.10	\$ 58.10
72050 00	Radiology	1.54	1.54	\$ 107.80	\$ 107.80
72050 26	Radiology	0.39	0.39	\$ 27.30	\$ 27.30
72050 TC	Radiology	1.15	1.15	\$ 80.50	\$ 80.50
72052 00	Radiology	1.81	1.81	\$ 126.70	\$ 126.70
72052 26	Radiology	0.42	0.42	\$ 29.40	\$ 29.40
72052 TC	Radiology	1.39	1.39	\$ 97.30	\$ 97.30
72070 00	Radiology	0.95	0.95	\$ 66.50	\$ 66.50
72070 26	Radiology	0.29	0.29	\$ 20.30	\$ 20.30
72070 TC	Radiology	0.66	0.66	\$ 46.20	\$ 46.20
72072 00	Radiology	1.14	1.14	\$ 79.80	\$ 79.80
72072 26	Radiology	0.32	0.32	\$ 22.40	\$ 22.40
72072 TC	Radiology	0.82	0.82	\$ 57.40	\$ 57.40
72074 00	Radiology	1.30	1.30	\$ 91.00	\$ 91.00
72074 26	Radiology	0.35	0.35	\$ 24.50	\$ 24.50
72074 TC	Radiology	0.95	0.95	\$ 66.50	\$ 66.50
72080 00	Radiology	1.01	1.01	\$ 70.70	\$ 70.70
72080 26	Radiology	0.30	0.30	\$ 21.00	\$ 21.00
72080 TC	Radiology	0.71	0.71	\$ 49.70	\$ 49.70
72081 00	Radiology	1.23	1.23	\$ 86.10	\$ 86.10
72081 26	Radiology	0.37	0.37	\$ 25.90	\$ 25.90
72081 TC	Radiology	0.86	0.86	\$ 60.20	\$ 60.20
72082 00	Radiology	2.04	2.04	\$ 142.80	\$ 142.80
72082 26	Radiology	0.44	0.44	\$ 30.80	\$ 30.80
72082 TC	Radiology	1.60	1.60	\$ 112.00	\$ 112.00
72083 00	Radiology	2.31	2.31	\$ 161.70	\$ 161.70
72083 26	Radiology	0.51	0.51	\$ 35.70	\$ 35.70
72083 TC	Radiology	1.80	1.80	\$ 126.00	\$ 126.00
72084 00	Radiology	2.85	2.85	\$ 199.50	\$ 199.50
72084 26	Radiology	0.59	0.59	\$ 41.30	\$ 41.30
72084 TC	Radiology	2.26	2.26	\$ 158.20	\$ 158.20
72100 00	Radiology	1.16	1.16	\$ 81.20	\$ 81.20
72100 26	Radiology	0.32	0.32	\$ 22.40	\$ 22.40
72100 TC	Radiology	0.84	0.84	\$ 58.80	\$ 58.80
72110 00	Radiology	1.48	1.48	\$ 103.60	\$ 103.60
72110 26	Radiology	0.37	0.37	\$ 25.90	\$ 25.90
72110 TC	Radiology	1.11	1.11	\$ 77.70	\$ 77.70
72114 00	Radiology	1.81	1.81	\$ 126.70	\$ 126.70
72114 26	Radiology	0.43	0.43	\$ 30.10	\$ 30.10

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
72114 TC	Radiology	1.38	1.38	\$ 96.60	\$ 96.60
72120 00	Radiology	1.19	1.19	\$ 83.30	\$ 83.30
72120 26	Radiology	0.32	0.32	\$ 22.40	\$ 22.40
72120 TC	Radiology	0.87	0.87	\$ 60.90	\$ 60.90
72125 00	Radiology	4.10	4.10	\$ 287.00	\$ 287.00
72125 26	Radiology	1.41	1.41	\$ 98.70	\$ 98.70
72125 TC	Radiology	2.69	2.69	\$ 188.30	\$ 188.30
72126 00	Radiology	5.34	5.34	\$ 373.80	\$ 373.80
72126 26	Radiology	1.71	1.71	\$ 119.70	\$ 119.70
72126 TC	Radiology	3.63	3.63	\$ 254.10	\$ 254.10
72127 00	Radiology	6.27	6.27	\$ 438.90	\$ 438.90
72127 26	Radiology	1.77	1.77	\$ 123.90	\$ 123.90
72127 TC	Radiology	4.50	4.50	\$ 315.00	\$ 315.00
72128 00	Radiology	4.09	4.09	\$ 286.30	\$ 286.30
72128 26	Radiology	1.41	1.41	\$ 98.70	\$ 98.70
72128 TC	Radiology	2.68	2.68	\$ 187.60	\$ 187.60
72129 00	Radiology	5.37	5.37	\$ 375.90	\$ 375.90
72129 26	Radiology	1.71	1.71	\$ 119.70	\$ 119.70
72129 TC	Radiology	3.66	3.66	\$ 256.20	\$ 256.20
72130 00	Radiology	6.30	6.30	\$ 441.00	\$ 441.00
72130 26	Radiology	1.77	1.77	\$ 123.90	\$ 123.90
72130 TC	Radiology	4.53	4.53	\$ 317.10	\$ 317.10
72131 00	Radiology	4.08	4.08	\$ 285.60	\$ 285.60
72131 26	Radiology	1.41	1.41	\$ 98.70	\$ 98.70
72131 TC	Radiology	2.67	2.67	\$ 186.90	\$ 186.90
72132 00	Radiology	5.34	5.34	\$ 373.80	\$ 373.80
72132 26	Radiology	1.71	1.71	\$ 119.70	\$ 119.70
72132 TC	Radiology	3.63	3.63	\$ 254.10	\$ 254.10
72133 00	Radiology	6.27	6.27	\$ 438.90	\$ 438.90
72133 26	Radiology	1.77	1.77	\$ 123.90	\$ 123.90
72133 TC	Radiology	4.50	4.50	\$ 315.00	\$ 315.00
72141 00	Radiology	6.18	6.18	\$ 432.60	\$ 432.60
72141 26	Radiology	2.08	2.08	\$ 145.60	\$ 145.60
72141 TC	Radiology	4.10	4.10	\$ 287.00	\$ 287.00
72142 00	Radiology	9.01	9.01	\$ 630.70	\$ 630.70
72142 26	Radiology	2.52	2.52	\$ 176.40	\$ 176.40
72142 TC	Radiology	6.49	6.49	\$ 454.30	\$ 454.30
72146 00	Radiology	6.18	6.18	\$ 432.60	\$ 432.60
72146 26	Radiology	2.08	2.08	\$ 145.60	\$ 145.60
72146 TC	Radiology	4.10	4.10	\$ 287.00	\$ 287.00
72147 00	Radiology	8.95	8.95	\$ 626.50	\$ 626.50
72147 26	Radiology	2.52	2.52	\$ 176.40	\$ 176.40
72147 TC	Radiology	6.43	6.43	\$ 450.10	\$ 450.10
72148 00	Radiology	6.19	6.19	\$ 433.30	\$ 433.30
72148 26	Radiology	2.08	2.08	\$ 145.60	\$ 145.60
72148 TC	Radiology	4.11	4.11	\$ 287.70	\$ 287.70
72149 00	Radiology	8.87	8.87	\$ 620.90	\$ 620.90
72149 26	Radiology	2.52	2.52	\$ 176.40	\$ 176.40
72149 TC	Radiology	6.35	6.35	\$ 444.50	\$ 444.50
72156 00	Radiology	10.49	10.49	\$ 734.30	\$ 734.30
72156 26	Radiology	3.23	3.23	\$ 226.10	\$ 226.10
72156 TC	Radiology	7.26	7.26	\$ 508.20	\$ 508.20
72157 00	Radiology	10.51	10.51	\$ 735.70	\$ 735.70
72157 26	Radiology	3.23	3.23	\$ 226.10	\$ 226.10
72157 TC	Radiology	7.28	7.28	\$ 509.60	\$ 509.60
72158 00	Radiology	10.47	10.47	\$ 732.90	\$ 732.90
72158 26	Radiology	3.23	3.23	\$ 226.10	\$ 226.10
72158 TC	Radiology	7.24	7.24	\$ 506.80	\$ 506.80
72159 00	Radiology	11.37	11.37	\$ 795.90	\$ 795.90

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
72159 26	Radiology	2.54	2.54	\$ 177.80	\$ 177.80
72159 TC	Radiology	8.83	8.83	\$ 618.10	\$ 618.10
72170 00	Radiology	0.81	0.81	\$ 56.70	\$ 56.70
72170 26	Radiology	0.25	0.25	\$ 17.50	\$ 17.50
72170 TC	Radiology	0.56	0.56	\$ 39.20	\$ 39.20
72190 00	Radiology	1.22	1.22	\$ 85.40	\$ 85.40
72190 26	Radiology	0.36	0.36	\$ 25.20	\$ 25.20
72190 TC	Radiology	0.86	0.86	\$ 60.20	\$ 60.20
72191 00	Radiology	9.61	9.61	\$ 672.70	\$ 672.70
72191 26	Radiology	2.53	2.53	\$ 177.10	\$ 177.10
72191 TC	Radiology	7.08	7.08	\$ 495.60	\$ 495.60
72192 00	Radiology	4.19	4.19	\$ 293.30	\$ 293.30
72192 26	Radiology	1.53	1.53	\$ 107.10	\$ 107.10
72192 TC	Radiology	2.66	2.66	\$ 186.20	\$ 186.20
72193 00	Radiology	7.27	7.27	\$ 508.90	\$ 508.90
72193 26	Radiology	1.63	1.63	\$ 114.10	\$ 114.10
72193 TC	Radiology	5.64	5.64	\$ 394.80	\$ 394.80
72194 00	Radiology	8.10	8.10	\$ 567.00	\$ 567.00
72194 26	Radiology	1.71	1.71	\$ 119.70	\$ 119.70
72194 TC	Radiology	6.39	6.39	\$ 447.30	\$ 447.30
72195 00	Radiology	7.56	7.56	\$ 529.20	\$ 529.20
72195 26	Radiology	2.05	2.05	\$ 143.50	\$ 143.50
72195 TC	Radiology	5.51	5.51	\$ 385.70	\$ 385.70
72196 00	Radiology	8.88	8.88	\$ 621.60	\$ 621.60
72196 26	Radiology	2.45	2.45	\$ 171.50	\$ 171.50
72196 TC	Radiology	6.43	6.43	\$ 450.10	\$ 450.10
72197 00	Radiology	11.15	11.15	\$ 780.50	\$ 780.50
72197 26	Radiology	3.09	3.09	\$ 216.30	\$ 216.30
72197 TC	Radiology	8.06	8.06	\$ 564.20	\$ 564.20
72198 00	Radiology	11.07	11.07	\$ 774.90	\$ 774.90
72198 26	Radiology	2.51	2.51	\$ 175.70	\$ 175.70
72198 TC	Radiology	8.56	8.56	\$ 599.20	\$ 599.20
72200 00	Radiology	0.96	0.96	\$ 67.20	\$ 67.20
72200 26	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
72200 TC	Radiology	0.72	0.72	\$ 50.40	\$ 50.40
72202 00	Radiology	1.14	1.14	\$ 79.80	\$ 79.80
72202 26	Radiology	0.32	0.32	\$ 22.40	\$ 22.40
72202 TC	Radiology	0.82	0.82	\$ 57.40	\$ 57.40
72220 00	Radiology	0.94	0.94	\$ 65.80	\$ 65.80
72220 26	Radiology	0.25	0.25	\$ 17.50	\$ 17.50
72220 TC	Radiology	0.69	0.69	\$ 48.30	\$ 48.30
72240 00	Radiology	3.40	3.40	\$ 238.00	\$ 238.00
72240 26	Radiology	1.30	1.30	\$ 91.00	\$ 91.00
72240 TC	Radiology	2.10	2.10	\$ 147.00	\$ 147.00
72255 00	Radiology	3.45	3.45	\$ 241.50	\$ 241.50
72255 26	Radiology	1.37	1.37	\$ 95.90	\$ 95.90
72255 TC	Radiology	2.08	2.08	\$ 145.60	\$ 145.60
72265 00	Radiology	3.17	3.17	\$ 221.90	\$ 221.90
72265 26	Radiology	1.16	1.16	\$ 81.20	\$ 81.20
72265 TC	Radiology	2.01	2.01	\$ 140.70	\$ 140.70
72270 00	Radiology	4.34	4.34	\$ 303.80	\$ 303.80
72270 26	Radiology	1.91	1.91	\$ 133.70	\$ 133.70
72270 TC	Radiology	2.43	2.43	\$ 170.10	\$ 170.10
72275 00	Radiology	4.10	4.10	\$ 287.00	\$ 287.00
72275 26	Radiology	1.11	1.11	\$ 77.70	\$ 77.70
72275 TC	Radiology	2.99	2.99	\$ 209.30	\$ 209.30
72285 00	Radiology	3.68	3.68	\$ 257.60	\$ 257.60
72285 26	Radiology	1.66	1.66	\$ 116.20	\$ 116.20
72285 TC	Radiology	2.02	2.02	\$ 141.40	\$ 141.40

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
72295 00	Radiology	3.29	3.29	\$ 230.30	\$ 230.30
72295 26	Radiology	1.20	1.20	\$ 84.00	\$ 84.00
72295 TC	Radiology	2.09	2.09	\$ 146.30	\$ 146.30
73000 00	Radiology	0.94	0.94	\$ 65.80	\$ 65.80
73000 26	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
73000 TC	Radiology	0.70	0.70	\$ 49.00	\$ 49.00
73010 00	Radiology	0.69	0.69	\$ 48.30	\$ 48.30
73010 26	Radiology	0.26	0.26	\$ 18.20	\$ 18.20
73010 TC	Radiology	0.43	0.43	\$ 30.10	\$ 30.10
73020 00	Radiology	0.63	0.63	\$ 44.10	\$ 44.10
73020 26	Radiology	0.22	0.22	\$ 15.40	\$ 15.40
73020 TC	Radiology	0.41	0.41	\$ 28.70	\$ 28.70
73030 00	Radiology	1.00	1.00	\$ 70.00	\$ 70.00
73030 26	Radiology	0.27	0.27	\$ 18.90	\$ 18.90
73030 TC	Radiology	0.73	0.73	\$ 51.10	\$ 51.10
73040 00	Radiology	3.84	3.84	\$ 268.80	\$ 268.80
73040 26	Radiology	0.80	0.80	\$ 56.00	\$ 56.00
73040 TC	Radiology	3.04	3.04	\$ 212.80	\$ 212.80
73050 00	Radiology	0.83	0.83	\$ 58.10	\$ 58.10
73050 26	Radiology	0.27	0.27	\$ 18.90	\$ 18.90
73050 TC	Radiology	0.56	0.56	\$ 39.20	\$ 39.20
73060 00	Radiology	0.94	0.94	\$ 65.80	\$ 65.80
73060 26	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
73060 TC	Radiology	0.70	0.70	\$ 49.00	\$ 49.00
73070 00	Radiology	0.85	0.85	\$ 59.50	\$ 59.50
73070 26	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
73070 TC	Radiology	0.61	0.61	\$ 42.70	\$ 42.70
73080 00	Radiology	0.94	0.94	\$ 65.80	\$ 65.80
73080 26	Radiology	0.25	0.25	\$ 17.50	\$ 17.50
73080 TC	Radiology	0.69	0.69	\$ 48.30	\$ 48.30
73085 00	Radiology	3.44	3.44	\$ 240.80	\$ 240.80
73085 26	Radiology	0.82	0.82	\$ 57.40	\$ 57.40
73085 TC	Radiology	2.62	2.62	\$ 183.40	\$ 183.40
73090 00	Radiology	0.85	0.85	\$ 59.50	\$ 59.50
73090 26	Radiology	0.23	0.23	\$ 16.10	\$ 16.10
73090 TC	Radiology	0.62	0.62	\$ 43.40	\$ 43.40
73092 00	Radiology	0.92	0.92	\$ 64.40	\$ 64.40
73092 26	Radiology	0.23	0.23	\$ 16.10	\$ 16.10
73092 TC	Radiology	0.69	0.69	\$ 48.30	\$ 48.30
73100 00	Radiology	0.99	0.99	\$ 69.30	\$ 69.30
73100 26	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
73100 TC	Radiology	0.75	0.75	\$ 52.50	\$ 52.50
73110 00	Radiology	1.18	1.18	\$ 82.60	\$ 82.60
73110 26	Radiology	0.25	0.25	\$ 17.50	\$ 17.50
73110 TC	Radiology	0.93	0.93	\$ 65.10	\$ 65.10
73115 00	Radiology	4.01	4.01	\$ 280.70	\$ 280.70
73115 26	Radiology	0.81	0.81	\$ 56.70	\$ 56.70
73115 TC	Radiology	3.20	3.20	\$ 224.00	\$ 224.00
73120 00	Radiology	0.91	0.91	\$ 63.70	\$ 63.70
73120 26	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
73120 TC	Radiology	0.67	0.67	\$ 46.90	\$ 46.90
73130 00	Radiology	1.06	1.06	\$ 74.20	\$ 74.20
73130 26	Radiology	0.25	0.25	\$ 17.50	\$ 17.50
73130 TC	Radiology	0.81	0.81	\$ 56.70	\$ 56.70
73140 00	Radiology	1.09	1.09	\$ 76.30	\$ 76.30
73140 26	Radiology	0.20	0.20	\$ 14.00	\$ 14.00
73140 TC	Radiology	0.89	0.89	\$ 62.30	\$ 62.30
73200 00	Radiology	5.20	5.20	\$ 364.00	\$ 364.00
73200 26	Radiology	1.41	1.41	\$ 98.70	\$ 98.70

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
73200 TC	Radiology	3.79	3.79	\$ 265.30	\$ 265.30
73201 00	Radiology	6.47	6.47	\$ 452.90	\$ 452.90
73201 26	Radiology	1.63	1.63	\$ 114.10	\$ 114.10
73201 TC	Radiology	4.84	4.84	\$ 338.80	\$ 338.80
73202 00	Radiology	8.09	8.09	\$ 566.30	\$ 566.30
73202 26	Radiology	1.71	1.71	\$ 119.70	\$ 119.70
73202 TC	Radiology	6.38	6.38	\$ 446.60	\$ 446.60
73206 00	Radiology	9.54	9.54	\$ 667.80	\$ 667.80
73206 26	Radiology	2.52	2.52	\$ 176.40	\$ 176.40
73206 TC	Radiology	7.02	7.02	\$ 491.40	\$ 491.40
73218 00	Radiology	10.14	10.14	\$ 709.80	\$ 709.80
73218 26	Radiology	1.90	1.90	\$ 133.00	\$ 133.00
73218 TC	Radiology	8.24	8.24	\$ 576.80	\$ 576.80
73219 00	Radiology	11.08	11.08	\$ 775.60	\$ 775.60
73219 26	Radiology	2.30	2.30	\$ 161.00	\$ 161.00
73219 TC	Radiology	8.78	8.78	\$ 614.60	\$ 614.60
73220 00	Radiology	13.72	13.72	\$ 960.40	\$ 960.40
73220 26	Radiology	3.03	3.03	\$ 212.10	\$ 212.10
73220 TC	Radiology	10.69	10.69	\$ 748.30	\$ 748.30
73221 00	Radiology	6.56	6.56	\$ 459.20	\$ 459.20
73221 26	Radiology	1.92	1.92	\$ 134.40	\$ 134.40
73221 TC	Radiology	4.64	4.64	\$ 324.80	\$ 324.80
73222 00	Radiology	10.49	10.49	\$ 734.30	\$ 734.30
73222 26	Radiology	2.31	2.31	\$ 161.70	\$ 161.70
73222 TC	Radiology	8.18	8.18	\$ 572.60	\$ 572.60
73223 00	Radiology	12.94	12.94	\$ 905.80	\$ 905.80
73223 26	Radiology	3.04	3.04	\$ 212.80	\$ 212.80
73223 TC	Radiology	9.90	9.90	\$ 693.00	\$ 693.00
73225 00	Radiology	11.28	11.28	\$ 789.60	\$ 789.60
73225 26	Radiology	2.45	2.45	\$ 171.50	\$ 171.50
73225 TC	Radiology	8.83	8.83	\$ 618.10	\$ 618.10
73501 00	Radiology	0.94	0.94	\$ 65.80	\$ 65.80
73501 26	Radiology	0.27	0.27	\$ 18.90	\$ 18.90
73501 TC	Radiology	0.67	0.67	\$ 46.90	\$ 46.90
73502 00	Radiology	1.36	1.36	\$ 95.20	\$ 95.20
73502 26	Radiology	0.32	0.32	\$ 22.40	\$ 22.40
73502 TC	Radiology	1.04	1.04	\$ 72.80	\$ 72.80
73503 00	Radiology	1.71	1.71	\$ 119.70	\$ 119.70
73503 26	Radiology	0.39	0.39	\$ 27.30	\$ 27.30
73503 TC	Radiology	1.32	1.32	\$ 92.40	\$ 92.40
73521 00	Radiology	1.20	1.20	\$ 84.00	\$ 84.00
73521 26	Radiology	0.32	0.32	\$ 22.40	\$ 22.40
73521 TC	Radiology	0.88	0.88	\$ 61.60	\$ 61.60
73522 00	Radiology	1.56	1.56	\$ 109.20	\$ 109.20
73522 26	Radiology	0.42	0.42	\$ 29.40	\$ 29.40
73522 TC	Radiology	1.14	1.14	\$ 79.80	\$ 79.80
73523 00	Radiology	1.79	1.79	\$ 125.30	\$ 125.30
73523 26	Radiology	0.44	0.44	\$ 30.80	\$ 30.80
73523 TC	Radiology	1.35	1.35	\$ 94.50	\$ 94.50
73525 00	Radiology	3.94	3.94	\$ 275.80	\$ 275.80
73525 26	Radiology	0.84	0.84	\$ 58.80	\$ 58.80
73525 TC	Radiology	3.10	3.10	\$ 217.00	\$ 217.00
73551 00	Radiology	0.86	0.86	\$ 60.20	\$ 60.20
73551 26	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
73551 TC	Radiology	0.62	0.62	\$ 43.40	\$ 43.40
73552 00	Radiology	1.03	1.03	\$ 72.10	\$ 72.10
73552 26	Radiology	0.26	0.26	\$ 18.20	\$ 18.20
73552 TC	Radiology	0.77	0.77	\$ 53.90	\$ 53.90
73560 00	Radiology	1.00	1.00	\$ 70.00	\$ 70.00

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
73560 26	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
73560 TC	Radiology	0.76	0.76	\$ 53.20	\$ 53.20
73562 00	Radiology	1.18	1.18	\$ 82.60	\$ 82.60
73562 26	Radiology	0.27	0.27	\$ 18.90	\$ 18.90
73562 TC	Radiology	0.91	0.91	\$ 63.70	\$ 63.70
73564 00	Radiology	1.34	1.34	\$ 93.80	\$ 93.80
73564 26	Radiology	0.32	0.32	\$ 22.40	\$ 22.40
73564 TC	Radiology	1.02	1.02	\$ 71.40	\$ 71.40
73565 00	Radiology	1.19	1.19	\$ 83.30	\$ 83.30
73565 26	Radiology	0.25	0.25	\$ 17.50	\$ 17.50
73565 TC	Radiology	0.94	0.94	\$ 65.80	\$ 65.80
73580 00	Radiology	4.28	4.28	\$ 299.60	\$ 299.60
73580 26	Radiology	0.82	0.82	\$ 57.40	\$ 57.40
73580 TC	Radiology	3.46	3.46	\$ 242.20	\$ 242.20
73590 00	Radiology	0.92	0.92	\$ 64.40	\$ 64.40
73590 26	Radiology	0.23	0.23	\$ 16.10	\$ 16.10
73590 TC	Radiology	0.69	0.69	\$ 48.30	\$ 48.30
73592 00	Radiology	0.92	0.92	\$ 64.40	\$ 64.40
73592 26	Radiology	0.23	0.23	\$ 16.10	\$ 16.10
73592 TC	Radiology	0.69	0.69	\$ 48.30	\$ 48.30
73600 00	Radiology	0.95	0.95	\$ 66.50	\$ 66.50
73600 26	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
73600 TC	Radiology	0.71	0.71	\$ 49.70	\$ 49.70
73610 00	Radiology	1.07	1.07	\$ 74.90	\$ 74.90
73610 26	Radiology	0.25	0.25	\$ 17.50	\$ 17.50
73610 TC	Radiology	0.82	0.82	\$ 57.40	\$ 57.40
73615 00	Radiology	4.02	4.02	\$ 281.40	\$ 281.40
73615 26	Radiology	0.83	0.83	\$ 58.10	\$ 58.10
73615 TC	Radiology	3.19	3.19	\$ 223.30	\$ 223.30
73620 00	Radiology	0.83	0.83	\$ 58.10	\$ 58.10
73620 26	Radiology	0.22	0.22	\$ 15.40	\$ 15.40
73620 TC	Radiology	0.61	0.61	\$ 42.70	\$ 42.70
73630 00	Radiology	1.00	1.00	\$ 70.00	\$ 70.00
73630 26	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
73630 TC	Radiology	0.76	0.76	\$ 53.20	\$ 53.20
73650 00	Radiology	0.84	0.84	\$ 58.80	\$ 58.80
73650 26	Radiology	0.23	0.23	\$ 16.10	\$ 16.10
73650 TC	Radiology	0.61	0.61	\$ 42.70	\$ 42.70
73660 00	Radiology	0.85	0.85	\$ 59.50	\$ 59.50
73660 26	Radiology	0.19	0.19	\$ 13.30	\$ 13.30
73660 TC	Radiology	0.66	0.66	\$ 46.20	\$ 46.20
73700 00	Radiology	4.08	4.08	\$ 285.60	\$ 285.60
73700 26	Radiology	1.41	1.41	\$ 98.70	\$ 98.70
73700 TC	Radiology	2.67	2.67	\$ 186.90	\$ 186.90
73701 00	Radiology	5.28	5.28	\$ 369.60	\$ 369.60
73701 26	Radiology	1.63	1.63	\$ 114.10	\$ 114.10
73701 TC	Radiology	3.65	3.65	\$ 255.50	\$ 255.50
73702 00	Radiology	6.16	6.16	\$ 431.20	\$ 431.20
73702 26	Radiology	1.70	1.70	\$ 119.00	\$ 119.00
73702 TC	Radiology	4.46	4.46	\$ 312.20	\$ 312.20
73706 00	Radiology	10.33	10.33	\$ 723.10	\$ 723.10
73706 26	Radiology	2.64	2.64	\$ 184.80	\$ 184.80
73706 TC	Radiology	7.69	7.69	\$ 538.30	\$ 538.30
73718 00	Radiology	7.35	7.35	\$ 514.50	\$ 514.50
73718 26	Radiology	1.89	1.89	\$ 132.30	\$ 132.30
73718 TC	Radiology	5.46	5.46	\$ 382.20	\$ 382.20
73719 00	Radiology	8.67	8.67	\$ 606.90	\$ 606.90
73719 26	Radiology	2.30	2.30	\$ 161.00	\$ 161.00
73719 TC	Radiology	6.37	6.37	\$ 445.90	\$ 445.90

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
73720 00	Radiology	11.15	11.15	\$ 780.50	\$ 780.50
73720 26	Radiology	3.03	3.03	\$ 212.10	\$ 212.10
73720 TC	Radiology	8.12	8.12	\$ 568.40	\$ 568.40
73721 00	Radiology	6.54	6.54	\$ 457.80	\$ 457.80
73721 26	Radiology	1.91	1.91	\$ 133.70	\$ 133.70
73721 TC	Radiology	4.63	4.63	\$ 324.10	\$ 324.10
73722 00	Radiology	10.51	10.51	\$ 735.70	\$ 735.70
73722 26	Radiology	2.31	2.31	\$ 161.70	\$ 161.70
73722 TC	Radiology	8.20	8.20	\$ 574.00	\$ 574.00
73723 00	Radiology	12.90	12.90	\$ 903.00	\$ 903.00
73723 26	Radiology	3.03	3.03	\$ 212.10	\$ 212.10
73723 TC	Radiology	9.87	9.87	\$ 690.90	\$ 690.90
73725 00	Radiology	11.04	11.04	\$ 772.80	\$ 772.80
73725 26	Radiology	2.53	2.53	\$ 177.10	\$ 177.10
73725 TC	Radiology	8.51	8.51	\$ 595.70	\$ 595.70
74018 00	Radiology	0.87	0.87	\$ 60.90	\$ 60.90
74018 26	Radiology	0.26	0.26	\$ 18.20	\$ 18.20
74018 TC	Radiology	0.61	0.61	\$ 42.70	\$ 42.70
74019 00	Radiology	1.08	1.08	\$ 75.60	\$ 75.60
74019 26	Radiology	0.33	0.33	\$ 23.10	\$ 23.10
74019 TC	Radiology	0.75	0.75	\$ 52.50	\$ 52.50
74021 00	Radiology	1.25	1.25	\$ 87.50	\$ 87.50
74021 26	Radiology	0.38	0.38	\$ 26.60	\$ 26.60
74021 TC	Radiology	0.87	0.87	\$ 60.90	\$ 60.90
74022 00	Radiology	1.45	1.45	\$ 101.50	\$ 101.50
74022 26	Radiology	0.45	0.45	\$ 31.50	\$ 31.50
74022 TC	Radiology	1.00	1.00	\$ 70.00	\$ 70.00
74150 00	Radiology	4.30	4.30	\$ 301.00	\$ 301.00
74150 26	Radiology	1.67	1.67	\$ 116.90	\$ 116.90
74150 TC	Radiology	2.63	2.63	\$ 184.10	\$ 184.10
74160 00	Radiology	7.40	7.40	\$ 518.00	\$ 518.00
74160 26	Radiology	1.78	1.78	\$ 124.60	\$ 124.60
74160 TC	Radiology	5.62	5.62	\$ 393.40	\$ 393.40
74170 00	Radiology	8.33	8.33	\$ 583.10	\$ 583.10
74170 26	Radiology	1.96	1.96	\$ 137.20	\$ 137.20
74170 TC	Radiology	6.37	6.37	\$ 445.90	\$ 445.90
74174 00	Radiology	11.99	11.99	\$ 839.30	\$ 839.30
74174 26	Radiology	3.07	3.07	\$ 214.90	\$ 214.90
74174 TC	Radiology	8.92	8.92	\$ 624.40	\$ 624.40
74175 00	Radiology	9.61	9.61	\$ 672.70	\$ 672.70
74175 26	Radiology	2.55	2.55	\$ 178.50	\$ 178.50
74175 TC	Radiology	7.06	7.06	\$ 494.20	\$ 494.20
74176 00	Radiology	5.75	5.75	\$ 402.50	\$ 402.50
74176 26	Radiology	2.46	2.46	\$ 172.20	\$ 172.20
74176 TC	Radiology	3.29	3.29	\$ 230.30	\$ 230.30
74177 00	Radiology	9.72	9.72	\$ 680.40	\$ 680.40
74177 26	Radiology	2.57	2.57	\$ 179.90	\$ 179.90
74177 TC	Radiology	7.15	7.15	\$ 500.50	\$ 500.50
74178 00	Radiology	10.90	10.90	\$ 763.00	\$ 763.00
74178 26	Radiology	2.82	2.82	\$ 197.40	\$ 197.40
74178 TC	Radiology	8.08	8.08	\$ 565.60	\$ 565.60
74181 00	Radiology	6.39	6.39	\$ 447.30	\$ 447.30
74181 26	Radiology	2.04	2.04	\$ 142.80	\$ 142.80
74181 TC	Radiology	4.35	4.35	\$ 304.50	\$ 304.50
74182 00	Radiology	10.03	10.03	\$ 702.10	\$ 702.10
74182 26	Radiology	2.44	2.44	\$ 170.80	\$ 170.80
74182 TC	Radiology	7.59	7.59	\$ 531.30	\$ 531.30
74183 00	Radiology	11.17	11.17	\$ 781.90	\$ 781.90
74183 26	Radiology	3.09	3.09	\$ 216.30	\$ 216.30

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
74183 TC	Radiology	8.08	8.08	\$ 565.60	\$ 565.60
74185 00	Radiology	11.09	11.09	\$ 776.30	\$ 776.30
74185 26	Radiology	2.52	2.52	\$ 176.40	\$ 176.40
74185 TC	Radiology	8.57	8.57	\$ 599.90	\$ 599.90
74190 00	Radiology	-	-	\$ 114.10	\$ 114.10
74190 26	Radiology	0.66	0.66	\$ 46.20	\$ 46.20
74190 TC	Radiology	-	-	\$ 68.60	\$ 68.60
74210 00	Radiology	2.91	2.91	\$ 203.70	\$ 203.70
74210 26	Radiology	0.84	0.84	\$ 58.80	\$ 58.80
74210 TC	Radiology	2.07	2.07	\$ 144.90	\$ 144.90
74220 00	Radiology	2.96	2.96	\$ 207.20	\$ 207.20
74220 26	Radiology	0.86	0.86	\$ 60.20	\$ 60.20
74220 TC	Radiology	2.10	2.10	\$ 147.00	\$ 147.00
74221 00	Radiology	3.32	3.32	\$ 232.40	\$ 232.40
74221 26	Radiology	0.99	0.99	\$ 69.30	\$ 69.30
74221 TC	Radiology	2.33	2.33	\$ 163.10	\$ 163.10
74230 00	Radiology	3.91	3.91	\$ 273.70	\$ 273.70
74230 26	Radiology	0.76	0.76	\$ 53.20	\$ 53.20
74230 TC	Radiology	3.15	3.15	\$ 220.50	\$ 220.50
74235 00	Radiology	-	-	\$ 336.00	\$ 336.00
74235 26	Radiology	1.67	1.67	\$ 116.90	\$ 116.90
74235 TC	Radiology	-	-	\$ 218.40	\$ 218.40
74240 00	Radiology	3.67	3.67	\$ 256.90	\$ 256.90
74240 26	Radiology	1.13	1.13	\$ 79.10	\$ 79.10
74240 TC	Radiology	2.54	2.54	\$ 177.80	\$ 177.80
74246 00	Radiology	4.21	4.21	\$ 294.70	\$ 294.70
74246 26	Radiology	1.26	1.26	\$ 88.20	\$ 88.20
74246 TC	Radiology	2.95	2.95	\$ 206.50	\$ 206.50
74248 00	Radiology	2.49	2.49	\$ 174.30	\$ 174.30
74248 26	Radiology	0.99	0.99	\$ 69.30	\$ 69.30
74248 TC	Radiology	1.50	1.50	\$ 105.00	\$ 105.00
74250 00	Radiology	3.68	3.68	\$ 257.60	\$ 257.60
74250 26	Radiology	1.14	1.14	\$ 79.80	\$ 79.80
74250 TC	Radiology	2.54	2.54	\$ 177.80	\$ 177.80
74251 00	Radiology	11.92	11.92	\$ 834.40	\$ 834.40
74251 26	Radiology	1.64	1.64	\$ 114.80	\$ 114.80
74251 TC	Radiology	10.28	10.28	\$ 719.60	\$ 719.60
74261 00	Radiology	13.78	13.78	\$ 964.60	\$ 964.60
74261 26	Radiology	3.38	3.38	\$ 236.60	\$ 236.60
74261 TC	Radiology	10.40	10.40	\$ 728.00	\$ 728.00
74262 00	Radiology	15.53	15.53	\$ 1,087.10	\$ 1,087.10
74262 26	Radiology	3.51	3.51	\$ 245.70	\$ 245.70
74262 TC	Radiology	12.02	12.02	\$ 841.40	\$ 841.40
74263 00	Radiology	22.20	22.20	\$ 1,554.00	\$ 1,554.00
74263 26	Radiology	3.26	3.26	\$ 228.20	\$ 228.20
74263 TC	Radiology	18.94	18.94	\$ 1,325.80	\$ 1,325.80
74270 00	Radiology	4.66	4.66	\$ 326.20	\$ 326.20
74270 26	Radiology	1.46	1.46	\$ 102.20	\$ 102.20
74270 TC	Radiology	3.20	3.20	\$ 224.00	\$ 224.00
74280 00	Radiology	6.73	6.73	\$ 471.10	\$ 471.10
74280 26	Radiology	1.76	1.76	\$ 123.20	\$ 123.20
74280 TC	Radiology	4.97	4.97	\$ 347.90	\$ 347.90
74283 00	Radiology	7.73	7.73	\$ 541.10	\$ 541.10
74283 26	Radiology	2.95	2.95	\$ 206.50	\$ 206.50
74283 TC	Radiology	4.78	4.78	\$ 334.60	\$ 334.60
74290 00	Radiology	2.57	2.57	\$ 179.90	\$ 179.90
74290 26	Radiology	0.45	0.45	\$ 31.50	\$ 31.50
74290 TC	Radiology	2.12	2.12	\$ 148.40	\$ 148.40
74300 00	Radiology	-	-	\$ 81.90	\$ 81.90

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
74300 26	Radiology	0.41	0.41	\$ 28.70	\$ 28.70
74300 TC	Radiology	-	-	\$ 53.20	\$ 53.20
74301 00	Radiology	-	-	\$ 58.10	\$ 58.10
74301 26	Radiology	0.30	0.30	\$ 21.00	\$ 21.00
74301 TC	Radiology	-	-	\$ 37.80	\$ 37.80
74328 00	Radiology	-	-	\$ 191.10	\$ 191.10
74328 26	Radiology	0.82	0.82	\$ 57.40	\$ 57.40
74328 TC	Radiology	-	-	\$ 133.70	\$ 133.70
74329 00	Radiology	-	-	\$ 163.80	\$ 163.80
74329 26	Radiology	0.82	0.82	\$ 57.40	\$ 57.40
74329 TC	Radiology	-	-	\$ 106.40	\$ 106.40
74330 00	Radiology	-	-	\$ 272.30	\$ 272.30
74330 26	Radiology	1.05	1.05	\$ 73.50	\$ 73.50
74330 TC	Radiology	-	-	\$ 198.80	\$ 198.80
74340 00	Radiology	-	-	\$ 210.00	\$ 210.00
74340 26	Radiology	0.77	0.77	\$ 53.90	\$ 53.90
74340 TC	Radiology	-	-	\$ 157.50	\$ 157.50
74355 00	Radiology	-	-	\$ 277.20	\$ 277.20
74355 26	Radiology	1.08	1.08	\$ 75.60	\$ 75.60
74355 TC	Radiology	-	-	\$ 202.30	\$ 202.30
74360 00	Radiology	-	-	\$ 231.00	\$ 231.00
74360 26	Radiology	0.79	0.79	\$ 55.30	\$ 55.30
74360 TC	Radiology	-	-	\$ 175.70	\$ 175.70
74363 00	Radiology	-	-	\$ 244.30	\$ 244.30
74363 26	Radiology	1.23	1.23	\$ 86.10	\$ 86.10
74363 TC	Radiology	-	-	\$ 158.90	\$ 158.90
74400 00	Radiology	3.98	3.98	\$ 278.60	\$ 278.60
74400 26	Radiology	0.68	0.68	\$ 47.60	\$ 47.60
74400 TC	Radiology	3.30	3.30	\$ 231.00	\$ 231.00
74410 00	Radiology	4.11	4.11	\$ 287.70	\$ 287.70
74410 26	Radiology	0.68	0.68	\$ 47.60	\$ 47.60
74410 TC	Radiology	3.43	3.43	\$ 240.10	\$ 240.10
74415 00	Radiology	4.67	4.67	\$ 326.90	\$ 326.90
74415 26	Radiology	0.68	0.68	\$ 47.60	\$ 47.60
74415 TC	Radiology	3.99	3.99	\$ 279.30	\$ 279.30
74420 00	Radiology	2.24	2.24	\$ 156.80	\$ 156.80
74420 26	Radiology	0.72	0.72	\$ 50.40	\$ 50.40
74420 TC	Radiology	1.52	1.52	\$ 106.40	\$ 106.40
74425 00	Radiology	4.07	4.07	\$ 284.90	\$ 284.90
74425 26	Radiology	0.71	0.71	\$ 49.70	\$ 49.70
74425 TC	Radiology	3.36	3.36	\$ 235.20	\$ 235.20
74430 00	Radiology	1.19	1.19	\$ 83.30	\$ 83.30
74430 26	Radiology	0.44	0.44	\$ 30.80	\$ 30.80
74430 TC	Radiology	0.75	0.75	\$ 52.50	\$ 52.50
74440 00	Radiology	2.89	2.89	\$ 202.30	\$ 202.30
74440 26	Radiology	0.52	0.52	\$ 36.40	\$ 36.40
74440 TC	Radiology	2.37	2.37	\$ 165.90	\$ 165.90
74445 00	Radiology	-	-	\$ 193.90	\$ 193.90
74445 26	Radiology	1.57	1.57	\$ 109.90	\$ 109.90
74445 TC	Radiology	-	-	\$ 83.30	\$ 83.30
74450 00	Radiology	-	-	\$ 140.00	\$ 140.00
74450 26	Radiology	0.46	0.46	\$ 32.20	\$ 32.20
74450 TC	Radiology	-	-	\$ 107.80	\$ 107.80
74455 00	Radiology	3.09	3.09	\$ 216.30	\$ 216.30
74455 26	Radiology	0.45	0.45	\$ 31.50	\$ 31.50
74455 TC	Radiology	2.64	2.64	\$ 184.80	\$ 184.80
74470 00	Radiology	-	-	\$ 144.20	\$ 144.20
74470 26	Radiology	0.75	0.75	\$ 52.50	\$ 52.50
74470 TC	Radiology	-	-	\$ 92.40	\$ 92.40

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
74485 00	Radiology	3.49	3.49	\$ 244.30	\$ 244.30
74485 26	Radiology	1.13	1.13	\$ 79.10	\$ 79.10
74485 TC	Radiology	2.36	2.36	\$ 165.20	\$ 165.20
74710 00	Radiology	1.17	1.17	\$ 81.90	\$ 81.90
74710 26	Radiology	0.48	0.48	\$ 33.60	\$ 33.60
74710 TC	Radiology	0.69	0.69	\$ 48.30	\$ 48.30
74712 00	Radiology	13.47	13.47	\$ 942.90	\$ 942.90
74712 26	Radiology	4.23	4.23	\$ 296.10	\$ 296.10
74712 TC	Radiology	9.24	9.24	\$ 646.80	\$ 646.80
74713 00	Radiology	6.51	6.51	\$ 455.70	\$ 455.70
74713 26	Radiology	2.61	2.61	\$ 182.70	\$ 182.70
74713 TC	Radiology	3.90	3.90	\$ 273.00	\$ 273.00
74740 00	Radiology	2.86	2.86	\$ 200.20	\$ 200.20
74740 26	Radiology	0.54	0.54	\$ 37.80	\$ 37.80
74740 TC	Radiology	2.32	2.32	\$ 162.40	\$ 162.40
74742 00	Radiology	-	-	\$ 172.20	\$ 172.20
74742 26	Radiology	0.87	0.87	\$ 60.90	\$ 60.90
74742 TC	Radiology	-	-	\$ 112.00	\$ 112.00
74775 00	Radiology	-	-	\$ 169.40	\$ 169.40
74775 26	Radiology	0.89	0.89	\$ 62.30	\$ 62.30
74775 TC	Radiology	-	-	\$ 108.50	\$ 108.50
75557 00	Radiology	9.18	9.18	\$ 642.60	\$ 642.60
75557 26	Radiology	3.27	3.27	\$ 228.90	\$ 228.90
75557 TC	Radiology	5.91	5.91	\$ 413.70	\$ 413.70
75559 00	Radiology	12.72	12.72	\$ 890.40	\$ 890.40
75559 26	Radiology	3.99	3.99	\$ 279.30	\$ 279.30
75559 TC	Radiology	8.73	8.73	\$ 611.10	\$ 611.10
75561 00	Radiology	12.12	12.12	\$ 848.40	\$ 848.40
75561 26	Radiology	3.63	3.63	\$ 254.10	\$ 254.10
75561 TC	Radiology	8.49	8.49	\$ 594.30	\$ 594.30
75563 00	Radiology	14.27	14.27	\$ 998.90	\$ 998.90
75563 26	Radiology	4.16	4.16	\$ 291.20	\$ 291.20
75563 TC	Radiology	10.11	10.11	\$ 707.70	\$ 707.70
75565 00	Radiology	1.53	1.53	\$ 107.10	\$ 107.10
75565 26	Radiology	0.35	0.35	\$ 24.50	\$ 24.50
75565 TC	Radiology	1.18	1.18	\$ 82.60	\$ 82.60
75571 00	Radiology	3.09	3.09	\$ 216.30	\$ 216.30
75571 26	Radiology	0.83	0.83	\$ 58.10	\$ 58.10
75571 TC	Radiology	2.26	2.26	\$ 158.20	\$ 158.20
75572 00	Radiology	7.96	7.96	\$ 557.20	\$ 557.20
75572 26	Radiology	2.43	2.43	\$ 170.10	\$ 170.10
75572 TC	Radiology	5.53	5.53	\$ 387.10	\$ 387.10
75573 00	Radiology	10.83	10.83	\$ 758.10	\$ 758.10
75573 26	Radiology	3.57	3.57	\$ 249.90	\$ 249.90
75573 TC	Radiology	7.26	7.26	\$ 508.20	\$ 508.20
75574 00	Radiology	11.64	11.64	\$ 814.80	\$ 814.80
75574 26	Radiology	3.35	3.35	\$ 234.50	\$ 234.50
75574 TC	Radiology	8.29	8.29	\$ 580.30	\$ 580.30
75600 00	Radiology	5.91	5.91	\$ 413.70	\$ 413.70
75600 26	Radiology	0.69	0.69	\$ 48.30	\$ 48.30
75600 TC	Radiology	5.22	5.22	\$ 365.40	\$ 365.40
75605 00	Radiology	3.70	3.70	\$ 259.00	\$ 259.00
75605 26	Radiology	1.57	1.57	\$ 109.90	\$ 109.90
75605 TC	Radiology	2.13	2.13	\$ 149.10	\$ 149.10
75625 00	Radiology	3.93	3.93	\$ 275.10	\$ 275.10
75625 26	Radiology	1.99	1.99	\$ 139.30	\$ 139.30
75625 TC	Radiology	1.94	1.94	\$ 135.80	\$ 135.80
75630 00	Radiology	4.84	4.84	\$ 338.80	\$ 338.80
75630 26	Radiology	2.78	2.78	\$ 194.60	\$ 194.60

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
75630 TC	Radiology	2.06	2.06	\$ 144.20	\$ 144.20
75635 00	Radiology	12.99	12.99	\$ 909.30	\$ 909.30
75635 26	Radiology	3.35	3.35	\$ 234.50	\$ 234.50
75635 TC	Radiology	9.64	9.64	\$ 674.80	\$ 674.80
75705 00	Radiology	7.30	7.30	\$ 511.00	\$ 511.00
75705 26	Radiology	3.36	3.36	\$ 235.20	\$ 235.20
75705 TC	Radiology	3.94	3.94	\$ 275.80	\$ 275.80
75710 00	Radiology	4.64	4.64	\$ 324.80	\$ 324.80
75710 26	Radiology	2.44	2.44	\$ 170.80	\$ 170.80
75710 TC	Radiology	2.20	2.20	\$ 154.00	\$ 154.00
75716 00	Radiology	4.99	4.99	\$ 349.30	\$ 349.30
75716 26	Radiology	2.73	2.73	\$ 191.10	\$ 191.10
75716 TC	Radiology	2.26	2.26	\$ 158.20	\$ 158.20
75726 00	Radiology	5.20	5.20	\$ 364.00	\$ 364.00
75726 26	Radiology	2.76	2.76	\$ 193.20	\$ 193.20
75726 TC	Radiology	2.44	2.44	\$ 170.80	\$ 170.80
75731 00	Radiology	4.60	4.60	\$ 322.00	\$ 322.00
75731 26	Radiology	1.60	1.60	\$ 112.00	\$ 112.00
75731 TC	Radiology	3.00	3.00	\$ 210.00	\$ 210.00
75733 00	Radiology	5.06	5.06	\$ 354.20	\$ 354.20
75733 26	Radiology	1.80	1.80	\$ 126.00	\$ 126.00
75733 TC	Radiology	3.26	3.26	\$ 228.20	\$ 228.20
75736 00	Radiology	4.27	4.27	\$ 298.90	\$ 298.90
75736 26	Radiology	1.54	1.54	\$ 107.80	\$ 107.80
75736 TC	Radiology	2.73	2.73	\$ 191.10	\$ 191.10
75741 00	Radiology	4.02	4.02	\$ 281.40	\$ 281.40
75741 26	Radiology	1.78	1.78	\$ 124.60	\$ 124.60
75741 TC	Radiology	2.24	2.24	\$ 156.80	\$ 156.80
75743 00	Radiology	4.53	4.53	\$ 317.10	\$ 317.10
75743 26	Radiology	2.26	2.26	\$ 158.20	\$ 158.20
75743 TC	Radiology	2.27	2.27	\$ 158.90	\$ 158.90
75746 00	Radiology	4.08	4.08	\$ 285.60	\$ 285.60
75746 26	Radiology	1.55	1.55	\$ 108.50	\$ 108.50
75746 TC	Radiology	2.53	2.53	\$ 177.10	\$ 177.10
75756 00	Radiology	4.72	4.72	\$ 330.40	\$ 330.40
75756 26	Radiology	1.59	1.59	\$ 111.30	\$ 111.30
75756 TC	Radiology	3.13	3.13	\$ 219.10	\$ 219.10
75774 00	Radiology	3.04	3.04	\$ 212.80	\$ 212.80
75774 26	Radiology	1.37	1.37	\$ 95.90	\$ 95.90
75774 TC	Radiology	1.67	1.67	\$ 116.90	\$ 116.90
75801 00	Radiology	-	-	\$ 518.70	\$ 518.70
75801 26	Radiology	1.28	1.28	\$ 89.60	\$ 89.60
75801 TC	Radiology	-	-	\$ 430.50	\$ 430.50
75803 00	Radiology	-	-	\$ 518.70	\$ 518.70
75803 26	Radiology	1.64	1.64	\$ 114.80	\$ 114.80
75803 TC	Radiology	-	-	\$ 404.60	\$ 404.60
75805 00	Radiology	-	-	\$ 532.00	\$ 532.00
75805 26	Radiology	1.14	1.14	\$ 79.80	\$ 79.80
75805 TC	Radiology	-	-	\$ 452.20	\$ 452.20
75807 00	Radiology	-	-	\$ 546.00	\$ 546.00
75807 26	Radiology	1.55	1.55	\$ 108.50	\$ 108.50
75807 TC	Radiology	-	-	\$ 436.80	\$ 436.80
75809 00	Radiology	2.61	2.61	\$ 182.70	\$ 182.70
75809 26	Radiology	0.69	0.69	\$ 48.30	\$ 48.30
75809 TC	Radiology	1.92	1.92	\$ 134.40	\$ 134.40
75810 00	Radiology	-	-	\$ 891.10	\$ 891.10
75810 26	Radiology	1.38	1.38	\$ 96.60	\$ 96.60
75810 TC	Radiology	-	-	\$ 793.10	\$ 793.10
75820 00	Radiology	3.45	3.45	\$ 241.50	\$ 241.50

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
75820 26	Radiology	1.48	1.48	\$ 103.60	\$ 103.60
75820 TC	Radiology	1.97	1.97	\$ 137.90	\$ 137.90
75822 00	Radiology	4.13	4.13	\$ 289.10	\$ 289.10
75822 26	Radiology	2.04	2.04	\$ 142.80	\$ 142.80
75822 TC	Radiology	2.09	2.09	\$ 146.30	\$ 146.30
75825 00	Radiology	3.55	3.55	\$ 248.50	\$ 248.50
75825 26	Radiology	1.58	1.58	\$ 110.60	\$ 110.60
75825 TC	Radiology	1.97	1.97	\$ 137.90	\$ 137.90
75827 00	Radiology	3.71	3.71	\$ 259.70	\$ 259.70
75827 26	Radiology	1.59	1.59	\$ 111.30	\$ 111.30
75827 TC	Radiology	2.12	2.12	\$ 148.40	\$ 148.40
75831 00	Radiology	3.67	3.67	\$ 256.90	\$ 256.90
75831 26	Radiology	1.52	1.52	\$ 106.40	\$ 106.40
75831 TC	Radiology	2.15	2.15	\$ 150.50	\$ 150.50
75833 00	Radiology	4.44	4.44	\$ 310.80	\$ 310.80
75833 26	Radiology	2.04	2.04	\$ 142.80	\$ 142.80
75833 TC	Radiology	2.40	2.40	\$ 168.00	\$ 168.00
75840 00	Radiology	3.96	3.96	\$ 277.20	\$ 277.20
75840 26	Radiology	1.60	1.60	\$ 112.00	\$ 112.00
75840 TC	Radiology	2.36	2.36	\$ 165.20	\$ 165.20
75842 00	Radiology	4.81	4.81	\$ 336.70	\$ 336.70
75842 26	Radiology	2.09	2.09	\$ 146.30	\$ 146.30
75842 TC	Radiology	2.72	2.72	\$ 190.40	\$ 190.40
75860 00	Radiology	3.91	3.91	\$ 273.70	\$ 273.70
75860 26	Radiology	1.59	1.59	\$ 111.30	\$ 111.30
75860 TC	Radiology	2.32	2.32	\$ 162.40	\$ 162.40
75870 00	Radiology	5.06	5.06	\$ 354.20	\$ 354.20
75870 26	Radiology	1.78	1.78	\$ 124.60	\$ 124.60
75870 TC	Radiology	3.28	3.28	\$ 229.60	\$ 229.60
75872 00	Radiology	3.96	3.96	\$ 277.20	\$ 277.20
75872 26	Radiology	1.60	1.60	\$ 112.00	\$ 112.00
75872 TC	Radiology	2.36	2.36	\$ 165.20	\$ 165.20
75880 00	Radiology	3.34	3.34	\$ 233.80	\$ 233.80
75880 26	Radiology	0.99	0.99	\$ 69.30	\$ 69.30
75880 TC	Radiology	2.35	2.35	\$ 164.50	\$ 164.50
75885 00	Radiology	4.18	4.18	\$ 292.60	\$ 292.60
75885 26	Radiology	1.91	1.91	\$ 133.70	\$ 133.70
75885 TC	Radiology	2.27	2.27	\$ 158.90	\$ 158.90
75887 00	Radiology	4.22	4.22	\$ 295.40	\$ 295.40
75887 26	Radiology	1.93	1.93	\$ 135.10	\$ 135.10
75887 TC	Radiology	2.29	2.29	\$ 160.30	\$ 160.30
75889 00	Radiology	3.78	3.78	\$ 264.60	\$ 264.60
75889 26	Radiology	1.50	1.50	\$ 105.00	\$ 105.00
75889 TC	Radiology	2.28	2.28	\$ 159.60	\$ 159.60
75891 00	Radiology	3.82	3.82	\$ 267.40	\$ 267.40
75891 26	Radiology	1.52	1.52	\$ 106.40	\$ 106.40
75891 TC	Radiology	2.30	2.30	\$ 161.00	\$ 161.00
75893 00	Radiology	3.24	3.24	\$ 226.80	\$ 226.80
75893 26	Radiology	0.75	0.75	\$ 52.50	\$ 52.50
75893 TC	Radiology	2.49	2.49	\$ 174.30	\$ 174.30
75894 00	Radiology	-	-	\$ 2,050.30	\$ 2,050.30
75894 26	Radiology	2.05	2.05	\$ 143.50	\$ 143.50
75894 TC	Radiology	-	-	\$ 1,906.80	\$ 1,906.80
75898 00	Radiology	-	-	\$ 270.90	\$ 270.90
75898 26	Radiology	2.58	2.58	\$ 180.60	\$ 180.60
75898 TC	Radiology	-	-	\$ 89.60	\$ 89.60
75901 00	Radiology	6.97	6.97	\$ 487.90	\$ 487.90
75901 26	Radiology	0.68	0.68	\$ 47.60	\$ 47.60
75901 TC	Radiology	6.29	6.29	\$ 440.30	\$ 440.30

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
75902 00	Radiology	2.70	2.70	\$ 189.00	\$ 189.00
75902 26	Radiology	0.55	0.55	\$ 38.50	\$ 38.50
75902 TC	Radiology	2.15	2.15	\$ 150.50	\$ 150.50
75956 00	Radiology	-	-	\$ 688.80	\$ 688.80
75956 26	Radiology	9.79	9.79	\$ 685.30	\$ 685.30
75956 TC	Radiology	0.00	0.00	BR	BR
75957 00	Radiology	-	-	\$ 589.40	\$ 589.40
75957 26	Radiology	8.39	8.39	\$ 587.30	\$ 587.30
75957 TC	Radiology	0.00	0.00	BR	BR
75958 00	Radiology	-	-	\$ 389.90	\$ 389.90
75958 26	Radiology	5.56	5.56	\$ 389.20	\$ 389.20
75958 TC	Radiology	0.00	0.00	BR	BR
75959 00	Radiology	-	-	\$ 340.90	\$ 340.90
75959 26	Radiology	4.87	4.87	\$ 340.90	\$ 340.90
75959 TC	Radiology	0.00	0.00	BR	BR
75970 00	Radiology	-	-	\$ 863.10	\$ 863.10
75970 26	Radiology	1.11	1.11	\$ 77.70	\$ 77.70
75970 TC	Radiology	-	-	\$ 785.40	\$ 785.40
75984 00	Radiology	3.05	3.05	\$ 213.50	\$ 213.50
75984 26	Radiology	1.11	1.11	\$ 77.70	\$ 77.70
75984 TC	Radiology	1.94	1.94	\$ 135.80	\$ 135.80
75989 00	Radiology	3.48	3.48	\$ 243.60	\$ 243.60
75989 26	Radiology	1.63	1.63	\$ 114.10	\$ 114.10
75989 TC	Radiology	1.85	1.85	\$ 129.50	\$ 129.50
76000 00	Radiology	1.25	1.25	\$ 87.50	\$ 87.50
76000 26	Radiology	0.45	0.45	\$ 31.50	\$ 31.50
76000 TC	Radiology	0.80	0.80	\$ 56.00	\$ 56.00
76010 00	Radiology	0.87	0.87	\$ 60.90	\$ 60.90
76010 26	Radiology	0.26	0.26	\$ 18.20	\$ 18.20
76010 TC	Radiology	0.61	0.61	\$ 42.70	\$ 42.70
76080 00	Radiology	1.77	1.77	\$ 123.90	\$ 123.90
76080 26	Radiology	0.74	0.74	\$ 51.80	\$ 51.80
76080 TC	Radiology	1.03	1.03	\$ 72.10	\$ 72.10
76098 00	Radiology	1.23	1.23	\$ 86.10	\$ 86.10
76098 26	Radiology	0.45	0.45	\$ 31.50	\$ 31.50
76098 TC	Radiology	0.78	0.78	\$ 54.60	\$ 54.60
76100 00	Radiology	2.75	2.75	\$ 192.50	\$ 192.50
76100 26	Radiology	0.85	0.85	\$ 59.50	\$ 59.50
76100 TC	Radiology	1.90	1.90	\$ 133.00	\$ 133.00
76101 00	Radiology	3.03	3.03	\$ 212.10	\$ 212.10
76101 26	Radiology	0.80	0.80	\$ 56.00	\$ 56.00
76101 TC	Radiology	2.23	2.23	\$ 156.10	\$ 156.10
76102 00	Radiology	5.31	5.31	\$ 371.70	\$ 371.70
76102 26	Radiology	0.87	0.87	\$ 60.90	\$ 60.90
76102 TC	Radiology	4.44	4.44	\$ 310.80	\$ 310.80
76120 00	Radiology	3.39	3.39	\$ 237.30	\$ 237.30
76120 26	Radiology	0.57	0.57	\$ 39.90	\$ 39.90
76120 TC	Radiology	2.82	2.82	\$ 197.40	\$ 197.40
76125 00	Radiology	-	-	\$ 86.10	\$ 86.10
76125 26	Radiology	0.38	0.38	\$ 26.60	\$ 26.60
76125 TC	Radiology	-	-	\$ 59.50	\$ 59.50
76140 00	Radiology	0.00	0.00	BR	BR
76145 00	Radiology	24.31	24.31	\$ 1,701.70	\$ 1,701.70
76376 00	Radiology	0.66	0.66	\$ 46.20	\$ 46.20
76376 26	Radiology	0.28	0.28	\$ 19.60	\$ 19.60
76376 TC	Radiology	0.38	0.38	\$ 26.60	\$ 26.60
76377 00	Radiology	2.08	2.08	\$ 145.60	\$ 145.60
76377 26	Radiology	1.12	1.12	\$ 78.40	\$ 78.40
76377 TC	Radiology	0.96	0.96	\$ 67.20	\$ 67.20

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
76380 00	Radiology	4.18	4.18	\$ 292.60	\$ 292.60
76380 26	Radiology	1.35	1.35	\$ 94.50	\$ 94.50
76380 TC	Radiology	2.83	2.83	\$ 198.10	\$ 198.10
76390 00	Radiology	12.31	12.31	\$ 861.70	\$ 861.70
76390 26	Radiology	1.99	1.99	\$ 139.30	\$ 139.30
76390 TC	Radiology	10.32	10.32	\$ 722.40	\$ 722.40
76391 00	Radiology	6.70	6.70	\$ 469.00	\$ 469.00
76391 26	Radiology	1.55	1.55	\$ 108.50	\$ 108.50
76391 TC	Radiology	5.15	5.15	\$ 360.50	\$ 360.50
76496 00	Radiology	-	-	\$ 137.20	\$ 137.20
76496 26	Radiology	-	-	\$ 48.30	\$ 48.30
76496 TC	Radiology	-	-	\$ 88.90	\$ 88.90
76497 00	Radiology	-	-	\$ 226.80	\$ 226.80
76497 26	Radiology	-	-	\$ 45.50	\$ 45.50
76497 TC	Radiology	-	-	\$ 181.30	\$ 181.30
76498 00	Radiology	-	-	\$ 197.40	\$ 197.40
76498 26	Radiology	-	-	\$ 39.20	\$ 39.20
76498 TC	Radiology	-	-	\$ 158.20	\$ 158.20
76499 00	Radiology	0.00	0.00	BR	BR
76499 26	Radiology	0.00	0.00	BR	BR
76499 TC	Radiology	0.00	0.00	BR	BR
76506 00	Radiology	3.44	3.44	\$ 240.80	\$ 240.80
76506 26	Radiology	0.91	0.91	\$ 63.70	\$ 63.70
76506 TC	Radiology	2.53	2.53	\$ 177.10	\$ 177.10
76510 00	Radiology	2.13	2.13	\$ 149.10	\$ 149.10
76510 26	Radiology	1.14	1.14	\$ 79.80	\$ 79.80
76510 TC	Radiology	0.99	0.99	\$ 69.30	\$ 69.30
76511 00	Radiology	1.68	1.68	\$ 117.60	\$ 117.60
76511 26	Radiology	1.03	1.03	\$ 72.10	\$ 72.10
76511 TC	Radiology	0.65	0.65	\$ 45.50	\$ 45.50
76512 00	Radiology	1.43	1.43	\$ 100.10	\$ 100.10
76512 26	Radiology	0.89	0.89	\$ 62.30	\$ 62.30
76512 TC	Radiology	0.54	0.54	\$ 37.80	\$ 37.80
76513 00	Radiology	2.29	2.29	\$ 160.30	\$ 160.30
76513 26	Radiology	0.93	0.93	\$ 65.10	\$ 65.10
76513 TC	Radiology	1.36	1.36	\$ 95.20	\$ 95.20
76514 00	Radiology	0.34	0.34	\$ 23.80	\$ 23.80
76514 26	Radiology	0.23	0.23	\$ 16.10	\$ 16.10
76514 TC	Radiology	0.11	0.11	\$ 7.70	\$ 7.70
76516 00	Radiology	1.36	1.36	\$ 95.20	\$ 95.20
76516 26	Radiology	0.65	0.65	\$ 45.50	\$ 45.50
76516 TC	Radiology	0.71	0.71	\$ 49.70	\$ 49.70
76519 00	Radiology	1.96	1.96	\$ 137.20	\$ 137.20
76519 26	Radiology	0.88	0.88	\$ 61.60	\$ 61.60
76519 TC	Radiology	1.08	1.08	\$ 75.60	\$ 75.60
76529 00	Radiology	2.54	2.54	\$ 177.80	\$ 177.80
76529 26	Radiology	0.93	0.93	\$ 65.10	\$ 65.10
76529 TC	Radiology	1.61	1.61	\$ 112.70	\$ 112.70
76536 00	Radiology	3.42	3.42	\$ 239.40	\$ 239.40
76536 26	Radiology	0.81	0.81	\$ 56.70	\$ 56.70
76536 TC	Radiology	2.61	2.61	\$ 182.70	\$ 182.70
76604 00	Radiology	1.96	1.96	\$ 137.20	\$ 137.20
76604 26	Radiology	0.82	0.82	\$ 57.40	\$ 57.40
76604 TC	Radiology	1.14	1.14	\$ 79.80	\$ 79.80
76641 00	Radiology	3.12	3.12	\$ 218.40	\$ 218.40
76641 26	Radiology	1.03	1.03	\$ 72.10	\$ 72.10
76641 TC	Radiology	2.09	2.09	\$ 146.30	\$ 146.30
76642 00	Radiology	2.57	2.57	\$ 179.90	\$ 179.90
76642 26	Radiology	0.97	0.97	\$ 67.90	\$ 67.90

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
76642 TC	Radiology	1.60	1.60	\$ 112.00	\$ 112.00
76700 00	Radiology	3.57	3.57	\$ 249.90	\$ 249.90
76700 26	Radiology	1.14	1.14	\$ 79.80	\$ 79.80
76700 TC	Radiology	2.43	2.43	\$ 170.10	\$ 170.10
76705 00	Radiology	2.67	2.67	\$ 186.90	\$ 186.90
76705 26	Radiology	0.84	0.84	\$ 58.80	\$ 58.80
76705 TC	Radiology	1.83	1.83	\$ 128.10	\$ 128.10
76706 00	Radiology	3.22	3.22	\$ 225.40	\$ 225.40
76706 26	Radiology	0.79	0.79	\$ 55.30	\$ 55.30
76706 TC	Radiology	2.43	2.43	\$ 170.10	\$ 170.10
76770 00	Radiology	3.30	3.30	\$ 231.00	\$ 231.00
76770 26	Radiology	1.04	1.04	\$ 72.80	\$ 72.80
76770 TC	Radiology	2.26	2.26	\$ 158.20	\$ 158.20
76775 00	Radiology	1.72	1.72	\$ 120.40	\$ 120.40
76775 26	Radiology	0.83	0.83	\$ 58.10	\$ 58.10
76775 TC	Radiology	0.89	0.89	\$ 62.30	\$ 62.30
76776 00	Radiology	4.56	4.56	\$ 319.20	\$ 319.20
76776 26	Radiology	1.07	1.07	\$ 74.90	\$ 74.90
76776 TC	Radiology	3.49	3.49	\$ 244.30	\$ 244.30
76800 00	Radiology	4.20	4.20	\$ 294.00	\$ 294.00
76800 26	Radiology	1.69	1.69	\$ 118.30	\$ 118.30
76800 TC	Radiology	2.51	2.51	\$ 175.70	\$ 175.70
76801 00	Radiology	3.56	3.56	\$ 249.20	\$ 249.20
76801 26	Radiology	1.40	1.40	\$ 98.00	\$ 98.00
76801 TC	Radiology	2.16	2.16	\$ 151.20	\$ 151.20
76802 00	Radiology	1.83	1.83	\$ 128.10	\$ 128.10
76802 26	Radiology	1.18	1.18	\$ 82.60	\$ 82.60
76802 TC	Radiology	0.65	0.65	\$ 45.50	\$ 45.50
76805 00	Radiology	4.10	4.10	\$ 287.00	\$ 287.00
76805 26	Radiology	1.40	1.40	\$ 98.00	\$ 98.00
76805 TC	Radiology	2.70	2.70	\$ 189.00	\$ 189.00
76810 00	Radiology	2.67	2.67	\$ 186.90	\$ 186.90
76810 26	Radiology	1.39	1.39	\$ 97.30	\$ 97.30
76810 TC	Radiology	1.28	1.28	\$ 89.60	\$ 89.60
76811 00	Radiology	5.15	5.15	\$ 360.50	\$ 360.50
76811 26	Radiology	2.68	2.68	\$ 187.60	\$ 187.60
76811 TC	Radiology	2.47	2.47	\$ 172.90	\$ 172.90
76812 00	Radiology	5.82	5.82	\$ 407.40	\$ 407.40
76812 26	Radiology	2.51	2.51	\$ 175.70	\$ 175.70
76812 TC	Radiology	3.31	3.31	\$ 231.70	\$ 231.70
76813 00	Radiology	3.57	3.57	\$ 249.90	\$ 249.90
76813 26	Radiology	1.67	1.67	\$ 116.90	\$ 116.90
76813 TC	Radiology	1.90	1.90	\$ 133.00	\$ 133.00
76814 00	Radiology	2.29	2.29	\$ 160.30	\$ 160.30
76814 26	Radiology	1.41	1.41	\$ 98.70	\$ 98.70
76814 TC	Radiology	0.88	0.88	\$ 61.60	\$ 61.60
76815 00	Radiology	2.47	2.47	\$ 172.90	\$ 172.90
76815 26	Radiology	0.93	0.93	\$ 65.10	\$ 65.10
76815 TC	Radiology	1.54	1.54	\$ 107.80	\$ 107.80
76816 00	Radiology	3.33	3.33	\$ 233.10	\$ 233.10
76816 26	Radiology	1.21	1.21	\$ 84.70	\$ 84.70
76816 TC	Radiology	2.12	2.12	\$ 148.40	\$ 148.40
76817 00	Radiology	2.82	2.82	\$ 197.40	\$ 197.40
76817 26	Radiology	1.07	1.07	\$ 74.90	\$ 74.90
76817 TC	Radiology	1.75	1.75	\$ 122.50	\$ 122.50
76818 00	Radiology	3.42	3.42	\$ 239.40	\$ 239.40
76818 26	Radiology	1.49	1.49	\$ 104.30	\$ 104.30
76818 TC	Radiology	1.93	1.93	\$ 135.10	\$ 135.10
76819 00	Radiology	2.53	2.53	\$ 177.10	\$ 177.10

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
76819 26	Radiology	1.10	1.10	\$ 77.00	\$ 77.00
76819 TC	Radiology	1.43	1.43	\$ 100.10	\$ 100.10
76820 00	Radiology	1.36	1.36	\$ 95.20	\$ 95.20
76820 26	Radiology	0.71	0.71	\$ 49.70	\$ 49.70
76820 TC	Radiology	0.65	0.65	\$ 45.50	\$ 45.50
76821 00	Radiology	2.68	2.68	\$ 187.60	\$ 187.60
76821 26	Radiology	0.99	0.99	\$ 69.30	\$ 69.30
76821 TC	Radiology	1.69	1.69	\$ 118.30	\$ 118.30
76825 00	Radiology	8.07	8.07	\$ 564.90	\$ 564.90
76825 26	Radiology	2.34	2.34	\$ 163.80	\$ 163.80
76825 TC	Radiology	5.73	5.73	\$ 401.10	\$ 401.10
76826 00	Radiology	4.84	4.84	\$ 338.80	\$ 338.80
76826 26	Radiology	1.17	1.17	\$ 81.90	\$ 81.90
76826 TC	Radiology	3.67	3.67	\$ 256.90	\$ 256.90
76827 00	Radiology	2.15	2.15	\$ 150.50	\$ 150.50
76827 26	Radiology	0.81	0.81	\$ 56.70	\$ 56.70
76827 TC	Radiology	1.34	1.34	\$ 93.80	\$ 93.80
76828 00	Radiology	1.51	1.51	\$ 105.70	\$ 105.70
76828 26	Radiology	0.79	0.79	\$ 55.30	\$ 55.30
76828 TC	Radiology	0.72	0.72	\$ 50.40	\$ 50.40
76830 00	Radiology	3.64	3.64	\$ 254.80	\$ 254.80
76830 26	Radiology	0.98	0.98	\$ 68.60	\$ 68.60
76830 TC	Radiology	2.66	2.66	\$ 186.20	\$ 186.20
76831 00	Radiology	3.55	3.55	\$ 248.50	\$ 248.50
76831 26	Radiology	1.03	1.03	\$ 72.10	\$ 72.10
76831 TC	Radiology	2.52	2.52	\$ 176.40	\$ 176.40
76856 00	Radiology	3.22	3.22	\$ 225.40	\$ 225.40
76856 26	Radiology	0.98	0.98	\$ 68.60	\$ 68.60
76856 TC	Radiology	2.24	2.24	\$ 156.80	\$ 156.80
76857 00	Radiology	1.40	1.40	\$ 98.00	\$ 98.00
76857 26	Radiology	0.69	0.69	\$ 48.30	\$ 48.30
76857 TC	Radiology	0.71	0.71	\$ 49.70	\$ 49.70
76870 00	Radiology	3.08	3.08	\$ 215.60	\$ 215.60
76870 26	Radiology	0.91	0.91	\$ 63.70	\$ 63.70
76870 TC	Radiology	2.17	2.17	\$ 151.90	\$ 151.90
76872 00	Radiology	5.51	5.51	\$ 385.70	\$ 385.70
76872 26	Radiology	0.95	0.95	\$ 66.50	\$ 66.50
76872 TC	Radiology	4.56	4.56	\$ 319.20	\$ 319.20
76873 00	Radiology	5.18	5.18	\$ 362.60	\$ 362.60
76873 26	Radiology	2.22	2.22	\$ 155.40	\$ 155.40
76873 TC	Radiology	2.96	2.96	\$ 207.20	\$ 207.20
76881 00	Radiology	1.94	1.94	\$ 135.80	\$ 135.80
76881 26	Radiology	0.89	0.89	\$ 62.30	\$ 62.30
76881 TC	Radiology	1.05	1.05	\$ 73.50	\$ 73.50
76882 00	Radiology	1.65	1.65	\$ 115.50	\$ 115.50
76882 26	Radiology	0.68	0.68	\$ 47.60	\$ 47.60
76882 TC	Radiology	0.97	0.97	\$ 67.90	\$ 67.90
76885 00	Radiology	4.20	4.20	\$ 294.00	\$ 294.00
76885 26	Radiology	1.05	1.05	\$ 73.50	\$ 73.50
76885 TC	Radiology	3.15	3.15	\$ 220.50	\$ 220.50
76886 00	Radiology	3.08	3.08	\$ 215.60	\$ 215.60
76886 26	Radiology	0.89	0.89	\$ 62.30	\$ 62.30
76886 TC	Radiology	2.19	2.19	\$ 153.30	\$ 153.30
76932 00	Radiology	-	-	\$ 193.20	\$ 193.20
76932 26	Radiology	1.00	1.00	\$ 70.00	\$ 70.00
76932 TC	Radiology	-	-	\$ 121.80	\$ 121.80
76936 00	Radiology	7.92	7.92	\$ 554.40	\$ 554.40
76936 26	Radiology	2.77	2.77	\$ 193.90	\$ 193.90
76936 TC	Radiology	5.15	5.15	\$ 360.50	\$ 360.50

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
76937 00	Radiology	1.12	1.12	\$ 78.40	\$ 78.40
76937 26	Radiology	0.40	0.40	\$ 28.00	\$ 28.00
76937 TC	Radiology	0.72	0.72	\$ 50.40	\$ 50.40
76940 00	Radiology	-	-	\$ 329.70	\$ 329.70
76940 26	Radiology	2.94	2.94	\$ 205.80	\$ 205.80
76940 TC	Radiology	-	-	\$ 125.30	\$ 125.30
76941 00	Radiology	-	-	\$ 247.80	\$ 247.80
76941 26	Radiology	1.89	1.89	\$ 132.30	\$ 132.30
76941 TC	Radiology	-	-	\$ 114.10	\$ 114.10
76942 00	Radiology	1.69	1.69	\$ 118.30	\$ 118.30
76942 26	Radiology	0.90	0.90	\$ 63.00	\$ 63.00
76942 TC	Radiology	0.79	0.79	\$ 55.30	\$ 55.30
76945 00	Radiology	-	-	\$ 186.90	\$ 186.90
76945 26	Radiology	0.95	0.95	\$ 66.50	\$ 66.50
76945 TC	Radiology	-	-	\$ 119.70	\$ 119.70
76946 00	Radiology	0.95	0.95	\$ 66.50	\$ 66.50
76946 26	Radiology	0.54	0.54	\$ 37.80	\$ 37.80
76946 TC	Radiology	0.41	0.41	\$ 28.70	\$ 28.70
76948 00	Radiology	2.35	2.35	\$ 164.50	\$ 164.50
76948 26	Radiology	0.95	0.95	\$ 66.50	\$ 66.50
76948 TC	Radiology	1.40	1.40	\$ 98.00	\$ 98.00
76965 00	Radiology	2.70	2.70	\$ 189.00	\$ 189.00
76965 26	Radiology	1.94	1.94	\$ 135.80	\$ 135.80
76965 TC	Radiology	0.76	0.76	\$ 53.20	\$ 53.20
76975 00	Radiology	-	-	\$ 202.30	\$ 202.30
76975 26	Radiology	1.19	1.19	\$ 83.30	\$ 83.30
76975 TC	Radiology	-	-	\$ 119.70	\$ 119.70
76977 00	Radiology	0.21	0.21	\$ 14.70	\$ 14.70
76977 26	Radiology	0.08	0.08	\$ 5.60	\$ 5.60
76977 TC	Radiology	0.13	0.13	\$ 9.10	\$ 9.10
76978 00	Radiology	9.28	9.28	\$ 649.60	\$ 649.60
76978 26	Radiology	2.29	2.29	\$ 160.30	\$ 160.30
76978 TC	Radiology	6.99	6.99	\$ 489.30	\$ 489.30
76979 00	Radiology	6.33	6.33	\$ 443.10	\$ 443.10
76979 26	Radiology	1.20	1.20	\$ 84.00	\$ 84.00
76979 TC	Radiology	5.13	5.13	\$ 359.10	\$ 359.10
76981 00	Radiology	3.14	3.14	\$ 219.80	\$ 219.80
76981 26	Radiology	0.84	0.84	\$ 58.80	\$ 58.80
76981 TC	Radiology	2.30	2.30	\$ 161.00	\$ 161.00
76982 00	Radiology	2.92	2.92	\$ 204.40	\$ 204.40
76982 26	Radiology	0.85	0.85	\$ 59.50	\$ 59.50
76982 TC	Radiology	2.07	2.07	\$ 144.90	\$ 144.90
76983 00	Radiology	1.83	1.83	\$ 128.10	\$ 128.10
76983 26	Radiology	0.72	0.72	\$ 50.40	\$ 50.40
76983 TC	Radiology	1.11	1.11	\$ 77.70	\$ 77.70
76998 00	Radiology	-	-	\$ 126.00	\$ 126.00
76998 26	Radiology	1.81	1.81	\$ 126.70	\$ 126.70
76998 TC	Radiology	0.00	0.00	BR	BR
76999 00	Radiology	0.00	0.00	BR	BR
76999 26	Radiology	0.00	0.00	BR	BR
76999 TC	Radiology	0.00	0.00	BR	BR
77001 00	Radiology	3.01	3.01	\$ 210.70	\$ 210.70
77001 26	Radiology	0.54	0.54	\$ 37.80	\$ 37.80
77001 TC	Radiology	2.47	2.47	\$ 172.90	\$ 172.90
77002 00	Radiology	3.41	3.41	\$ 238.70	\$ 238.70
77002 26	Radiology	0.80	0.80	\$ 56.00	\$ 56.00
77002 TC	Radiology	2.61	2.61	\$ 182.70	\$ 182.70
77003 00	Radiology	3.07	3.07	\$ 214.90	\$ 214.90
77003 26	Radiology	0.85	0.85	\$ 59.50	\$ 59.50

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
77003 TC	Radiology	2.22	2.22	\$ 155.40	\$ 155.40
77011 00	Radiology	6.90	6.90	\$ 483.00	\$ 483.00
77011 26	Radiology	1.81	1.81	\$ 126.70	\$ 126.70
77011 TC	Radiology	5.09	5.09	\$ 356.30	\$ 356.30
77012 00	Radiology	4.33	4.33	\$ 303.10	\$ 303.10
77012 26	Radiology	2.08	2.08	\$ 145.60	\$ 145.60
77012 TC	Radiology	2.25	2.25	\$ 157.50	\$ 157.50
77013 00	Radiology	-	-	\$ 1,038.10	\$ 1,038.10
77013 26	Radiology	5.37	5.37	\$ 375.90	\$ 375.90
77013 TC	Radiology	-	-	\$ 664.30	\$ 664.30
77014 00	Radiology	3.62	3.62	\$ 253.40	\$ 253.40
77014 26	Radiology	1.30	1.30	\$ 91.00	\$ 91.00
77014 TC	Radiology	2.32	2.32	\$ 162.40	\$ 162.40
77021 00	Radiology	13.51	13.51	\$ 945.70	\$ 945.70
77021 26	Radiology	2.05	2.05	\$ 143.50	\$ 143.50
77021 TC	Radiology	11.46	11.46	\$ 802.20	\$ 802.20
77022 00	Radiology	-	-	\$ 1,359.40	\$ 1,359.40
77022 26	Radiology	6.06	6.06	\$ 424.20	\$ 424.20
77022 TC	Radiology	-	-	\$ 938.00	\$ 938.00
77046 00	Radiology	6.97	6.97	\$ 487.90	\$ 487.90
77046 26	Radiology	2.03	2.03	\$ 142.10	\$ 142.10
77046 TC	Radiology	4.94	4.94	\$ 345.80	\$ 345.80
77047 00	Radiology	7.16	7.16	\$ 501.20	\$ 501.20
77047 26	Radiology	2.24	2.24	\$ 156.80	\$ 156.80
77047 TC	Radiology	4.92	4.92	\$ 344.40	\$ 344.40
77048 00	Radiology	11.10	11.10	\$ 777.00	\$ 777.00
77048 26	Radiology	2.96	2.96	\$ 207.20	\$ 207.20
77048 TC	Radiology	8.14	8.14	\$ 569.80	\$ 569.80
77049 00	Radiology	11.34	11.34	\$ 793.80	\$ 793.80
77049 26	Radiology	3.24	3.24	\$ 226.80	\$ 226.80
77049 TC	Radiology	8.10	8.10	\$ 567.00	\$ 567.00
77053 00	Radiology	1.62	1.62	\$ 113.40	\$ 113.40
77053 26	Radiology	0.51	0.51	\$ 35.70	\$ 35.70
77053 TC	Radiology	1.11	1.11	\$ 77.70	\$ 77.70
77054 00	Radiology	2.10	2.10	\$ 147.00	\$ 147.00
77054 26	Radiology	0.63	0.63	\$ 44.10	\$ 44.10
77054 TC	Radiology	1.47	1.47	\$ 102.90	\$ 102.90
77061 00	Radiology	-	-	\$ 263.90	\$ 263.90
77061 26	Radiology	-	-	\$ 79.80	\$ 79.80
77061 TC	Radiology	-	-	\$ 184.10	\$ 184.10
77062 00	Radiology	-	-	\$ 333.20	\$ 333.20
77062 26	Radiology	-	-	\$ 98.00	\$ 98.00
77062 TC	Radiology	-	-	\$ 235.20	\$ 235.20
77063 00	Radiology	1.59	1.59	\$ 111.30	\$ 111.30
77063 26	Radiology	0.86	0.86	\$ 60.20	\$ 60.20
77063 TC	Radiology	0.73	0.73	\$ 51.10	\$ 51.10
77065 00	Radiology	3.76	3.76	\$ 263.20	\$ 263.20
77065 26	Radiology	1.14	1.14	\$ 79.80	\$ 79.80
77065 TC	Radiology	2.62	2.62	\$ 183.40	\$ 183.40
77066 00	Radiology	4.76	4.76	\$ 333.20	\$ 333.20
77066 26	Radiology	1.41	1.41	\$ 98.70	\$ 98.70
77066 TC	Radiology	3.35	3.35	\$ 234.50	\$ 234.50
77067 00	Radiology	3.85	3.85	\$ 269.50	\$ 269.50
77067 26	Radiology	1.08	1.08	\$ 75.60	\$ 75.60
77067 TC	Radiology	2.77	2.77	\$ 193.90	\$ 193.90
77071 00	Radiology	1.60	1.60	\$ 112.00	\$ 112.00
77072 00	Radiology	0.76	0.76	\$ 53.20	\$ 53.20
77072 26	Radiology	0.27	0.27	\$ 18.90	\$ 18.90
77072 TC	Radiology	0.49	0.49	\$ 34.30	\$ 34.30

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
77073 00	Radiology	1.32	1.32	\$ 92.40	\$ 92.40
77073 26	Radiology	0.39	0.39	\$ 27.30	\$ 27.30
77073 TC	Radiology	0.93	0.93	\$ 65.10	\$ 65.10
77074 00	Radiology	1.90	1.90	\$ 133.00	\$ 133.00
77074 26	Radiology	0.62	0.62	\$ 43.40	\$ 43.40
77074 TC	Radiology	1.28	1.28	\$ 89.60	\$ 89.60
77075 00	Radiology	2.89	2.89	\$ 202.30	\$ 202.30
77075 26	Radiology	0.79	0.79	\$ 55.30	\$ 55.30
77075 TC	Radiology	2.10	2.10	\$ 147.00	\$ 147.00
77076 00	Radiology	3.11	3.11	\$ 217.70	\$ 217.70
77076 26	Radiology	0.99	0.99	\$ 69.30	\$ 69.30
77076 TC	Radiology	2.12	2.12	\$ 148.40	\$ 148.40
77077 00	Radiology	1.37	1.37	\$ 95.90	\$ 95.90
77077 26	Radiology	0.49	0.49	\$ 34.30	\$ 34.30
77077 TC	Radiology	0.88	0.88	\$ 61.60	\$ 61.60
77078 00	Radiology	3.32	3.32	\$ 232.40	\$ 232.40
77078 26	Radiology	0.35	0.35	\$ 24.50	\$ 24.50
77078 TC	Radiology	2.97	2.97	\$ 207.90	\$ 207.90
77080 00	Radiology	1.11	1.11	\$ 77.70	\$ 77.70
77080 26	Radiology	0.28	0.28	\$ 19.60	\$ 19.60
77080 TC	Radiology	0.83	0.83	\$ 58.10	\$ 58.10
77081 00	Radiology	0.92	0.92	\$ 64.40	\$ 64.40
77081 26	Radiology	0.29	0.29	\$ 20.30	\$ 20.30
77081 TC	Radiology	0.63	0.63	\$ 44.10	\$ 44.10
77084 00	Radiology	10.58	10.58	\$ 740.60	\$ 740.60
77084 26	Radiology	2.24	2.24	\$ 156.80	\$ 156.80
77084 TC	Radiology	8.34	8.34	\$ 583.80	\$ 583.80
77085 00	Radiology	1.53	1.53	\$ 107.10	\$ 107.10
77085 26	Radiology	0.43	0.43	\$ 30.10	\$ 30.10
77085 TC	Radiology	1.10	1.10	\$ 77.00	\$ 77.00
77086 00	Radiology	0.98	0.98	\$ 68.60	\$ 68.60
77086 26	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
77086 TC	Radiology	0.74	0.74	\$ 51.80	\$ 51.80
77261 00	Radiology	2.06	2.06	\$ 144.20	\$ 144.20
77262 00	Radiology	3.13	3.13	\$ 219.10	\$ 219.10
77263 00	Radiology	4.87	4.87	\$ 340.90	\$ 340.90
77280 00	Radiology	8.30	8.30	\$ 581.00	\$ 581.00
77280 26	Radiology	1.10	1.10	\$ 77.00	\$ 77.00
77280 TC	Radiology	7.20	7.20	\$ 504.00	\$ 504.00
77285 00	Radiology	13.75	13.75	\$ 962.50	\$ 962.50
77285 26	Radiology	1.65	1.65	\$ 115.50	\$ 115.50
77285 TC	Radiology	12.10	12.10	\$ 847.00	\$ 847.00
77290 00	Radiology	14.37	14.37	\$ 1,005.90	\$ 1,005.90
77290 26	Radiology	2.36	2.36	\$ 165.20	\$ 165.20
77290 TC	Radiology	12.01	12.01	\$ 840.70	\$ 840.70
77293 00	Radiology	13.04	13.04	\$ 912.80	\$ 912.80
77293 26	Radiology	3.05	3.05	\$ 213.50	\$ 213.50
77293 TC	Radiology	9.99	9.99	\$ 699.30	\$ 699.30
77295 00	Radiology	14.07	14.07	\$ 984.90	\$ 984.90
77295 26	Radiology	6.49	6.49	\$ 454.30	\$ 454.30
77295 TC	Radiology	7.58	7.58	\$ 530.60	\$ 530.60
77299 00	Radiology	0.00	0.00	BR	BR
77299 26	Radiology	0.00	0.00	BR	BR
77299 TC	Radiology	0.00	0.00	BR	BR
77300 00	Radiology	1.93	1.93	\$ 135.10	\$ 135.10
77300 26	Radiology	0.94	0.94	\$ 65.80	\$ 65.80
77300 TC	Radiology	0.99	0.99	\$ 69.30	\$ 69.30
77301 00	Radiology	55.46	55.46	\$ 3,882.20	\$ 3,882.20
77301 26	Radiology	12.10	12.10	\$ 847.00	\$ 847.00

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
77301 TC	Radiology	43.36	43.36	\$ 3,035.20	\$ 3,035.20
77306 00	Radiology	4.31	4.31	\$ 301.70	\$ 301.70
77306 26	Radiology	2.12	2.12	\$ 148.40	\$ 148.40
77306 TC	Radiology	2.19	2.19	\$ 153.30	\$ 153.30
77307 00	Radiology	8.38	8.38	\$ 586.60	\$ 586.60
77307 26	Radiology	4.41	4.41	\$ 308.70	\$ 308.70
77307 TC	Radiology	3.97	3.97	\$ 277.90	\$ 277.90
77316 00	Radiology	6.78	6.78	\$ 474.60	\$ 474.60
77316 26	Radiology	2.12	2.12	\$ 148.40	\$ 148.40
77316 TC	Radiology	4.66	4.66	\$ 326.20	\$ 326.20
77317 00	Radiology	8.90	8.90	\$ 623.00	\$ 623.00
77317 26	Radiology	2.77	2.77	\$ 193.90	\$ 193.90
77317 TC	Radiology	6.13	6.13	\$ 429.10	\$ 429.10
77318 00	Radiology	12.68	12.68	\$ 887.60	\$ 887.60
77318 26	Radiology	4.40	4.40	\$ 308.00	\$ 308.00
77318 TC	Radiology	8.28	8.28	\$ 579.60	\$ 579.60
77321 00	Radiology	2.75	2.75	\$ 192.50	\$ 192.50
77321 26	Radiology	1.45	1.45	\$ 101.50	\$ 101.50
77321 TC	Radiology	1.30	1.30	\$ 91.00	\$ 91.00
77331 00	Radiology	1.89	1.89	\$ 132.30	\$ 132.30
77331 26	Radiology	1.33	1.33	\$ 93.10	\$ 93.10
77331 TC	Radiology	0.56	0.56	\$ 39.20	\$ 39.20
77332 00	Radiology	1.22	1.22	\$ 85.40	\$ 85.40
77332 26	Radiology	0.69	0.69	\$ 48.30	\$ 48.30
77332 TC	Radiology	0.53	0.53	\$ 37.10	\$ 37.10
77333 00	Radiology	3.89	3.89	\$ 272.30	\$ 272.30
77333 26	Radiology	1.15	1.15	\$ 80.50	\$ 80.50
77333 TC	Radiology	2.74	2.74	\$ 191.80	\$ 191.80
77334 00	Radiology	3.67	3.67	\$ 256.90	\$ 256.90
77334 26	Radiology	1.74	1.74	\$ 121.80	\$ 121.80
77334 TC	Radiology	1.93	1.93	\$ 135.10	\$ 135.10
77336 00	Radiology	2.37	2.37	\$ 165.90	\$ 165.90
77338 00	Radiology	13.77	13.77	\$ 963.90	\$ 963.90
77338 26	Radiology	6.49	6.49	\$ 454.30	\$ 454.30
77338 TC	Radiology	7.28	7.28	\$ 509.60	\$ 509.60
77370 00	Radiology	3.75	3.75	\$ 262.50	\$ 262.50
77371 00	Radiology	-	-	\$ 2,443.70	\$ 2,443.70
77372 00	Radiology	30.77	30.77	\$ 2,153.90	\$ 2,153.90
77373 00	Radiology	33.59	33.59	\$ 2,351.30	\$ 2,351.30
77385 00	Radiology	-	-	\$ 790.30	\$ 790.30
77386 00	Radiology	-	-	\$ 792.40	\$ 792.40
77387 00	Radiology	-	-	\$ 238.70	\$ 238.70
77399 00	Radiology	0.00	0.00	BR	BR
77399 26	Radiology	0.00	0.00	BR	BR
77399 TC	Radiology	0.00	0.00	BR	BR
77401 00	Radiology	1.26	1.26	\$ 88.20	\$ 88.20
77402 00	Radiology	-	-	\$ 297.50	\$ 297.50
77407 00	Radiology	-	-	\$ 410.20	\$ 410.20
77412 00	Radiology	-	-	\$ 545.30	\$ 545.30
77417 00	Radiology	0.34	0.34	\$ 23.80	\$ 23.80
77423 00	Radiology	-	-	\$ 193.20	\$ 193.20
77424 00	Radiology	0.00	0.00	BR	BR
77425 00	Radiology	0.00	0.00	BR	BR
77427 00	Radiology	5.50	5.50	\$ 385.00	\$ 385.00
77431 00	Radiology	3.09	3.09	\$ 216.30	\$ 216.30
77432 00	Radiology	12.29	12.29	\$ 860.30	\$ 860.30
77435 00	Radiology	18.54	18.54	\$ 1,297.80	\$ 1,297.80
77469 00	Radiology	9.20	9.20	\$ 644.00	\$ 644.00
77470 00	Radiology	3.86	3.86	\$ 270.20	\$ 270.20

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
77470 26	Radiology	3.10	3.10	\$ 217.00	\$ 217.00
77470 TC	Radiology	0.76	0.76	\$ 53.20	\$ 53.20
77499 00	Radiology	0.00	0.00	BR	BR
77499 26	Radiology	0.00	0.00	BR	BR
77499 TC	Radiology	0.00	0.00	BR	BR
77520 00	Radiology	-	-	\$ 1,926.40	\$ 1,926.40
77522 00	Radiology	-	-	\$ 1,925.70	\$ 1,925.70
77523 00	Radiology	-	-	\$ 2,231.60	\$ 2,231.60
77525 00	Radiology	-	-	\$ 2,480.10	\$ 2,480.10
77600 00	Radiology	14.33	14.33	\$ 1,003.10	\$ 1,003.10
77600 26	Radiology	2.03	2.03	\$ 142.10	\$ 142.10
77600 TC	Radiology	12.30	12.30	\$ 861.00	\$ 861.00
77605 00	Radiology	29.85	29.85	\$ 2,089.50	\$ 2,089.50
77605 26	Radiology	2.96	2.96	\$ 207.20	\$ 207.20
77605 TC	Radiology	26.89	26.89	\$ 1,882.30	\$ 1,882.30
77610 00	Radiology	20.82	20.82	\$ 1,457.40	\$ 1,457.40
77610 26	Radiology	1.99	1.99	\$ 139.30	\$ 139.30
77610 TC	Radiology	18.83	18.83	\$ 1,318.10	\$ 1,318.10
77615 00	Radiology	32.48	32.48	\$ 2,273.60	\$ 2,273.60
77615 26	Radiology	2.79	2.79	\$ 195.30	\$ 195.30
77615 TC	Radiology	29.69	29.69	\$ 2,078.30	\$ 2,078.30
77620 00	Radiology	19.12	19.12	\$ 1,338.40	\$ 1,338.40
77620 26	Radiology	2.47	2.47	\$ 172.90	\$ 172.90
77620 TC	Radiology	16.65	16.65	\$ 1,165.50	\$ 1,165.50
77750 00	Radiology	11.25	11.25	\$ 787.50	\$ 787.50
77750 26	Radiology	7.57	7.57	\$ 529.90	\$ 529.90
77750 TC	Radiology	3.68	3.68	\$ 257.60	\$ 257.60
77761 00	Radiology	11.93	11.93	\$ 835.10	\$ 835.10
77761 26	Radiology	5.85	5.85	\$ 409.50	\$ 409.50
77761 TC	Radiology	6.08	6.08	\$ 425.60	\$ 425.60
77762 00	Radiology	15.71	15.71	\$ 1,099.70	\$ 1,099.70
77762 26	Radiology	8.74	8.74	\$ 611.80	\$ 611.80
77762 TC	Radiology	6.97	6.97	\$ 487.90	\$ 487.90
77763 00	Radiology	22.08	22.08	\$ 1,545.60	\$ 1,545.60
77763 26	Radiology	13.15	13.15	\$ 920.50	\$ 920.50
77763 TC	Radiology	8.93	8.93	\$ 625.10	\$ 625.10
77767 00	Radiology	7.22	7.22	\$ 505.40	\$ 505.40
77767 26	Radiology	1.60	1.60	\$ 112.00	\$ 112.00
77767 TC	Radiology	5.62	5.62	\$ 393.40	\$ 393.40
77768 00	Radiology	10.67	10.67	\$ 746.90	\$ 746.90
77768 26	Radiology	2.13	2.13	\$ 149.10	\$ 149.10
77768 TC	Radiology	8.54	8.54	\$ 597.80	\$ 597.80
77770 00	Radiology	10.13	10.13	\$ 709.10	\$ 709.10
77770 26	Radiology	2.95	2.95	\$ 206.50	\$ 206.50
77770 TC	Radiology	7.18	7.18	\$ 502.60	\$ 502.60
77771 00	Radiology	17.66	17.66	\$ 1,236.20	\$ 1,236.20
77771 26	Radiology	5.76	5.76	\$ 403.20	\$ 403.20
77771 TC	Radiology	11.90	11.90	\$ 833.00	\$ 833.00
77772 00	Radiology	26.41	26.41	\$ 1,848.70	\$ 1,848.70
77772 26	Radiology	8.12	8.12	\$ 568.40	\$ 568.40
77772 TC	Radiology	18.29	18.29	\$ 1,280.30	\$ 1,280.30
77778 00	Radiology	25.80	25.80	\$ 1,806.00	\$ 1,806.00
77778 26	Radiology	13.28	13.28	\$ 929.60	\$ 929.60
77778 TC	Radiology	12.52	12.52	\$ 876.40	\$ 876.40
77789 00	Radiology	3.82	3.82	\$ 267.40	\$ 267.40
77789 26	Radiology	1.74	1.74	\$ 121.80	\$ 121.80
77789 TC	Radiology	2.08	2.08	\$ 145.60	\$ 145.60
77790 00	Radiology	0.45	0.45	\$ 31.50	\$ 31.50
77799 00	Radiology	0.00	0.00	BR	BR

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
77799 26	Radiology	0.00	0.00	BR	BR
77799 TC	Radiology	0.00	0.00	BR	BR
78012 00	Radiology	2.40	2.40	\$ 168.00	\$ 168.00
78012 26	Radiology	0.26	0.26	\$ 18.20	\$ 18.20
78012 TC	Radiology	2.14	2.14	\$ 149.80	\$ 149.80
78013 00	Radiology	5.75	5.75	\$ 402.50	\$ 402.50
78013 26	Radiology	0.51	0.51	\$ 35.70	\$ 35.70
78013 TC	Radiology	5.24	5.24	\$ 366.80	\$ 366.80
78014 00	Radiology	7.03	7.03	\$ 492.10	\$ 492.10
78014 26	Radiology	0.69	0.69	\$ 48.30	\$ 48.30
78014 TC	Radiology	6.34	6.34	\$ 443.80	\$ 443.80
78015 00	Radiology	6.67	6.67	\$ 466.90	\$ 466.90
78015 26	Radiology	0.94	0.94	\$ 65.80	\$ 65.80
78015 TC	Radiology	5.73	5.73	\$ 401.10	\$ 401.10
78016 00	Radiology	8.33	8.33	\$ 583.10	\$ 583.10
78016 26	Radiology	0.97	0.97	\$ 67.90	\$ 67.90
78016 TC	Radiology	7.36	7.36	\$ 515.20	\$ 515.20
78018 00	Radiology	9.23	9.23	\$ 646.10	\$ 646.10
78018 26	Radiology	1.17	1.17	\$ 81.90	\$ 81.90
78018 TC	Radiology	8.06	8.06	\$ 564.20	\$ 564.20
78020 00	Radiology	2.41	2.41	\$ 168.70	\$ 168.70
78020 26	Radiology	0.79	0.79	\$ 55.30	\$ 55.30
78020 TC	Radiology	1.62	1.62	\$ 113.40	\$ 113.40
78070 00	Radiology	8.68	8.68	\$ 607.60	\$ 607.60
78070 26	Radiology	1.11	1.11	\$ 77.70	\$ 77.70
78070 TC	Radiology	7.57	7.57	\$ 529.90	\$ 529.90
78071 00	Radiology	10.36	10.36	\$ 725.20	\$ 725.20
78071 26	Radiology	1.65	1.65	\$ 115.50	\$ 115.50
78071 TC	Radiology	8.71	8.71	\$ 609.70	\$ 609.70
78072 00	Radiology	13.04	13.04	\$ 912.80	\$ 912.80
78072 26	Radiology	2.15	2.15	\$ 150.50	\$ 150.50
78072 TC	Radiology	10.89	10.89	\$ 762.30	\$ 762.30
78075 00	Radiology	13.17	13.17	\$ 921.90	\$ 921.90
78075 26	Radiology	1.05	1.05	\$ 73.50	\$ 73.50
78075 TC	Radiology	12.12	12.12	\$ 848.40	\$ 848.40
78099 00	Radiology	0.00	0.00	BR	BR
78099 26	Radiology	0.00	0.00	BR	BR
78099 TC	Radiology	0.00	0.00	BR	BR
78102 00	Radiology	5.06	5.06	\$ 354.20	\$ 354.20
78102 26	Radiology	0.74	0.74	\$ 51.80	\$ 51.80
78102 TC	Radiology	4.32	4.32	\$ 302.40	\$ 302.40
78103 00	Radiology	6.32	6.32	\$ 442.40	\$ 442.40
78103 26	Radiology	0.98	0.98	\$ 68.60	\$ 68.60
78103 TC	Radiology	5.34	5.34	\$ 373.80	\$ 373.80
78104 00	Radiology	7.32	7.32	\$ 512.40	\$ 512.40
78104 26	Radiology	1.10	1.10	\$ 77.00	\$ 77.00
78104 TC	Radiology	6.22	6.22	\$ 435.40	\$ 435.40
78110 00	Radiology	2.06	2.06	\$ 144.20	\$ 144.20
78110 26	Radiology	0.23	0.23	\$ 16.10	\$ 16.10
78110 TC	Radiology	1.83	1.83	\$ 128.10	\$ 128.10
78111 00	Radiology	2.19	2.19	\$ 153.30	\$ 153.30
78111 26	Radiology	0.27	0.27	\$ 18.90	\$ 18.90
78111 TC	Radiology	1.92	1.92	\$ 134.40	\$ 134.40
78120 00	Radiology	2.11	2.11	\$ 147.70	\$ 147.70
78120 26	Radiology	0.28	0.28	\$ 19.60	\$ 19.60
78120 TC	Radiology	1.83	1.83	\$ 128.10	\$ 128.10
78121 00	Radiology	2.31	2.31	\$ 161.70	\$ 161.70
78121 26	Radiology	0.39	0.39	\$ 27.30	\$ 27.30
78121 TC	Radiology	1.92	1.92	\$ 134.40	\$ 134.40

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
78122 00	Radiology	2.86	2.86	\$ 200.20	\$ 200.20
78122 26	Radiology	0.59	0.59	\$ 41.30	\$ 41.30
78122 TC	Radiology	2.27	2.27	\$ 158.90	\$ 158.90
78130 00	Radiology	3.70	3.70	\$ 259.00	\$ 259.00
78130 26	Radiology	0.73	0.73	\$ 51.10	\$ 51.10
78130 TC	Radiology	2.97	2.97	\$ 207.90	\$ 207.90
78140 00	Radiology	3.29	3.29	\$ 230.30	\$ 230.30
78140 26	Radiology	0.73	0.73	\$ 51.10	\$ 51.10
78140 TC	Radiology	2.56	2.56	\$ 179.20	\$ 179.20
78185 00	Radiology	5.05	5.05	\$ 353.50	\$ 353.50
78185 26	Radiology	0.48	0.48	\$ 33.60	\$ 33.60
78185 TC	Radiology	4.57	4.57	\$ 319.90	\$ 319.90
78191 00	Radiology	3.70	3.70	\$ 259.00	\$ 259.00
78191 26	Radiology	0.73	0.73	\$ 51.10	\$ 51.10
78191 TC	Radiology	2.97	2.97	\$ 207.90	\$ 207.90
78195 00	Radiology	10.42	10.42	\$ 729.40	\$ 729.40
78195 26	Radiology	1.64	1.64	\$ 114.80	\$ 114.80
78195 TC	Radiology	8.78	8.78	\$ 614.60	\$ 614.60
78199 00	Radiology	0.00	0.00	BR	BR
78199 26	Radiology	0.00	0.00	BR	BR
78199 TC	Radiology	0.00	0.00	BR	BR
78201 00	Radiology	5.61	5.61	\$ 392.70	\$ 392.70
78201 26	Radiology	0.60	0.60	\$ 42.00	\$ 42.00
78201 TC	Radiology	5.01	5.01	\$ 350.70	\$ 350.70
78202 00	Radiology	6.16	6.16	\$ 431.20	\$ 431.20
78202 26	Radiology	0.69	0.69	\$ 48.30	\$ 48.30
78202 TC	Radiology	5.47	5.47	\$ 382.90	\$ 382.90
78215 00	Radiology	5.76	5.76	\$ 403.20	\$ 403.20
78215 26	Radiology	0.68	0.68	\$ 47.60	\$ 47.60
78215 TC	Radiology	5.08	5.08	\$ 355.60	\$ 355.60
78216 00	Radiology	3.80	3.80	\$ 266.00	\$ 266.00
78216 26	Radiology	0.77	0.77	\$ 53.90	\$ 53.90
78216 TC	Radiology	3.03	3.03	\$ 212.10	\$ 212.10
78226 00	Radiology	9.63	9.63	\$ 674.10	\$ 674.10
78226 26	Radiology	1.03	1.03	\$ 72.10	\$ 72.10
78226 TC	Radiology	8.60	8.60	\$ 602.00	\$ 602.00
78227 00	Radiology	12.96	12.96	\$ 907.20	\$ 907.20
78227 26	Radiology	1.25	1.25	\$ 87.50	\$ 87.50
78227 TC	Radiology	11.71	11.71	\$ 819.70	\$ 819.70
78230 00	Radiology	5.15	5.15	\$ 360.50	\$ 360.50
78230 26	Radiology	0.63	0.63	\$ 44.10	\$ 44.10
78230 TC	Radiology	4.52	4.52	\$ 316.40	\$ 316.40
78231 00	Radiology	3.12	3.12	\$ 218.40	\$ 218.40
78231 26	Radiology	0.62	0.62	\$ 43.40	\$ 43.40
78231 TC	Radiology	2.50	2.50	\$ 175.00	\$ 175.00
78232 00	Radiology	3.06	3.06	\$ 214.20	\$ 214.20
78232 26	Radiology	0.56	0.56	\$ 39.20	\$ 39.20
78232 TC	Radiology	2.50	2.50	\$ 175.00	\$ 175.00
78258 00	Radiology	6.28	6.28	\$ 439.60	\$ 439.60
78258 26	Radiology	0.98	0.98	\$ 68.60	\$ 68.60
78258 TC	Radiology	5.30	5.30	\$ 371.00	\$ 371.00
78261 00	Radiology	6.03	6.03	\$ 422.10	\$ 422.10
78261 26	Radiology	0.82	0.82	\$ 57.40	\$ 57.40
78261 TC	Radiology	5.21	5.21	\$ 364.70	\$ 364.70
78262 00	Radiology	7.13	7.13	\$ 499.10	\$ 499.10
78262 26	Radiology	0.96	0.96	\$ 67.20	\$ 67.20
78262 TC	Radiology	6.17	6.17	\$ 431.90	\$ 431.90
78264 00	Radiology	9.77	9.77	\$ 683.90	\$ 683.90
78264 26	Radiology	1.10	1.10	\$ 77.00	\$ 77.00

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
78264 TC	Radiology	8.67	8.67	\$ 606.90	\$ 606.90
78265 00	Radiology	11.53	11.53	\$ 807.10	\$ 807.10
78265 26	Radiology	1.35	1.35	\$ 94.50	\$ 94.50
78265 TC	Radiology	10.18	10.18	\$ 712.60	\$ 712.60
78266 00	Radiology	12.80	12.80	\$ 896.00	\$ 896.00
78266 26	Radiology	1.41	1.41	\$ 98.70	\$ 98.70
78266 TC	Radiology	11.39	11.39	\$ 797.30	\$ 797.30
78267 00	Radiology	-	-	\$ 23.80	\$ 23.80
78268 00	Radiology	-	-	\$ 203.70	\$ 203.70
78278 00	Radiology	10.24	10.24	\$ 716.80	\$ 716.80
78278 26	Radiology	1.37	1.37	\$ 95.90	\$ 95.90
78278 TC	Radiology	8.87	8.87	\$ 620.90	\$ 620.90
78282 00	Radiology	-	-	\$ 126.00	\$ 126.00
78282 26	Radiology	0.46	0.46	\$ 32.20	\$ 32.20
78282 TC	Radiology	-	-	\$ 94.50	\$ 94.50
78290 00	Radiology	9.72	9.72	\$ 680.40	\$ 680.40
78290 26	Radiology	0.95	0.95	\$ 66.50	\$ 66.50
78290 TC	Radiology	8.77	8.77	\$ 613.90	\$ 613.90
78291 00	Radiology	7.37	7.37	\$ 515.90	\$ 515.90
78291 26	Radiology	1.19	1.19	\$ 83.30	\$ 83.30
78291 TC	Radiology	6.18	6.18	\$ 432.60	\$ 432.60
78299 00	Radiology	0.00	0.00	BR	BR
78299 26	Radiology	0.00	0.00	BR	BR
78299 TC	Radiology	0.00	0.00	BR	BR
78300 00	Radiology	6.76	6.76	\$ 473.20	\$ 473.20
78300 26	Radiology	0.88	0.88	\$ 61.60	\$ 61.60
78300 TC	Radiology	5.88	5.88	\$ 411.60	\$ 411.60
78305 00	Radiology	8.18	8.18	\$ 572.60	\$ 572.60
78305 26	Radiology	1.15	1.15	\$ 80.50	\$ 80.50
78305 TC	Radiology	7.03	7.03	\$ 492.10	\$ 492.10
78306 00	Radiology	8.80	8.80	\$ 616.00	\$ 616.00
78306 26	Radiology	1.19	1.19	\$ 83.30	\$ 83.30
78306 TC	Radiology	7.61	7.61	\$ 532.70	\$ 532.70
78315 00	Radiology	10.18	10.18	\$ 712.60	\$ 712.60
78315 26	Radiology	1.41	1.41	\$ 98.70	\$ 98.70
78315 TC	Radiology	8.77	8.77	\$ 613.90	\$ 613.90
78350 00	Radiology	0.94	0.94	\$ 65.80	\$ 65.80
78350 26	Radiology	0.32	0.32	\$ 22.40	\$ 22.40
78350 TC	Radiology	0.62	0.62	\$ 43.40	\$ 43.40
78351 00	Radiology	0.44	0.44	\$ 30.80	\$ 30.80
78399 00	Radiology	0.00	0.00	BR	BR
78399 26	Radiology	0.00	0.00	BR	BR
78399 TC	Radiology	0.00	0.00	BR	BR
78414 00	Radiology	-	-	\$ 147.00	\$ 147.00
78414 26	Radiology	0.63	0.63	\$ 44.10	\$ 44.10
78414 TC	Radiology	-	-	\$ 102.90	\$ 102.90
78428 00	Radiology	5.48	5.48	\$ 383.60	\$ 383.60
78428 26	Radiology	1.08	1.08	\$ 75.60	\$ 75.60
78428 TC	Radiology	4.40	4.40	\$ 308.00	\$ 308.00
78429 00	Radiology	-	-	\$ 971.60	\$ 971.60
78429 26	Radiology	2.35	2.35	\$ 164.50	\$ 164.50
78429 TC	Radiology	-	-	\$ 806.40	\$ 806.40
78430 00	Radiology	-	-	\$ 1,115.10	\$ 1,115.10
78430 26	Radiology	2.23	2.23	\$ 156.10	\$ 156.10
78430 TC	Radiology	-	-	\$ 959.00	\$ 959.00
78431 00	Radiology	-	-	\$ 1,309.70	\$ 1,309.70
78431 26	Radiology	2.59	2.59	\$ 181.30	\$ 181.30
78431 TC	Radiology	-	-	\$ 1,126.30	\$ 1,126.30
78432 00	Radiology	-	-	\$ 1,385.30	\$ 1,385.30

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
78432 26	Radiology	2.76	2.76	\$ 193.20	\$ 193.20
78432 TC	Radiology	-	-	\$ 1,191.40	\$ 1,191.40
78433 00	Radiology	-	-	\$ 1,509.90	\$ 1,509.90
78433 26	Radiology	3.00	3.00	\$ 210.00	\$ 210.00
78433 TC	Radiology	-	-	\$ 1,298.50	\$ 1,298.50
78434 00	Radiology	-	-	\$ 434.70	\$ 434.70
78434 26	Radiology	0.87	0.87	\$ 60.90	\$ 60.90
78434 TC	Radiology	-	-	\$ 373.80	\$ 373.80
78445 00	Radiology	6.03	6.03	\$ 422.10	\$ 422.10
78445 26	Radiology	0.72	0.72	\$ 50.40	\$ 50.40
78445 TC	Radiology	5.31	5.31	\$ 371.70	\$ 371.70
78451 00	Radiology	10.01	10.01	\$ 700.70	\$ 700.70
78451 26	Radiology	1.90	1.90	\$ 133.00	\$ 133.00
78451 TC	Radiology	8.11	8.11	\$ 567.70	\$ 567.70
78452 00	Radiology	13.94	13.94	\$ 975.80	\$ 975.80
78452 26	Radiology	2.23	2.23	\$ 156.10	\$ 156.10
78452 TC	Radiology	11.71	11.71	\$ 819.70	\$ 819.70
78453 00	Radiology	8.80	8.80	\$ 616.00	\$ 616.00
78453 26	Radiology	1.39	1.39	\$ 97.30	\$ 97.30
78453 TC	Radiology	7.41	7.41	\$ 518.70	\$ 518.70
78454 00	Radiology	12.73	12.73	\$ 891.10	\$ 891.10
78454 26	Radiology	1.86	1.86	\$ 130.20	\$ 130.20
78454 TC	Radiology	10.87	10.87	\$ 760.90	\$ 760.90
78456 00	Radiology	9.22	9.22	\$ 645.40	\$ 645.40
78456 26	Radiology	1.39	1.39	\$ 97.30	\$ 97.30
78456 TC	Radiology	7.83	7.83	\$ 548.10	\$ 548.10
78457 00	Radiology	5.27	5.27	\$ 368.90	\$ 368.90
78457 26	Radiology	1.08	1.08	\$ 75.60	\$ 75.60
78457 TC	Radiology	4.19	4.19	\$ 293.30	\$ 293.30
78458 00	Radiology	6.04	6.04	\$ 422.80	\$ 422.80
78458 26	Radiology	1.27	1.27	\$ 88.90	\$ 88.90
78458 TC	Radiology	4.77	4.77	\$ 333.90	\$ 333.90
78459 00	Radiology	-	-	\$ 881.30	\$ 881.30
78459 26	Radiology	2.14	2.14	\$ 149.80	\$ 149.80
78459 TC	Radiology	-	-	\$ 731.50	\$ 731.50
78466 00	Radiology	5.82	5.82	\$ 407.40	\$ 407.40
78466 26	Radiology	1.00	1.00	\$ 70.00	\$ 70.00
78466 TC	Radiology	4.82	4.82	\$ 337.40	\$ 337.40
78468 00	Radiology	5.81	5.81	\$ 406.70	\$ 406.70
78468 26	Radiology	1.11	1.11	\$ 77.70	\$ 77.70
78468 TC	Radiology	4.70	4.70	\$ 329.00	\$ 329.00
78469 00	Radiology	6.48	6.48	\$ 453.60	\$ 453.60
78469 26	Radiology	1.28	1.28	\$ 89.60	\$ 89.60
78469 TC	Radiology	5.20	5.20	\$ 364.00	\$ 364.00
78472 00	Radiology	6.70	6.70	\$ 469.00	\$ 469.00
78472 26	Radiology	1.35	1.35	\$ 94.50	\$ 94.50
78472 TC	Radiology	5.35	5.35	\$ 374.50	\$ 374.50
78473 00	Radiology	8.49	8.49	\$ 594.30	\$ 594.30
78473 26	Radiology	2.01	2.01	\$ 140.70	\$ 140.70
78473 TC	Radiology	6.48	6.48	\$ 453.60	\$ 453.60
78481 00	Radiology	5.21	5.21	\$ 364.70	\$ 364.70
78481 26	Radiology	1.36	1.36	\$ 95.20	\$ 95.20
78481 TC	Radiology	3.85	3.85	\$ 269.50	\$ 269.50
78483 00	Radiology	7.12	7.12	\$ 498.40	\$ 498.40
78483 26	Radiology	2.04	2.04	\$ 142.80	\$ 142.80
78483 TC	Radiology	5.08	5.08	\$ 355.60	\$ 355.60
78491 00	Radiology	-	-	\$ 905.80	\$ 905.80
78491 26	Radiology	2.07	2.07	\$ 144.90	\$ 144.90
78491 TC	Radiology	-	-	\$ 760.90	\$ 760.90

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
78492 00	Radiology	-	-	\$ 1,085.00	\$ 1,085.00
78492 26	Radiology	2.45	2.45	\$ 171.50	\$ 171.50
78492 TC	Radiology	-	-	\$ 911.40	\$ 911.40
78494 00	Radiology	6.71	6.71	\$ 469.70	\$ 469.70
78494 26	Radiology	1.65	1.65	\$ 115.50	\$ 115.50
78494 TC	Radiology	5.06	5.06	\$ 354.20	\$ 354.20
78496 00	Radiology	1.25	1.25	\$ 87.50	\$ 87.50
78496 26	Radiology	0.69	0.69	\$ 48.30	\$ 48.30
78496 TC	Radiology	0.56	0.56	\$ 39.20	\$ 39.20
78499 00	Radiology	0.00	0.00	BR	BR
78499 26	Radiology	0.00	0.00	BR	BR
78499 TC	Radiology	0.00	0.00	BR	BR
78579 00	Radiology	5.50	5.50	\$ 385.00	\$ 385.00
78579 26	Radiology	0.67	0.67	\$ 46.90	\$ 46.90
78579 TC	Radiology	4.83	4.83	\$ 338.10	\$ 338.10
78580 00	Radiology	6.96	6.96	\$ 487.20	\$ 487.20
78580 26	Radiology	1.03	1.03	\$ 72.10	\$ 72.10
78580 TC	Radiology	5.93	5.93	\$ 415.10	\$ 415.10
78582 00	Radiology	9.79	9.79	\$ 685.30	\$ 685.30
78582 26	Radiology	1.47	1.47	\$ 102.90	\$ 102.90
78582 TC	Radiology	8.32	8.32	\$ 582.40	\$ 582.40
78597 00	Radiology	5.95	5.95	\$ 416.50	\$ 416.50
78597 26	Radiology	1.01	1.01	\$ 70.70	\$ 70.70
78597 TC	Radiology	4.94	4.94	\$ 345.80	\$ 345.80
78598 00	Radiology	8.94	8.94	\$ 625.80	\$ 625.80
78598 26	Radiology	1.16	1.16	\$ 81.20	\$ 81.20
78598 TC	Radiology	7.78	7.78	\$ 544.60	\$ 544.60
78599 00	Radiology	0.00	0.00	BR	BR
78599 26	Radiology	0.00	0.00	BR	BR
78599 TC	Radiology	0.00	0.00	BR	BR
78600 00	Radiology	5.40	5.40	\$ 378.00	\$ 378.00
78600 26	Radiology	0.62	0.62	\$ 43.40	\$ 43.40
78600 TC	Radiology	4.78	4.78	\$ 334.60	\$ 334.60
78601 00	Radiology	6.35	6.35	\$ 444.50	\$ 444.50
78601 26	Radiology	0.70	0.70	\$ 49.00	\$ 49.00
78601 TC	Radiology	5.65	5.65	\$ 395.50	\$ 395.50
78605 00	Radiology	5.87	5.87	\$ 410.90	\$ 410.90
78605 26	Radiology	0.74	0.74	\$ 51.80	\$ 51.80
78605 TC	Radiology	5.13	5.13	\$ 359.10	\$ 359.10
78606 00	Radiology	9.76	9.76	\$ 683.20	\$ 683.20
78606 26	Radiology	0.90	0.90	\$ 63.00	\$ 63.00
78606 TC	Radiology	8.86	8.86	\$ 620.20	\$ 620.20
78608 00	Radiology	-	-	\$ 1,166.90	\$ 1,166.90
78608 26	Radiology	2.02	2.02	\$ 141.40	\$ 141.40
78608 TC	Radiology	-	-	\$ 1,026.90	\$ 1,026.90
78609 00	Radiology	2.14	2.14	\$ 149.80	\$ 149.80
78609 26	Radiology	2.14	2.14	\$ 149.80	\$ 149.80
78609 TC	Radiology	0.00	0.00	BR	BR
78610 00	Radiology	5.13	5.13	\$ 359.10	\$ 359.10
78610 26	Radiology	0.41	0.41	\$ 28.70	\$ 28.70
78610 TC	Radiology	4.72	4.72	\$ 330.40	\$ 330.40
78630 00	Radiology	9.93	9.93	\$ 695.10	\$ 695.10
78630 26	Radiology	0.95	0.95	\$ 66.50	\$ 66.50
78630 TC	Radiology	8.98	8.98	\$ 628.60	\$ 628.60
78635 00	Radiology	9.94	9.94	\$ 695.80	\$ 695.80
78635 26	Radiology	0.87	0.87	\$ 60.90	\$ 60.90
78635 TC	Radiology	9.07	9.07	\$ 634.90	\$ 634.90
78645 00	Radiology	9.52	9.52	\$ 666.40	\$ 666.40
78645 26	Radiology	0.77	0.77	\$ 53.90	\$ 53.90

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
78645 TC	Radiology	8.75	8.75	\$ 612.50	\$ 612.50
78650 00	Radiology	8.17	8.17	\$ 571.90	\$ 571.90
78650 26	Radiology	0.73	0.73	\$ 51.10	\$ 51.10
78650 TC	Radiology	7.44	7.44	\$ 520.80	\$ 520.80
78660 00	Radiology	5.59	5.59	\$ 391.30	\$ 391.30
78660 26	Radiology	0.76	0.76	\$ 53.20	\$ 53.20
78660 TC	Radiology	4.83	4.83	\$ 338.10	\$ 338.10
78699 00	Radiology	0.00	0.00	BR	BR
78699 26	Radiology	0.00	0.00	BR	BR
78699 TC	Radiology	0.00	0.00	BR	BR
78700 00	Radiology	5.05	5.05	\$ 353.50	\$ 353.50
78700 26	Radiology	0.62	0.62	\$ 43.40	\$ 43.40
78700 TC	Radiology	4.43	4.43	\$ 310.10	\$ 310.10
78701 00	Radiology	6.48	6.48	\$ 453.60	\$ 453.60
78701 26	Radiology	0.68	0.68	\$ 47.60	\$ 47.60
78701 TC	Radiology	5.80	5.80	\$ 406.00	\$ 406.00
78707 00	Radiology	6.80	6.80	\$ 476.00	\$ 476.00
78707 26	Radiology	1.31	1.31	\$ 91.70	\$ 91.70
78707 TC	Radiology	5.49	5.49	\$ 384.30	\$ 384.30
78708 00	Radiology	5.19	5.19	\$ 363.30	\$ 363.30
78708 26	Radiology	1.66	1.66	\$ 116.20	\$ 116.20
78708 TC	Radiology	3.53	3.53	\$ 247.10	\$ 247.10
78709 00	Radiology	10.81	10.81	\$ 756.70	\$ 756.70
78709 26	Radiology	1.92	1.92	\$ 134.40	\$ 134.40
78709 TC	Radiology	8.89	8.89	\$ 622.30	\$ 622.30
78725 00	Radiology	3.31	3.31	\$ 231.70	\$ 231.70
78725 26	Radiology	0.52	0.52	\$ 36.40	\$ 36.40
78725 TC	Radiology	2.79	2.79	\$ 195.30	\$ 195.30
78730 00	Radiology	2.26	2.26	\$ 158.20	\$ 158.20
78730 26	Radiology	0.22	0.22	\$ 15.40	\$ 15.40
78730 TC	Radiology	2.04	2.04	\$ 142.80	\$ 142.80
78740 00	Radiology	6.49	6.49	\$ 454.30	\$ 454.30
78740 26	Radiology	0.78	0.78	\$ 54.60	\$ 54.60
78740 TC	Radiology	5.71	5.71	\$ 399.70	\$ 399.70
78761 00	Radiology	6.23	6.23	\$ 436.10	\$ 436.10
78761 26	Radiology	1.01	1.01	\$ 70.70	\$ 70.70
78761 TC	Radiology	5.22	5.22	\$ 365.40	\$ 365.40
78799 00	Radiology	0.00	0.00	BR	BR
78799 26	Radiology	0.00	0.00	BR	BR
78799 TC	Radiology	0.00	0.00	BR	BR
78800 00	Radiology	7.53	7.53	\$ 527.10	\$ 527.10
78800 26	Radiology	0.91	0.91	\$ 63.70	\$ 63.70
78800 TC	Radiology	6.62	6.62	\$ 463.40	\$ 463.40
78801 00	Radiology	8.31	8.31	\$ 581.70	\$ 581.70
78801 26	Radiology	1.02	1.02	\$ 71.40	\$ 71.40
78801 TC	Radiology	7.29	7.29	\$ 510.30	\$ 510.30
78802 00	Radiology	9.21	9.21	\$ 644.70	\$ 644.70
78802 26	Radiology	1.10	1.10	\$ 77.00	\$ 77.00
78802 TC	Radiology	8.11	8.11	\$ 567.70	\$ 567.70
78803 00	Radiology	11.38	11.38	\$ 796.60	\$ 796.60
78803 26	Radiology	1.47	1.47	\$ 102.90	\$ 102.90
78803 TC	Radiology	9.91	9.91	\$ 693.70	\$ 693.70
78804 00	Radiology	19.42	19.42	\$ 1,359.40	\$ 1,359.40
78804 26	Radiology	1.38	1.38	\$ 96.60	\$ 96.60
78804 TC	Radiology	18.04	18.04	\$ 1,262.80	\$ 1,262.80
78808 00	Radiology	1.19	1.19	\$ 83.30	\$ 83.30
78811 00	Radiology	-	-	\$ 1,219.40	\$ 1,219.40
78811 26	Radiology	2.08	2.08	\$ 145.60	\$ 145.60
78811 TC	Radiology	-	-	\$ 1,073.10	\$ 1,073.10

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
78812 00	Radiology	-	-	\$ 1,522.50	\$ 1,522.50
78812 26	Radiology	2.61	2.61	\$ 182.70	\$ 182.70
78812 TC	Radiology	-	-	\$ 1,339.80	\$ 1,339.80
78813 00	Radiology	-	-	\$ 1,516.90	\$ 1,516.90
78813 26	Radiology	2.62	2.62	\$ 183.40	\$ 183.40
78813 TC	Radiology	-	-	\$ 1,334.90	\$ 1,334.90
78814 00	Radiology	-	-	\$ 1,726.90	\$ 1,726.90
78814 26	Radiology	2.99	2.99	\$ 209.30	\$ 209.30
78814 TC	Radiology	-	-	\$ 1,519.70	\$ 1,519.70
78815 00	Radiology	-	-	\$ 1,942.50	\$ 1,942.50
78815 26	Radiology	3.35	3.35	\$ 234.50	\$ 234.50
78815 TC	Radiology	-	-	\$ 1,709.40	\$ 1,709.40
78816 00	Radiology	-	-	\$ 1,954.40	\$ 1,954.40
78816 26	Radiology	3.37	3.37	\$ 235.90	\$ 235.90
78816 TC	Radiology	-	-	\$ 1,719.90	\$ 1,719.90
78830 00	Radiology	14.46	14.46	\$ 1,012.20	\$ 1,012.20
78830 26	Radiology	2.01	2.01	\$ 140.70	\$ 140.70
78830 TC	Radiology	12.45	12.45	\$ 871.50	\$ 871.50
78831 00	Radiology	20.87	20.87	\$ 1,460.90	\$ 1,460.90
78831 26	Radiology	2.45	2.45	\$ 171.50	\$ 171.50
78831 TC	Radiology	18.42	18.42	\$ 1,289.40	\$ 1,289.40
78832 00	Radiology	27.19	27.19	\$ 1,903.30	\$ 1,903.30
78832 26	Radiology	2.88	2.88	\$ 201.60	\$ 201.60
78832 TC	Radiology	24.31	24.31	\$ 1,701.70	\$ 1,701.70
78835 00	Radiology	3.00	3.00	\$ 210.00	\$ 210.00
78835 26	Radiology	0.63	0.63	\$ 44.10	\$ 44.10
78835 TC	Radiology	2.37	2.37	\$ 165.90	\$ 165.90
78999 00	Radiology	0.00	0.00	BR	BR
78999 26	Radiology	0.00	0.00	BR	BR
78999 TC	Radiology	0.00	0.00	BR	BR
79005 00	Radiology	3.98	3.98	\$ 278.60	\$ 278.60
79005 26	Radiology	2.47	2.47	\$ 172.90	\$ 172.90
79005 TC	Radiology	1.51	1.51	\$ 105.70	\$ 105.70
79101 00	Radiology	4.32	4.32	\$ 302.40	\$ 302.40
79101 26	Radiology	2.76	2.76	\$ 193.20	\$ 193.20
79101 TC	Radiology	1.56	1.56	\$ 109.20	\$ 109.20
79200 00	Radiology	3.95	3.95	\$ 276.50	\$ 276.50
79200 26	Radiology	2.35	2.35	\$ 164.50	\$ 164.50
79200 TC	Radiology	1.60	1.60	\$ 112.00	\$ 112.00
79300 00	Radiology	-	-	\$ 219.10	\$ 219.10
79300 26	Radiology	1.89	1.89	\$ 132.30	\$ 132.30
79300 TC	Radiology	-	-	\$ 87.50	\$ 87.50
79403 00	Radiology	5.43	5.43	\$ 380.10	\$ 380.10
79403 26	Radiology	3.03	3.03	\$ 212.10	\$ 212.10
79403 TC	Radiology	2.40	2.40	\$ 168.00	\$ 168.00
79440 00	Radiology	3.55	3.55	\$ 248.50	\$ 248.50
79440 26	Radiology	2.35	2.35	\$ 164.50	\$ 164.50
79440 TC	Radiology	1.20	1.20	\$ 84.00	\$ 84.00
79445 00	Radiology	-	-	\$ 406.00	\$ 406.00
79445 26	Radiology	3.22	3.22	\$ 225.40	\$ 225.40
79445 TC	Radiology	-	-	\$ 182.70	\$ 182.70
79999 00	Radiology	0.00	0.00	BR	BR
79999 26	Radiology	0.00	0.00	BR	BR
79999 TC	Radiology	0.00	0.00	BR	BR

**Historical Note**

New Appendix A, Radiology Codes 2019-2020 made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A Radiology Codes 2019-2020 will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Radiology Codes 2019-2020 repealed; new Appendix A, Radiology Codes 2020-2021 made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Radiology Codes 2020-2021 repealed; new Appendix A, Radiology Codes 2021-2022 made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3).

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## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

## PATHOLOGY AND LABORATORY GUIDELINES

This Fee Schedule has been updated to incorporate by reference the 2021 Edition of the American Medical Association's *Current Procedural Terminology* (CPT®) publication, including the general guidelines, identifiers, modifiers, and terminology changes associated with the adopted codes. In this Fee Schedule CPT® codes that contain explanatory language specific to Arizona are preceded by Δ. Codes, however, that are unique to Arizona and not otherwise found in CPT® are preceded by an AZ identifier and numbered in the following format: AZxxx. The Industrial Commission has adopted the Clinical Laboratory Fee Schedule (CLAB) used by Medicare to reimburse the majority of pathology and laboratory services (see additional information regarding publications adopted by reference in the Introduction Section of the Fee Schedule).

The following Commission guidelines are in addition to the CPT® guidelines and represent additional guidance from the Commission relative to unit values for these services. To the extent that a conflict may exist between an adopted portion of the CPT® and a code, guideline, identifier or modifier unique to Arizona, then the Arizona code, guideline, identifier or modifier shall control.

A. A healthcare provider seeking reimbursement for presumptive or “point of care” drug testing must submit to the payer written documentation establishing:

1. That the testing is medically necessary and reasonably required;
2. The type of drug testing utilized; and
3. The healthcare provider's interpretation of the “point of care” testing.

For purposes of this section, presumptive or “point of care” testing is testing that is performed at or near the site of patient care (i.e., the healthcare provider's office).

CPT® codes 80305-80307 are used for reporting presumptive drug class screening. Each code represents all drugs and drug classes performed by the respective methodology per date of service.

Healthcare providers performing validity testing on urine specimens utilized for drug testing shall not separately bill the validity testing. For example, if a laboratory performs a urinary pH, specific gravity, creatinine, nitrates, oxidants, or other tests to confirm that a urine specimen is not adulterated, this testing is not separately billed.

Definitive drug testing may be reported with HCPCS codes G0480 - G0483. These codes differ based on the number of drug classes including metabolites tested. Only one code from this group of codes may be reported per date of service. Any request for quantitative or definitive testing requires documentation that qualifies necessity.

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

G0480 – Definitive drug testing 1 – 7 drug class(es) including metabolites(s) if performed

G0481 – Definitive drug testing 8 – 14 drug class(es) including metabolite(s) if performed

G0482 – Definitive drug testing 15 – 21 drug class(es) including metabolites(s) if performed

G0483 – Definitive drug testing 22 or more drug class(es), including metabolite(s) if performed.

U0001 – Laboratory testing for infection of SARS-CoV-2/2019-nCoV (COVID-19). Tests developed by the CDC.

U0002 – Laboratory testing for infection of SARS-CoV2/2019-nCoV (COVID-19). Non-CDC developed tests.

**Historical Note**

New Appendix A, Pathology and Laboratory Guidelines made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Pathology and Laboratory Guidelines will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Pathology and Laboratory Guidelines repealed; new Appendix A, Pathology and Laboratory Guidelines made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Pathology and Laboratory Guidelines repealed; new Appendix A, Pathology and Laboratory Guidelines made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3).

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

## ARIZONA PHYSICIANS' FEE SCHEDULE

## Pathology Codes 2021 -2022

## Pathology Conversion Factor \$65.00

Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
80047 00	Pathology	0.39	0.39	\$ 25.58	\$ 25.58
80048 00	Pathology	0.24	0.24	\$ 15.76	\$ 15.76
80050 00	Pathology	-	-	\$ 84.50	\$ 84.50
80051 00	Pathology	0.20	0.20	\$ 13.06	\$ 13.06
80053 00	Pathology	0.30	0.30	\$ 19.67	\$ 19.67
80055 00	Pathology	1.37	1.37	\$ 89.06	\$ 89.06
80061 00	Pathology	0.38	0.38	\$ 24.94	\$ 24.94
80069 00	Pathology	0.25	0.25	\$ 16.17	\$ 16.17
80074 00	Pathology	1.37	1.37	\$ 88.73	\$ 88.73
80076 00	Pathology	0.23	0.23	\$ 15.22	\$ 15.22
80081 00	Pathology	2.15	2.15	\$ 139.45	\$ 139.45
80143 00	Pathology	0.53	0.53	\$ 34.72	\$ 34.72
80145 00	Pathology	1.11	1.11	\$ 71.85	\$ 71.85
80150 00	Pathology	0.43	0.43	\$ 28.09	\$ 28.09
80151 00	Pathology	0.53	0.53	\$ 34.72	\$ 34.72
80155 00	Pathology	1.11	1.11	\$ 71.85	\$ 71.85
80156 00	Pathology	0.42	0.42	\$ 27.14	\$ 27.14
80157 00	Pathology	0.38	0.38	\$ 24.68	\$ 24.68
80158 00	Pathology	0.52	0.52	\$ 33.62	\$ 33.62
80159 00	Pathology	0.58	0.58	\$ 37.54	\$ 37.54
80161 00	Pathology	0.53	0.53	\$ 34.72	\$ 34.72
80162 00	Pathology	0.38	0.38	\$ 24.74	\$ 24.74
80163 00	Pathology	0.38	0.38	\$ 24.74	\$ 24.74
80164 00	Pathology	0.39	0.39	\$ 25.22	\$ 25.22
80165 00	Pathology	0.39	0.39	\$ 25.22	\$ 25.22
80167 00	Pathology	0.53	0.53	\$ 34.72	\$ 34.72
80168 00	Pathology	0.47	0.47	\$ 30.44	\$ 30.44
80169 00	Pathology	0.39	0.39	\$ 25.58	\$ 25.58
80170 00	Pathology	0.47	0.47	\$ 30.51	\$ 30.51
80171 00	Pathology	0.62	0.62	\$ 40.37	\$ 40.37
80173 00	Pathology	0.45	0.45	\$ 29.40	\$ 29.40
80175 00	Pathology	0.38	0.38	\$ 24.68	\$ 24.68
80176 00	Pathology	0.42	0.42	\$ 27.37	\$ 27.37
80177 00	Pathology	0.38	0.38	\$ 24.68	\$ 24.68
80178 00	Pathology	0.19	0.19	\$ 12.31	\$ 12.31
80179 00	Pathology	0.53	0.53	\$ 34.72	\$ 34.72
80180 00	Pathology	0.52	0.52	\$ 33.62	\$ 33.62
80181 00	Pathology	0.53	0.53	\$ 34.72	\$ 34.72
80183 00	Pathology	0.38	0.38	\$ 24.68	\$ 24.68
80184 00	Pathology	0.44	0.44	\$ 28.50	\$ 28.50
80185 00	Pathology	0.38	0.38	\$ 24.68	\$ 24.68
80186 00	Pathology	0.39	0.39	\$ 25.63	\$ 25.63
80187 00	Pathology	0.78	0.78	\$ 50.50	\$ 50.50
80188 00	Pathology	0.48	0.48	\$ 30.90	\$ 30.90
80189 00	Pathology	0.78	0.78	\$ 50.50	\$ 50.50
80190 00	Pathology	1.72	1.72	\$ 111.77	\$ 111.77
80192 00	Pathology	0.48	0.48	\$ 31.20	\$ 31.20
80193 00	Pathology	1.11	1.11	\$ 71.85	\$ 71.85
80194 00	Pathology	0.42	0.42	\$ 27.20	\$ 27.20
80195 00	Pathology	0.39	0.39	\$ 25.58	\$ 25.58
80197 00	Pathology	0.39	0.39	\$ 25.58	\$ 25.58
80198 00	Pathology	0.41	0.41	\$ 26.34	\$ 26.34
80199 00	Pathology	0.78	0.78	\$ 50.50	\$ 50.50
80200 00	Pathology	0.46	0.46	\$ 30.05	\$ 30.05
80201 00	Pathology	0.34	0.34	\$ 22.20	\$ 22.20

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
80202 00	Pathology	0.39	0.39	\$ 25.22	\$ 25.22
80203 00	Pathology	0.38	0.38	\$ 24.68	\$ 24.68
80204 00	Pathology	1.11	1.11	\$ 71.85	\$ 71.85
80210 00	Pathology	0.78	0.78	\$ 50.50	\$ 50.50
80230 00	Pathology	1.11	1.11	\$ 71.85	\$ 71.85
80235 00	Pathology	0.78	0.78	\$ 50.50	\$ 50.50
80280 00	Pathology	1.11	1.11	\$ 71.85	\$ 71.85
80285 00	Pathology	0.78	0.78	\$ 50.50	\$ 50.50
80299 00	Pathology	0.53	0.53	\$ 34.72	\$ 34.72
80305 00	Pathology	0.36	0.36	\$ 23.47	\$ 23.47
80306 00	Pathology	0.49	0.49	\$ 31.93	\$ 31.93
80307 00	Pathology	1.78	1.78	\$ 115.76	\$ 115.76
80320 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80321 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80322 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80323 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80324 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80325 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80326 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80327 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80328 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80329 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80330 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80331 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80332 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80333 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80334 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80335 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80336 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80337 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80338 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80339 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80340 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80341 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80342 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80343 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80344 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80345 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80346 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80347 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80348 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80349 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80350 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80351 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80352 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80353 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80354 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80355 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80356 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80357 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80358 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80359 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80360 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80361 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80362 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80363 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80364 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80365 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80366 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
80367 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80368 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80369 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80370 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80371 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80372 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80373 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80374 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80375 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80376 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80377 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80400 00	Pathology	0.93	0.93	\$ 60.77	\$ 60.77
80402 00	Pathology	2.49	2.49	\$ 161.99	\$ 161.99
80406 00	Pathology	2.24	2.24	\$ 145.79	\$ 145.79
80408 00	Pathology	3.60	3.60	\$ 233.79	\$ 233.79
80410 00	Pathology	2.30	2.30	\$ 149.72	\$ 149.72
80412 00	Pathology	22.97	22.97	\$ 1,493.28	\$ 1,493.28
80414 00	Pathology	1.48	1.48	\$ 96.20	\$ 96.20
80415 00	Pathology	1.60	1.60	\$ 104.11	\$ 104.11
80416 00	Pathology	6.00	6.00	\$ 389.93	\$ 389.93
80417 00	Pathology	1.26	1.26	\$ 81.95	\$ 81.95
80418 00	Pathology	16.61	16.61	\$ 1,079.47	\$ 1,079.47
80420 00	Pathology	4.64	4.64	\$ 301.56	\$ 301.56
80422 00	Pathology	1.32	1.32	\$ 85.82	\$ 85.82
80424 00	Pathology	1.45	1.45	\$ 94.07	\$ 94.07
80426 00	Pathology	4.25	4.25	\$ 276.46	\$ 276.46
80428 00	Pathology	1.91	1.91	\$ 124.25	\$ 124.25
80430 00	Pathology	3.71	3.71	\$ 240.92	\$ 240.92
80432 00	Pathology	4.75	4.75	\$ 308.50	\$ 308.50
80434 00	Pathology	8.17	8.17	\$ 530.96	\$ 530.96
80435 00	Pathology	2.95	2.95	\$ 191.87	\$ 191.87
80436 00	Pathology	2.61	2.61	\$ 169.82	\$ 169.82
80438 00	Pathology	1.44	1.44	\$ 93.91	\$ 93.91
80439 00	Pathology	1.93	1.93	\$ 125.20	\$ 125.20
80500 00	Pathology	0.64	0.55	\$ 41.60	\$ 35.75
80502 00	Pathology	2.08	1.99	\$ 135.20	\$ 129.35
81000 00	Pathology	0.12	0.12	\$ 7.49	\$ 7.49
81001 00	Pathology	0.09	0.09	\$ 5.91	\$ 5.91
81002 00	Pathology	0.10	0.10	\$ 6.48	\$ 6.48
81003 00	Pathology	0.06	0.06	\$ 4.19	\$ 4.19
81005 00	Pathology	0.06	0.06	\$ 4.04	\$ 4.04
81007 00	Pathology	0.86	0.86	\$ 55.85	\$ 55.85
81015 00	Pathology	0.09	0.09	\$ 5.68	\$ 5.68
81020 00	Pathology	0.13	0.13	\$ 8.76	\$ 8.76
81025 00	Pathology	0.25	0.25	\$ 16.04	\$ 16.04
81050 00	Pathology	0.10	0.10	\$ 6.78	\$ 6.78
81099 00	Pathology	0.00	0.00	BR	BR
81105 00	Pathology	3.50	3.50	\$ 227.68	\$ 227.68
81106 00	Pathology	3.50	3.50	\$ 227.68	\$ 227.68
81107 00	Pathology	3.50	3.50	\$ 227.68	\$ 227.68
81108 00	Pathology	3.50	3.50	\$ 227.68	\$ 227.68
81109 00	Pathology	3.50	3.50	\$ 227.68	\$ 227.68
81110 00	Pathology	3.50	3.50	\$ 227.68	\$ 227.68
81111 00	Pathology	3.50	3.50	\$ 227.68	\$ 227.68
81112 00	Pathology	3.50	3.50	\$ 227.68	\$ 227.68
81120 00	Pathology	5.54	5.54	\$ 359.99	\$ 359.99
81121 00	Pathology	8.48	8.48	\$ 551.01	\$ 551.01
81161 00	Pathology	8.00	8.00	\$ 519.73	\$ 519.73
81162 00	Pathology	52.30	52.30	\$ 3,399.45	\$ 3,399.45

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
81163 00	Pathology	13.41	13.41	\$ 871.81	\$ 871.81
81164 00	Pathology	16.74	16.74	\$ 1,088.32	\$ 1,088.32
81165 00	Pathology	8.11	8.11	\$ 526.96	\$ 526.96
81166 00	Pathology	8.64	8.64	\$ 561.36	\$ 561.36
81167 00	Pathology	8.11	8.11	\$ 526.96	\$ 526.96
81168 00	Pathology	5.94	5.94	\$ 386.18	\$ 386.18
81170 00	Pathology	8.60	8.60	\$ 558.85	\$ 558.85
81171 00	Pathology	3.93	3.93	\$ 255.21	\$ 255.21
81172 00	Pathology	7.88	7.88	\$ 511.96	\$ 511.96
81173 00	Pathology	8.64	8.64	\$ 561.36	\$ 561.36
81174 00	Pathology	5.31	5.31	\$ 345.00	\$ 345.00
81175 00	Pathology	19.39	19.39	\$ 1,260.21	\$ 1,260.21
81176 00	Pathology	6.93	6.93	\$ 450.62	\$ 450.62
81177 00	Pathology	3.93	3.93	\$ 255.21	\$ 255.21
81178 00	Pathology	3.93	3.93	\$ 255.21	\$ 255.21
81179 00	Pathology	3.93	3.93	\$ 255.21	\$ 255.21
81180 00	Pathology	3.93	3.93	\$ 255.21	\$ 255.21
81181 00	Pathology	3.93	3.93	\$ 255.21	\$ 255.21
81182 00	Pathology	3.93	3.93	\$ 255.21	\$ 255.21
81183 00	Pathology	3.93	3.93	\$ 255.21	\$ 255.21
81184 00	Pathology	3.93	3.93	\$ 255.21	\$ 255.21
81185 00	Pathology	24.25	24.25	\$ 1,576.46	\$ 1,576.46
81186 00	Pathology	5.31	5.31	\$ 345.00	\$ 345.00
81187 00	Pathology	3.93	3.93	\$ 255.21	\$ 255.21
81188 00	Pathology	3.93	3.93	\$ 255.21	\$ 255.21
81189 00	Pathology	7.88	7.88	\$ 511.96	\$ 511.96
81190 00	Pathology	5.31	5.31	\$ 345.00	\$ 345.00
81191 00	Pathology	5.94	5.94	\$ 386.18	\$ 386.18
81192 00	Pathology	5.94	5.94	\$ 386.18	\$ 386.18
81193 00	Pathology	5.94	5.94	\$ 386.18	\$ 386.18
81194 00	Pathology	14.85	14.85	\$ 965.47	\$ 965.47
81200 00	Pathology	1.35	1.35	\$ 88.02	\$ 88.02
81201 00	Pathology	22.35	22.35	\$ 1,453.01	\$ 1,453.01
81202 00	Pathology	8.02	8.02	\$ 521.59	\$ 521.59
81203 00	Pathology	5.73	5.73	\$ 372.57	\$ 372.57
81204 00	Pathology	3.93	3.93	\$ 255.21	\$ 255.21
81205 00	Pathology	2.72	2.72	\$ 176.95	\$ 176.95
81206 00	Pathology	4.70	4.70	\$ 305.43	\$ 305.43
81207 00	Pathology	4.15	4.15	\$ 269.81	\$ 269.81
81208 00	Pathology	6.15	6.15	\$ 399.80	\$ 399.80
81209 00	Pathology	1.13	1.13	\$ 73.23	\$ 73.23
81210 00	Pathology	5.03	5.03	\$ 326.74	\$ 326.74
81212 00	Pathology	12.61	12.61	\$ 819.65	\$ 819.65
81215 00	Pathology	10.75	10.75	\$ 699.03	\$ 699.03
81216 00	Pathology	5.31	5.31	\$ 344.85	\$ 344.85
81217 00	Pathology	10.75	10.75	\$ 699.03	\$ 699.03
81218 00	Pathology	6.93	6.93	\$ 450.62	\$ 450.62
81219 00	Pathology	3.49	3.49	\$ 226.58	\$ 226.58
81220 00	Pathology	15.95	15.95	\$ 1,036.85	\$ 1,036.85
81221 00	Pathology	2.79	2.79	\$ 181.10	\$ 181.10
81222 00	Pathology	12.47	12.47	\$ 810.46	\$ 810.46
81223 00	Pathology	14.30	14.30	\$ 929.55	\$ 929.55
81224 00	Pathology	4.84	4.84	\$ 314.35	\$ 314.35
81225 00	Pathology	8.35	8.35	\$ 542.75	\$ 542.75
81226 00	Pathology	12.92	12.92	\$ 839.97	\$ 839.97
81227 00	Pathology	5.01	5.01	\$ 325.64	\$ 325.64
81228 00	Pathology	25.79	25.79	\$ 1,676.55	\$ 1,676.55
81229 00	Pathology	33.24	33.24	\$ 2,160.89	\$ 2,160.89
81230 00	Pathology	5.01	5.01	\$ 325.64	\$ 325.64

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
81231 00	Pathology	5.01	5.01	\$ 325.64	\$ 325.64
81232 00	Pathology	5.01	5.01	\$ 325.64	\$ 325.64
81233 00	Pathology	5.03	5.03	\$ 326.74	\$ 326.74
81234 00	Pathology	3.93	3.93	\$ 255.21	\$ 255.21
81235 00	Pathology	9.30	9.30	\$ 604.64	\$ 604.64
81236 00	Pathology	8.11	8.11	\$ 526.96	\$ 526.96
81237 00	Pathology	5.03	5.03	\$ 326.74	\$ 326.74
81238 00	Pathology	17.20	17.20	\$ 1,117.70	\$ 1,117.70
81239 00	Pathology	7.88	7.88	\$ 511.96	\$ 511.96
81240 00	Pathology	1.88	1.88	\$ 122.37	\$ 122.37
81241 00	Pathology	2.10	2.10	\$ 136.68	\$ 136.68
81242 00	Pathology	1.05	1.05	\$ 68.22	\$ 68.22
81243 00	Pathology	1.63	1.63	\$ 106.26	\$ 106.26
81244 00	Pathology	1.29	1.29	\$ 83.62	\$ 83.62
81245 00	Pathology	4.74	4.74	\$ 308.32	\$ 308.32
81246 00	Pathology	2.38	2.38	\$ 154.62	\$ 154.62
81247 00	Pathology	5.01	5.01	\$ 325.64	\$ 325.64
81248 00	Pathology	10.75	10.75	\$ 699.03	\$ 699.03
81249 00	Pathology	17.20	17.20	\$ 1,117.70	\$ 1,117.70
81250 00	Pathology	1.68	1.68	\$ 108.96	\$ 108.96
81251 00	Pathology	1.35	1.35	\$ 88.02	\$ 88.02
81252 00	Pathology	2.90	2.90	\$ 188.37	\$ 188.37
81253 00	Pathology	1.76	1.76	\$ 114.60	\$ 114.60
81254 00	Pathology	1.00	1.00	\$ 65.20	\$ 65.20
81255 00	Pathology	1.47	1.47	\$ 95.84	\$ 95.84
81256 00	Pathology	1.87	1.87	\$ 121.75	\$ 121.75
81257 00	Pathology	2.93	2.93	\$ 190.49	\$ 190.49
81258 00	Pathology	10.75	10.75	\$ 699.03	\$ 699.03
81259 00	Pathology	17.20	17.20	\$ 1,117.70	\$ 1,117.70
81260 00	Pathology	1.13	1.13	\$ 73.23	\$ 73.23
81261 00	Pathology	5.67	5.67	\$ 368.82	\$ 368.82
81262 00	Pathology	1.96	1.96	\$ 127.70	\$ 127.70
81263 00	Pathology	8.44	8.44	\$ 548.64	\$ 548.64
81264 00	Pathology	4.95	4.95	\$ 321.77	\$ 321.77
81265 00	Pathology	6.68	6.68	\$ 434.17	\$ 434.17
81266 00	Pathology	8.74	8.74	\$ 567.81	\$ 567.81
81267 00	Pathology	5.95	5.95	\$ 386.46	\$ 386.46
81268 00	Pathology	7.47	7.47	\$ 485.81	\$ 485.81
81269 00	Pathology	5.80	5.80	\$ 377.04	\$ 377.04
81270 00	Pathology	2.63	2.63	\$ 170.75	\$ 170.75
81271 00	Pathology	3.93	3.93	\$ 255.21	\$ 255.21
81272 00	Pathology	9.44	9.44	\$ 613.82	\$ 613.82
81273 00	Pathology	3.58	3.58	\$ 232.61	\$ 232.61
81274 00	Pathology	7.88	7.88	\$ 511.96	\$ 511.96
81275 00	Pathology	5.54	5.54	\$ 359.99	\$ 359.99
81276 00	Pathology	5.54	5.54	\$ 359.99	\$ 359.99
81277 00	Pathology	33.24	33.24	\$ 2,160.89	\$ 2,160.89
81278 00	Pathology	5.94	5.94	\$ 386.18	\$ 386.18
81279 00	Pathology	5.31	5.31	\$ 345.00	\$ 345.00
81283 00	Pathology	2.10	2.10	\$ 136.68	\$ 136.68
81284 00	Pathology	3.93	3.93	\$ 255.21	\$ 255.21
81285 00	Pathology	7.88	7.88	\$ 511.96	\$ 511.96
81286 00	Pathology	7.88	7.88	\$ 511.96	\$ 511.96
81287 00	Pathology	3.57	3.57	\$ 232.18	\$ 232.18
81288 00	Pathology	5.51	5.51	\$ 358.26	\$ 358.26
81289 00	Pathology	5.31	5.31	\$ 345.00	\$ 345.00
81290 00	Pathology	1.13	1.13	\$ 73.23	\$ 73.23
81291 00	Pathology	1.87	1.87	\$ 121.72	\$ 121.72
81292 00	Pathology	19.36	19.36	\$ 1,258.16	\$ 1,258.16

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
81293 00	Pathology	9.49	9.49	\$ 616.60	\$ 616.60
81294 00	Pathology	5.80	5.80	\$ 377.04	\$ 377.04
81295 00	Pathology	10.94	10.94	\$ 711.04	\$ 711.04
81296 00	Pathology	9.68	9.68	\$ 629.13	\$ 629.13
81297 00	Pathology	6.11	6.11	\$ 397.34	\$ 397.34
81298 00	Pathology	18.39	18.39	\$ 1,195.66	\$ 1,195.66
81299 00	Pathology	8.83	8.83	\$ 573.75	\$ 573.75
81300 00	Pathology	6.82	6.82	\$ 443.35	\$ 443.35
81301 00	Pathology	9.99	9.99	\$ 649.31	\$ 649.31
81302 00	Pathology	15.13	15.13	\$ 983.33	\$ 983.33
81303 00	Pathology	3.44	3.44	\$ 223.54	\$ 223.54
81304 00	Pathology	4.30	4.30	\$ 279.42	\$ 279.42
81305 00	Pathology	5.03	5.03	\$ 326.74	\$ 326.74
81306 00	Pathology	8.35	8.35	\$ 542.75	\$ 542.75
81307 00	Pathology	19.39	19.39	\$ 1,260.21	\$ 1,260.21
81308 00	Pathology	8.64	8.64	\$ 561.36	\$ 561.36
81309 00	Pathology	7.88	7.88	\$ 511.96	\$ 511.96
81310 00	Pathology	7.07	7.07	\$ 459.23	\$ 459.23
81311 00	Pathology	8.48	8.48	\$ 551.01	\$ 551.01
81312 00	Pathology	3.93	3.93	\$ 255.21	\$ 255.21
81313 00	Pathology	7.31	7.31	\$ 475.12	\$ 475.12
81314 00	Pathology	9.44	9.44	\$ 613.82	\$ 613.82
81315 00	Pathology	5.94	5.94	\$ 386.18	\$ 386.18
81316 00	Pathology	5.94	5.94	\$ 386.18	\$ 386.18
81317 00	Pathology	19.39	19.39	\$ 1,260.21	\$ 1,260.21
81318 00	Pathology	9.49	9.49	\$ 616.60	\$ 616.60
81319 00	Pathology	5.83	5.83	\$ 379.09	\$ 379.09
81320 00	Pathology	8.35	8.35	\$ 542.75	\$ 542.75
81321 00	Pathology	17.20	17.20	\$ 1,117.70	\$ 1,117.70
81322 00	Pathology	1.34	1.34	\$ 86.81	\$ 86.81
81323 00	Pathology	8.60	8.60	\$ 558.85	\$ 558.85
81324 00	Pathology	21.73	21.73	\$ 1,412.70	\$ 1,412.70
81325 00	Pathology	22.06	22.06	\$ 1,433.60	\$ 1,433.60
81326 00	Pathology	1.34	1.34	\$ 86.81	\$ 86.81
81327 00	Pathology	5.50	5.50	\$ 357.66	\$ 357.66
81328 00	Pathology	5.01	5.01	\$ 325.64	\$ 325.64
81329 00	Pathology	3.93	3.93	\$ 255.21	\$ 255.21
81330 00	Pathology	1.35	1.35	\$ 87.55	\$ 87.55
81331 00	Pathology	1.46	1.46	\$ 95.13	\$ 95.13
81332 00	Pathology	1.25	1.25	\$ 81.31	\$ 81.31
81333 00	Pathology	3.93	3.93	\$ 255.21	\$ 255.21
81334 00	Pathology	9.44	9.44	\$ 613.82	\$ 613.82
81335 00	Pathology	5.01	5.01	\$ 325.64	\$ 325.64
81336 00	Pathology	8.64	8.64	\$ 561.36	\$ 561.36
81337 00	Pathology	5.31	5.31	\$ 345.00	\$ 345.00
81338 00	Pathology	4.31	4.31	\$ 280.04	\$ 280.04
81339 00	Pathology	5.31	5.31	\$ 345.00	\$ 345.00
81340 00	Pathology	5.99	5.99	\$ 389.18	\$ 389.18
81341 00	Pathology	1.42	1.42	\$ 92.38	\$ 92.38
81342 00	Pathology	5.77	5.77	\$ 375.36	\$ 375.36
81343 00	Pathology	3.93	3.93	\$ 255.21	\$ 255.21
81344 00	Pathology	3.93	3.93	\$ 255.21	\$ 255.21
81345 00	Pathology	5.31	5.31	\$ 345.00	\$ 345.00
81346 00	Pathology	5.01	5.01	\$ 325.64	\$ 325.64
81347 00	Pathology	5.54	5.54	\$ 359.99	\$ 359.99
81348 00	Pathology	5.03	5.03	\$ 326.74	\$ 326.74
81350 00	Pathology	6.71	6.71	\$ 435.90	\$ 435.90
81351 00	Pathology	18.39	18.39	\$ 1,195.66	\$ 1,195.66
81352 00	Pathology	9.44	9.44	\$ 613.82	\$ 613.82

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
81353 00	Pathology	8.83	8.83	\$ 573.75	\$ 573.75
81355 00	Pathology	2.53	2.53	\$ 164.30	\$ 164.30
81357 00	Pathology	5.54	5.54	\$ 359.99	\$ 359.99
81360 00	Pathology	5.54	5.54	\$ 359.99	\$ 359.99
81361 00	Pathology	5.01	5.01	\$ 325.64	\$ 325.64
81362 00	Pathology	10.75	10.75	\$ 699.03	\$ 699.03
81363 00	Pathology	5.80	5.80	\$ 377.04	\$ 377.04
81364 00	Pathology	9.30	9.30	\$ 604.64	\$ 604.64
81370 00	Pathology	11.52	11.52	\$ 749.08	\$ 749.08
81371 00	Pathology	11.59	11.59	\$ 753.55	\$ 753.55
81372 00	Pathology	11.57	11.57	\$ 751.82	\$ 751.82
81373 00	Pathology	3.65	3.65	\$ 237.38	\$ 237.38
81374 00	Pathology	2.13	2.13	\$ 138.46	\$ 138.46
81375 00	Pathology	6.33	6.33	\$ 411.20	\$ 411.20
81376 00	Pathology	3.50	3.50	\$ 227.68	\$ 227.68
81377 00	Pathology	2.72	2.72	\$ 176.48	\$ 176.48
81378 00	Pathology	9.90	9.90	\$ 643.74	\$ 643.74
81379 00	Pathology	9.61	9.61	\$ 624.76	\$ 624.76
81380 00	Pathology	5.08	5.08	\$ 330.19	\$ 330.19
81381 00	Pathology	4.87	4.87	\$ 316.50	\$ 316.50
81382 00	Pathology	3.54	3.54	\$ 230.40	\$ 230.40
81383 00	Pathology	3.13	3.13	\$ 203.29	\$ 203.29
81400 00	Pathology	1.83	1.83	\$ 119.15	\$ 119.15
81401 00	Pathology	3.93	3.93	\$ 255.21	\$ 255.21
81402 00	Pathology	4.31	4.31	\$ 280.04	\$ 280.04
81403 00	Pathology	5.31	5.31	\$ 345.00	\$ 345.00
81404 00	Pathology	7.88	7.88	\$ 511.96	\$ 511.96
81405 00	Pathology	8.64	8.64	\$ 561.36	\$ 561.36
81406 00	Pathology	8.11	8.11	\$ 526.96	\$ 526.96
81407 00	Pathology	24.25	24.25	\$ 1,576.46	\$ 1,576.46
81408 00	Pathology	57.32	57.32	\$ 3,725.66	\$ 3,725.66
81410 00	Pathology	14.44	14.44	\$ 938.87	\$ 938.87
81411 00	Pathology	38.70	38.70	\$ 2,515.18	\$ 2,515.18
81412 00	Pathology	70.17	70.17	\$ 4,561.26	\$ 4,561.26
81413 00	Pathology	16.76	16.76	\$ 1,089.57	\$ 1,089.57
81414 00	Pathology	16.76	16.76	\$ 1,089.57	\$ 1,089.57
81415 00	Pathology	136.99	136.99	\$ 8,904.34	\$ 8,904.34
81416 00	Pathology	343.91	343.91	\$ 22,353.99	\$ 22,353.99
81417 00	Pathology	9.17	9.17	\$ 596.11	\$ 596.11
81419 00	Pathology	70.17	70.17	\$ 4,561.26	\$ 4,561.26
81420 00	Pathology	21.75	21.75	\$ 1,413.98	\$ 1,413.98
81422 00	Pathology	21.75	21.75	\$ 1,413.98	\$ 1,413.98
81425 00	Pathology	144.19	144.19	\$ 9,372.28	\$ 9,372.28
81426 00	Pathology	77.66	77.66	\$ 5,048.18	\$ 5,048.18
81427 00	Pathology	66.99	66.99	\$ 4,354.65	\$ 4,354.65
81430 00	Pathology	46.57	46.57	\$ 3,027.10	\$ 3,027.10
81431 00	Pathology	19.48	19.48	\$ 1,265.93	\$ 1,265.93
81432 00	Pathology	19.46	19.46	\$ 1,264.96	\$ 1,264.96
81433 00	Pathology	12.58	12.58	\$ 817.65	\$ 817.65
81434 00	Pathology	17.14	17.14	\$ 1,113.81	\$ 1,113.81
81435 00	Pathology	16.76	16.76	\$ 1,089.57	\$ 1,089.57
81436 00	Pathology	16.76	16.76	\$ 1,089.57	\$ 1,089.57
81437 00	Pathology	12.58	12.58	\$ 817.65	\$ 817.65
81438 00	Pathology	12.58	12.58	\$ 817.65	\$ 817.65
81439 00	Pathology	16.76	16.76	\$ 1,089.57	\$ 1,089.57
81440 00	Pathology	95.26	95.26	\$ 6,192.06	\$ 6,192.06
81442 00	Pathology	61.43	61.43	\$ 3,993.17	\$ 3,993.17
81443 00	Pathology	70.17	70.17	\$ 4,561.26	\$ 4,561.26
81445 00	Pathology	17.14	17.14	\$ 1,113.81	\$ 1,113.81

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
81448 00	Pathology	16.76	16.76	\$ 1,089.57	\$ 1,089.57
81450 00	Pathology	21.77	21.77	\$ 1,414.88	\$ 1,414.88
81455 00	Pathology	83.67	83.67	\$ 5,438.73	\$ 5,438.73
81460 00	Pathology	36.88	36.88	\$ 2,397.47	\$ 2,397.47
81465 00	Pathology	26.82	26.82	\$ 1,743.61	\$ 1,743.61
81470 00	Pathology	26.19	26.19	\$ 1,702.63	\$ 1,702.63
81471 00	Pathology	26.19	26.19	\$ 1,702.63	\$ 1,702.63
81479 00	Pathology	0.00	0.00	BR	BR
81490 00	Pathology	24.09	24.09	\$ 1,565.99	\$ 1,565.99
81493 00	Pathology	30.09	30.09	\$ 1,955.97	\$ 1,955.97
81500 00	Pathology	7.47	7.47	\$ 485.27	\$ 485.27
81503 00	Pathology	25.71	25.71	\$ 1,670.96	\$ 1,670.96
81504 00	Pathology	14.90	14.90	\$ 968.67	\$ 968.67
81506 00	Pathology	1.98	1.98	\$ 128.39	\$ 128.39
81507 00	Pathology	22.78	22.78	\$ 1,480.95	\$ 1,480.95
81508 00	Pathology	1.56	1.56	\$ 101.15	\$ 101.15
81509 00	Pathology	42.63	42.63	\$ 2,770.72	\$ 2,770.72
81510 00	Pathology	1.59	1.59	\$ 103.46	\$ 103.46
81511 00	Pathology	4.40	4.40	\$ 285.94	\$ 285.94
81512 00	Pathology	1.99	1.99	\$ 129.50	\$ 129.50
81513 00	Pathology	4.09	4.09	\$ 265.70	\$ 265.70
81514 00	Pathology	7.54	7.54	\$ 489.91	\$ 489.91
81518 00	Pathology	111.00	111.00	\$ 7,214.75	\$ 7,214.75
81519 00	Pathology	111.00	111.00	\$ 7,214.75	\$ 7,214.75
81520 00	Pathology	71.94	71.94	\$ 4,676.10	\$ 4,676.10
81521 00	Pathology	111.00	111.00	\$ 7,214.75	\$ 7,214.75
81522 00	Pathology	111.00	111.00	\$ 7,214.75	\$ 7,214.75
81525 00	Pathology	89.30	89.30	\$ 5,804.59	\$ 5,804.59
81528 00	Pathology	14.58	14.58	\$ 947.94	\$ 947.94
81529 00	Pathology	206.14	206.14	\$ 13,399.35	\$ 13,399.35
81535 00	Pathology	16.61	16.61	\$ 1,079.44	\$ 1,079.44
81536 00	Pathology	5.09	5.09	\$ 330.76	\$ 330.76
81538 00	Pathology	82.28	82.28	\$ 5,348.19	\$ 5,348.19
81539 00	Pathology	21.78	21.78	\$ 1,415.75	\$ 1,415.75
81540 00	Pathology	107.47	107.47	\$ 6,985.62	\$ 6,985.62
81541 00	Pathology	111.00	111.00	\$ 7,214.75	\$ 7,214.75
81542 00	Pathology	111.00	111.00	\$ 7,214.75	\$ 7,214.75
81546 00	Pathology	103.17	103.17	\$ 6,706.20	\$ 6,706.20
81551 00	Pathology	58.18	58.18	\$ 3,781.55	\$ 3,781.55
81552 00	Pathology	222.85	222.85	\$ 14,485.39	\$ 14,485.39
81554 00	Pathology	157.62	157.62	\$ 10,245.58	\$ 10,245.58
81595 00	Pathology	92.86	92.86	\$ 6,035.58	\$ 6,035.58
81596 00	Pathology	2.07	2.07	\$ 134.48	\$ 134.48
81599 00	Pathology	0.00	0.00	BR	BR
82009 00	Pathology	0.13	0.13	\$ 8.42	\$ 8.42
82010 00	Pathology	0.23	0.23	\$ 15.22	\$ 15.22
82013 00	Pathology	0.35	0.35	\$ 22.89	\$ 22.89
82016 00	Pathology	0.47	0.47	\$ 30.72	\$ 30.72
82017 00	Pathology	0.48	0.48	\$ 31.43	\$ 31.43
82024 00	Pathology	1.11	1.11	\$ 71.94	\$ 71.94
82030 00	Pathology	0.74	0.74	\$ 48.06	\$ 48.06
82040 00	Pathology	0.14	0.14	\$ 9.22	\$ 9.22
82042 00	Pathology	0.22	0.22	\$ 14.49	\$ 14.49
82043 00	Pathology	0.17	0.17	\$ 10.77	\$ 10.77
82044 00	Pathology	0.18	0.18	\$ 11.61	\$ 11.61
82045 00	Pathology	0.97	0.97	\$ 63.22	\$ 63.22
82075 00	Pathology	0.86	0.86	\$ 55.88	\$ 55.88
82077 00	Pathology	0.49	0.49	\$ 32.17	\$ 32.17
82085 00	Pathology	0.28	0.28	\$ 18.09	\$ 18.09

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
82088 00	Pathology	1.17	1.17	\$ 75.91	\$ 75.91
82103 00	Pathology	0.39	0.39	\$ 25.04	\$ 25.04
82104 00	Pathology	0.41	0.41	\$ 26.94	\$ 26.94
82105 00	Pathology	0.48	0.48	\$ 31.24	\$ 31.24
82106 00	Pathology	0.49	0.49	\$ 31.67	\$ 31.67
82107 00	Pathology	1.85	1.85	\$ 119.99	\$ 119.99
82108 00	Pathology	0.73	0.73	\$ 47.46	\$ 47.46
82120 00	Pathology	0.17	0.17	\$ 11.16	\$ 11.16
82127 00	Pathology	0.41	0.41	\$ 26.41	\$ 26.41
82128 00	Pathology	0.40	0.40	\$ 25.84	\$ 25.84
82131 00	Pathology	0.66	0.66	\$ 42.81	\$ 42.81
82135 00	Pathology	0.47	0.47	\$ 30.64	\$ 30.64
82136 00	Pathology	0.56	0.56	\$ 36.53	\$ 36.53
82139 00	Pathology	0.48	0.48	\$ 31.43	\$ 31.43
82140 00	Pathology	0.42	0.42	\$ 27.14	\$ 27.14
82143 00	Pathology	0.27	0.27	\$ 17.42	\$ 17.42
82150 00	Pathology	0.19	0.19	\$ 12.07	\$ 12.07
82154 00	Pathology	0.83	0.83	\$ 53.71	\$ 53.71
82157 00	Pathology	0.84	0.84	\$ 54.54	\$ 54.54
82160 00	Pathology	0.73	0.73	\$ 47.60	\$ 47.60
82163 00	Pathology	0.59	0.59	\$ 38.23	\$ 38.23
82164 00	Pathology	0.42	0.42	\$ 27.20	\$ 27.20
82172 00	Pathology	0.60	0.60	\$ 39.29	\$ 39.29
82175 00	Pathology	0.54	0.54	\$ 35.34	\$ 35.34
82180 00	Pathology	0.28	0.28	\$ 18.42	\$ 18.42
82190 00	Pathology	0.46	0.46	\$ 29.62	\$ 29.62
82232 00	Pathology	0.46	0.46	\$ 30.14	\$ 30.14
82239 00	Pathology	0.49	0.49	\$ 31.89	\$ 31.89
82240 00	Pathology	0.76	0.76	\$ 49.51	\$ 49.51
82247 00	Pathology	0.14	0.14	\$ 9.35	\$ 9.35
82248 00	Pathology	0.14	0.14	\$ 9.35	\$ 9.35
82252 00	Pathology	0.13	0.13	\$ 8.49	\$ 8.49
82261 00	Pathology	0.48	0.48	\$ 31.43	\$ 31.43
82270 00	Pathology	0.13	0.13	\$ 8.16	\$ 8.16
82271 00	Pathology	0.15	0.15	\$ 9.91	\$ 9.91
82272 00	Pathology	0.12	0.12	\$ 7.88	\$ 7.88
82274 00	Pathology	0.46	0.46	\$ 29.66	\$ 29.66
82286 00	Pathology	0.15	0.15	\$ 9.61	\$ 9.61
82300 00	Pathology	0.68	0.68	\$ 44.04	\$ 44.04
82306 00	Pathology	0.85	0.85	\$ 55.14	\$ 55.14
82308 00	Pathology	0.77	0.77	\$ 49.91	\$ 49.91
82310 00	Pathology	0.15	0.15	\$ 9.61	\$ 9.61
82330 00	Pathology	0.39	0.39	\$ 25.48	\$ 25.48
82331 00	Pathology	0.38	0.38	\$ 24.85	\$ 24.85
82340 00	Pathology	0.17	0.17	\$ 11.23	\$ 11.23
82355 00	Pathology	0.33	0.33	\$ 21.57	\$ 21.57
82360 00	Pathology	0.37	0.37	\$ 23.97	\$ 23.97
82365 00	Pathology	0.37	0.37	\$ 24.03	\$ 24.03
82370 00	Pathology	0.36	0.36	\$ 23.32	\$ 23.32
82373 00	Pathology	0.52	0.52	\$ 33.64	\$ 33.64
82374 00	Pathology	0.14	0.14	\$ 9.09	\$ 9.09
82375 00	Pathology	0.35	0.35	\$ 22.95	\$ 22.95
82376 00	Pathology	0.40	0.40	\$ 26.21	\$ 26.21
82378 00	Pathology	0.54	0.54	\$ 35.32	\$ 35.32
82379 00	Pathology	0.48	0.48	\$ 31.43	\$ 31.43
82380 00	Pathology	0.26	0.26	\$ 17.18	\$ 17.18
82382 00	Pathology	0.78	0.78	\$ 50.86	\$ 50.86
82383 00	Pathology	0.83	0.83	\$ 54.17	\$ 54.17
82384 00	Pathology	0.72	0.72	\$ 47.04	\$ 47.04

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
82387 00	Pathology	0.52	0.52	\$ 33.64	\$ 33.64
82390 00	Pathology	0.31	0.31	\$ 20.01	\$ 20.01
82397 00	Pathology	0.40	0.40	\$ 26.30	\$ 26.30
82415 00	Pathology	0.36	0.36	\$ 23.60	\$ 23.60
82435 00	Pathology	0.13	0.13	\$ 8.57	\$ 8.57
82436 00	Pathology	0.16	0.16	\$ 10.71	\$ 10.71
82438 00	Pathology	0.14	0.14	\$ 9.31	\$ 9.31
82441 00	Pathology	0.17	0.17	\$ 11.20	\$ 11.20
82465 00	Pathology	0.12	0.12	\$ 8.10	\$ 8.10
82480 00	Pathology	0.23	0.23	\$ 14.66	\$ 14.66
82482 00	Pathology	0.28	0.28	\$ 18.27	\$ 18.27
82485 00	Pathology	0.59	0.59	\$ 38.47	\$ 38.47
82495 00	Pathology	0.58	0.58	\$ 37.78	\$ 37.78
82507 00	Pathology	0.80	0.80	\$ 51.79	\$ 51.79
82523 00	Pathology	0.54	0.54	\$ 34.80	\$ 34.80
82525 00	Pathology	0.36	0.36	\$ 23.12	\$ 23.12
82528 00	Pathology	0.65	0.65	\$ 41.95	\$ 41.95
82530 00	Pathology	0.48	0.48	\$ 31.13	\$ 31.13
82533 00	Pathology	0.47	0.47	\$ 30.36	\$ 30.36
82540 00	Pathology	0.13	0.13	\$ 8.64	\$ 8.64
82542 00	Pathology	0.69	0.69	\$ 44.88	\$ 44.88
82550 00	Pathology	0.19	0.19	\$ 12.13	\$ 12.13
82552 00	Pathology	0.38	0.38	\$ 24.94	\$ 24.94
82553 00	Pathology	0.33	0.33	\$ 21.52	\$ 21.52
82554 00	Pathology	0.34	0.34	\$ 22.11	\$ 22.11
82565 00	Pathology	0.15	0.15	\$ 9.54	\$ 9.54
82570 00	Pathology	0.15	0.15	\$ 9.65	\$ 9.65
82575 00	Pathology	0.27	0.27	\$ 17.62	\$ 17.62
82585 00	Pathology	0.41	0.41	\$ 26.34	\$ 26.34
82595 00	Pathology	0.19	0.19	\$ 12.05	\$ 12.05
82600 00	Pathology	0.56	0.56	\$ 36.14	\$ 36.14
82607 00	Pathology	0.43	0.43	\$ 28.09	\$ 28.09
82608 00	Pathology	0.41	0.41	\$ 26.68	\$ 26.68
82610 00	Pathology	0.53	0.53	\$ 34.50	\$ 34.50
82615 00	Pathology	0.27	0.27	\$ 17.79	\$ 17.79
82626 00	Pathology	0.72	0.72	\$ 47.07	\$ 47.07
82627 00	Pathology	0.64	0.64	\$ 41.41	\$ 41.41
82633 00	Pathology	0.89	0.89	\$ 57.71	\$ 57.71
82634 00	Pathology	0.84	0.84	\$ 54.54	\$ 54.54
82638 00	Pathology	0.35	0.35	\$ 22.82	\$ 22.82
82642 00	Pathology	0.84	0.84	\$ 54.54	\$ 54.54
82652 00	Pathology	1.10	1.10	\$ 71.72	\$ 71.72
82656 00	Pathology	0.33	0.33	\$ 21.48	\$ 21.48
82657 00	Pathology	0.64	0.64	\$ 41.30	\$ 41.30
82658 00	Pathology	1.26	1.26	\$ 82.02	\$ 82.02
82664 00	Pathology	1.76	1.76	\$ 114.56	\$ 114.56
82668 00	Pathology	0.54	0.54	\$ 35.00	\$ 35.00
82670 00	Pathology	0.80	0.80	\$ 52.05	\$ 52.05
82671 00	Pathology	0.93	0.93	\$ 60.17	\$ 60.17
82672 00	Pathology	0.62	0.62	\$ 40.42	\$ 40.42
82677 00	Pathology	0.69	0.69	\$ 45.04	\$ 45.04
82679 00	Pathology	0.72	0.72	\$ 46.48	\$ 46.48
82681 00	Pathology	0.80	0.80	\$ 52.05	\$ 52.05
82693 00	Pathology	0.43	0.43	\$ 27.76	\$ 27.76
82696 00	Pathology	0.75	0.75	\$ 48.88	\$ 48.88
82705 00	Pathology	0.15	0.15	\$ 9.50	\$ 9.50
82710 00	Pathology	0.48	0.48	\$ 31.30	\$ 31.30
82715 00	Pathology	0.66	0.66	\$ 42.79	\$ 42.79
82725 00	Pathology	0.54	0.54	\$ 34.97	\$ 34.97

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
82726 00	Pathology	0.57	0.57	\$ 36.79	\$ 36.79
82728 00	Pathology	0.39	0.39	\$ 25.39	\$ 25.39
82731 00	Pathology	1.85	1.85	\$ 119.99	\$ 119.99
82735 00	Pathology	0.53	0.53	\$ 34.54	\$ 34.54
82746 00	Pathology	0.42	0.42	\$ 27.38	\$ 27.38
82747 00	Pathology	0.51	0.51	\$ 32.88	\$ 32.88
82757 00	Pathology	0.50	0.50	\$ 32.30	\$ 32.30
82759 00	Pathology	0.62	0.62	\$ 40.01	\$ 40.01
82760 00	Pathology	0.32	0.32	\$ 20.86	\$ 20.86
82775 00	Pathology	0.60	0.60	\$ 39.25	\$ 39.25
82776 00	Pathology	0.34	0.34	\$ 21.87	\$ 21.87
82777 00	Pathology	1.27	1.27	\$ 82.43	\$ 82.43
82784 00	Pathology	0.27	0.27	\$ 17.32	\$ 17.32
82785 00	Pathology	0.47	0.47	\$ 30.66	\$ 30.66
82787 00	Pathology	0.23	0.23	\$ 14.94	\$ 14.94
82800 00	Pathology	0.32	0.32	\$ 20.49	\$ 20.49
82803 00	Pathology	0.75	0.75	\$ 48.56	\$ 48.56
82805 00	Pathology	2.26	2.26	\$ 146.74	\$ 146.74
82810 00	Pathology	0.28	0.28	\$ 18.20	\$ 18.20
82820 00	Pathology	0.38	0.38	\$ 24.85	\$ 24.85
82930 00	Pathology	0.19	0.19	\$ 12.50	\$ 12.50
82938 00	Pathology	0.51	0.51	\$ 32.95	\$ 32.95
82941 00	Pathology	0.51	0.51	\$ 32.84	\$ 32.84
82943 00	Pathology	0.41	0.41	\$ 26.62	\$ 26.62
82945 00	Pathology	0.11	0.11	\$ 7.32	\$ 7.32
82946 00	Pathology	0.51	0.51	\$ 33.10	\$ 33.10
82947 00	Pathology	0.11	0.11	\$ 7.32	\$ 7.32
82948 00	Pathology	0.14	0.14	\$ 9.39	\$ 9.39
82950 00	Pathology	0.14	0.14	\$ 8.85	\$ 8.85
82951 00	Pathology	0.37	0.37	\$ 23.97	\$ 23.97
82952 00	Pathology	0.11	0.11	\$ 7.30	\$ 7.30
82955 00	Pathology	0.28	0.28	\$ 18.07	\$ 18.07
82960 00	Pathology	0.17	0.17	\$ 11.27	\$ 11.27
82962 00	Pathology	0.09	0.09	\$ 6.11	\$ 6.11
82963 00	Pathology	0.62	0.62	\$ 40.01	\$ 40.01
82965 00	Pathology	0.38	0.38	\$ 24.50	\$ 24.50
82977 00	Pathology	0.21	0.21	\$ 13.41	\$ 13.41
82978 00	Pathology	0.44	0.44	\$ 28.78	\$ 28.78
82979 00	Pathology	0.27	0.27	\$ 17.59	\$ 17.59
82985 00	Pathology	0.48	0.48	\$ 31.22	\$ 31.22
83001 00	Pathology	0.53	0.53	\$ 34.61	\$ 34.61
83002 00	Pathology	0.53	0.53	\$ 34.50	\$ 34.50
83003 00	Pathology	0.48	0.48	\$ 31.05	\$ 31.05
83006 00	Pathology	2.17	2.17	\$ 140.83	\$ 140.83
83009 00	Pathology	1.93	1.93	\$ 125.48	\$ 125.48
83010 00	Pathology	0.36	0.36	\$ 23.43	\$ 23.43
83012 00	Pathology	0.77	0.77	\$ 50.09	\$ 50.09
83013 00	Pathology	1.93	1.93	\$ 125.48	\$ 125.48
83014 00	Pathology	0.23	0.23	\$ 14.64	\$ 14.64
83015 00	Pathology	0.60	0.60	\$ 39.01	\$ 39.01
83018 00	Pathology	0.63	0.63	\$ 40.91	\$ 40.91
83020 00	Pathology	0.37	0.37	\$ 23.97	\$ 23.97
83020 26	Pathology	0.53	0.53	\$ 34.45	\$ 34.45
83021 00	Pathology	0.52	0.52	\$ 33.64	\$ 33.64
83026 00	Pathology	0.11	0.11	\$ 7.47	\$ 7.47
83030 00	Pathology	0.31	0.31	\$ 20.01	\$ 20.01
83033 00	Pathology	0.23	0.23	\$ 14.90	\$ 14.90
83036 00	Pathology	0.28	0.28	\$ 18.09	\$ 18.09
83037 00	Pathology	0.28	0.28	\$ 18.09	\$ 18.09

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
83045 00	Pathology	0.19	0.19	\$ 12.09	\$ 12.09
83050 00	Pathology	0.24	0.24	\$ 15.28	\$ 15.28
83051 00	Pathology	0.21	0.21	\$ 13.62	\$ 13.62
83060 00	Pathology	0.25	0.25	\$ 16.39	\$ 16.39
83065 00	Pathology	0.26	0.26	\$ 16.77	\$ 16.77
83068 00	Pathology	0.27	0.27	\$ 17.64	\$ 17.64
83069 00	Pathology	0.11	0.11	\$ 7.36	\$ 7.36
83070 00	Pathology	0.14	0.14	\$ 8.85	\$ 8.85
83080 00	Pathology	0.48	0.48	\$ 31.43	\$ 31.43
83088 00	Pathology	0.85	0.85	\$ 55.01	\$ 55.01
83090 00	Pathology	0.51	0.51	\$ 33.38	\$ 33.38
83150 00	Pathology	0.64	0.64	\$ 41.75	\$ 41.75
83491 00	Pathology	0.51	0.51	\$ 33.34	\$ 33.34
83497 00	Pathology	0.37	0.37	\$ 24.03	\$ 24.03
83498 00	Pathology	0.78	0.78	\$ 50.61	\$ 50.61
83500 00	Pathology	0.65	0.65	\$ 42.19	\$ 42.19
83505 00	Pathology	0.70	0.70	\$ 45.27	\$ 45.27
83516 00	Pathology	0.33	0.33	\$ 21.48	\$ 21.48
83518 00	Pathology	0.28	0.28	\$ 17.96	\$ 17.96
83519 00	Pathology	0.53	0.53	\$ 34.28	\$ 34.28
83520 00	Pathology	0.49	0.49	\$ 32.17	\$ 32.17
83525 00	Pathology	0.33	0.33	\$ 21.29	\$ 21.29
83527 00	Pathology	0.37	0.37	\$ 24.12	\$ 24.12
83528 00	Pathology	0.57	0.57	\$ 36.92	\$ 36.92
83540 00	Pathology	0.19	0.19	\$ 12.05	\$ 12.05
83550 00	Pathology	0.25	0.25	\$ 16.28	\$ 16.28
83570 00	Pathology	0.25	0.25	\$ 16.49	\$ 16.49
83582 00	Pathology	0.44	0.44	\$ 28.82	\$ 28.82
83586 00	Pathology	0.37	0.37	\$ 23.84	\$ 23.84
83593 00	Pathology	0.82	0.82	\$ 53.09	\$ 53.09
83605 00	Pathology	0.33	0.33	\$ 21.55	\$ 21.55
83615 00	Pathology	0.17	0.17	\$ 11.25	\$ 11.25
83625 00	Pathology	0.37	0.37	\$ 23.83	\$ 23.83
83630 00	Pathology	0.56	0.56	\$ 36.70	\$ 36.70
83631 00	Pathology	0.56	0.56	\$ 36.57	\$ 36.57
83632 00	Pathology	0.58	0.58	\$ 37.67	\$ 37.67
83633 00	Pathology	0.32	0.32	\$ 20.96	\$ 20.96
83655 00	Pathology	0.35	0.35	\$ 22.56	\$ 22.56
83661 00	Pathology	0.63	0.63	\$ 40.96	\$ 40.96
83662 00	Pathology	0.54	0.54	\$ 35.23	\$ 35.23
83663 00	Pathology	0.54	0.54	\$ 35.23	\$ 35.23
83664 00	Pathology	0.55	0.55	\$ 35.99	\$ 35.99
83670 00	Pathology	0.28	0.28	\$ 18.27	\$ 18.27
83690 00	Pathology	0.20	0.20	\$ 12.83	\$ 12.83
83695 00	Pathology	0.41	0.41	\$ 26.68	\$ 26.68
83698 00	Pathology	1.33	1.33	\$ 86.27	\$ 86.27
83700 00	Pathology	0.32	0.32	\$ 20.98	\$ 20.98
83701 00	Pathology	0.97	0.97	\$ 63.08	\$ 63.08
83704 00	Pathology	0.98	0.98	\$ 63.69	\$ 63.69
83718 00	Pathology	0.23	0.23	\$ 15.26	\$ 15.26
83719 00	Pathology	0.37	0.37	\$ 23.75	\$ 23.75
83721 00	Pathology	0.30	0.30	\$ 19.56	\$ 19.56
83722 00	Pathology	0.98	0.98	\$ 63.69	\$ 63.69
83727 00	Pathology	0.49	0.49	\$ 32.02	\$ 32.02
83735 00	Pathology	0.19	0.19	\$ 12.48	\$ 12.48
83775 00	Pathology	0.21	0.21	\$ 13.73	\$ 13.73
83785 00	Pathology	0.76	0.76	\$ 49.64	\$ 49.64
83789 00	Pathology	0.69	0.69	\$ 44.91	\$ 44.91
83825 00	Pathology	0.47	0.47	\$ 30.29	\$ 30.29

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
83835 00	Pathology	0.49	0.49	\$ 31.56	\$ 31.56
83857 00	Pathology	0.31	0.31	\$ 20.01	\$ 20.01
83861 00	Pathology	0.64	0.64	\$ 41.88	\$ 41.88
83864 00	Pathology	0.82	0.82	\$ 53.09	\$ 53.09
83872 00	Pathology	0.17	0.17	\$ 10.92	\$ 10.92
83873 00	Pathology	0.49	0.49	\$ 32.04	\$ 32.04
83874 00	Pathology	0.37	0.37	\$ 24.07	\$ 24.07
83876 00	Pathology	1.46	1.46	\$ 94.74	\$ 94.74
83880 00	Pathology	1.13	1.13	\$ 73.13	\$ 73.13
83883 00	Pathology	0.39	0.39	\$ 25.33	\$ 25.33
83885 00	Pathology	0.70	0.70	\$ 45.66	\$ 45.66
83915 00	Pathology	0.32	0.32	\$ 20.77	\$ 20.77
83916 00	Pathology	0.78	0.78	\$ 51.02	\$ 51.02
83918 00	Pathology	0.68	0.68	\$ 43.96	\$ 43.96
83919 00	Pathology	0.47	0.47	\$ 30.64	\$ 30.64
83921 00	Pathology	0.61	0.61	\$ 39.51	\$ 39.51
83930 00	Pathology	0.19	0.19	\$ 12.31	\$ 12.31
83935 00	Pathology	0.20	0.20	\$ 12.70	\$ 12.70
83937 00	Pathology	0.86	0.86	\$ 55.61	\$ 55.61
83945 00	Pathology	0.41	0.41	\$ 26.92	\$ 26.92
83950 00	Pathology	1.85	1.85	\$ 119.99	\$ 119.99
83951 00	Pathology	1.85	1.85	\$ 119.99	\$ 119.99
83970 00	Pathology	1.18	1.18	\$ 76.90	\$ 76.90
83986 00	Pathology	0.10	0.10	\$ 6.67	\$ 6.67
83987 00	Pathology	0.10	0.10	\$ 6.67	\$ 6.67
83992 00	Pathology	-	-	\$ 77.35	\$ 77.35
83993 00	Pathology	0.56	0.56	\$ 36.57	\$ 36.57
84030 00	Pathology	0.16	0.16	\$ 10.25	\$ 10.25
84035 00	Pathology	0.11	0.11	\$ 7.41	\$ 7.41
84060 00	Pathology	0.22	0.22	\$ 14.23	\$ 14.23
84066 00	Pathology	0.28	0.28	\$ 17.99	\$ 17.99
84075 00	Pathology	0.15	0.15	\$ 9.65	\$ 9.65
84078 00	Pathology	0.24	0.24	\$ 15.39	\$ 15.39
84080 00	Pathology	0.42	0.42	\$ 27.53	\$ 27.53
84081 00	Pathology	0.47	0.47	\$ 30.77	\$ 30.77
84085 00	Pathology	0.27	0.27	\$ 17.59	\$ 17.59
84087 00	Pathology	0.31	0.31	\$ 19.99	\$ 19.99
84100 00	Pathology	0.14	0.14	\$ 8.83	\$ 8.83
84105 00	Pathology	0.17	0.17	\$ 10.77	\$ 10.77
84106 00	Pathology	0.17	0.17	\$ 10.84	\$ 10.84
84110 00	Pathology	0.24	0.24	\$ 15.72	\$ 15.72
84112 00	Pathology	2.81	2.81	\$ 182.76	\$ 182.76
84119 00	Pathology	0.38	0.38	\$ 24.89	\$ 24.89
84120 00	Pathology	0.42	0.42	\$ 27.40	\$ 27.40
84126 00	Pathology	1.12	1.12	\$ 72.86	\$ 72.86
84132 00	Pathology	0.14	0.14	\$ 8.87	\$ 8.87
84133 00	Pathology	0.14	0.14	\$ 8.81	\$ 8.81
84134 00	Pathology	0.42	0.42	\$ 27.18	\$ 27.18
84135 00	Pathology	0.61	0.61	\$ 39.62	\$ 39.62
84138 00	Pathology	0.60	0.60	\$ 39.21	\$ 39.21
84140 00	Pathology	0.59	0.59	\$ 38.50	\$ 38.50
84143 00	Pathology	0.65	0.65	\$ 42.49	\$ 42.49
84144 00	Pathology	0.60	0.60	\$ 38.86	\$ 38.86
84145 00	Pathology	0.78	0.78	\$ 50.71	\$ 50.71
84146 00	Pathology	0.56	0.56	\$ 36.10	\$ 36.10
84150 00	Pathology	1.20	1.20	\$ 77.81	\$ 77.81
84152 00	Pathology	0.53	0.53	\$ 34.26	\$ 34.26
84153 00	Pathology	0.53	0.53	\$ 34.26	\$ 34.26
84154 00	Pathology	0.53	0.53	\$ 34.26	\$ 34.26

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
84155 00	Pathology	0.11	0.11	\$ 6.84	\$ 6.84
84156 00	Pathology	0.11	0.11	\$ 6.84	\$ 6.84
84157 00	Pathology	0.11	0.11	\$ 7.45	\$ 7.45
84160 00	Pathology	0.16	0.16	\$ 10.45	\$ 10.45
84163 00	Pathology	0.43	0.43	\$ 28.04	\$ 28.04
84165 00	Pathology	0.31	0.31	\$ 20.01	\$ 20.01
84165 26	Pathology	0.53	0.53	\$ 34.45	\$ 34.45
84166 00	Pathology	0.51	0.51	\$ 33.21	\$ 33.21
84166 26	Pathology	0.53	0.53	\$ 34.45	\$ 34.45
84181 00	Pathology	0.49	0.49	\$ 31.72	\$ 31.72
84181 26	Pathology	0.53	0.53	\$ 34.45	\$ 34.45
84182 00	Pathology	0.84	0.84	\$ 54.41	\$ 54.41
84182 26	Pathology	0.53	0.53	\$ 34.45	\$ 34.45
84202 00	Pathology	0.41	0.41	\$ 26.73	\$ 26.73
84203 00	Pathology	0.28	0.28	\$ 18.14	\$ 18.14
84206 00	Pathology	0.76	0.76	\$ 49.72	\$ 49.72
84207 00	Pathology	0.81	0.81	\$ 52.35	\$ 52.35
84210 00	Pathology	0.41	0.41	\$ 26.97	\$ 26.97
84220 00	Pathology	0.27	0.27	\$ 17.59	\$ 17.59
84228 00	Pathology	0.33	0.33	\$ 21.66	\$ 21.66
84233 00	Pathology	2.52	2.52	\$ 163.71	\$ 163.71
84234 00	Pathology	1.86	1.86	\$ 120.86	\$ 120.86
84235 00	Pathology	2.04	2.04	\$ 132.69	\$ 132.69
84238 00	Pathology	1.05	1.05	\$ 68.12	\$ 68.12
84244 00	Pathology	0.63	0.63	\$ 40.96	\$ 40.96
84252 00	Pathology	0.58	0.58	\$ 37.70	\$ 37.70
84255 00	Pathology	0.73	0.73	\$ 47.56	\$ 47.56
84260 00	Pathology	0.89	0.89	\$ 57.71	\$ 57.71
84270 00	Pathology	0.62	0.62	\$ 40.48	\$ 40.48
84275 00	Pathology	0.39	0.39	\$ 25.04	\$ 25.04
84285 00	Pathology	0.72	0.72	\$ 46.96	\$ 46.96
84295 00	Pathology	0.14	0.14	\$ 8.96	\$ 8.96
84300 00	Pathology	0.15	0.15	\$ 9.43	\$ 9.43
84302 00	Pathology	0.14	0.14	\$ 9.05	\$ 9.05
84305 00	Pathology	0.61	0.61	\$ 39.60	\$ 39.60
84307 00	Pathology	0.52	0.52	\$ 34.05	\$ 34.05
84311 00	Pathology	0.23	0.23	\$ 15.09	\$ 15.09
84315 00	Pathology	0.09	0.09	\$ 6.11	\$ 6.11
84375 00	Pathology	1.12	1.12	\$ 72.65	\$ 72.65
84376 00	Pathology	0.16	0.16	\$ 10.25	\$ 10.25
84377 00	Pathology	0.16	0.16	\$ 10.25	\$ 10.25
84378 00	Pathology	0.33	0.33	\$ 21.48	\$ 21.48
84379 00	Pathology	0.33	0.33	\$ 21.48	\$ 21.48
84392 00	Pathology	0.16	0.16	\$ 10.23	\$ 10.23
84402 00	Pathology	0.73	0.73	\$ 47.45	\$ 47.45
84403 00	Pathology	0.74	0.74	\$ 48.08	\$ 48.08
84410 00	Pathology	1.47	1.47	\$ 95.53	\$ 95.53
84425 00	Pathology	0.61	0.61	\$ 39.55	\$ 39.55
84430 00	Pathology	0.33	0.33	\$ 21.66	\$ 21.66
84431 00	Pathology	1.01	1.01	\$ 65.40	\$ 65.40
84432 00	Pathology	0.46	0.46	\$ 29.92	\$ 29.92
84436 00	Pathology	0.20	0.20	\$ 12.80	\$ 12.80
84437 00	Pathology	0.19	0.19	\$ 12.05	\$ 12.05
84439 00	Pathology	0.26	0.26	\$ 16.80	\$ 16.80
84442 00	Pathology	0.42	0.42	\$ 27.53	\$ 27.53
84443 00	Pathology	0.48	0.48	\$ 31.30	\$ 31.30
84445 00	Pathology	1.46	1.46	\$ 94.74	\$ 94.74
84446 00	Pathology	0.41	0.41	\$ 26.41	\$ 26.41
84449 00	Pathology	0.52	0.52	\$ 33.53	\$ 33.53

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
84450 00	Pathology	0.15	0.15	\$ 9.65	\$ 9.65
84460 00	Pathology	0.15	0.15	\$ 9.87	\$ 9.87
84466 00	Pathology	0.37	0.37	\$ 23.77	\$ 23.77
84478 00	Pathology	0.16	0.16	\$ 10.69	\$ 10.69
84479 00	Pathology	0.19	0.19	\$ 12.05	\$ 12.05
84480 00	Pathology	0.41	0.41	\$ 26.41	\$ 26.41
84481 00	Pathology	0.49	0.49	\$ 31.56	\$ 31.56
84482 00	Pathology	0.45	0.45	\$ 29.36	\$ 29.36
84484 00	Pathology	0.36	0.36	\$ 23.23	\$ 23.23
84485 00	Pathology	0.21	0.21	\$ 13.41	\$ 13.41
84488 00	Pathology	0.21	0.21	\$ 13.60	\$ 13.60
84490 00	Pathology	0.28	0.28	\$ 18.50	\$ 18.50
84510 00	Pathology	0.30	0.30	\$ 19.80	\$ 19.80
84512 00	Pathology	0.29	0.29	\$ 18.80	\$ 18.80
84520 00	Pathology	0.11	0.11	\$ 7.36	\$ 7.36
84525 00	Pathology	0.15	0.15	\$ 9.56	\$ 9.56
84540 00	Pathology	0.16	0.16	\$ 10.36	\$ 10.36
84545 00	Pathology	0.21	0.21	\$ 13.41	\$ 13.41
84550 00	Pathology	0.13	0.13	\$ 8.42	\$ 8.42
84560 00	Pathology	0.15	0.15	\$ 9.46	\$ 9.46
84577 00	Pathology	0.48	0.48	\$ 31.30	\$ 31.30
84578 00	Pathology	0.13	0.13	\$ 8.33	\$ 8.33
84580 00	Pathology	0.27	0.27	\$ 17.79	\$ 17.79
84583 00	Pathology	0.17	0.17	\$ 11.27	\$ 11.27
84585 00	Pathology	0.44	0.44	\$ 28.87	\$ 28.87
84586 00	Pathology	1.01	1.01	\$ 65.81	\$ 65.81
84588 00	Pathology	0.97	0.97	\$ 63.22	\$ 63.22
84590 00	Pathology	0.33	0.33	\$ 21.63	\$ 21.63
84591 00	Pathology	0.49	0.49	\$ 31.78	\$ 31.78
84597 00	Pathology	0.39	0.39	\$ 25.56	\$ 25.56
84600 00	Pathology	0.49	0.49	\$ 31.87	\$ 31.87
84620 00	Pathology	0.37	0.37	\$ 24.05	\$ 24.05
84630 00	Pathology	0.33	0.33	\$ 21.22	\$ 21.22
84681 00	Pathology	0.60	0.60	\$ 38.77	\$ 38.77
84702 00	Pathology	0.43	0.43	\$ 28.04	\$ 28.04
84703 00	Pathology	0.22	0.22	\$ 14.01	\$ 14.01
84704 00	Pathology	0.44	0.44	\$ 28.48	\$ 28.48
84830 00	Pathology	0.36	0.36	\$ 23.66	\$ 23.66
84999 00	Pathology	0.00	0.00	BR	BR
85002 00	Pathology	0.14	0.14	\$ 8.98	\$ 8.98
85004 00	Pathology	0.19	0.19	\$ 12.05	\$ 12.05
85007 00	Pathology	0.11	0.11	\$ 7.08	\$ 7.08
85008 00	Pathology	0.10	0.10	\$ 6.39	\$ 6.39
85009 00	Pathology	0.15	0.15	\$ 9.44	\$ 9.44
85013 00	Pathology	0.20	0.20	\$ 13.04	\$ 13.04
85014 00	Pathology	0.07	0.07	\$ 4.41	\$ 4.41
85018 00	Pathology	0.07	0.07	\$ 4.41	\$ 4.41
85025 00	Pathology	0.22	0.22	\$ 14.47	\$ 14.47
85027 00	Pathology	0.19	0.19	\$ 12.05	\$ 12.05
85032 00	Pathology	0.12	0.12	\$ 8.03	\$ 8.03
85041 00	Pathology	0.09	0.09	\$ 5.63	\$ 5.63
85044 00	Pathology	0.12	0.12	\$ 8.03	\$ 8.03
85045 00	Pathology	0.11	0.11	\$ 7.43	\$ 7.43
85046 00	Pathology	0.16	0.16	\$ 10.38	\$ 10.38
85048 00	Pathology	0.07	0.07	\$ 4.73	\$ 4.73
85049 00	Pathology	0.13	0.13	\$ 8.35	\$ 8.35
85055 00	Pathology	1.02	1.02	\$ 66.58	\$ 66.58
85060 00	Pathology	0.71	0.71	\$ 46.15	\$ 46.15
85097 00	Pathology	2.00	1.41	\$ 130.00	\$ 91.65

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
85130 00	Pathology	0.34	0.34	\$ 22.15	\$ 22.15
85170 00	Pathology	0.47	0.47	\$ 30.36	\$ 30.36
85175 00	Pathology	0.58	0.58	\$ 37.95	\$ 37.95
85210 00	Pathology	0.37	0.37	\$ 24.18	\$ 24.18
85220 00	Pathology	0.51	0.51	\$ 32.88	\$ 32.88
85230 00	Pathology	0.51	0.51	\$ 33.34	\$ 33.34
85240 00	Pathology	0.51	0.51	\$ 33.34	\$ 33.34
85244 00	Pathology	0.59	0.59	\$ 38.04	\$ 38.04
85245 00	Pathology	0.66	0.66	\$ 42.73	\$ 42.73
85246 00	Pathology	0.66	0.66	\$ 42.73	\$ 42.73
85247 00	Pathology	0.66	0.66	\$ 42.73	\$ 42.73
85250 00	Pathology	0.55	0.55	\$ 35.47	\$ 35.47
85260 00	Pathology	0.51	0.51	\$ 33.34	\$ 33.34
85270 00	Pathology	0.51	0.51	\$ 33.34	\$ 33.34
85280 00	Pathology	0.55	0.55	\$ 36.05	\$ 36.05
85290 00	Pathology	0.47	0.47	\$ 30.44	\$ 30.44
85291 00	Pathology	0.26	0.26	\$ 16.97	\$ 16.97
85292 00	Pathology	0.54	0.54	\$ 35.26	\$ 35.26
85293 00	Pathology	0.54	0.54	\$ 35.26	\$ 35.26
85300 00	Pathology	0.34	0.34	\$ 22.07	\$ 22.07
85301 00	Pathology	0.31	0.31	\$ 20.14	\$ 20.14
85302 00	Pathology	0.34	0.34	\$ 22.37	\$ 22.37
85303 00	Pathology	0.40	0.40	\$ 25.78	\$ 25.78
85305 00	Pathology	0.33	0.33	\$ 21.63	\$ 21.63
85306 00	Pathology	0.44	0.44	\$ 28.54	\$ 28.54
85307 00	Pathology	0.44	0.44	\$ 28.54	\$ 28.54
85335 00	Pathology	0.37	0.37	\$ 23.97	\$ 23.97
85337 00	Pathology	0.49	0.49	\$ 32.17	\$ 32.17
85345 00	Pathology	0.13	0.13	\$ 8.74	\$ 8.74
85347 00	Pathology	0.12	0.12	\$ 7.97	\$ 7.97
85348 00	Pathology	0.13	0.13	\$ 8.36	\$ 8.36
85360 00	Pathology	0.24	0.24	\$ 15.67	\$ 15.67
85362 00	Pathology	0.20	0.20	\$ 12.83	\$ 12.83
85366 00	Pathology	2.31	2.31	\$ 149.88	\$ 149.88
85370 00	Pathology	0.36	0.36	\$ 23.16	\$ 23.16
85378 00	Pathology	0.28	0.28	\$ 18.11	\$ 18.11
85379 00	Pathology	0.29	0.29	\$ 18.96	\$ 18.96
85380 00	Pathology	0.29	0.29	\$ 18.96	\$ 18.96
85384 00	Pathology	0.28	0.28	\$ 18.11	\$ 18.11
85385 00	Pathology	0.41	0.41	\$ 26.94	\$ 26.94
85390 00	Pathology	0.44	0.44	\$ 28.84	\$ 28.84
85390 26	Pathology	1.08	1.08	\$ 70.20	\$ 70.20
85396 00	Pathology	0.57	0.57	\$ 37.05	\$ 37.05
85397 00	Pathology	0.88	0.88	\$ 57.49	\$ 57.49
85400 00	Pathology	0.22	0.22	\$ 14.36	\$ 14.36
85410 00	Pathology	0.22	0.22	\$ 14.36	\$ 14.36
85415 00	Pathology	0.49	0.49	\$ 32.02	\$ 32.02
85420 00	Pathology	0.19	0.19	\$ 12.16	\$ 12.16
85421 00	Pathology	0.29	0.29	\$ 18.96	\$ 18.96
85441 00	Pathology	0.12	0.12	\$ 7.82	\$ 7.82
85445 00	Pathology	0.20	0.20	\$ 12.70	\$ 12.70
85460 00	Pathology	0.22	0.22	\$ 14.40	\$ 14.40
85461 00	Pathology	0.27	0.27	\$ 17.44	\$ 17.44
85475 00	Pathology	0.25	0.25	\$ 16.52	\$ 16.52
85520 00	Pathology	0.38	0.38	\$ 24.38	\$ 24.38
85525 00	Pathology	0.34	0.34	\$ 22.06	\$ 22.06
85530 00	Pathology	0.38	0.38	\$ 24.38	\$ 24.38
85536 00	Pathology	0.20	0.20	\$ 12.82	\$ 12.82
85540 00	Pathology	0.25	0.25	\$ 16.02	\$ 16.02

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
85547 00	Pathology	0.25	0.25	\$ 16.02	\$ 16.02
85549 00	Pathology	0.54	0.54	\$ 34.93	\$ 34.93
85555 00	Pathology	0.21	0.21	\$ 13.92	\$ 13.92
85557 00	Pathology	0.38	0.38	\$ 24.89	\$ 24.89
85576 00	Pathology	0.71	0.71	\$ 46.40	\$ 46.40
85576 26	Pathology	0.53	0.53	\$ 34.45	\$ 34.45
85597 00	Pathology	0.52	0.52	\$ 33.49	\$ 33.49
85598 00	Pathology	0.52	0.52	\$ 33.49	\$ 33.49
85610 00	Pathology	0.12	0.12	\$ 7.99	\$ 7.99
85611 00	Pathology	0.11	0.11	\$ 7.34	\$ 7.34
85612 00	Pathology	0.50	0.50	\$ 32.58	\$ 32.58
85613 00	Pathology	0.27	0.27	\$ 17.85	\$ 17.85
85635 00	Pathology	0.28	0.28	\$ 18.35	\$ 18.35
85651 00	Pathology	0.12	0.12	\$ 7.95	\$ 7.95
85652 00	Pathology	0.08	0.08	\$ 5.03	\$ 5.03
85660 00	Pathology	0.16	0.16	\$ 10.26	\$ 10.26
85670 00	Pathology	0.17	0.17	\$ 10.75	\$ 10.75
85675 00	Pathology	0.20	0.20	\$ 12.76	\$ 12.76
85705 00	Pathology	0.28	0.28	\$ 17.94	\$ 17.94
85730 00	Pathology	0.17	0.17	\$ 11.20	\$ 11.20
85732 00	Pathology	0.19	0.19	\$ 12.05	\$ 12.05
85810 00	Pathology	0.33	0.33	\$ 21.74	\$ 21.74
85999 00	Pathology	0.00	0.00	BR	BR
86000 00	Pathology	0.20	0.20	\$ 13.00	\$ 13.00
86001 00	Pathology	0.22	0.22	\$ 14.57	\$ 14.57
86003 00	Pathology	0.15	0.15	\$ 9.72	\$ 9.72
86005 00	Pathology	0.23	0.23	\$ 14.85	\$ 14.85
86008 00	Pathology	0.51	0.51	\$ 33.40	\$ 33.40
86021 00	Pathology	0.43	0.43	\$ 28.04	\$ 28.04
86022 00	Pathology	0.53	0.53	\$ 34.22	\$ 34.22
86023 00	Pathology	0.36	0.36	\$ 23.21	\$ 23.21
86038 00	Pathology	0.35	0.35	\$ 22.52	\$ 22.52
86039 00	Pathology	0.32	0.32	\$ 20.79	\$ 20.79
86060 00	Pathology	0.21	0.21	\$ 13.60	\$ 13.60
86063 00	Pathology	0.17	0.17	\$ 10.75	\$ 10.75
86077 00	Pathology	1.56	1.45	\$ 101.40	\$ 94.25
86078 00	Pathology	1.56	1.45	\$ 101.40	\$ 94.25
86079 00	Pathology	1.55	1.44	\$ 100.75	\$ 93.60
86140 00	Pathology	0.15	0.15	\$ 9.65	\$ 9.65
86141 00	Pathology	0.37	0.37	\$ 24.12	\$ 24.12
86146 00	Pathology	0.73	0.73	\$ 47.41	\$ 47.41
86147 00	Pathology	0.73	0.73	\$ 47.41	\$ 47.41
86148 00	Pathology	0.46	0.46	\$ 29.94	\$ 29.94
86152 00	Pathology	7.19	7.19	\$ 467.16	\$ 467.16
86153 26	Pathology	1.00	1.00	\$ 65.00	\$ 65.00
86155 00	Pathology	0.46	0.46	\$ 29.79	\$ 29.79
86156 00	Pathology	0.23	0.23	\$ 15.03	\$ 15.03
86157 00	Pathology	0.23	0.23	\$ 15.01	\$ 15.01
86160 00	Pathology	0.34	0.34	\$ 22.35	\$ 22.35
86161 00	Pathology	0.34	0.34	\$ 22.35	\$ 22.35
86162 00	Pathology	0.58	0.58	\$ 37.85	\$ 37.85
86171 00	Pathology	0.29	0.29	\$ 18.65	\$ 18.65
86200 00	Pathology	0.37	0.37	\$ 24.12	\$ 24.12
86215 00	Pathology	0.38	0.38	\$ 24.68	\$ 24.68
86225 00	Pathology	0.39	0.39	\$ 25.60	\$ 25.60
86226 00	Pathology	0.35	0.35	\$ 22.56	\$ 22.56
86235 00	Pathology	0.51	0.51	\$ 33.40	\$ 33.40
86255 00	Pathology	0.35	0.35	\$ 22.45	\$ 22.45
86255 26	Pathology	0.53	0.53	\$ 34.45	\$ 34.45

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
86256 00	Pathology	0.35	0.35	\$ 22.45	\$ 22.45
86256 26	Pathology	0.53	0.53	\$ 34.45	\$ 34.45
86277 00	Pathology	0.45	0.45	\$ 29.32	\$ 29.32
86280 00	Pathology	0.23	0.23	\$ 15.26	\$ 15.26
86294 00	Pathology	0.73	0.73	\$ 47.63	\$ 47.63
86300 00	Pathology	0.60	0.60	\$ 38.77	\$ 38.77
86301 00	Pathology	0.60	0.60	\$ 38.77	\$ 38.77
86304 00	Pathology	0.60	0.60	\$ 38.77	\$ 38.77
86305 00	Pathology	0.60	0.60	\$ 38.77	\$ 38.77
86308 00	Pathology	0.15	0.15	\$ 9.65	\$ 9.65
86309 00	Pathology	0.19	0.19	\$ 12.05	\$ 12.05
86310 00	Pathology	0.21	0.21	\$ 13.73	\$ 13.73
86316 00	Pathology	0.60	0.60	\$ 38.77	\$ 38.77
86317 00	Pathology	0.43	0.43	\$ 27.92	\$ 27.92
86318 00	Pathology	0.52	0.52	\$ 33.70	\$ 33.70
86320 00	Pathology	0.86	0.86	\$ 55.74	\$ 55.74
86320 26	Pathology	0.53	0.53	\$ 34.45	\$ 34.45
86325 00	Pathology	0.66	0.66	\$ 43.09	\$ 43.09
86325 26	Pathology	0.53	0.53	\$ 34.45	\$ 34.45
86327 00	Pathology	0.86	0.86	\$ 55.74	\$ 55.74
86327 26	Pathology	0.64	0.64	\$ 41.60	\$ 41.60
86328 00	Pathology	-	-	\$ 91.00	\$ 91.00
86329 00	Pathology	0.40	0.40	\$ 26.17	\$ 26.17
86331 00	Pathology	0.34	0.34	\$ 22.32	\$ 22.32
86332 00	Pathology	0.70	0.70	\$ 45.40	\$ 45.40
86334 00	Pathology	0.64	0.64	\$ 41.62	\$ 41.62
86334 26	Pathology	0.53	0.53	\$ 34.45	\$ 34.45
86335 00	Pathology	0.84	0.84	\$ 54.67	\$ 54.67
86335 26	Pathology	0.53	0.53	\$ 34.45	\$ 34.45
86336 00	Pathology	0.45	0.45	\$ 29.04	\$ 29.04
86337 00	Pathology	0.61	0.61	\$ 39.88	\$ 39.88
86340 00	Pathology	0.43	0.43	\$ 28.09	\$ 28.09
86341 00	Pathology	0.68	0.68	\$ 43.91	\$ 43.91
86343 00	Pathology	0.36	0.36	\$ 23.21	\$ 23.21
86344 00	Pathology	0.30	0.30	\$ 19.35	\$ 19.35
86352 00	Pathology	3.89	3.89	\$ 253.08	\$ 253.08
86353 00	Pathology	1.41	1.41	\$ 91.33	\$ 91.33
86355 00	Pathology	1.08	1.08	\$ 70.28	\$ 70.28
86356 00	Pathology	0.77	0.77	\$ 49.89	\$ 49.89
86357 00	Pathology	1.08	1.08	\$ 70.28	\$ 70.28
86359 00	Pathology	1.08	1.08	\$ 70.28	\$ 70.28
86360 00	Pathology	1.35	1.35	\$ 87.52	\$ 87.52
86361 00	Pathology	0.77	0.77	\$ 49.89	\$ 49.89
86367 00	Pathology	2.23	2.23	\$ 144.89	\$ 144.89
86376 00	Pathology	0.42	0.42	\$ 27.10	\$ 27.10
86382 00	Pathology	0.48	0.48	\$ 31.50	\$ 31.50
86384 00	Pathology	0.39	0.39	\$ 25.35	\$ 25.35
86386 00	Pathology	0.62	0.62	\$ 40.57	\$ 40.57
86403 00	Pathology	0.33	0.33	\$ 21.50	\$ 21.50
86406 00	Pathology	0.30	0.30	\$ 19.82	\$ 19.82
86408 00	Pathology	-	-	\$ 84.50	\$ 84.50
86409 00	Pathology	-	-	\$ 211.25	\$ 211.25
86413 00	Pathology	-	-	\$ 84.50	\$ 84.50
86430 00	Pathology	0.18	0.18	\$ 11.44	\$ 11.44
86431 00	Pathology	0.16	0.16	\$ 10.56	\$ 10.56
86480 00	Pathology	1.78	1.78	\$ 115.46	\$ 115.46
86481 00	Pathology	2.87	2.87	\$ 186.28	\$ 186.28
86485 00	Pathology	-	-	\$ 39.00	\$ 39.00
86486 00	Pathology	0.17	0.17	\$ 11.05	\$ 11.05

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
86490 00	Pathology	2.64	2.64	\$ 171.60	\$ 171.60
86510 00	Pathology	0.21	0.21	\$ 13.65	\$ 13.65
86580 00	Pathology	0.29	0.29	\$ 18.85	\$ 18.85
86590 00	Pathology	0.36	0.36	\$ 23.58	\$ 23.58
86592 00	Pathology	0.12	0.12	\$ 7.95	\$ 7.95
86593 00	Pathology	0.13	0.13	\$ 8.20	\$ 8.20
86602 00	Pathology	0.29	0.29	\$ 18.96	\$ 18.96
86603 00	Pathology	0.37	0.37	\$ 23.97	\$ 23.97
86606 00	Pathology	0.43	0.43	\$ 28.04	\$ 28.04
86609 00	Pathology	0.37	0.37	\$ 23.99	\$ 23.99
86611 00	Pathology	0.29	0.29	\$ 18.96	\$ 18.96
86612 00	Pathology	0.37	0.37	\$ 24.03	\$ 24.03
86615 00	Pathology	0.38	0.38	\$ 24.57	\$ 24.57
86617 00	Pathology	0.44	0.44	\$ 28.86	\$ 28.86
86618 00	Pathology	0.49	0.49	\$ 31.72	\$ 31.72
86619 00	Pathology	0.38	0.38	\$ 24.92	\$ 24.92
86622 00	Pathology	0.26	0.26	\$ 16.64	\$ 16.64
86625 00	Pathology	0.38	0.38	\$ 24.44	\$ 24.44
86628 00	Pathology	0.34	0.34	\$ 22.37	\$ 22.37
86631 00	Pathology	0.34	0.34	\$ 22.02	\$ 22.02
86632 00	Pathology	0.36	0.36	\$ 23.62	\$ 23.62
86635 00	Pathology	0.33	0.33	\$ 21.37	\$ 21.37
86638 00	Pathology	0.35	0.35	\$ 22.58	\$ 22.58
86641 00	Pathology	0.41	0.41	\$ 26.84	\$ 26.84
86644 00	Pathology	0.41	0.41	\$ 26.81	\$ 26.81
86645 00	Pathology	0.48	0.48	\$ 31.39	\$ 31.39
86648 00	Pathology	0.44	0.44	\$ 28.33	\$ 28.33
86651 00	Pathology	0.38	0.38	\$ 24.57	\$ 24.57
86652 00	Pathology	0.38	0.38	\$ 24.57	\$ 24.57
86653 00	Pathology	0.38	0.38	\$ 24.57	\$ 24.57
86654 00	Pathology	0.38	0.38	\$ 24.57	\$ 24.57
86658 00	Pathology	0.37	0.37	\$ 24.27	\$ 24.27
86663 00	Pathology	0.38	0.38	\$ 24.44	\$ 24.44
86664 00	Pathology	0.44	0.44	\$ 28.48	\$ 28.48
86665 00	Pathology	0.52	0.52	\$ 33.79	\$ 33.79
86666 00	Pathology	0.29	0.29	\$ 18.96	\$ 18.96
86668 00	Pathology	0.41	0.41	\$ 26.38	\$ 26.38
86671 00	Pathology	0.35	0.35	\$ 22.82	\$ 22.82
86674 00	Pathology	0.42	0.42	\$ 27.42	\$ 27.42
86677 00	Pathology	0.48	0.48	\$ 31.39	\$ 31.39
86682 00	Pathology	0.37	0.37	\$ 24.24	\$ 24.24
86684 00	Pathology	0.45	0.45	\$ 29.51	\$ 29.51
86687 00	Pathology	0.26	0.26	\$ 16.93	\$ 16.93
86688 00	Pathology	0.40	0.40	\$ 26.08	\$ 26.08
86689 00	Pathology	0.55	0.55	\$ 36.05	\$ 36.05
86692 00	Pathology	0.49	0.49	\$ 31.97	\$ 31.97
86694 00	Pathology	0.41	0.41	\$ 26.81	\$ 26.81
86695 00	Pathology	0.38	0.38	\$ 24.57	\$ 24.57
86696 00	Pathology	0.55	0.55	\$ 36.05	\$ 36.05
86698 00	Pathology	0.40	0.40	\$ 25.69	\$ 25.69
86701 00	Pathology	0.25	0.25	\$ 16.56	\$ 16.56
86702 00	Pathology	0.39	0.39	\$ 25.19	\$ 25.19
86703 00	Pathology	0.39	0.39	\$ 25.54	\$ 25.54
86704 00	Pathology	0.35	0.35	\$ 22.45	\$ 22.45
86705 00	Pathology	0.34	0.34	\$ 21.93	\$ 21.93
86706 00	Pathology	0.31	0.31	\$ 20.01	\$ 20.01
86707 00	Pathology	0.33	0.33	\$ 21.55	\$ 21.55
86708 00	Pathology	0.36	0.36	\$ 23.08	\$ 23.08
86709 00	Pathology	0.32	0.32	\$ 20.98	\$ 20.98

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
86710 00	Pathology	0.39	0.39	\$ 25.24	\$ 25.24
86711 00	Pathology	0.48	0.48	\$ 31.46	\$ 31.46
86713 00	Pathology	0.44	0.44	\$ 28.50	\$ 28.50
86717 00	Pathology	0.35	0.35	\$ 22.82	\$ 22.82
86720 00	Pathology	0.46	0.46	\$ 30.18	\$ 30.18
86723 00	Pathology	0.38	0.38	\$ 24.57	\$ 24.57
86727 00	Pathology	0.37	0.37	\$ 23.97	\$ 23.97
86732 00	Pathology	0.43	0.43	\$ 27.94	\$ 27.94
86735 00	Pathology	0.37	0.37	\$ 24.31	\$ 24.31
86738 00	Pathology	0.38	0.38	\$ 24.66	\$ 24.66
86741 00	Pathology	0.38	0.38	\$ 24.57	\$ 24.57
86744 00	Pathology	0.46	0.46	\$ 29.79	\$ 29.79
86747 00	Pathology	0.43	0.43	\$ 28.00	\$ 28.00
86750 00	Pathology	0.38	0.38	\$ 24.57	\$ 24.57
86753 00	Pathology	0.36	0.36	\$ 23.08	\$ 23.08
86756 00	Pathology	0.46	0.46	\$ 29.60	\$ 29.60
86757 00	Pathology	0.55	0.55	\$ 36.05	\$ 36.05
86759 00	Pathology	0.52	0.52	\$ 33.96	\$ 33.96
86762 00	Pathology	0.41	0.41	\$ 26.81	\$ 26.81
86765 00	Pathology	0.37	0.37	\$ 23.99	\$ 23.99
86768 00	Pathology	0.38	0.38	\$ 24.57	\$ 24.57
86769 00	Pathology	-	-	\$ 84.50	\$ 84.50
86771 00	Pathology	0.70	0.70	\$ 45.60	\$ 45.60
86774 00	Pathology	0.42	0.42	\$ 27.57	\$ 27.57
86777 00	Pathology	0.41	0.41	\$ 26.81	\$ 26.81
86778 00	Pathology	0.41	0.41	\$ 26.84	\$ 26.84
86780 00	Pathology	0.38	0.38	\$ 24.66	\$ 24.66
86784 00	Pathology	0.36	0.36	\$ 23.40	\$ 23.40
86787 00	Pathology	0.37	0.37	\$ 23.99	\$ 23.99
86788 00	Pathology	0.48	0.48	\$ 31.39	\$ 31.39
86789 00	Pathology	0.41	0.41	\$ 26.81	\$ 26.81
86790 00	Pathology	0.37	0.37	\$ 23.99	\$ 23.99
86793 00	Pathology	0.38	0.38	\$ 24.57	\$ 24.57
86794 00	Pathology	0.48	0.48	\$ 31.39	\$ 31.39
86800 00	Pathology	0.46	0.46	\$ 29.64	\$ 29.64
86803 00	Pathology	0.41	0.41	\$ 26.58	\$ 26.58
86804 00	Pathology	0.44	0.44	\$ 28.86	\$ 28.86
86805 00	Pathology	5.43	5.43	\$ 353.03	\$ 353.03
86806 00	Pathology	1.36	1.36	\$ 88.65	\$ 88.65
86807 00	Pathology	2.25	2.25	\$ 146.51	\$ 146.51
86808 00	Pathology	0.85	0.85	\$ 55.29	\$ 55.29
86812 00	Pathology	0.74	0.74	\$ 48.08	\$ 48.08
86813 00	Pathology	1.66	1.66	\$ 108.04	\$ 108.04
86816 00	Pathology	0.86	0.86	\$ 56.20	\$ 56.20
86817 00	Pathology	3.04	3.04	\$ 197.72	\$ 197.72
86821 00	Pathology	1.05	1.05	\$ 68.11	\$ 68.11
86825 00	Pathology	3.14	3.14	\$ 203.96	\$ 203.96
86826 00	Pathology	1.05	1.05	\$ 68.05	\$ 68.05
86828 00	Pathology	1.84	1.84	\$ 119.58	\$ 119.58
86829 00	Pathology	1.84	1.84	\$ 119.58	\$ 119.58
86830 00	Pathology	2.74	2.74	\$ 177.94	\$ 177.94
86831 00	Pathology	2.35	2.35	\$ 152.53	\$ 152.53
86832 00	Pathology	9.28	9.28	\$ 603.09	\$ 603.09
86833 00	Pathology	9.34	9.34	\$ 606.91	\$ 606.91
86834 00	Pathology	10.25	10.25	\$ 666.07	\$ 666.07
86835 00	Pathology	9.26	9.26	\$ 601.62	\$ 601.62
86849 00	Pathology	0.00	0.00	BR	BR
86850 00	Pathology	0.28	0.28	\$ 18.20	\$ 18.20
86860 00	Pathology	-	-	\$ 61.75	\$ 61.75

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
86870 00	Pathology	-	-	\$ 85.15	\$ 85.15
86880 00	Pathology	0.15	0.15	\$ 10.04	\$ 10.04
86885 00	Pathology	0.16	0.16	\$ 10.66	\$ 10.66
86886 00	Pathology	0.15	0.15	\$ 9.65	\$ 9.65
86890 00	Pathology	-	-	\$ 195.00	\$ 195.00
86891 00	Pathology	-	-	\$ 275.60	\$ 275.60
86900 00	Pathology	0.09	0.09	\$ 5.57	\$ 5.57
86901 00	Pathology	0.09	0.09	\$ 5.57	\$ 5.57
86902 00	Pathology	0.18	0.18	\$ 11.83	\$ 11.83
86904 00	Pathology	0.47	0.47	\$ 30.44	\$ 30.44
86905 00	Pathology	0.11	0.11	\$ 7.13	\$ 7.13
86906 00	Pathology	0.22	0.22	\$ 14.44	\$ 14.44
86910 00	Pathology	-	-	\$ 50.70	\$ 50.70
86911 00	Pathology	-	-	\$ 43.55	\$ 43.55
86920 00	Pathology	-	-	\$ 68.90	\$ 68.90
86921 00	Pathology	-	-	\$ 61.75	\$ 61.75
86922 00	Pathology	-	-	\$ 73.45	\$ 73.45
86923 00	Pathology	-	-	\$ 55.25	\$ 55.25
86927 00	Pathology	-	-	\$ 39.00	\$ 39.00
86930 00	Pathology	-	-	\$ 229.45	\$ 229.45
86931 00	Pathology	-	-	\$ 172.25	\$ 172.25
86932 00	Pathology	-	-	\$ 195.00	\$ 195.00
86940 00	Pathology	0.25	0.25	\$ 16.34	\$ 16.34
86941 00	Pathology	0.35	0.35	\$ 22.56	\$ 22.56
86945 00	Pathology	-	-	\$ 57.20	\$ 57.20
86950 00	Pathology	-	-	\$ 148.85	\$ 148.85
86960 00	Pathology	-	-	\$ 64.35	\$ 64.35
86965 00	Pathology	-	-	\$ 64.35	\$ 64.35
86970 00	Pathology	-	-	\$ 57.20	\$ 57.20
86971 00	Pathology	-	-	\$ 46.15	\$ 46.15
86972 00	Pathology	-	-	\$ 80.60	\$ 80.60
86975 00	Pathology	-	-	\$ 61.75	\$ 61.75
86976 00	Pathology	-	-	\$ 68.90	\$ 68.90
86977 00	Pathology	-	-	\$ 68.90	\$ 68.90
86978 00	Pathology	-	-	\$ 68.90	\$ 68.90
86985 00	Pathology	-	-	\$ 50.70	\$ 50.70
86999 00	Pathology	0.00	0.00	BR	BR
87003 00	Pathology	0.48	0.48	\$ 31.37	\$ 31.37
87015 00	Pathology	0.19	0.19	\$ 12.44	\$ 12.44
87040 00	Pathology	0.30	0.30	\$ 19.22	\$ 19.22
87045 00	Pathology	0.27	0.27	\$ 17.59	\$ 17.59
87046 00	Pathology	0.27	0.27	\$ 17.59	\$ 17.59
87070 00	Pathology	0.25	0.25	\$ 16.06	\$ 16.06
87071 00	Pathology	0.28	0.28	\$ 18.42	\$ 18.42
87073 00	Pathology	0.28	0.28	\$ 17.99	\$ 17.99
87075 00	Pathology	0.27	0.27	\$ 17.64	\$ 17.64
87076 00	Pathology	0.23	0.23	\$ 15.05	\$ 15.05
87077 00	Pathology	0.23	0.23	\$ 15.05	\$ 15.05
87081 00	Pathology	0.19	0.19	\$ 12.35	\$ 12.35
87084 00	Pathology	0.78	0.78	\$ 50.43	\$ 50.43
87086 00	Pathology	0.23	0.23	\$ 15.03	\$ 15.03
87088 00	Pathology	0.23	0.23	\$ 15.07	\$ 15.07
87101 00	Pathology	0.22	0.22	\$ 14.36	\$ 14.36
87102 00	Pathology	0.24	0.24	\$ 15.67	\$ 15.67
87103 00	Pathology	0.59	0.59	\$ 38.11	\$ 38.11
87106 00	Pathology	0.30	0.30	\$ 19.22	\$ 19.22
87107 00	Pathology	0.30	0.30	\$ 19.22	\$ 19.22
87109 00	Pathology	0.44	0.44	\$ 28.67	\$ 28.67
87110 00	Pathology	0.56	0.56	\$ 36.51	\$ 36.51

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
87116 00	Pathology	0.31	0.31	\$ 20.12	\$ 20.12
87118 00	Pathology	0.42	0.42	\$ 27.22	\$ 27.22
87140 00	Pathology	0.16	0.16	\$ 10.38	\$ 10.38
87143 00	Pathology	0.36	0.36	\$ 23.32	\$ 23.32
87147 00	Pathology	0.15	0.15	\$ 9.65	\$ 9.65
87149 00	Pathology	0.57	0.57	\$ 37.35	\$ 37.35
87150 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87152 00	Pathology	0.22	0.22	\$ 14.42	\$ 14.42
87153 00	Pathology	3.31	3.31	\$ 214.90	\$ 214.90
87158 00	Pathology	0.22	0.22	\$ 14.42	\$ 14.42
87164 00	Pathology	0.31	0.31	\$ 20.01	\$ 20.01
87164 26	Pathology	0.56	0.56	\$ 36.40	\$ 36.40
87166 00	Pathology	0.32	0.32	\$ 21.05	\$ 21.05
87168 00	Pathology	0.12	0.12	\$ 7.95	\$ 7.95
87169 00	Pathology	0.12	0.12	\$ 8.03	\$ 8.03
87172 00	Pathology	0.12	0.12	\$ 7.95	\$ 7.95
87176 00	Pathology	0.17	0.17	\$ 10.95	\$ 10.95
87177 00	Pathology	0.26	0.26	\$ 16.58	\$ 16.58
87181 00	Pathology	0.14	0.14	\$ 8.85	\$ 8.85
87184 00	Pathology	0.21	0.21	\$ 13.93	\$ 13.93
87185 00	Pathology	0.14	0.14	\$ 8.85	\$ 8.85
87186 00	Pathology	0.25	0.25	\$ 16.11	\$ 16.11
87187 00	Pathology	1.15	1.15	\$ 74.83	\$ 74.83
87188 00	Pathology	0.19	0.19	\$ 12.37	\$ 12.37
87190 00	Pathology	0.21	0.21	\$ 13.62	\$ 13.62
87197 00	Pathology	0.43	0.43	\$ 27.98	\$ 27.98
87205 00	Pathology	0.12	0.12	\$ 7.95	\$ 7.95
87206 00	Pathology	0.15	0.15	\$ 10.04	\$ 10.04
87207 00	Pathology	0.17	0.17	\$ 11.16	\$ 11.16
87207 26	Pathology	0.53	0.53	\$ 34.45	\$ 34.45
87209 00	Pathology	0.52	0.52	\$ 33.49	\$ 33.49
87210 00	Pathology	0.17	0.17	\$ 10.84	\$ 10.84
87220 00	Pathology	0.12	0.12	\$ 7.95	\$ 7.95
87230 00	Pathology	0.57	0.57	\$ 36.77	\$ 36.77
87250 00	Pathology	0.56	0.56	\$ 36.44	\$ 36.44
87252 00	Pathology	0.75	0.75	\$ 48.56	\$ 48.56
87253 00	Pathology	0.58	0.58	\$ 37.63	\$ 37.63
87254 00	Pathology	0.56	0.56	\$ 36.44	\$ 36.44
87255 00	Pathology	0.97	0.97	\$ 63.08	\$ 63.08
87260 00	Pathology	0.41	0.41	\$ 26.88	\$ 26.88
87265 00	Pathology	0.34	0.34	\$ 22.32	\$ 22.32
87267 00	Pathology	0.38	0.38	\$ 25.00	\$ 25.00
87269 00	Pathology	0.39	0.39	\$ 25.35	\$ 25.35
87270 00	Pathology	0.34	0.34	\$ 22.32	\$ 22.32
87271 00	Pathology	0.38	0.38	\$ 25.00	\$ 25.00
87272 00	Pathology	0.34	0.34	\$ 22.32	\$ 22.32
87273 00	Pathology	0.34	0.34	\$ 22.32	\$ 22.32
87274 00	Pathology	0.34	0.34	\$ 22.32	\$ 22.32
87275 00	Pathology	0.35	0.35	\$ 22.82	\$ 22.82
87276 00	Pathology	0.46	0.46	\$ 29.94	\$ 29.94
87278 00	Pathology	0.45	0.45	\$ 29.06	\$ 29.06
87279 00	Pathology	0.47	0.47	\$ 30.61	\$ 30.61
87280 00	Pathology	0.38	0.38	\$ 25.00	\$ 25.00
87281 00	Pathology	0.34	0.34	\$ 22.32	\$ 22.32
87283 00	Pathology	1.74	1.74	\$ 113.26	\$ 113.26
87285 00	Pathology	0.35	0.35	\$ 22.69	\$ 22.69
87290 00	Pathology	0.38	0.38	\$ 25.00	\$ 25.00
87299 00	Pathology	0.46	0.46	\$ 29.99	\$ 29.99
87300 00	Pathology	0.34	0.34	\$ 22.32	\$ 22.32

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
87301 00	Pathology	0.34	0.34	\$ 22.32	\$ 22.32
87305 00	Pathology	0.34	0.34	\$ 22.32	\$ 22.32
87320 00	Pathology	0.43	0.43	\$ 27.94	\$ 27.94
87324 00	Pathology	0.34	0.34	\$ 22.32	\$ 22.32
87327 00	Pathology	0.38	0.38	\$ 25.00	\$ 25.00
87328 00	Pathology	0.40	0.40	\$ 25.74	\$ 25.74
87329 00	Pathology	0.34	0.34	\$ 22.32	\$ 22.32
87332 00	Pathology	0.34	0.34	\$ 22.32	\$ 22.32
87335 00	Pathology	0.36	0.36	\$ 23.58	\$ 23.58
87336 00	Pathology	0.46	0.46	\$ 29.81	\$ 29.81
87337 00	Pathology	0.34	0.34	\$ 22.32	\$ 22.32
87338 00	Pathology	0.41	0.41	\$ 26.79	\$ 26.79
87339 00	Pathology	0.46	0.46	\$ 29.81	\$ 29.81
87340 00	Pathology	0.30	0.30	\$ 19.24	\$ 19.24
87341 00	Pathology	0.30	0.30	\$ 19.24	\$ 19.24
87350 00	Pathology	0.33	0.33	\$ 21.48	\$ 21.48
87380 00	Pathology	0.53	0.53	\$ 34.20	\$ 34.20
87385 00	Pathology	0.38	0.38	\$ 24.68	\$ 24.68
87389 00	Pathology	0.69	0.69	\$ 44.86	\$ 44.86
87390 00	Pathology	0.69	0.69	\$ 44.82	\$ 44.82
87391 00	Pathology	0.63	0.63	\$ 40.80	\$ 40.80
87400 00	Pathology	0.40	0.40	\$ 26.32	\$ 26.32
87420 00	Pathology	0.40	0.40	\$ 25.91	\$ 25.91
87425 00	Pathology	0.34	0.34	\$ 22.32	\$ 22.32
87426 00	Pathology	-	-	\$ 91.00	\$ 91.00
87427 00	Pathology	0.34	0.34	\$ 22.32	\$ 22.32
87428 00	Pathology	-	-	\$ 147.55	\$ 147.55
87430 00	Pathology	0.48	0.48	\$ 31.31	\$ 31.31
87449 00	Pathology	0.34	0.34	\$ 22.32	\$ 22.32
87451 00	Pathology	0.30	0.30	\$ 19.58	\$ 19.58
87471 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87472 00	Pathology	1.23	1.23	\$ 79.80	\$ 79.80
87475 00	Pathology	0.57	0.57	\$ 37.35	\$ 37.35
87476 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87480 00	Pathology	0.57	0.57	\$ 37.35	\$ 37.35
87481 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87482 00	Pathology	1.60	1.60	\$ 103.83	\$ 103.83
87483 00	Pathology	11.94	11.94	\$ 776.39	\$ 776.39
87485 00	Pathology	0.57	0.57	\$ 37.35	\$ 37.35
87486 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87487 00	Pathology	1.23	1.23	\$ 79.80	\$ 79.80
87490 00	Pathology	0.65	0.65	\$ 42.38	\$ 42.38
87491 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87492 00	Pathology	1.53	1.53	\$ 99.61	\$ 99.61
87493 00	Pathology	1.07	1.07	\$ 69.43	\$ 69.43
87495 00	Pathology	0.86	0.86	\$ 55.94	\$ 55.94
87496 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87497 00	Pathology	1.23	1.23	\$ 79.80	\$ 79.80
87498 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87500 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87501 00	Pathology	1.47	1.47	\$ 95.58	\$ 95.58
87502 00	Pathology	2.75	2.75	\$ 178.46	\$ 178.46
87503 00	Pathology	0.84	0.84	\$ 54.43	\$ 54.43
87505 00	Pathology	3.68	3.68	\$ 238.98	\$ 238.98
87506 00	Pathology	7.54	7.54	\$ 489.91	\$ 489.91
87507 00	Pathology	11.94	11.94	\$ 776.39	\$ 776.39
87510 00	Pathology	0.57	0.57	\$ 37.35	\$ 37.35
87511 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87512 00	Pathology	1.20	1.20	\$ 77.79	\$ 77.79

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
87516 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87517 00	Pathology	1.23	1.23	\$ 79.80	\$ 79.80
87520 00	Pathology	0.89	0.89	\$ 58.16	\$ 58.16
87521 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87522 00	Pathology	1.23	1.23	\$ 79.80	\$ 79.80
87525 00	Pathology	0.85	0.85	\$ 55.51	\$ 55.51
87526 00	Pathology	1.13	1.13	\$ 73.13	\$ 73.13
87527 00	Pathology	1.20	1.20	\$ 77.79	\$ 77.79
87528 00	Pathology	0.57	0.57	\$ 37.35	\$ 37.35
87529 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87530 00	Pathology	1.23	1.23	\$ 79.80	\$ 79.80
87531 00	Pathology	1.66	1.66	\$ 108.04	\$ 108.04
87532 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87533 00	Pathology	1.20	1.20	\$ 77.79	\$ 77.79
87534 00	Pathology	0.63	0.63	\$ 40.83	\$ 40.83
87535 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87536 00	Pathology	2.44	2.44	\$ 158.53	\$ 158.53
87537 00	Pathology	0.63	0.63	\$ 40.83	\$ 40.83
87538 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87539 00	Pathology	1.68	1.68	\$ 109.20	\$ 109.20
87540 00	Pathology	0.57	0.57	\$ 37.35	\$ 37.35
87541 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87542 00	Pathology	1.20	1.20	\$ 77.79	\$ 77.79
87550 00	Pathology	0.57	0.57	\$ 37.35	\$ 37.35
87551 00	Pathology	1.38	1.38	\$ 89.86	\$ 89.86
87552 00	Pathology	1.23	1.23	\$ 79.80	\$ 79.80
87555 00	Pathology	0.77	0.77	\$ 50.07	\$ 50.07
87556 00	Pathology	1.19	1.19	\$ 77.64	\$ 77.64
87557 00	Pathology	1.23	1.23	\$ 79.80	\$ 79.80
87560 00	Pathology	0.78	0.78	\$ 50.84	\$ 50.84
87561 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87562 00	Pathology	1.23	1.23	\$ 79.80	\$ 79.80
87563 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87580 00	Pathology	0.57	0.57	\$ 37.35	\$ 37.35
87581 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87582 00	Pathology	8.67	8.67	\$ 563.73	\$ 563.73
87590 00	Pathology	0.77	0.77	\$ 50.07	\$ 50.07
87591 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87592 00	Pathology	1.23	1.23	\$ 79.80	\$ 79.80
87623 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87624 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87625 00	Pathology	1.16	1.16	\$ 75.54	\$ 75.54
87631 00	Pathology	4.09	4.09	\$ 265.70	\$ 265.70
87632 00	Pathology	6.25	6.25	\$ 406.21	\$ 406.21
87633 00	Pathology	11.94	11.94	\$ 776.39	\$ 776.39
87634 00	Pathology	2.01	2.01	\$ 130.77	\$ 130.77
87635 00	Pathology	-	-	\$ 102.70	\$ 102.70
87636 00	Pathology	-	-	\$ 286.00	\$ 286.00
87637 00	Pathology	-	-	\$ 286.00	\$ 286.00
87640 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87641 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87650 00	Pathology	0.57	0.57	\$ 37.35	\$ 37.35
87651 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87652 00	Pathology	1.20	1.20	\$ 77.79	\$ 77.79
87653 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87660 00	Pathology	0.57	0.57	\$ 37.35	\$ 37.35
87661 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87662 00	Pathology	1.47	1.47	\$ 95.58	\$ 95.58
87797 00	Pathology	0.86	0.86	\$ 55.94	\$ 55.94

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
87798 00	Pathology	1.01	1.01	\$ 65.37	\$ 65.37
87799 00	Pathology	1.23	1.23	\$ 79.80	\$ 79.80
87800 00	Pathology	1.25	1.25	\$ 81.35	\$ 81.35
87801 00	Pathology	2.01	2.01	\$ 130.77	\$ 130.77
87802 00	Pathology	0.36	0.36	\$ 23.71	\$ 23.71
87803 00	Pathology	0.46	0.46	\$ 29.81	\$ 29.81
87804 00	Pathology	0.47	0.47	\$ 30.83	\$ 30.83
87806 00	Pathology	0.94	0.94	\$ 61.05	\$ 61.05
87807 00	Pathology	0.38	0.38	\$ 24.40	\$ 24.40
87808 00	Pathology	0.44	0.44	\$ 28.48	\$ 28.48
87809 00	Pathology	0.62	0.62	\$ 40.54	\$ 40.54
87810 00	Pathology	1.01	1.01	\$ 65.74	\$ 65.74
87811 00	Pathology	-	-	\$ 83.20	\$ 83.20
87850 00	Pathology	0.70	0.70	\$ 45.75	\$ 45.75
87880 00	Pathology	0.47	0.47	\$ 30.79	\$ 30.79
87899 00	Pathology	0.46	0.46	\$ 29.94	\$ 29.94
87900 00	Pathology	3.74	3.74	\$ 242.82	\$ 242.82
87901 00	Pathology	7.38	7.38	\$ 479.59	\$ 479.59
87902 00	Pathology	7.38	7.38	\$ 479.59	\$ 479.59
87903 00	Pathology	14.00	14.00	\$ 910.29	\$ 910.29
87904 00	Pathology	0.75	0.75	\$ 48.56	\$ 48.56
87905 00	Pathology	0.35	0.35	\$ 22.76	\$ 22.76
87906 00	Pathology	3.69	3.69	\$ 239.80	\$ 239.80
87910 00	Pathology	7.38	7.38	\$ 479.59	\$ 479.59
87912 00	Pathology	7.38	7.38	\$ 479.59	\$ 479.59
87999 00	Pathology	0.00	0.00	BR	BR
88000 00	Pathology	-	-	\$ 399.10	\$ 399.10
88005 00	Pathology	-	-	\$ 465.40	\$ 465.40
88007 00	Pathology	-	-	\$ 487.50	\$ 487.50
88012 00	Pathology	-	-	\$ 399.10	\$ 399.10
88014 00	Pathology	-	-	\$ 365.95	\$ 365.95
88016 00	Pathology	-	-	\$ 509.60	\$ 509.60
88020 00	Pathology	-	-	\$ 687.05	\$ 687.05
88025 00	Pathology	-	-	\$ 664.95	\$ 664.95
88027 00	Pathology	-	-	\$ 709.15	\$ 709.15
88028 00	Pathology	-	-	\$ 399.10	\$ 399.10
88029 00	Pathology	-	-	\$ 399.10	\$ 399.10
88036 00	Pathology	-	-	\$ 199.55	\$ 199.55
88037 00	Pathology	-	-	\$ 177.45	\$ 177.45
88040 00	Pathology	-	-	\$ 1,108.25	\$ 1,108.25
88045 00	Pathology	-	-	\$ 111.15	\$ 111.15
88099 00	Pathology	0.00	0.00	BR	BR
88104 00	Pathology	1.93	1.93	\$ 125.45	\$ 125.45
88104 26	Pathology	0.79	0.79	\$ 51.35	\$ 51.35
88104 TC	Pathology	1.14	1.14	\$ 74.10	\$ 74.10
88106 00	Pathology	1.92	1.92	\$ 124.80	\$ 124.80
88106 26	Pathology	0.56	0.56	\$ 36.40	\$ 36.40
88106 TC	Pathology	1.36	1.36	\$ 88.40	\$ 88.40
88108 00	Pathology	1.83	1.83	\$ 118.95	\$ 118.95
88108 26	Pathology	0.65	0.65	\$ 42.25	\$ 42.25
88108 TC	Pathology	1.18	1.18	\$ 76.70	\$ 76.70
88112 00	Pathology	1.94	1.94	\$ 126.10	\$ 126.10
88112 26	Pathology	0.80	0.80	\$ 52.00	\$ 52.00
88112 TC	Pathology	1.14	1.14	\$ 74.10	\$ 74.10
88120 00	Pathology	18.14	18.14	\$ 1,179.10	\$ 1,179.10
88120 26	Pathology	1.67	1.67	\$ 108.55	\$ 108.55
88120 TC	Pathology	16.47	16.47	\$ 1,070.55	\$ 1,070.55
88121 00	Pathology	13.09	13.09	\$ 850.85	\$ 850.85
88121 26	Pathology	1.39	1.39	\$ 90.35	\$ 90.35

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
88121 TC	Pathology	11.70	11.70	\$ 760.50	\$ 760.50
88125 00	Pathology	0.77	0.77	\$ 50.05	\$ 50.05
88125 26	Pathology	0.40	0.40	\$ 26.00	\$ 26.00
88125 TC	Pathology	0.37	0.37	\$ 24.05	\$ 24.05
88130 00	Pathology	0.52	0.52	\$ 33.49	\$ 33.49
88140 00	Pathology	0.23	0.23	\$ 14.88	\$ 14.88
88141 00	Pathology	0.63	0.63	\$ 40.95	\$ 40.95
88142 00	Pathology	0.58	0.58	\$ 37.74	\$ 37.74
88143 00	Pathology	0.66	0.66	\$ 42.92	\$ 42.92
88147 00	Pathology	1.45	1.45	\$ 94.18	\$ 94.18
88148 00	Pathology	0.46	0.46	\$ 29.81	\$ 29.81
88150 00	Pathology	0.43	0.43	\$ 28.22	\$ 28.22
88152 00	Pathology	0.79	0.79	\$ 51.49	\$ 51.49
88153 00	Pathology	0.69	0.69	\$ 44.76	\$ 44.76
88155 00	Pathology	0.42	0.42	\$ 27.29	\$ 27.29
88160 00	Pathology	2.06	2.06	\$ 133.90	\$ 133.90
88160 26	Pathology	0.74	0.74	\$ 48.10	\$ 48.10
88160 TC	Pathology	1.32	1.32	\$ 85.80	\$ 85.80
88161 00	Pathology	2.06	2.06	\$ 133.90	\$ 133.90
88161 26	Pathology	0.73	0.73	\$ 47.45	\$ 47.45
88161 TC	Pathology	1.33	1.33	\$ 86.45	\$ 86.45
88162 00	Pathology	2.99	2.99	\$ 194.35	\$ 194.35
88162 26	Pathology	1.12	1.12	\$ 72.80	\$ 72.80
88162 TC	Pathology	1.87	1.87	\$ 121.55	\$ 121.55
88164 00	Pathology	0.43	0.43	\$ 28.22	\$ 28.22
88165 00	Pathology	1.21	1.21	\$ 78.65	\$ 78.65
88166 00	Pathology	0.43	0.43	\$ 28.22	\$ 28.22
88167 00	Pathology	0.43	0.43	\$ 28.22	\$ 28.22
88172 00	Pathology	1.60	1.60	\$ 104.00	\$ 104.00
88172 26	Pathology	1.03	1.03	\$ 66.95	\$ 66.95
88172 TC	Pathology	0.57	0.57	\$ 37.05	\$ 37.05
88173 00	Pathology	4.49	4.49	\$ 291.85	\$ 291.85
88173 26	Pathology	2.04	2.04	\$ 132.60	\$ 132.60
88173 TC	Pathology	2.45	2.45	\$ 159.25	\$ 159.25
88174 00	Pathology	0.73	0.73	\$ 47.26	\$ 47.26
88175 00	Pathology	0.76	0.76	\$ 49.57	\$ 49.57
88177 00	Pathology	0.84	0.84	\$ 54.60	\$ 54.60
88177 26	Pathology	0.63	0.63	\$ 40.95	\$ 40.95
88177 TC	Pathology	0.21	0.21	\$ 13.65	\$ 13.65
88182 00	Pathology	4.03	4.03	\$ 261.95	\$ 261.95
88182 26	Pathology	1.11	1.11	\$ 72.15	\$ 72.15
88182 TC	Pathology	2.92	2.92	\$ 189.80	\$ 189.80
88184 00	Pathology	2.00	2.00	\$ 130.00	\$ 130.00
88185 00	Pathology	0.66	0.66	\$ 42.90	\$ 42.90
88187 00	Pathology	1.05	1.05	\$ 68.25	\$ 68.25
88188 00	Pathology	1.80	1.80	\$ 117.00	\$ 117.00
88189 00	Pathology	2.44	2.44	\$ 158.60	\$ 158.60
88199 00	Pathology	0.00	0.00	BR	BR
88199 26	Pathology	0.00	0.00	BR	BR
88199 TC	Pathology	0.00	0.00	BR	BR
88230 00	Pathology	3.34	3.34	\$ 217.00	\$ 217.00
88233 00	Pathology	4.03	4.03	\$ 262.16	\$ 262.16
88235 00	Pathology	4.31	4.31	\$ 279.98	\$ 279.98
88237 00	Pathology	4.12	4.12	\$ 267.78	\$ 267.78
88239 00	Pathology	4.23	4.23	\$ 274.81	\$ 274.81
88240 00	Pathology	0.37	0.37	\$ 24.35	\$ 24.35
88241 00	Pathology	0.35	0.35	\$ 22.52	\$ 22.52
88245 00	Pathology	4.96	4.96	\$ 322.59	\$ 322.59
88248 00	Pathology	4.96	4.96	\$ 322.59	\$ 322.59

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
88249 00	Pathology	4.96	4.96	\$ 322.59	\$ 322.59
88261 00	Pathology	7.58	7.58	\$ 492.42	\$ 492.42
88262 00	Pathology	3.60	3.60	\$ 233.77	\$ 233.77
88263 00	Pathology	4.31	4.31	\$ 279.97	\$ 279.97
88264 00	Pathology	4.14	4.14	\$ 269.38	\$ 269.38
88267 00	Pathology	5.40	5.40	\$ 351.27	\$ 351.27
88269 00	Pathology	4.98	4.98	\$ 323.50	\$ 323.50
88271 00	Pathology	0.61	0.61	\$ 39.90	\$ 39.90
88272 00	Pathology	1.17	1.17	\$ 75.82	\$ 75.82
88273 00	Pathology	1.00	1.00	\$ 64.85	\$ 64.85
88274 00	Pathology	1.21	1.21	\$ 78.95	\$ 78.95
88275 00	Pathology	1.47	1.47	\$ 95.36	\$ 95.36
88280 00	Pathology	0.96	0.96	\$ 62.35	\$ 62.35
88283 00	Pathology	1.97	1.97	\$ 127.79	\$ 127.79
88285 00	Pathology	0.77	0.77	\$ 50.13	\$ 50.13
88289 00	Pathology	0.99	0.99	\$ 64.14	\$ 64.14
88291 00	Pathology	0.97	0.97	\$ 63.05	\$ 63.05
88299 00	Pathology	0.00	0.00	BR	BR
88300 00	Pathology	0.45	0.45	\$ 29.25	\$ 29.25
88300 26	Pathology	0.13	0.13	\$ 8.45	\$ 8.45
88300 TC	Pathology	0.32	0.32	\$ 20.80	\$ 20.80
88302 00	Pathology	0.92	0.92	\$ 59.80	\$ 59.80
88302 26	Pathology	0.20	0.20	\$ 13.00	\$ 13.00
88302 TC	Pathology	0.72	0.72	\$ 46.80	\$ 46.80
88304 00	Pathology	1.21	1.21	\$ 78.65	\$ 78.65
88304 26	Pathology	0.33	0.33	\$ 21.45	\$ 21.45
88304 TC	Pathology	0.88	0.88	\$ 57.20	\$ 57.20
88305 00	Pathology	2.05	2.05	\$ 133.25	\$ 133.25
88305 26	Pathology	1.08	1.08	\$ 70.20	\$ 70.20
88305 TC	Pathology	0.97	0.97	\$ 63.05	\$ 63.05
88307 00	Pathology	8.32	8.32	\$ 540.80	\$ 540.80
88307 26	Pathology	2.39	2.39	\$ 155.35	\$ 155.35
88307 TC	Pathology	5.93	5.93	\$ 385.45	\$ 385.45
88309 00	Pathology	12.66	12.66	\$ 822.90	\$ 822.90
88309 26	Pathology	4.21	4.21	\$ 273.65	\$ 273.65
88309 TC	Pathology	8.45	8.45	\$ 549.25	\$ 549.25
88311 00	Pathology	0.61	0.61	\$ 39.65	\$ 39.65
88311 26	Pathology	0.36	0.36	\$ 23.40	\$ 23.40
88311 TC	Pathology	0.25	0.25	\$ 16.25	\$ 16.25
88312 00	Pathology	3.24	3.24	\$ 210.60	\$ 210.60
88312 26	Pathology	0.77	0.77	\$ 50.05	\$ 50.05
88312 TC	Pathology	2.47	2.47	\$ 160.55	\$ 160.55
88313 00	Pathology	2.34	2.34	\$ 152.10	\$ 152.10
88313 26	Pathology	0.35	0.35	\$ 22.75	\$ 22.75
88313 TC	Pathology	1.99	1.99	\$ 129.35	\$ 129.35
88314 00	Pathology	2.91	2.91	\$ 189.15	\$ 189.15
88314 26	Pathology	0.62	0.62	\$ 40.30	\$ 40.30
88314 TC	Pathology	2.29	2.29	\$ 148.85	\$ 148.85
88319 00	Pathology	3.73	3.73	\$ 242.45	\$ 242.45
88319 26	Pathology	0.78	0.78	\$ 50.70	\$ 50.70
88319 TC	Pathology	2.95	2.95	\$ 191.75	\$ 191.75
88321 00	Pathology	2.84	2.43	\$ 184.60	\$ 157.95
88323 00	Pathology	3.29	3.29	\$ 213.85	\$ 213.85
88323 26	Pathology	2.51	2.51	\$ 163.15	\$ 163.15
88323 TC	Pathology	0.78	0.78	\$ 50.70	\$ 50.70
88325 00	Pathology	4.78	4.05	\$ 310.70	\$ 263.25
88329 00	Pathology	1.70	1.03	\$ 110.50	\$ 66.95
88331 00	Pathology	3.00	3.00	\$ 195.00	\$ 195.00
88331 26	Pathology	1.79	1.79	\$ 116.35	\$ 116.35

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
88331 TC	Pathology	1.21	1.21	\$ 78.65	\$ 78.65
88332 00	Pathology	1.58	1.58	\$ 102.70	\$ 102.70
88332 26	Pathology	0.89	0.89	\$ 57.85	\$ 57.85
88332 TC	Pathology	0.69	0.69	\$ 44.85	\$ 44.85
88333 00	Pathology	2.76	2.76	\$ 179.40	\$ 179.40
88333 26	Pathology	1.79	1.79	\$ 116.35	\$ 116.35
88333 TC	Pathology	0.97	0.97	\$ 63.05	\$ 63.05
88334 00	Pathology	1.64	1.64	\$ 106.60	\$ 106.60
88334 26	Pathology	1.09	1.09	\$ 70.85	\$ 70.85
88334 TC	Pathology	0.55	0.55	\$ 35.75	\$ 35.75
88341 00	Pathology	2.69	2.69	\$ 174.85	\$ 174.85
88341 26	Pathology	0.82	0.82	\$ 53.30	\$ 53.30
88341 TC	Pathology	1.87	1.87	\$ 121.55	\$ 121.55
88342 00	Pathology	3.04	3.04	\$ 197.60	\$ 197.60
88342 26	Pathology	1.01	1.01	\$ 65.65	\$ 65.65
88342 TC	Pathology	2.03	2.03	\$ 131.95	\$ 131.95
88344 00	Pathology	5.11	5.11	\$ 332.15	\$ 332.15
88344 26	Pathology	1.10	1.10	\$ 71.50	\$ 71.50
88344 TC	Pathology	4.01	4.01	\$ 260.65	\$ 260.65
88346 00	Pathology	4.18	4.18	\$ 271.70	\$ 271.70
88346 26	Pathology	1.04	1.04	\$ 67.60	\$ 67.60
88346 TC	Pathology	3.14	3.14	\$ 204.10	\$ 204.10
88348 00	Pathology	12.40	12.40	\$ 806.00	\$ 806.00
88348 26	Pathology	2.24	2.24	\$ 145.60	\$ 145.60
88348 TC	Pathology	10.16	10.16	\$ 660.40	\$ 660.40
88350 00	Pathology	3.17	3.17	\$ 206.05	\$ 206.05
88350 26	Pathology	0.84	0.84	\$ 54.60	\$ 54.60
88350 TC	Pathology	2.33	2.33	\$ 151.45	\$ 151.45
88355 00	Pathology	4.17	4.17	\$ 271.05	\$ 271.05
88355 26	Pathology	2.41	2.41	\$ 156.65	\$ 156.65
88355 TC	Pathology	1.76	1.76	\$ 114.40	\$ 114.40
88356 00	Pathology	6.99	6.99	\$ 454.35	\$ 454.35
88356 26	Pathology	3.73	3.73	\$ 242.45	\$ 242.45
88356 TC	Pathology	3.26	3.26	\$ 211.90	\$ 211.90
88358 00	Pathology	4.04	4.04	\$ 262.60	\$ 262.60
88358 26	Pathology	1.44	1.44	\$ 93.60	\$ 93.60
88358 TC	Pathology	2.60	2.60	\$ 169.00	\$ 169.00
88360 00	Pathology	3.58	3.58	\$ 232.70	\$ 232.70
88360 26	Pathology	1.21	1.21	\$ 78.65	\$ 78.65
88360 TC	Pathology	2.37	2.37	\$ 154.05	\$ 154.05
88361 00	Pathology	3.56	3.56	\$ 231.40	\$ 231.40
88361 26	Pathology	1.26	1.26	\$ 81.90	\$ 81.90
88361 TC	Pathology	2.30	2.30	\$ 149.50	\$ 149.50
88362 00	Pathology	6.43	6.43	\$ 417.95	\$ 417.95
88362 26	Pathology	3.24	3.24	\$ 210.60	\$ 210.60
88362 TC	Pathology	3.19	3.19	\$ 207.35	\$ 207.35
88363 00	Pathology	0.67	0.57	\$ 43.55	\$ 37.05
88364 00	Pathology	4.14	4.14	\$ 269.10	\$ 269.10
88364 26	Pathology	1.00	1.00	\$ 65.00	\$ 65.00
88364 TC	Pathology	3.14	3.14	\$ 204.10	\$ 204.10
88365 00	Pathology	5.33	5.33	\$ 346.45	\$ 346.45
88365 26	Pathology	1.26	1.26	\$ 81.90	\$ 81.90
88365 TC	Pathology	4.07	4.07	\$ 264.55	\$ 264.55
88366 00	Pathology	8.41	8.41	\$ 546.65	\$ 546.65
88366 26	Pathology	1.79	1.79	\$ 116.35	\$ 116.35
88366 TC	Pathology	6.62	6.62	\$ 430.30	\$ 430.30
88367 00	Pathology	3.32	3.32	\$ 215.80	\$ 215.80
88367 26	Pathology	0.97	0.97	\$ 63.05	\$ 63.05
88367 TC	Pathology	2.35	2.35	\$ 152.75	\$ 152.75

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
88368 00	Pathology	3.93	3.93	\$ 255.45	\$ 255.45
88368 26	Pathology	1.19	1.19	\$ 77.35	\$ 77.35
88368 TC	Pathology	2.74	2.74	\$ 178.10	\$ 178.10
88369 00	Pathology	3.39	3.39	\$ 220.35	\$ 220.35
88369 26	Pathology	0.93	0.93	\$ 60.45	\$ 60.45
88369 TC	Pathology	2.46	2.46	\$ 159.90	\$ 159.90
88371 00	Pathology	0.64	0.64	\$ 41.41	\$ 41.41
88371 26	Pathology	0.56	0.56	\$ 36.40	\$ 36.40
88372 00	Pathology	0.75	0.75	\$ 48.84	\$ 48.84
88372 26	Pathology	0.53	0.53	\$ 34.45	\$ 34.45
88373 00	Pathology	2.10	2.10	\$ 136.50	\$ 136.50
88373 26	Pathology	0.75	0.75	\$ 48.75	\$ 48.75
88373 TC	Pathology	1.35	1.35	\$ 87.75	\$ 87.75
88374 00	Pathology	10.10	10.10	\$ 656.50	\$ 656.50
88374 26	Pathology	1.26	1.26	\$ 81.90	\$ 81.90
88374 TC	Pathology	8.84	8.84	\$ 574.60	\$ 574.60
88375 00	Pathology	1.41	1.41	\$ 91.65	\$ 91.65
88377 00	Pathology	12.17	12.17	\$ 791.05	\$ 791.05
88377 26	Pathology	1.85	1.85	\$ 120.25	\$ 120.25
88377 TC	Pathology	10.32	10.32	\$ 670.80	\$ 670.80
88380 00	Pathology	3.85	3.85	\$ 250.25	\$ 250.25
88380 26	Pathology	1.59	1.59	\$ 103.35	\$ 103.35
88380 TC	Pathology	2.26	2.26	\$ 146.90	\$ 146.90
88381 00	Pathology	5.87	5.87	\$ 381.55	\$ 381.55
88381 26	Pathology	0.71	0.71	\$ 46.15	\$ 46.15
88381 TC	Pathology	5.16	5.16	\$ 335.40	\$ 335.40
88387 00	Pathology	1.02	1.02	\$ 66.30	\$ 66.30
88387 26	Pathology	0.79	0.79	\$ 51.35	\$ 51.35
88387 TC	Pathology	0.23	0.23	\$ 14.95	\$ 14.95
88388 00	Pathology	1.08	1.08	\$ 70.20	\$ 70.20
88388 26	Pathology	0.68	0.68	\$ 44.20	\$ 44.20
88388 TC	Pathology	0.40	0.40	\$ 26.00	\$ 26.00
88399 00	Pathology	0.00	0.00	BR	BR
88399 26	Pathology	0.00	0.00	BR	BR
88399 TC	Pathology	0.00	0.00	BR	BR
88720 00	Pathology	0.14	0.14	\$ 9.35	\$ 9.35
88738 00	Pathology	0.14	0.14	\$ 9.35	\$ 9.35
88740 00	Pathology	0.27	0.27	\$ 17.45	\$ 17.45
88741 00	Pathology	0.27	0.27	\$ 17.45	\$ 17.45
88749 00	Pathology	0.00	0.00	BR	BR
89049 00	Pathology	7.71	1.78	\$ 501.15	\$ 115.70
89050 00	Pathology	0.14	0.14	\$ 8.79	\$ 8.79
89051 00	Pathology	0.16	0.16	\$ 10.43	\$ 10.43
89055 00	Pathology	0.12	0.12	\$ 7.95	\$ 7.95
89060 00	Pathology	0.21	0.21	\$ 13.65	\$ 13.65
89060 26	Pathology	0.53	0.53	\$ 34.45	\$ 34.45
89125 00	Pathology	0.17	0.17	\$ 10.95	\$ 10.95
89160 00	Pathology	0.14	0.14	\$ 9.03	\$ 9.03
89190 00	Pathology	0.17	0.17	\$ 10.79	\$ 10.79
89220 00	Pathology	0.54	0.54	\$ 35.10	\$ 35.10
89230 00	Pathology	0.07	0.07	\$ 4.55	\$ 4.55
89240 00	Pathology	0.00	0.00	BR	BR
89250 00	Pathology	-	-	\$ 1,981.85	\$ 1,981.85
89251 00	Pathology	-	-	\$ 2,061.15	\$ 2,061.15
89253 00	Pathology	0.00	0.00	BR	BR
89254 00	Pathology	0.00	0.00	BR	BR
89255 00	Pathology	0.00	0.00	BR	BR
89257 00	Pathology	0.00	0.00	BR	BR
89258 00	Pathology	0.00	0.00	BR	BR

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
89259 00	Pathology	0.00	0.00	BR	BR
89260 00	Pathology	0.00	0.00	BR	BR
89261 00	Pathology	0.00	0.00	BR	BR
89264 00	Pathology	0.00	0.00	BR	BR
89268 00	Pathology	0.00	0.00	BR	BR
89272 00	Pathology	0.00	0.00	BR	BR
89280 00	Pathology	0.00	0.00	BR	BR
89281 00	Pathology	0.00	0.00	BR	BR
89290 00	Pathology	0.00	0.00	BR	BR
89291 00	Pathology	0.00	0.00	BR	BR
89300 00	Pathology	0.28	0.28	\$ 18.33	\$ 18.33
89310 00	Pathology	0.25	0.25	\$ 16.04	\$ 16.04
89320 00	Pathology	0.35	0.35	\$ 22.93	\$ 22.93
89321 00	Pathology	0.35	0.35	\$ 22.45	\$ 22.45
89322 00	Pathology	0.44	0.44	\$ 28.87	\$ 28.87
89325 00	Pathology	0.31	0.31	\$ 19.88	\$ 19.88
89329 00	Pathology	0.56	0.56	\$ 36.49	\$ 36.49
89330 00	Pathology	0.30	0.30	\$ 19.34	\$ 19.34
89331 00	Pathology	0.56	0.56	\$ 36.49	\$ 36.49
89335 00	Pathology	0.00	0.00	BR	BR
89337 00	Pathology	0.00	0.00	BR	BR
89342 00	Pathology	0.00	0.00	BR	BR
89343 00	Pathology	0.00	0.00	BR	BR
89344 00	Pathology	0.00	0.00	BR	BR
89346 00	Pathology	0.00	0.00	BR	BR
89352 00	Pathology	0.00	0.00	BR	BR
89353 00	Pathology	0.00	0.00	BR	BR
89354 00	Pathology	0.00	0.00	BR	BR
89356 00	Pathology	0.00	0.00	BR	BR
89398 00	Pathology	0.00	0.00	BR	BR
G0480 00	Pathology	3.28	3.28	\$ 213.16	\$ 213.16
G0481 00	Pathology	4.49	4.49	\$ 291.70	\$ 291.70
G0482 00	Pathology	5.70	5.70	\$ 370.22	\$ 370.22
G0483 00	Pathology	7.08	7.08	\$ 459.97	\$ 459.97
G2023 00	Pathology	0.67	0.67	\$ 43.70	\$ 43.70
G2024 00	Pathology	0.73	0.73	\$ 47.43	\$ 47.43
U0001 00	Pathology	-	-	\$ 72.15	\$ 72.15
U0002 00	Pathology	-	-	\$ 102.70	\$ 102.70

**Historical Note**

New Appendix A, Pathology and Laboratory Codes 2019-2020 made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Pathology and Laboratory Codes 2019-2020 will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Pathology and Laboratory Codes 2019-2020 repealed; new Appendix A, Pathology and Laboratory Codes 2020-2021 made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Pathology Codes 2020-2021 repealed; new Appendix A, Pathology Codes 2021-2022 made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3).

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CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA  
MEDICINE GUIDELINES

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This Fee Schedule has been updated to incorporate by reference the 2021 Edition of the American Medical Association's *Current Procedural Terminology* (CPT®) publication, including the general guidelines, identifiers, modifiers, and terminology changes associated with the adopted codes. In this Fee Schedule CPT® codes that contain explanatory language specific to Arizona are preceded by Δ. Codes, however, that are unique to Arizona and not otherwise found in CPT® are preceded by an AZ identifier and numbered in the following format: AZxxx. Additional information regarding publications adopted by reference is found in the Introduction of the Fee Schedule.

The following Commission guidelines are in addition to the CPT® guidelines and represent additional guidance from the Commission relative to unit values for these services. To the extent that a conflict may exist between an adopted portion of the CPT® and a code, guideline, identifier or modifier unique to Arizona, then the Arizona code, guideline, identifier or modifier shall control.

- A. **MATERIALS SUPPLIED BY A HEALTHCARE PROVIDER:** A healthcare provider may charge for materials and supplies as described in subsection (I)(4) of the Introduction Section of the Physician's Fee Schedule.
- B. **COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT:** Code 99199 can be used to bill for the services of an interpreter when they are used to comply with the provisions of "The Americans With Disabilities Act", i.e., interpreters for the hearing impaired.
- C. **ADD-ON CODES:** Some of the listed procedures are commonly carried out in addition to the primary procedure performed. All add-on codes found in the CPT® codebook are exempt from the multiple procedure concept. They are exempt from the use of modifier -51.
- D. **SEPARATE PROCEDURES:** Some of the procedures or services listed in the CPT® codebook that are commonly carried out as an integral component of a total service or procedure have been identified by the inclusion of the term "separate procedure". The codes designated as a "separate procedure" should not be reported in addition to the code for the total procedure or service of which it is considered an integral component.

When a procedure or service is carried out independently or considered to be unrelated or distinct from other procedures/services provided at that time, it may be reported by itself, or in addition to other procedures/services by appending modifier -59 to the specific "separate procedure" code to indicate that the procedure is not considered to be a component of another procedure, but is a distinct, independent procedure.

- E. **BUNDLED CODES:** Indicates that the service is always bundled in a payment for another service. If these services are covered, payment for them is subsumed by the payment for the services to which they are incident (e.g., a telephone call from a hospital nurse regarding the care of a patient).

**Historical Note**

New Appendix A, Medicine Guidelines made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Medicine Guidelines will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Medicine Guidelines repealed; new Appendix A, Medicine Guidelines made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Medicine Guidelines repealed; new Appendix A, Medicine Guidelines made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3).

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## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

## ARIZONA PHYSICIANS' FEE SCHEDULE

## Medicine Codes 2021-2022

## Medicine Conversion Factor \$65.00

Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
90281 00	Medicine	0.00	0.00	BR	BR
90283 00	Medicine	0.00	0.00	BR	BR
90284 00	Medicine	0.00	0.00	BR	BR
90287 00	Medicine	0.00	0.00	BR	BR
90288 00	Medicine	0.00	0.00	BR	BR
90291 00	Medicine	0.00	0.00	BR	BR
90296 00	Medicine	0.00	0.00	BR	BR
90371 00	Medicine	-	-	\$ 254.15	\$ 254.15
90375 00	Medicine	-	-	\$ 544.05	\$ 544.05
90376 00	Medicine	-	-	\$ 475.80	\$ 475.80
90377 00	Medicine	0.00	0.00	BR	BR
90378 00	Medicine	0.00	0.00	BR	BR
90384 00	Medicine	-	-	\$ 187.20	\$ 187.20
90385 00	Medicine	-	-	\$ 85.80	\$ 85.80
90386 00	Medicine	-	-	\$ 200.85	\$ 200.85
90389 00	Medicine	-	-	\$ 174.20	\$ 174.20
90393 00	Medicine	0.00	0.00	BR	BR
90396 00	Medicine	-	-	\$ 193.05	\$ 193.05
90399 00	Medicine	0.00	0.00	BR	BR
90460 00	Medicine	0.49	0.49	\$ 31.85	\$ 31.85
90461 00	Medicine	0.37	0.37	\$ 24.05	\$ 24.05
90471 00	Medicine	0.49	0.49	\$ 31.85	\$ 31.85
90472 00	Medicine	0.37	0.37	\$ 24.05	\$ 24.05
90473 00	Medicine	0.49	0.49	\$ 31.85	\$ 31.85
90474 00	Medicine	0.37	0.37	\$ 24.05	\$ 24.05
90476 00	Medicine	0.00	0.00	BR	BR
90477 00	Medicine	0.00	0.00	BR	BR
90581 00	Medicine	-	-	\$ 222.95	\$ 222.95
90585 00	Medicine	-	-	\$ 200.85	\$ 200.85
90586 00	Medicine	-	-	\$ 286.00	\$ 286.00
90587 00	Medicine	0.00	0.00	BR	BR
90619 00	Medicine	0.00	0.00	BR	BR
90620 00	Medicine	0.00	0.00	BR	BR
90621 00	Medicine	0.00	0.00	BR	BR
90625 00	Medicine	0.00	0.00	BR	BR
90630 00	Medicine	0.00	0.00	BR	BR
90632 00	Medicine	-	-	\$ 121.55	\$ 121.55
90633 00	Medicine	-	-	\$ 53.30	\$ 53.30
90634 00	Medicine	-	-	\$ 56.55	\$ 56.55
90636 00	Medicine	-	-	\$ 147.55	\$ 147.55
90644 00	Medicine	-	-	\$ 42.90	\$ 42.90
90647 00	Medicine	-	-	\$ 45.50	\$ 45.50
90648 00	Medicine	-	-	\$ 42.90	\$ 42.90
90649 00	Medicine	-	-	\$ 203.45	\$ 203.45
90650 00	Medicine	0.00	0.00	BR	BR
90651 00	Medicine	0.00	0.00	BR	BR
90653 00	Medicine	-	-	\$ 119.60	\$ 119.60
90654 00	Medicine	0.00	0.00	BR	BR
90655 00	Medicine	-	-	\$ 24.05	\$ 24.05
90656 00	Medicine	-	-	\$ 24.05	\$ 24.05
90657 00	Medicine	-	-	\$ 24.70	\$ 24.70
90658 00	Medicine	-	-	\$ 24.70	\$ 24.70
90660 00	Medicine	-	-	\$ 31.85	\$ 31.85
90661 00	Medicine	0.00	0.00	BR	BR
90662 00	Medicine	-	-	\$ 122.20	\$ 122.20

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
90664 00	Medicine	0.00	0.00	BR	BR
90666 00	Medicine	0.00	0.00	BR	BR
90667 00	Medicine	0.00	0.00	BR	BR
90668 00	Medicine	0.00	0.00	BR	BR
90670 00	Medicine	-	-	\$ 461.50	\$ 461.50
90672 00	Medicine	-	-	\$ 53.95	\$ 53.95
90673 00	Medicine	0.00	0.00	BR	BR
90674 00	Medicine	-	-	\$ 58.50	\$ 58.50
90675 00	Medicine	-	-	\$ 637.65	\$ 637.65
90676 00	Medicine	0.00	0.00	BR	BR
90680 00	Medicine	-	-	\$ 120.25	\$ 120.25
90681 00	Medicine	-	-	\$ 120.25	\$ 120.25
90682 00	Medicine	-	-	\$ 122.20	\$ 122.20
90685 00	Medicine	-	-	\$ 42.25	\$ 42.25
90686 00	Medicine	-	-	\$ 39.00	\$ 39.00
90687 00	Medicine	-	-	\$ 19.50	\$ 19.50
90688 00	Medicine	-	-	\$ 38.35	\$ 38.35
90689 00	Medicine	0.00	0.00	BR	BR
90690 00	Medicine	-	-	\$ 61.75	\$ 61.75
90691 00	Medicine	-	-	\$ 248.30	\$ 248.30
90694 00	Medicine	-	-	\$ 122.20	\$ 122.20
90696 00	Medicine	0.00	0.00	BR	BR
90697 00	Medicine	0.00	0.00	BR	BR
90698 00	Medicine	-	-	\$ 120.25	\$ 120.25
90700 00	Medicine	-	-	\$ 40.30	\$ 40.30
90702 00	Medicine	-	-	\$ 32.50	\$ 32.50
90707 00	Medicine	-	-	\$ 80.60	\$ 80.60
90710 00	Medicine	-	-	\$ 214.50	\$ 214.50
90713 00	Medicine	-	-	\$ 45.50	\$ 45.50
90714 00	Medicine	-	-	\$ 50.70	\$ 50.70
90715 00	Medicine	-	-	\$ 68.25	\$ 68.25
90716 00	Medicine	-	-	\$ 117.65	\$ 117.65
90717 00	Medicine	-	-	\$ 136.50	\$ 136.50
90723 00	Medicine	-	-	\$ 117.65	\$ 117.65
90732 00	Medicine	-	-	\$ 240.50	\$ 240.50
90733 00	Medicine	-	-	\$ 160.55	\$ 160.55
90734 00	Medicine	-	-	\$ 152.75	\$ 152.75
90736 00	Medicine	-	-	\$ 257.40	\$ 257.40
90738 00	Medicine	-	-	\$ 105.95	\$ 105.95
90739 00	Medicine	-	-	\$ 263.25	\$ 263.25
90740 00	Medicine	-	-	\$ 282.10	\$ 282.10
90743 00	Medicine	-	-	\$ 80.60	\$ 80.60
90744 00	Medicine	-	-	\$ 56.55	\$ 56.55
90746 00	Medicine	-	-	\$ 139.75	\$ 139.75
90747 00	Medicine	-	-	\$ 282.10	\$ 282.10
90748 00	Medicine	-	-	\$ 89.70	\$ 89.70
90749 00	Medicine	0.00	0.00	BR	BR
90750 00	Medicine	0.00	0.00	BR	BR
90756 00	Medicine	-	-	\$ 55.25	\$ 55.25
90785 00	Medicine	0.43	0.38	\$ 27.95	\$ 24.70
90791 00	Medicine	5.18	4.48	\$ 336.70	\$ 291.20
90792 00	Medicine	5.78	5.06	\$ 375.70	\$ 328.90
90832 00	Medicine	2.23	1.97	\$ 144.95	\$ 128.05
90833 00	Medicine	2.04	1.82	\$ 132.60	\$ 118.30
90834 00	Medicine	2.96	2.61	\$ 192.40	\$ 169.65
90836 00	Medicine	2.58	2.30	\$ 167.70	\$ 149.50
90837 00	Medicine	4.37	3.86	\$ 284.05	\$ 250.90
90838 00	Medicine	3.42	3.06	\$ 222.30	\$ 198.90
90839 00	Medicine	4.16	3.67	\$ 270.40	\$ 238.55

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
90840 00	Medicine	1.97	1.74	\$ 128.05	\$ 113.10
90845 00	Medicine	2.81	2.50	\$ 182.65	\$ 162.50
90846 00	Medicine	2.84	2.82	\$ 184.60	\$ 183.30
90847 00	Medicine	2.94	2.92	\$ 191.10	\$ 189.80
90849 00	Medicine	1.01	0.81	\$ 65.65	\$ 52.65
90853 00	Medicine	0.79	0.69	\$ 51.35	\$ 44.85
90863 00	Medicine	0.75	0.71	\$ 48.75	\$ 46.15
90865 00	Medicine	4.86	3.60	\$ 315.90	\$ 234.00
90867 00	Medicine	-	-	\$ 445.90	\$ 445.90
90868 00	Medicine	-	-	\$ 287.30	\$ 287.30
90869 00	Medicine	-	-	\$ 407.55	\$ 407.55
90870 00	Medicine	5.08	3.10	\$ 330.20	\$ 201.50
90875 00	Medicine	1.78	1.76	\$ 115.70	\$ 114.40
90876 00	Medicine	3.09	2.79	\$ 200.85	\$ 181.35
90880 00	Medicine	3.09	2.58	\$ 200.85	\$ 167.70
90882 00	Medicine	-	-	\$ 160.55	\$ 160.55
90885 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
90887 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
90889 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
90899 00	Medicine	0.00	0.00	BR	BR
90901 00	Medicine	1.20	0.57	\$ 78.00	\$ 37.05
90912 00	Medicine	2.38	1.26	\$ 154.70	\$ 81.90
90913 00	Medicine	0.94	0.71	\$ 61.10	\$ 46.15
90935 00	Medicine	2.10	2.10	\$ 136.50	\$ 136.50
90937 00	Medicine	3.02	3.02	\$ 196.30	\$ 196.30
90940 00	Medicine	-	-	\$ 126.10	\$ 126.10
90945 00	Medicine	2.49	2.49	\$ 161.85	\$ 161.85
90947 00	Medicine	3.58	3.58	\$ 232.70	\$ 232.70
90951 00	Medicine	34.35	34.35	\$ 2,232.75	\$ 2,232.75
90952 00	Medicine	-	-	\$ 1,576.25	\$ 1,576.25
90953 00	Medicine	-	-	\$ 1,050.40	\$ 1,050.40
90954 00	Medicine	22.64	22.64	\$ 1,471.60	\$ 1,471.60
90955 00	Medicine	15.31	15.31	\$ 995.15	\$ 995.15
90956 00	Medicine	10.17	10.17	\$ 661.05	\$ 661.05
90957 00	Medicine	22.61	22.61	\$ 1,469.65	\$ 1,469.65
90958 00	Medicine	14.72	14.72	\$ 956.80	\$ 956.80
90959 00	Medicine	9.50	9.50	\$ 617.50	\$ 617.50
90960 00	Medicine	10.39	10.39	\$ 675.35	\$ 675.35
90961 00	Medicine	8.60	8.60	\$ 559.00	\$ 559.00
90962 00	Medicine	5.89	5.89	\$ 382.85	\$ 382.85
90963 00	Medicine	17.76	17.76	\$ 1,154.40	\$ 1,154.40
90964 00	Medicine	15.26	15.26	\$ 991.90	\$ 991.90
90965 00	Medicine	14.68	14.68	\$ 954.20	\$ 954.20
90966 00	Medicine	8.59	8.59	\$ 558.35	\$ 558.35
90967 00	Medicine	0.52	0.52	\$ 33.80	\$ 33.80
90968 00	Medicine	0.51	0.51	\$ 33.15	\$ 33.15
90969 00	Medicine	0.49	0.49	\$ 31.85	\$ 31.85
90970 00	Medicine	0.28	0.28	\$ 18.20	\$ 18.20
90989 00	Medicine	-	-	\$ 787.80	\$ 787.80
90993 00	Medicine	-	-	\$ 170.95	\$ 170.95
90997 00	Medicine	2.59	2.59	\$ 168.35	\$ 168.35
90999 00	Medicine	0.00	0.00	BR	BR
91010 00	Medicine	6.52	6.52	\$ 423.80	\$ 423.80
91010 26	Medicine	1.89	1.89	\$ 122.85	\$ 122.85
91010 TC	Medicine	4.63	4.63	\$ 300.95	\$ 300.95
91013 00	Medicine	0.78	0.78	\$ 50.70	\$ 50.70
91013 26	Medicine	0.27	0.27	\$ 17.55	\$ 17.55
91013 TC	Medicine	0.51	0.51	\$ 33.15	\$ 33.15
91020 00	Medicine	8.27	8.27	\$ 537.55	\$ 537.55

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
91020 26	Medicine	2.13	2.13	\$ 138.45	\$ 138.45
91020 TC	Medicine	6.14	6.14	\$ 399.10	\$ 399.10
91022 00	Medicine	5.14	5.14	\$ 334.10	\$ 334.10
91022 26	Medicine	2.12	2.12	\$ 137.80	\$ 137.80
91022 TC	Medicine	3.02	3.02	\$ 196.30	\$ 196.30
91030 00	Medicine	4.34	4.34	\$ 282.10	\$ 282.10
91030 26	Medicine	1.35	1.35	\$ 87.75	\$ 87.75
91030 TC	Medicine	2.99	2.99	\$ 194.35	\$ 194.35
91034 00	Medicine	5.85	5.85	\$ 380.25	\$ 380.25
91034 26	Medicine	1.44	1.44	\$ 93.60	\$ 93.60
91034 TC	Medicine	4.41	4.41	\$ 286.65	\$ 286.65
91035 00	Medicine	14.81	14.81	\$ 962.65	\$ 962.65
91035 26	Medicine	2.38	2.38	\$ 154.70	\$ 154.70
91035 TC	Medicine	12.43	12.43	\$ 807.95	\$ 807.95
91037 00	Medicine	5.12	5.12	\$ 332.80	\$ 332.80
91037 26	Medicine	1.43	1.43	\$ 92.95	\$ 92.95
91037 TC	Medicine	3.69	3.69	\$ 239.85	\$ 239.85
91038 00	Medicine	13.23	13.23	\$ 859.95	\$ 859.95
91038 26	Medicine	1.62	1.62	\$ 105.30	\$ 105.30
91038 TC	Medicine	11.61	11.61	\$ 754.65	\$ 754.65
91040 00	Medicine	16.11	16.11	\$ 1,047.15	\$ 1,047.15
91040 26	Medicine	1.43	1.43	\$ 92.95	\$ 92.95
91040 TC	Medicine	14.68	14.68	\$ 954.20	\$ 954.20
91065 00	Medicine	2.70	2.70	\$ 175.50	\$ 175.50
91065 26	Medicine	0.30	0.30	\$ 19.50	\$ 19.50
91065 TC	Medicine	2.40	2.40	\$ 156.00	\$ 156.00
91110 00	Medicine	25.38	25.38	\$ 1,649.70	\$ 1,649.70
91110 26	Medicine	3.68	3.68	\$ 239.20	\$ 239.20
91110 TC	Medicine	21.70	21.70	\$ 1,410.50	\$ 1,410.50
91111 00	Medicine	27.79	27.79	\$ 1,806.35	\$ 1,806.35
91111 26	Medicine	1.48	1.48	\$ 96.20	\$ 96.20
91111 TC	Medicine	26.31	26.31	\$ 1,710.15	\$ 1,710.15
91112 00	Medicine	49.21	49.21	\$ 3,198.65	\$ 3,198.65
91112 26	Medicine	3.09	3.09	\$ 200.85	\$ 200.85
91112 TC	Medicine	46.12	46.12	\$ 2,997.80	\$ 2,997.80
91117 00	Medicine	3.96	3.96	\$ 257.40	\$ 257.40
91120 00	Medicine	15.71	15.71	\$ 1,021.15	\$ 1,021.15
91120 26	Medicine	1.42	1.42	\$ 92.30	\$ 92.30
91120 TC	Medicine	14.29	14.29	\$ 928.85	\$ 928.85
91122 00	Medicine	7.99	7.99	\$ 519.35	\$ 519.35
91122 26	Medicine	2.56	2.56	\$ 166.40	\$ 166.40
91122 TC	Medicine	5.43	5.43	\$ 352.95	\$ 352.95
91132 00	Medicine	12.27	12.27	\$ 797.55	\$ 797.55
91132 26	Medicine	0.77	0.77	\$ 50.05	\$ 50.05
91132 TC	Medicine	11.50	11.50	\$ 747.50	\$ 747.50
91133 00	Medicine	12.94	12.94	\$ 841.10	\$ 841.10
91133 26	Medicine	0.97	0.97	\$ 63.05	\$ 63.05
91133 TC	Medicine	11.97	11.97	\$ 778.05	\$ 778.05
91200 00	Medicine	0.94	0.94	\$ 61.10	\$ 61.10
91200 26	Medicine	0.32	0.32	\$ 20.80	\$ 20.80
91200 TC	Medicine	0.62	0.62	\$ 40.30	\$ 40.30
91299 00	Medicine	0.00	0.00	BR	BR
91299 26	Medicine	0.00	0.00	BR	BR
91299 TC	Medicine	0.00	0.00	BR	BR
91300 00	Medicine	0.00	0.00	BR	BR
91301 00	Medicine	0.00	0.00	BR	BR
92002 00	Medicine	2.51	1.36	\$ 163.15	\$ 88.40
92004 00	Medicine	4.37	2.77	\$ 284.05	\$ 180.05
92012 00	Medicine	2.61	1.48	\$ 169.65	\$ 96.20

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
92014 00	Medicine	3.68	2.23	\$ 239.20	\$ 144.95
92015 00	Medicine	0.58	0.57	\$ 37.70	\$ 37.05
92018 00	Medicine	4.06	4.06	\$ 263.90	\$ 263.90
92019 00	Medicine	2.08	2.08	\$ 135.20	\$ 135.20
92020 00	Medicine	0.81	0.59	\$ 52.65	\$ 38.35
92025 00	Medicine	1.07	1.07	\$ 69.55	\$ 69.55
92025 26	Medicine	0.56	0.56	\$ 36.40	\$ 36.40
92025 TC	Medicine	0.51	0.51	\$ 33.15	\$ 33.15
92060 00	Medicine	1.84	1.84	\$ 119.60	\$ 119.60
92060 26	Medicine	1.07	1.07	\$ 69.55	\$ 69.55
92060 TC	Medicine	0.77	0.77	\$ 50.05	\$ 50.05
92065 00	Medicine	1.56	1.56	\$ 101.40	\$ 101.40
92065 26	Medicine	0.51	0.51	\$ 33.15	\$ 33.15
92065 TC	Medicine	1.05	1.05	\$ 68.25	\$ 68.25
92071 00	Medicine	1.07	0.94	\$ 69.55	\$ 61.10
92072 00	Medicine	3.73	2.79	\$ 242.45	\$ 181.35
92081 00	Medicine	0.98	0.98	\$ 63.70	\$ 63.70
92081 26	Medicine	0.46	0.46	\$ 29.90	\$ 29.90
92081 TC	Medicine	0.52	0.52	\$ 33.80	\$ 33.80
92082 00	Medicine	1.38	1.38	\$ 89.70	\$ 89.70
92082 26	Medicine	0.61	0.61	\$ 39.65	\$ 39.65
92082 TC	Medicine	0.77	0.77	\$ 50.05	\$ 50.05
92083 00	Medicine	1.84	1.84	\$ 119.60	\$ 119.60
92083 26	Medicine	0.78	0.78	\$ 50.70	\$ 50.70
92083 TC	Medicine	1.06	1.06	\$ 68.90	\$ 68.90
92100 00	Medicine	2.48	0.95	\$ 161.20	\$ 61.75
92132 00	Medicine	0.92	0.92	\$ 59.80	\$ 59.80
92132 26	Medicine	0.47	0.47	\$ 30.55	\$ 30.55
92132 TC	Medicine	0.45	0.45	\$ 29.25	\$ 29.25
92133 00	Medicine	1.08	1.08	\$ 70.20	\$ 70.20
92133 26	Medicine	0.63	0.63	\$ 40.95	\$ 40.95
92133 TC	Medicine	0.45	0.45	\$ 29.25	\$ 29.25
92134 00	Medicine	1.19	1.19	\$ 77.35	\$ 77.35
92134 26	Medicine	0.73	0.73	\$ 47.45	\$ 47.45
92134 TC	Medicine	0.46	0.46	\$ 29.90	\$ 29.90
92136 00	Medicine	1.59	1.59	\$ 103.35	\$ 103.35
92136 26	Medicine	0.88	0.88	\$ 57.20	\$ 57.20
92136 TC	Medicine	0.71	0.71	\$ 46.15	\$ 46.15
92145 00	Medicine	0.39	0.39	\$ 25.35	\$ 25.35
92145 26	Medicine	0.18	0.18	\$ 11.70	\$ 11.70
92145 TC	Medicine	0.21	0.21	\$ 13.65	\$ 13.65
92201 00	Medicine	0.72	0.66	\$ 46.80	\$ 42.90
92202 00	Medicine	0.46	0.42	\$ 29.90	\$ 27.30
92227 00	Medicine	0.46	0.46	\$ 29.90	\$ 29.90
92228 00	Medicine	0.89	0.89	\$ 57.85	\$ 57.85
92228 26	Medicine	0.52	0.52	\$ 33.80	\$ 33.80
92228 TC	Medicine	0.37	0.37	\$ 24.05	\$ 24.05
92229 00	Medicine	0.00	0.00	BR	BR
92230 00	Medicine	2.65	0.97	\$ 172.25	\$ 63.05
92235 00	Medicine	3.42	3.42	\$ 222.30	\$ 222.30
92235 26	Medicine	1.22	1.22	\$ 79.30	\$ 79.30
92235 TC	Medicine	2.20	2.20	\$ 143.00	\$ 143.00
92240 00	Medicine	5.93	5.93	\$ 385.45	\$ 385.45
92240 26	Medicine	1.34	1.34	\$ 87.10	\$ 87.10
92240 TC	Medicine	4.59	4.59	\$ 298.35	\$ 298.35
92242 00	Medicine	7.35	7.35	\$ 477.75	\$ 477.75
92242 26	Medicine	1.56	1.56	\$ 101.40	\$ 101.40
92242 TC	Medicine	5.79	5.79	\$ 376.35	\$ 376.35
92250 00	Medicine	1.14	1.14	\$ 74.10	\$ 74.10

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
92250 26	Medicine	0.61	0.61	\$ 39.65	\$ 39.65
92250 TC	Medicine	0.53	0.53	\$ 34.45	\$ 34.45
92260 00	Medicine	0.58	0.31	\$ 37.70	\$ 20.15
92265 00	Medicine	2.54	2.54	\$ 165.10	\$ 165.10
92265 26	Medicine	1.32	1.32	\$ 85.80	\$ 85.80
92265 TC	Medicine	1.22	1.22	\$ 79.30	\$ 79.30
92270 00	Medicine	3.00	3.00	\$ 195.00	\$ 195.00
92270 26	Medicine	1.21	1.21	\$ 78.65	\$ 78.65
92270 TC	Medicine	1.79	1.79	\$ 116.35	\$ 116.35
92273 00	Medicine	3.83	3.83	\$ 248.95	\$ 248.95
92273 26	Medicine	1.06	1.06	\$ 68.90	\$ 68.90
92273 TC	Medicine	2.77	2.77	\$ 180.05	\$ 180.05
92274 00	Medicine	2.60	2.60	\$ 169.00	\$ 169.00
92274 26	Medicine	0.94	0.94	\$ 61.10	\$ 61.10
92274 TC	Medicine	1.66	1.66	\$ 107.90	\$ 107.90
92283 00	Medicine	1.59	1.59	\$ 103.35	\$ 103.35
92283 26	Medicine	0.26	0.26	\$ 16.90	\$ 16.90
92283 TC	Medicine	1.33	1.33	\$ 86.45	\$ 86.45
92284 00	Medicine	1.72	1.72	\$ 111.80	\$ 111.80
92284 26	Medicine	0.35	0.35	\$ 22.75	\$ 22.75
92284 TC	Medicine	1.37	1.37	\$ 89.05	\$ 89.05
92285 00	Medicine	0.67	0.67	\$ 43.55	\$ 43.55
92285 26	Medicine	0.09	0.09	\$ 5.85	\$ 5.85
92285 TC	Medicine	0.58	0.58	\$ 37.70	\$ 37.70
92286 00	Medicine	1.14	1.14	\$ 74.10	\$ 74.10
92286 26	Medicine	0.63	0.63	\$ 40.95	\$ 40.95
92286 TC	Medicine	0.51	0.51	\$ 33.15	\$ 33.15
92287 00	Medicine	5.05	5.05	\$ 328.25	\$ 328.25
92287 26	Medicine	1.32	1.32	\$ 85.80	\$ 85.80
92287 TC	Medicine	3.73	3.73	\$ 242.45	\$ 242.45
92310 00	Medicine	3.01	1.72	\$ 195.65	\$ 111.80
92311 00	Medicine	3.13	1.55	\$ 203.45	\$ 100.75
92312 00	Medicine	3.60	1.78	\$ 234.00	\$ 115.70
92313 00	Medicine	2.95	1.27	\$ 191.75	\$ 82.55
92314 00	Medicine	2.58	1.01	\$ 167.70	\$ 65.65
92315 00	Medicine	2.41	0.61	\$ 156.65	\$ 39.65
92316 00	Medicine	2.98	0.92	\$ 193.70	\$ 59.80
92317 00	Medicine	2.53	0.61	\$ 164.45	\$ 39.65
92325 00	Medicine	1.38	1.38	\$ 89.70	\$ 89.70
92326 00	Medicine	1.15	1.15	\$ 74.75	\$ 74.75
92340 00	Medicine	1.02	0.55	\$ 66.30	\$ 35.75
92341 00	Medicine	1.16	0.69	\$ 75.40	\$ 44.85
92342 00	Medicine	1.24	0.78	\$ 80.60	\$ 50.70
92352 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92353 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92354 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92355 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92358 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92370 00	Medicine	0.92	0.48	\$ 59.80	\$ 31.20
92371 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92499 00	Medicine	0.00	0.00	BR	BR
92499 26	Medicine	0.00	0.00	BR	BR
92499 TC	Medicine	0.00	0.00	BR	BR
92502 00	Medicine	2.73	2.73	\$ 177.45	\$ 177.45
92504 00	Medicine	0.86	0.27	\$ 55.90	\$ 17.55
92507 00	Medicine	2.24	2.24	\$ 145.60	\$ 145.60
92508 00	Medicine	0.69	0.69	\$ 44.85	\$ 44.85
92511 00	Medicine	3.45	1.08	\$ 224.25	\$ 70.20
92512 00	Medicine	1.76	0.80	\$ 114.40	\$ 52.00

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
92516 00	Medicine	2.03	0.67	\$ 131.95	\$ 43.55
92517 00	Medicine	2.50	1.26	\$ 162.50	\$ 81.90
92518 00	Medicine	2.33	1.26	\$ 151.45	\$ 81.90
92519 00	Medicine	3.88	1.89	\$ 252.20	\$ 122.85
92520 00	Medicine	2.36	1.15	\$ 153.40	\$ 74.75
92521 00	Medicine	3.92	3.92	\$ 254.80	\$ 254.80
92522 00	Medicine	3.28	3.28	\$ 213.20	\$ 213.20
92523 00	Medicine	6.74	6.74	\$ 438.10	\$ 438.10
92524 00	Medicine	3.21	3.21	\$ 208.65	\$ 208.65
92526 00	Medicine	2.48	2.48	\$ 161.20	\$ 161.20
92531 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92532 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92533 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92534 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92537 00	Medicine	1.22	1.22	\$ 79.30	\$ 79.30
92537 26	Medicine	0.91	0.91	\$ 59.15	\$ 59.15
92537 TC	Medicine	0.31	0.31	\$ 20.15	\$ 20.15
92538 00	Medicine	0.66	0.66	\$ 42.90	\$ 42.90
92538 26	Medicine	0.46	0.46	\$ 29.90	\$ 29.90
92538 TC	Medicine	0.20	0.20	\$ 13.00	\$ 13.00
92540 00	Medicine	3.21	3.21	\$ 208.65	\$ 208.65
92540 26	Medicine	2.27	2.27	\$ 147.55	\$ 147.55
92540 TC	Medicine	0.94	0.94	\$ 61.10	\$ 61.10
92541 00	Medicine	0.74	0.74	\$ 48.10	\$ 48.10
92541 26	Medicine	0.61	0.61	\$ 39.65	\$ 39.65
92541 TC	Medicine	0.13	0.13	\$ 8.45	\$ 8.45
92542 00	Medicine	0.86	0.86	\$ 55.90	\$ 55.90
92542 26	Medicine	0.73	0.73	\$ 47.45	\$ 47.45
92542 TC	Medicine	0.13	0.13	\$ 8.45	\$ 8.45
92544 00	Medicine	0.53	0.53	\$ 34.45	\$ 34.45
92544 26	Medicine	0.42	0.42	\$ 27.30	\$ 27.30
92544 TC	Medicine	0.11	0.11	\$ 7.15	\$ 7.15
92545 00	Medicine	0.49	0.49	\$ 31.85	\$ 31.85
92545 26	Medicine	0.39	0.39	\$ 25.35	\$ 25.35
92545 TC	Medicine	0.10	0.10	\$ 6.50	\$ 6.50
92546 00	Medicine	3.48	3.48	\$ 226.20	\$ 226.20
92546 26	Medicine	0.43	0.43	\$ 27.95	\$ 27.95
92546 TC	Medicine	3.05	3.05	\$ 198.25	\$ 198.25
92547 00	Medicine	0.29	0.29	\$ 18.85	\$ 18.85
92548 00	Medicine	1.45	1.45	\$ 94.25	\$ 94.25
92548 26	Medicine	1.00	1.00	\$ 65.00	\$ 65.00
92548 TC	Medicine	0.45	0.45	\$ 29.25	\$ 29.25
92549 00	Medicine	1.86	1.86	\$ 120.90	\$ 120.90
92549 26	Medicine	1.31	1.31	\$ 85.15	\$ 85.15
92549 TC	Medicine	0.55	0.55	\$ 35.75	\$ 35.75
92550 00	Medicine	0.65	0.65	\$ 42.25	\$ 42.25
92551 00	Medicine	0.34	0.34	\$ 22.10	\$ 22.10
92552 00	Medicine	0.94	0.94	\$ 61.10	\$ 61.10
92553 00	Medicine	1.15	1.15	\$ 74.75	\$ 74.75
92555 00	Medicine	0.72	0.72	\$ 46.80	\$ 46.80
92556 00	Medicine	1.14	1.14	\$ 74.10	\$ 74.10
92557 00	Medicine	1.12	0.95	\$ 72.80	\$ 61.75
92558 00	Medicine	0.28	0.25	\$ 18.20	\$ 16.25
92559 00	Medicine	-	-	\$ 59.15	\$ 59.15
92560 00	Medicine	-	-	\$ 40.95	\$ 40.95
92561 00	Medicine	1.15	1.15	\$ 74.75	\$ 74.75
92562 00	Medicine	1.35	1.35	\$ 87.75	\$ 87.75
92563 00	Medicine	0.91	0.91	\$ 59.15	\$ 59.15
92564 00	Medicine	0.69	0.69	\$ 44.85	\$ 44.85

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
92565 00	Medicine	0.51	0.51	\$ 33.15	\$ 33.15
92567 00	Medicine	0.48	0.31	\$ 31.20	\$ 20.15
92568 00	Medicine	0.45	0.44	\$ 29.25	\$ 28.60
92570 00	Medicine	0.97	0.87	\$ 63.05	\$ 56.55
92571 00	Medicine	0.81	0.81	\$ 52.65	\$ 52.65
92572 00	Medicine	1.04	1.04	\$ 67.60	\$ 67.60
92575 00	Medicine	1.99	1.99	\$ 129.35	\$ 129.35
92576 00	Medicine	1.10	1.10	\$ 71.50	\$ 71.50
92577 00	Medicine	0.44	0.44	\$ 28.60	\$ 28.60
92579 00	Medicine	1.37	1.11	\$ 89.05	\$ 72.15
92582 00	Medicine	2.19	2.19	\$ 142.35	\$ 142.35
92583 00	Medicine	1.47	1.47	\$ 95.55	\$ 95.55
92584 00	Medicine	3.48	3.48	\$ 226.20	\$ 226.20
92587 00	Medicine	0.65	0.65	\$ 42.25	\$ 42.25
92587 26	Medicine	0.53	0.53	\$ 34.45	\$ 34.45
92587 TC	Medicine	0.12	0.12	\$ 7.80	\$ 7.80
92588 00	Medicine	0.99	0.99	\$ 64.35	\$ 64.35
92588 26	Medicine	0.83	0.83	\$ 53.95	\$ 53.95
92588 TC	Medicine	0.16	0.16	\$ 10.40	\$ 10.40
92590 00	Medicine	-	-	\$ 107.25	\$ 107.25
92591 00	Medicine	-	-	\$ 137.15	\$ 137.15
92592 00	Medicine	-	-	\$ 42.90	\$ 42.90
92593 00	Medicine	-	-	\$ 70.85	\$ 70.85
92594 00	Medicine	-	-	\$ 40.95	\$ 40.95
92595 00	Medicine	-	-	\$ 88.40	\$ 88.40
92596 00	Medicine	1.96	1.96	\$ 127.40	\$ 127.40
92597 00	Medicine	2.08	2.08	\$ 135.20	\$ 135.20
92601 00	Medicine	4.88	3.63	\$ 317.20	\$ 235.95
92602 00	Medicine	3.10	2.05	\$ 201.50	\$ 133.25
92603 00	Medicine	4.54	3.53	\$ 295.10	\$ 229.45
92604 00	Medicine	2.75	1.96	\$ 178.75	\$ 127.40
92605 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92606 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92607 00	Medicine	3.66	3.66	\$ 237.90	\$ 237.90
92608 00	Medicine	1.47	1.47	\$ 95.55	\$ 95.55
92609 00	Medicine	3.06	3.06	\$ 198.90	\$ 198.90
92610 00	Medicine	2.48	2.03	\$ 161.20	\$ 131.95
92611 00	Medicine	2.69	2.69	\$ 174.85	\$ 174.85
92612 00	Medicine	5.77	1.92	\$ 375.05	\$ 124.80
92613 00	Medicine	1.07	1.07	\$ 69.55	\$ 69.55
92614 00	Medicine	4.30	1.90	\$ 279.50	\$ 123.50
92615 00	Medicine	0.95	0.95	\$ 61.75	\$ 61.75
92616 00	Medicine	6.33	2.86	\$ 411.45	\$ 185.90
92617 00	Medicine	1.19	1.19	\$ 77.35	\$ 77.35
92618 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92620 00	Medicine	2.70	2.34	\$ 175.50	\$ 152.10
92621 00	Medicine	0.66	0.55	\$ 42.90	\$ 35.75
92625 00	Medicine	2.03	1.80	\$ 131.95	\$ 117.00
92626 00	Medicine	2.62	2.19	\$ 170.30	\$ 142.35
92627 00	Medicine	0.62	0.52	\$ 40.30	\$ 33.80
92630 00	Medicine	0.00	0.00	BR	BR
92633 00	Medicine	0.00	0.00	BR	BR
92640 00	Medicine	3.31	2.76	\$ 215.15	\$ 179.40
92650 00	Medicine	0.83	0.83	\$ 53.95	\$ 53.95
92651 00	Medicine	2.62	2.62	\$ 170.30	\$ 170.30
92652 00	Medicine	3.43	3.43	\$ 222.95	\$ 222.95
92653 00	Medicine	2.51	2.51	\$ 163.15	\$ 163.15
92700 00	Medicine	0.00	0.00	BR	BR
92920 00	Medicine	15.45	15.45	\$ 1,004.25	\$ 1,004.25

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
92921 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92924 00	Medicine	18.42	18.42	\$ 1,197.30	\$ 1,197.30
92925 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92928 00	Medicine	17.19	17.19	\$ 1,117.35	\$ 1,117.35
92929 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92933 00	Medicine	19.30	19.30	\$ 1,254.50	\$ 1,254.50
92934 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92937 00	Medicine	17.17	17.17	\$ 1,116.05	\$ 1,116.05
92938 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92941 00	Medicine	19.31	19.31	\$ 1,255.15	\$ 1,255.15
92943 00	Medicine	19.33	19.33	\$ 1,256.45	\$ 1,256.45
92944 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92950 00	Medicine	9.72	5.37	\$ 631.80	\$ 349.05
92953 00	Medicine	0.03	0.03	\$ 1.95	\$ 1.95
92960 00	Medicine	4.64	3.16	\$ 301.60	\$ 205.40
92961 00	Medicine	7.20	7.20	\$ 468.00	\$ 468.00
92970 00	Medicine	5.50	5.50	\$ 357.50	\$ 357.50
92971 00	Medicine	2.93	2.93	\$ 190.45	\$ 190.45
92973 00	Medicine	5.16	5.16	\$ 335.40	\$ 335.40
92974 00	Medicine	4.71	4.71	\$ 306.15	\$ 306.15
92975 00	Medicine	10.97	10.97	\$ 713.05	\$ 713.05
92977 00	Medicine	1.58	1.58	\$ 102.70	\$ 102.70
92978 00	Medicine	-	-	\$ 518.05	\$ 518.05
92978 26	Medicine	2.77	2.77	\$ 180.05	\$ 180.05
92978 TC	Medicine	-	-	\$ 336.70	\$ 336.70
92979 00	Medicine	-	-	\$ 315.25	\$ 315.25
92979 26	Medicine	2.20	2.20	\$ 143.00	\$ 143.00
92979 TC	Medicine	-	-	\$ 170.30	\$ 170.30
92986 00	Medicine	38.47	38.47	\$ 2,500.55	\$ 2,500.55
92987 00	Medicine	39.76	39.76	\$ 2,584.40	\$ 2,584.40
92990 00	Medicine	31.73	31.73	\$ 2,062.45	\$ 2,062.45
92997 00	Medicine	18.50	18.50	\$ 1,202.50	\$ 1,202.50
92998 00	Medicine	9.20	9.20	\$ 598.00	\$ 598.00
93000 00	Medicine	0.43	0.43	\$ 27.95	\$ 27.95
93005 00	Medicine	0.19	0.19	\$ 12.35	\$ 12.35
93010 00	Medicine	0.24	0.24	\$ 15.60	\$ 15.60
93015 00	Medicine	2.06	2.06	\$ 133.90	\$ 133.90
93016 00	Medicine	0.63	0.63	\$ 40.95	\$ 40.95
93017 00	Medicine	1.01	1.01	\$ 65.65	\$ 65.65
93018 00	Medicine	0.42	0.42	\$ 27.30	\$ 27.30
93024 00	Medicine	3.16	3.16	\$ 205.40	\$ 205.40
93024 26	Medicine	1.62	1.62	\$ 105.30	\$ 105.30
93024 TC	Medicine	1.54	1.54	\$ 100.10	\$ 100.10
93025 00	Medicine	3.94	3.94	\$ 256.10	\$ 256.10
93025 26	Medicine	1.08	1.08	\$ 70.20	\$ 70.20
93025 TC	Medicine	2.86	2.86	\$ 185.90	\$ 185.90
93040 00	Medicine	0.37	0.37	\$ 24.05	\$ 24.05
93041 00	Medicine	0.17	0.17	\$ 11.05	\$ 11.05
93042 00	Medicine	0.20	0.20	\$ 13.00	\$ 13.00
93050 00	Medicine	0.47	0.47	\$ 30.55	\$ 30.55
93050 26	Medicine	0.24	0.24	\$ 15.60	\$ 15.60
93050 TC	Medicine	0.23	0.23	\$ 14.95	\$ 14.95
93224 00	Medicine	2.31	2.31	\$ 150.15	\$ 150.15
93225 00	Medicine	0.58	0.58	\$ 37.70	\$ 37.70
93226 00	Medicine	1.19	1.19	\$ 77.35	\$ 77.35
93227 00	Medicine	0.54	0.54	\$ 35.10	\$ 35.10
93228 00	Medicine	0.75	0.75	\$ 48.75	\$ 48.75
93229 00	Medicine	20.55	20.55	\$ 1,335.75	\$ 1,335.75
93241 00	Medicine	0.00	0.00	BR	BR

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
93242 00	Medicine	0.44	0.44	\$ 28.60	\$ 28.60
93243 00	Medicine	0.00	0.00	BR	BR
93244 00	Medicine	0.71	0.71	\$ 46.15	\$ 46.15
93245 00	Medicine	0.00	0.00	BR	BR
93246 00	Medicine	0.44	0.44	\$ 28.60	\$ 28.60
93247 00	Medicine	0.00	0.00	BR	BR
93248 00	Medicine	0.78	0.78	\$ 50.70	\$ 50.70
93260 00	Medicine	2.21	2.21	\$ 143.65	\$ 143.65
93260 26	Medicine	1.24	1.24	\$ 80.60	\$ 80.60
93260 TC	Medicine	0.97	0.97	\$ 63.05	\$ 63.05
93261 00	Medicine	2.02	2.02	\$ 131.30	\$ 131.30
93261 26	Medicine	1.06	1.06	\$ 68.90	\$ 68.90
93261 TC	Medicine	0.96	0.96	\$ 62.40	\$ 62.40
93264 00	Medicine	1.45	1.03	\$ 94.25	\$ 66.95
93268 00	Medicine	5.78	5.78	\$ 375.70	\$ 375.70
93270 00	Medicine	0.26	0.26	\$ 16.90	\$ 16.90
93271 00	Medicine	4.80	4.80	\$ 312.00	\$ 312.00
93272 00	Medicine	0.72	0.72	\$ 46.80	\$ 46.80
93278 00	Medicine	0.87	0.87	\$ 56.55	\$ 56.55
93278 26	Medicine	0.36	0.36	\$ 23.40	\$ 23.40
93278 TC	Medicine	0.51	0.51	\$ 33.15	\$ 33.15
93279 00	Medicine	1.93	1.93	\$ 125.45	\$ 125.45
93279 26	Medicine	0.92	0.92	\$ 59.80	\$ 59.80
93279 TC	Medicine	1.01	1.01	\$ 65.65	\$ 65.65
93280 00	Medicine	2.29	2.29	\$ 148.85	\$ 148.85
93280 26	Medicine	1.11	1.11	\$ 72.15	\$ 72.15
93280 TC	Medicine	1.18	1.18	\$ 76.70	\$ 76.70
93281 00	Medicine	2.44	2.44	\$ 158.60	\$ 158.60
93281 26	Medicine	1.24	1.24	\$ 80.60	\$ 80.60
93281 TC	Medicine	1.20	1.20	\$ 78.00	\$ 78.00
93282 00	Medicine	2.32	2.32	\$ 150.80	\$ 150.80
93282 26	Medicine	1.23	1.23	\$ 79.95	\$ 79.95
93282 TC	Medicine	1.09	1.09	\$ 70.85	\$ 70.85
93283 00	Medicine	2.84	2.84	\$ 184.60	\$ 184.60
93283 26	Medicine	1.65	1.65	\$ 107.25	\$ 107.25
93283 TC	Medicine	1.19	1.19	\$ 77.35	\$ 77.35
93284 00	Medicine	3.07	3.07	\$ 199.55	\$ 199.55
93284 26	Medicine	1.80	1.80	\$ 117.00	\$ 117.00
93284 TC	Medicine	1.27	1.27	\$ 82.55	\$ 82.55
93285 00	Medicine	1.73	1.73	\$ 112.45	\$ 112.45
93285 26	Medicine	0.75	0.75	\$ 48.75	\$ 48.75
93285 TC	Medicine	0.98	0.98	\$ 63.70	\$ 63.70
93286 00	Medicine	1.32	1.32	\$ 85.80	\$ 85.80
93286 26	Medicine	0.44	0.44	\$ 28.60	\$ 28.60
93286 TC	Medicine	0.88	0.88	\$ 57.20	\$ 57.20
93287 00	Medicine	1.54	1.54	\$ 100.10	\$ 100.10
93287 26	Medicine	0.66	0.66	\$ 42.90	\$ 42.90
93287 TC	Medicine	0.88	0.88	\$ 57.20	\$ 57.20
93288 00	Medicine	1.60	1.60	\$ 104.00	\$ 104.00
93288 26	Medicine	0.60	0.60	\$ 39.00	\$ 39.00
93288 TC	Medicine	1.00	1.00	\$ 65.00	\$ 65.00
93289 00	Medicine	2.09	2.09	\$ 135.85	\$ 135.85
93289 26	Medicine	1.08	1.08	\$ 70.20	\$ 70.20
93289 TC	Medicine	1.01	1.01	\$ 65.65	\$ 65.65
93290 00	Medicine	1.53	1.53	\$ 99.45	\$ 99.45
93290 26	Medicine	0.62	0.62	\$ 40.30	\$ 40.30
93290 TC	Medicine	0.91	0.91	\$ 59.15	\$ 59.15
93291 00	Medicine	1.41	1.41	\$ 91.65	\$ 91.65
93291 26	Medicine	0.53	0.53	\$ 34.45	\$ 34.45

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
93291 TC	Medicine	0.88	0.88	\$ 57.20	\$ 57.20
93292 00	Medicine	1.44	1.44	\$ 93.60	\$ 93.60
93292 26	Medicine	0.61	0.61	\$ 39.65	\$ 39.65
93292 TC	Medicine	0.83	0.83	\$ 53.95	\$ 53.95
93293 00	Medicine	1.48	1.48	\$ 96.20	\$ 96.20
93293 26	Medicine	0.43	0.43	\$ 27.95	\$ 27.95
93293 TC	Medicine	1.05	1.05	\$ 68.25	\$ 68.25
93294 00	Medicine	0.88	0.88	\$ 57.20	\$ 57.20
93295 00	Medicine	1.09	1.09	\$ 70.85	\$ 70.85
93296 00	Medicine	0.74	0.74	\$ 48.10	\$ 48.10
93297 00	Medicine	0.77	0.77	\$ 50.05	\$ 50.05
93298 00	Medicine	0.77	0.77	\$ 50.05	\$ 50.05
93303 00	Medicine	6.82	6.82	\$ 443.30	\$ 443.30
93303 26	Medicine	1.80	1.80	\$ 117.00	\$ 117.00
93303 TC	Medicine	5.02	5.02	\$ 326.30	\$ 326.30
93304 00	Medicine	4.78	4.78	\$ 310.70	\$ 310.70
93304 26	Medicine	1.06	1.06	\$ 68.90	\$ 68.90
93304 TC	Medicine	3.72	3.72	\$ 241.80	\$ 241.80
93306 00	Medicine	5.96	5.96	\$ 387.40	\$ 387.40
93306 26	Medicine	2.03	2.03	\$ 131.95	\$ 131.95
93306 TC	Medicine	3.93	3.93	\$ 255.45	\$ 255.45
93307 00	Medicine	4.21	4.21	\$ 273.65	\$ 273.65
93307 26	Medicine	1.30	1.30	\$ 84.50	\$ 84.50
93307 TC	Medicine	2.91	2.91	\$ 189.15	\$ 189.15
93308 00	Medicine	2.95	2.95	\$ 191.75	\$ 191.75
93308 26	Medicine	0.73	0.73	\$ 47.45	\$ 47.45
93308 TC	Medicine	2.22	2.22	\$ 144.30	\$ 144.30
93312 00	Medicine	7.23	7.23	\$ 469.95	\$ 469.95
93312 26	Medicine	3.13	3.13	\$ 203.45	\$ 203.45
93312 TC	Medicine	4.10	4.10	\$ 266.50	\$ 266.50
93313 00	Medicine	0.33	0.33	\$ 21.45	\$ 21.45
93314 00	Medicine	6.98	6.98	\$ 453.70	\$ 453.70
93314 26	Medicine	2.62	2.62	\$ 170.30	\$ 170.30
93314 TC	Medicine	4.36	4.36	\$ 283.40	\$ 283.40
93315 00	Medicine	-	-	\$ 482.30	\$ 482.30
93315 26	Medicine	3.69	3.69	\$ 239.85	\$ 239.85
93315 TC	Medicine	-	-	\$ 241.15	\$ 241.15
93316 00	Medicine	0.79	0.79	\$ 51.35	\$ 51.35
93317 00	Medicine	-	-	\$ 341.90	\$ 341.90
93317 26	Medicine	2.62	2.62	\$ 170.30	\$ 170.30
93317 TC	Medicine	-	-	\$ 170.95	\$ 170.95
93318 00	Medicine	-	-	\$ 388.70	\$ 388.70
93318 26	Medicine	2.99	2.99	\$ 194.35	\$ 194.35
93318 TC	Medicine	-	-	\$ 194.35	\$ 194.35
93320 00	Medicine	1.56	1.56	\$ 101.40	\$ 101.40
93320 26	Medicine	0.52	0.52	\$ 33.80	\$ 33.80
93320 TC	Medicine	1.04	1.04	\$ 67.60	\$ 67.60
93321 00	Medicine	0.78	0.78	\$ 50.70	\$ 50.70
93321 26	Medicine	0.21	0.21	\$ 13.65	\$ 13.65
93321 TC	Medicine	0.57	0.57	\$ 37.05	\$ 37.05
93325 00	Medicine	0.73	0.73	\$ 47.45	\$ 47.45
93325 26	Medicine	0.09	0.09	\$ 5.85	\$ 5.85
93325 TC	Medicine	0.64	0.64	\$ 41.60	\$ 41.60
93350 00	Medicine	5.64	5.64	\$ 366.60	\$ 366.60
93350 26	Medicine	2.03	2.03	\$ 131.95	\$ 131.95
93350 TC	Medicine	3.61	3.61	\$ 234.65	\$ 234.65
93351 00	Medicine	6.97	6.97	\$ 453.05	\$ 453.05
93351 26	Medicine	2.42	2.42	\$ 157.30	\$ 157.30
93351 TC	Medicine	4.55	4.55	\$ 295.75	\$ 295.75

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
93352 00	Medicine	0.98	0.98	\$ 63.70	\$ 63.70
93355 00	Medicine	6.61	6.61	\$ 429.65	\$ 429.65
93356 00	Medicine	1.18	0.35	\$ 76.70	\$ 22.75
93451 00	Medicine	26.77	26.77	\$ 1,740.05	\$ 1,740.05
93451 26	Medicine	3.81	3.81	\$ 247.65	\$ 247.65
93451 TC	Medicine	22.96	22.96	\$ 1,492.40	\$ 1,492.40
93452 00	Medicine	28.14	28.14	\$ 1,829.10	\$ 1,829.10
93452 26	Medicine	6.88	6.88	\$ 447.20	\$ 447.20
93452 TC	Medicine	21.26	21.26	\$ 1,381.90	\$ 1,381.90
93453 00	Medicine	35.91	35.91	\$ 2,334.15	\$ 2,334.15
93453 26	Medicine	9.22	9.22	\$ 599.30	\$ 599.30
93453 TC	Medicine	26.69	26.69	\$ 1,734.85	\$ 1,734.85
93454 00	Medicine	28.19	28.19	\$ 1,832.35	\$ 1,832.35
93454 26	Medicine	6.97	6.97	\$ 453.05	\$ 453.05
93454 TC	Medicine	21.22	21.22	\$ 1,379.30	\$ 1,379.30
93455 00	Medicine	31.66	31.66	\$ 2,057.90	\$ 2,057.90
93455 26	Medicine	8.12	8.12	\$ 527.80	\$ 527.80
93455 TC	Medicine	23.54	23.54	\$ 1,530.10	\$ 1,530.10
93456 00	Medicine	35.33	35.33	\$ 2,296.45	\$ 2,296.45
93456 26	Medicine	9.07	9.07	\$ 589.55	\$ 589.55
93456 TC	Medicine	26.26	26.26	\$ 1,706.90	\$ 1,706.90
93457 00	Medicine	38.76	38.76	\$ 2,519.40	\$ 2,519.40
93457 26	Medicine	10.21	10.21	\$ 663.65	\$ 663.65
93457 TC	Medicine	28.55	28.55	\$ 1,855.75	\$ 1,855.75
93458 00	Medicine	32.57	32.57	\$ 2,117.05	\$ 2,117.05
93458 26	Medicine	8.58	8.58	\$ 557.70	\$ 557.70
93458 TC	Medicine	23.99	23.99	\$ 1,559.35	\$ 1,559.35
93459 00	Medicine	35.22	35.22	\$ 2,289.30	\$ 2,289.30
93459 26	Medicine	9.74	9.74	\$ 633.10	\$ 633.10
93459 TC	Medicine	25.48	25.48	\$ 1,656.20	\$ 1,656.20
93460 00	Medicine	39.08	39.08	\$ 2,540.20	\$ 2,540.20
93460 26	Medicine	10.91	10.91	\$ 709.15	\$ 709.15
93460 TC	Medicine	28.17	28.17	\$ 1,831.05	\$ 1,831.05
93461 00	Medicine	43.33	43.33	\$ 2,816.45	\$ 2,816.45
93461 26	Medicine	12.04	12.04	\$ 782.60	\$ 782.60
93461 TC	Medicine	31.29	31.29	\$ 2,033.85	\$ 2,033.85
93462 00	Medicine	6.15	6.15	\$ 399.75	\$ 399.75
93463 00	Medicine	2.85	2.85	\$ 185.25	\$ 185.25
93464 00	Medicine	6.98	6.98	\$ 453.70	\$ 453.70
93464 26	Medicine	2.55	2.55	\$ 165.75	\$ 165.75
93464 TC	Medicine	4.43	4.43	\$ 287.95	\$ 287.95
93503 00	Medicine	2.55	2.55	\$ 165.75	\$ 165.75
93505 00	Medicine	20.70	20.70	\$ 1,345.50	\$ 1,345.50
93505 26	Medicine	6.52	6.52	\$ 423.80	\$ 423.80
93505 TC	Medicine	14.18	14.18	\$ 921.70	\$ 921.70
93530 00	Medicine	-	-	\$ 1,477.45	\$ 1,477.45
93530 26	Medicine	5.85	5.85	\$ 380.25	\$ 380.25
93530 TC	Medicine	-	-	\$ 1,093.30	\$ 1,093.30
93531 00	Medicine	-	-	\$ 3,211.00	\$ 3,211.00
93531 26	Medicine	12.23	12.23	\$ 794.95	\$ 794.95
93531 TC	Medicine	-	-	\$ 2,408.25	\$ 2,408.25
93532 00	Medicine	-	-	\$ 4,032.60	\$ 4,032.60
93532 26	Medicine	15.35	15.35	\$ 997.75	\$ 997.75
93532 TC	Medicine	-	-	\$ 3,024.45	\$ 3,024.45
93533 00	Medicine	-	-	\$ 3,380.00	\$ 3,380.00
93533 26	Medicine	10.27	10.27	\$ 667.55	\$ 667.55
93533 TC	Medicine	-	-	\$ 2,704.00	\$ 2,704.00
93561 00	Medicine	-	-	\$ 158.60	\$ 158.60
93561 26	Medicine	1.32	1.32	\$ 85.80	\$ 85.80

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
93561 TC	Medicine	-	-	\$ 72.80	\$ 72.80
93562 00	Medicine	-	-	\$ 183.30	\$ 183.30
93562 26	Medicine	1.08	1.08	\$ 70.20	\$ 70.20
93562 TC	Medicine	-	-	\$ 113.75	\$ 113.75
93563 00	Medicine	1.67	1.67	\$ 108.55	\$ 108.55
93564 00	Medicine	1.77	1.77	\$ 115.05	\$ 115.05
93565 00	Medicine	1.30	1.30	\$ 84.50	\$ 84.50
93566 00	Medicine	4.16	1.32	\$ 270.40	\$ 85.80
93567 00	Medicine	3.51	1.52	\$ 228.15	\$ 98.80
93568 00	Medicine	3.88	1.39	\$ 252.20	\$ 90.35
93571 00	Medicine	-	-	\$ 397.15	\$ 397.15
93571 26	Medicine	2.12	2.12	\$ 137.80	\$ 137.80
93571 TC	Medicine	-	-	\$ 258.05	\$ 258.05
93572 00	Medicine	-	-	\$ 214.50	\$ 214.50
93572 26	Medicine	1.54	1.54	\$ 100.10	\$ 100.10
93572 TC	Medicine	-	-	\$ 113.75	\$ 113.75
93580 00	Medicine	28.37	28.37	\$ 1,844.05	\$ 1,844.05
93581 00	Medicine	38.66	38.66	\$ 2,512.90	\$ 2,512.90
93582 00	Medicine	19.34	19.34	\$ 1,257.10	\$ 1,257.10
93583 00	Medicine	21.64	21.64	\$ 1,406.60	\$ 1,406.60
93590 00	Medicine	31.31	31.31	\$ 2,035.15	\$ 2,035.15
93591 00	Medicine	25.85	25.85	\$ 1,680.25	\$ 1,680.25
93592 00	Medicine	11.39	11.39	\$ 740.35	\$ 740.35
93600 00	Medicine	-	-	\$ 378.30	\$ 378.30
93600 26	Medicine	3.48	3.48	\$ 226.20	\$ 226.20
93600 TC	Medicine	-	-	\$ 151.45	\$ 151.45
93602 00	Medicine	-	-	\$ 308.75	\$ 308.75
93602 26	Medicine	3.42	3.42	\$ 222.30	\$ 222.30
93602 TC	Medicine	-	-	\$ 86.45	\$ 86.45
93603 00	Medicine	-	-	\$ 353.60	\$ 353.60
93603 26	Medicine	3.42	3.42	\$ 222.30	\$ 222.30
93603 TC	Medicine	-	-	\$ 130.65	\$ 130.65
93609 00	Medicine	-	-	\$ 737.75	\$ 737.75
93609 26	Medicine	8.10	8.10	\$ 526.50	\$ 526.50
93609 TC	Medicine	-	-	\$ 206.70	\$ 206.70
93610 00	Medicine	-	-	\$ 420.55	\$ 420.55
93610 26	Medicine	4.80	4.80	\$ 312.00	\$ 312.00
93610 TC	Medicine	-	-	\$ 105.30	\$ 105.30
93612 00	Medicine	-	-	\$ 434.20	\$ 434.20
93612 26	Medicine	4.76	4.76	\$ 309.40	\$ 309.40
93612 TC	Medicine	-	-	\$ 121.55	\$ 121.55
93613 00	Medicine	8.67	8.67	\$ 563.55	\$ 563.55
93615 00	Medicine	-	-	\$ 89.70	\$ 89.70
93615 26	Medicine	1.09	1.09	\$ 70.85	\$ 70.85
93615 TC	Medicine	-	-	\$ 18.85	\$ 18.85
93616 00	Medicine	-	-	\$ 148.85	\$ 148.85
93616 26	Medicine	1.71	1.71	\$ 111.15	\$ 111.15
93616 TC	Medicine	-	-	\$ 37.05	\$ 37.05
93618 00	Medicine	-	-	\$ 700.70	\$ 700.70
93618 26	Medicine	6.41	6.41	\$ 416.65	\$ 416.65
93618 TC	Medicine	-	-	\$ 280.15	\$ 280.15
93619 00	Medicine	-	-	\$ 1,311.70	\$ 1,311.70
93619 26	Medicine	11.43	11.43	\$ 742.95	\$ 742.95
93619 TC	Medicine	-	-	\$ 564.20	\$ 564.20
93620 00	Medicine	-	-	\$ 1,599.65	\$ 1,599.65
93620 26	Medicine	18.31	18.31	\$ 1,190.15	\$ 1,190.15
93620 TC	Medicine	-	-	\$ 399.75	\$ 399.75
93621 00	Medicine	-	-	\$ 297.05	\$ 297.05
93621 26	Medicine	3.42	3.42	\$ 222.30	\$ 222.30

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
93621 TC	Medicine	-	-	\$ 74.10	\$ 74.10
93622 00	Medicine	-	-	\$ 438.75	\$ 438.75
93622 26	Medicine	5.02	5.02	\$ 326.30	\$ 326.30
93622 TC	Medicine	-	-	\$ 109.85	\$ 109.85
93623 00	Medicine	-	-	\$ 322.40	\$ 322.40
93623 26	Medicine	3.72	3.72	\$ 241.80	\$ 241.80
93623 TC	Medicine	-	-	\$ 80.60	\$ 80.60
93624 00	Medicine	-	-	\$ 590.20	\$ 590.20
93624 26	Medicine	6.98	6.98	\$ 453.70	\$ 453.70
93624 TC	Medicine	-	-	\$ 130.00	\$ 130.00
93631 00	Medicine	-	-	\$ 1,002.95	\$ 1,002.95
93631 26	Medicine	11.52	11.52	\$ 748.80	\$ 748.80
93631 TC	Medicine	-	-	\$ 250.90	\$ 250.90
93640 00	Medicine	-	-	\$ 854.75	\$ 854.75
93640 26	Medicine	5.23	5.23	\$ 339.95	\$ 339.95
93640 TC	Medicine	-	-	\$ 512.85	\$ 512.85
93641 00	Medicine	-	-	\$ 1,125.80	\$ 1,125.80
93641 26	Medicine	9.10	9.10	\$ 591.50	\$ 591.50
93641 TC	Medicine	-	-	\$ 529.10	\$ 529.10
93642 00	Medicine	9.86	9.86	\$ 640.90	\$ 640.90
93642 26	Medicine	7.42	7.42	\$ 482.30	\$ 482.30
93642 TC	Medicine	2.44	2.44	\$ 158.60	\$ 158.60
93644 00	Medicine	5.75	5.75	\$ 373.75	\$ 373.75
93644 26	Medicine	4.19	4.19	\$ 272.35	\$ 272.35
93644 TC	Medicine	1.56	1.56	\$ 101.40	\$ 101.40
93650 00	Medicine	17.28	17.28	\$ 1,123.20	\$ 1,123.20
93653 00	Medicine	24.44	24.44	\$ 1,588.60	\$ 1,588.60
93654 00	Medicine	32.71	32.71	\$ 2,126.15	\$ 2,126.15
93655 00	Medicine	12.44	12.44	\$ 808.60	\$ 808.60
93656 00	Medicine	32.82	32.82	\$ 2,133.30	\$ 2,133.30
93657 00	Medicine	12.43	12.43	\$ 807.95	\$ 807.95
93660 00	Medicine	4.59	4.59	\$ 298.35	\$ 298.35
93660 26	Medicine	2.66	2.66	\$ 172.90	\$ 172.90
93660 TC	Medicine	1.93	1.93	\$ 125.45	\$ 125.45
93662 00	Medicine	-	-	\$ 286.65	\$ 286.65
93662 26	Medicine	3.30	3.30	\$ 214.50	\$ 214.50
93662 TC	Medicine	-	-	\$ 72.15	\$ 72.15
93668 00	Medicine	0.41	0.41	\$ 26.65	\$ 26.65
93701 00	Medicine	0.81	0.81	\$ 52.65	\$ 52.65
93702 00	Medicine	4.30	4.30	\$ 279.50	\$ 279.50
93724 00	Medicine	8.26	8.26	\$ 536.90	\$ 536.90
93724 26	Medicine	6.99	6.99	\$ 454.35	\$ 454.35
93724 TC	Medicine	1.27	1.27	\$ 82.55	\$ 82.55
93740 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
93745 00	Medicine	-	-	\$ 191.10	\$ 191.10
93745 26	Medicine	-	-	\$ 124.15	\$ 124.15
93745 TC	Medicine	-	-	\$ 66.95	\$ 66.95
93750 00	Medicine	1.44	1.14	\$ 93.60	\$ 74.10
93770 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
93784 00	Medicine	1.35	1.35	\$ 87.75	\$ 87.75
93786 00	Medicine	0.67	0.67	\$ 43.55	\$ 43.55
93788 00	Medicine	0.15	0.15	\$ 9.75	\$ 9.75
93790 00	Medicine	0.53	0.53	\$ 34.45	\$ 34.45
93792 00	Medicine	1.94	1.94	\$ 126.10	\$ 126.10
93793 00	Medicine	0.33	0.33	\$ 21.45	\$ 21.45
93797 00	Medicine	0.49	0.27	\$ 31.85	\$ 17.55
93798 00	Medicine	0.75	0.40	\$ 48.75	\$ 26.00
93799 00	Medicine	0.00	0.00	BR	BR
93799 26	Medicine	0.00	0.00	BR	BR

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
93799 TC	Medicine	0.00	0.00	BR	BR
93880 00	Medicine	5.85	5.85	\$ 380.25	\$ 380.25
93880 26	Medicine	1.12	1.12	\$ 72.80	\$ 72.80
93880 TC	Medicine	4.73	4.73	\$ 307.45	\$ 307.45
93882 00	Medicine	3.81	3.81	\$ 247.65	\$ 247.65
93882 26	Medicine	0.71	0.71	\$ 46.15	\$ 46.15
93882 TC	Medicine	3.10	3.10	\$ 201.50	\$ 201.50
93886 00	Medicine	8.14	8.14	\$ 529.10	\$ 529.10
93886 26	Medicine	1.35	1.35	\$ 87.75	\$ 87.75
93886 TC	Medicine	6.79	6.79	\$ 441.35	\$ 441.35
93888 00	Medicine	4.90	4.90	\$ 318.50	\$ 318.50
93888 26	Medicine	0.74	0.74	\$ 48.10	\$ 48.10
93888 TC	Medicine	4.16	4.16	\$ 270.40	\$ 270.40
93890 00	Medicine	8.36	8.36	\$ 543.40	\$ 543.40
93890 26	Medicine	1.47	1.47	\$ 95.55	\$ 95.55
93890 TC	Medicine	6.89	6.89	\$ 447.85	\$ 447.85
93892 00	Medicine	9.38	9.38	\$ 609.70	\$ 609.70
93892 26	Medicine	1.70	1.70	\$ 110.50	\$ 110.50
93892 TC	Medicine	7.68	7.68	\$ 499.20	\$ 499.20
93893 00	Medicine	11.13	11.13	\$ 723.45	\$ 723.45
93893 26	Medicine	1.73	1.73	\$ 112.45	\$ 112.45
93893 TC	Medicine	9.40	9.40	\$ 611.00	\$ 611.00
93895 00	Medicine	0.00	0.00	BR	BR
93895 26	Medicine	0.00	0.00	BR	BR
93895 TC	Medicine	0.00	0.00	BR	BR
93922 00	Medicine	2.50	2.50	\$ 162.50	\$ 162.50
93922 26	Medicine	0.37	0.37	\$ 24.05	\$ 24.05
93922 TC	Medicine	2.13	2.13	\$ 138.45	\$ 138.45
93923 00	Medicine	3.87	3.87	\$ 251.55	\$ 251.55
93923 26	Medicine	0.63	0.63	\$ 40.95	\$ 40.95
93923 TC	Medicine	3.24	3.24	\$ 210.60	\$ 210.60
93924 00	Medicine	4.80	4.80	\$ 312.00	\$ 312.00
93924 26	Medicine	0.70	0.70	\$ 45.50	\$ 45.50
93924 TC	Medicine	4.10	4.10	\$ 266.50	\$ 266.50
93925 00	Medicine	7.45	7.45	\$ 484.25	\$ 484.25
93925 26	Medicine	1.10	1.10	\$ 71.50	\$ 71.50
93925 TC	Medicine	6.35	6.35	\$ 412.75	\$ 412.75
93926 00	Medicine	4.39	4.39	\$ 285.35	\$ 285.35
93926 26	Medicine	0.68	0.68	\$ 44.20	\$ 44.20
93926 TC	Medicine	3.71	3.71	\$ 241.15	\$ 241.15
93930 00	Medicine	6.05	6.05	\$ 393.25	\$ 393.25
93930 26	Medicine	1.14	1.14	\$ 74.10	\$ 74.10
93930 TC	Medicine	4.91	4.91	\$ 319.15	\$ 319.15
93931 00	Medicine	3.78	3.78	\$ 245.70	\$ 245.70
93931 26	Medicine	0.70	0.70	\$ 45.50	\$ 45.50
93931 TC	Medicine	3.08	3.08	\$ 200.20	\$ 200.20
93970 00	Medicine	5.74	5.74	\$ 373.10	\$ 373.10
93970 26	Medicine	0.97	0.97	\$ 63.05	\$ 63.05
93970 TC	Medicine	4.77	4.77	\$ 310.05	\$ 310.05
93971 00	Medicine	3.61	3.61	\$ 234.65	\$ 234.65
93971 26	Medicine	0.63	0.63	\$ 40.95	\$ 40.95
93971 TC	Medicine	2.98	2.98	\$ 193.70	\$ 193.70
93975 00	Medicine	8.14	8.14	\$ 529.10	\$ 529.10
93975 26	Medicine	1.63	1.63	\$ 105.95	\$ 105.95
93975 TC	Medicine	6.51	6.51	\$ 423.15	\$ 423.15
93976 00	Medicine	4.81	4.81	\$ 312.65	\$ 312.65
93976 26	Medicine	1.12	1.12	\$ 72.80	\$ 72.80
93976 TC	Medicine	3.69	3.69	\$ 239.85	\$ 239.85
93978 00	Medicine	5.53	5.53	\$ 359.45	\$ 359.45

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
93978 26	Medicine	1.13	1.13	\$ 73.45	\$ 73.45
93978 TC	Medicine	4.40	4.40	\$ 286.00	\$ 286.00
93979 00	Medicine	3.57	3.57	\$ 232.05	\$ 232.05
93979 26	Medicine	0.69	0.69	\$ 44.85	\$ 44.85
93979 TC	Medicine	2.88	2.88	\$ 187.20	\$ 187.20
93980 00	Medicine	3.52	3.52	\$ 228.80	\$ 228.80
93980 26	Medicine	1.75	1.75	\$ 113.75	\$ 113.75
93980 TC	Medicine	1.77	1.77	\$ 115.05	\$ 115.05
93981 00	Medicine	2.14	2.14	\$ 139.10	\$ 139.10
93981 26	Medicine	0.61	0.61	\$ 39.65	\$ 39.65
93981 TC	Medicine	1.53	1.53	\$ 99.45	\$ 99.45
93985 00	Medicine	7.84	7.84	\$ 509.60	\$ 509.60
93985 26	Medicine	1.12	1.12	\$ 72.80	\$ 72.80
93985 TC	Medicine	6.72	6.72	\$ 436.80	\$ 436.80
93986 00	Medicine	4.53	4.53	\$ 294.45	\$ 294.45
93986 26	Medicine	0.69	0.69	\$ 44.85	\$ 44.85
93986 TC	Medicine	3.84	3.84	\$ 249.60	\$ 249.60
93990 00	Medicine	4.51	4.51	\$ 293.15	\$ 293.15
93990 26	Medicine	0.70	0.70	\$ 45.50	\$ 45.50
93990 TC	Medicine	3.81	3.81	\$ 247.65	\$ 247.65
93998 00	Medicine	0.00	0.00	BR	BR
94002 00	Medicine	2.66	2.66	\$ 172.90	\$ 172.90
94003 00	Medicine	1.90	1.90	\$ 123.50	\$ 123.50
94004 00	Medicine	1.40	1.40	\$ 91.00	\$ 91.00
94005 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
94010 00	Medicine	0.86	0.86	\$ 55.90	\$ 55.90
94010 26	Medicine	0.24	0.24	\$ 15.60	\$ 15.60
94010 TC	Medicine	0.62	0.62	\$ 40.30	\$ 40.30
94011 00	Medicine	2.50	2.50	\$ 162.50	\$ 162.50
94012 00	Medicine	4.06	4.06	\$ 263.90	\$ 263.90
94013 00	Medicine	0.57	0.57	\$ 37.05	\$ 37.05
94014 00	Medicine	1.62	1.62	\$ 105.30	\$ 105.30
94015 00	Medicine	0.90	0.90	\$ 58.50	\$ 58.50
94016 00	Medicine	0.72	0.72	\$ 46.80	\$ 46.80
94060 00	Medicine	1.35	1.35	\$ 87.75	\$ 87.75
94060 26	Medicine	0.30	0.30	\$ 19.50	\$ 19.50
94060 TC	Medicine	1.05	1.05	\$ 68.25	\$ 68.25
94070 00	Medicine	1.81	1.81	\$ 117.65	\$ 117.65
94070 26	Medicine	0.82	0.82	\$ 53.30	\$ 53.30
94070 TC	Medicine	0.99	0.99	\$ 64.35	\$ 64.35
94150 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
94150 26	Medicine	0.00	0.00	Bundled Code	Bundled Code
94150 TC	Medicine	0.00	0.00	Bundled Code	Bundled Code
94200 00	Medicine	0.52	0.52	\$ 33.80	\$ 33.80
94200 26	Medicine	0.11	0.11	\$ 7.15	\$ 7.15
94200 TC	Medicine	0.41	0.41	\$ 26.65	\$ 26.65
94375 00	Medicine	1.13	1.13	\$ 73.45	\$ 73.45
94375 26	Medicine	0.42	0.42	\$ 27.30	\$ 27.30
94375 TC	Medicine	0.71	0.71	\$ 46.15	\$ 46.15
94450 00	Medicine	1.79	1.79	\$ 116.35	\$ 116.35
94450 26	Medicine	0.53	0.53	\$ 34.45	\$ 34.45
94450 TC	Medicine	1.26	1.26	\$ 81.90	\$ 81.90
94452 00	Medicine	1.49	1.49	\$ 96.85	\$ 96.85
94452 26	Medicine	0.41	0.41	\$ 26.65	\$ 26.65
94452 TC	Medicine	1.08	1.08	\$ 70.20	\$ 70.20
94453 00	Medicine	2.05	2.05	\$ 133.25	\$ 133.25
94453 26	Medicine	0.54	0.54	\$ 35.10	\$ 35.10
94453 TC	Medicine	1.51	1.51	\$ 98.15	\$ 98.15
94610 00	Medicine	1.60	1.60	\$ 104.00	\$ 104.00

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
94617 00	Medicine	2.74	2.74	\$ 178.10	\$ 178.10
94617 26	Medicine	0.97	0.97	\$ 63.05	\$ 63.05
94617 TC	Medicine	1.77	1.77	\$ 115.05	\$ 115.05
94618 00	Medicine	0.97	0.97	\$ 63.05	\$ 63.05
94618 26	Medicine	0.65	0.65	\$ 42.25	\$ 42.25
94618 TC	Medicine	0.32	0.32	\$ 20.80	\$ 20.80
94619 00	Medicine	2.13	2.13	\$ 138.45	\$ 138.45
94619 26	Medicine	0.68	0.68	\$ 44.20	\$ 44.20
94619 TC	Medicine	1.45	1.45	\$ 94.25	\$ 94.25
94621 00	Medicine	4.59	4.59	\$ 298.35	\$ 298.35
94621 26	Medicine	1.98	1.98	\$ 128.70	\$ 128.70
94621 TC	Medicine	2.61	2.61	\$ 169.65	\$ 169.65
94640 00	Medicine	0.41	0.41	\$ 26.65	\$ 26.65
94642 00	Medicine	-	-	\$ 82.55	\$ 82.55
94644 00	Medicine	1.76	1.76	\$ 114.40	\$ 114.40
94645 00	Medicine	0.48	0.48	\$ 31.20	\$ 31.20
94660 00	Medicine	1.83	1.09	\$ 118.95	\$ 70.85
94662 00	Medicine	1.03	1.03	\$ 66.95	\$ 66.95
94664 00	Medicine	0.49	0.49	\$ 31.85	\$ 31.85
94667 00	Medicine	0.62	0.62	\$ 40.30	\$ 40.30
94668 00	Medicine	0.96	0.96	\$ 62.40	\$ 62.40
94669 00	Medicine	0.67	0.67	\$ 43.55	\$ 43.55
94680 00	Medicine	1.55	1.55	\$ 100.75	\$ 100.75
94680 26	Medicine	0.36	0.36	\$ 23.40	\$ 23.40
94680 TC	Medicine	1.19	1.19	\$ 77.35	\$ 77.35
94681 00	Medicine	1.49	1.49	\$ 96.85	\$ 96.85
94681 26	Medicine	0.29	0.29	\$ 18.85	\$ 18.85
94681 TC	Medicine	1.20	1.20	\$ 78.00	\$ 78.00
94690 00	Medicine	1.28	1.28	\$ 83.20	\$ 83.20
94690 26	Medicine	0.11	0.11	\$ 7.15	\$ 7.15
94690 TC	Medicine	1.17	1.17	\$ 76.05	\$ 76.05
94726 00	Medicine	1.59	1.59	\$ 103.35	\$ 103.35
94726 26	Medicine	0.35	0.35	\$ 22.75	\$ 22.75
94726 TC	Medicine	1.24	1.24	\$ 80.60	\$ 80.60
94727 00	Medicine	1.28	1.28	\$ 83.20	\$ 83.20
94727 26	Medicine	0.35	0.35	\$ 22.75	\$ 22.75
94727 TC	Medicine	0.93	0.93	\$ 60.45	\$ 60.45
94728 00	Medicine	1.19	1.19	\$ 77.35	\$ 77.35
94728 26	Medicine	0.36	0.36	\$ 23.40	\$ 23.40
94728 TC	Medicine	0.83	0.83	\$ 53.95	\$ 53.95
94729 00	Medicine	1.73	1.73	\$ 112.45	\$ 112.45
94729 26	Medicine	0.26	0.26	\$ 16.90	\$ 16.90
94729 TC	Medicine	1.47	1.47	\$ 95.55	\$ 95.55
94760 00	Medicine	0.07	0.07	\$ 4.55	\$ 4.55
94761 00	Medicine	0.11	0.11	\$ 7.15	\$ 7.15
94762 00	Medicine	0.79	0.79	\$ 51.35	\$ 51.35
94772 00	Medicine	-	-	\$ 581.75	\$ 581.75
94772 26	Medicine	-	-	\$ 232.70	\$ 232.70
94772 TC	Medicine	-	-	\$ 349.05	\$ 349.05
94774 00	Medicine	-	-	\$ 549.90	\$ 549.90
94775 00	Medicine	-	-	\$ 86.45	\$ 86.45
94776 00	Medicine	-	-	\$ 411.45	\$ 411.45
94777 00	Medicine	-	-	\$ 51.35	\$ 51.35
94780 00	Medicine	1.48	0.69	\$ 96.20	\$ 44.85
94781 00	Medicine	0.58	0.24	\$ 37.70	\$ 15.60
94799 00	Medicine	0.00	0.00	BR	BR
94799 26	Medicine	0.00	0.00	BR	BR
94799 TC	Medicine	0.00	0.00	BR	BR
95004 00	Medicine	0.12	0.12	\$ 7.80	\$ 7.80

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
95012 00	Medicine	0.58	0.58	\$ 37.70	\$ 37.70
95017 00	Medicine	0.25	0.11	\$ 16.25	\$ 7.15
95018 00	Medicine	0.62	0.21	\$ 40.30	\$ 13.65
95024 00	Medicine	0.25	0.03	\$ 16.25	\$ 1.95
95027 00	Medicine	0.14	0.14	\$ 9.10	\$ 9.10
95028 00	Medicine	0.38	0.38	\$ 24.70	\$ 24.70
95044 00	Medicine	0.16	0.16	\$ 10.40	\$ 10.40
95052 00	Medicine	0.20	0.20	\$ 13.00	\$ 13.00
95056 00	Medicine	1.41	1.41	\$ 91.65	\$ 91.65
95060 00	Medicine	1.06	1.06	\$ 68.90	\$ 68.90
95065 00	Medicine	0.78	0.78	\$ 50.70	\$ 50.70
95070 00	Medicine	1.02	1.02	\$ 66.30	\$ 66.30
95076 00	Medicine	3.44	2.14	\$ 223.60	\$ 139.10
95079 00	Medicine	2.44	1.97	\$ 158.60	\$ 128.05
95115 00	Medicine	0.27	0.27	\$ 17.55	\$ 17.55
95117 00	Medicine	0.33	0.33	\$ 21.45	\$ 21.45
95120 00	Medicine	-	-	\$ 22.75	\$ 22.75
95125 00	Medicine	-	-	\$ 27.95	\$ 27.95
95130 00	Medicine	-	-	\$ 39.00	\$ 39.00
95131 00	Medicine	-	-	\$ 50.05	\$ 50.05
95132 00	Medicine	-	-	\$ 60.45	\$ 60.45
95133 00	Medicine	-	-	\$ 72.80	\$ 72.80
95134 00	Medicine	-	-	\$ 87.10	\$ 87.10
95144 00	Medicine	0.48	0.09	\$ 31.20	\$ 5.85
95145 00	Medicine	1.00	0.09	\$ 65.00	\$ 5.85
95146 00	Medicine	1.84	0.09	\$ 119.60	\$ 5.85
95147 00	Medicine	1.82	0.09	\$ 118.30	\$ 5.85
95148 00	Medicine	2.66	0.09	\$ 172.90	\$ 5.85
95149 00	Medicine	3.54	0.09	\$ 230.10	\$ 5.85
95165 00	Medicine	0.46	0.09	\$ 29.90	\$ 5.85
95170 00	Medicine	0.34	0.09	\$ 22.10	\$ 5.85
95180 00	Medicine	3.95	2.97	\$ 256.75	\$ 193.05
95199 00	Medicine	0.00	0.00	BR	BR
95249 00	Medicine	1.68	1.68	\$ 109.20	\$ 109.20
95250 00	Medicine	4.51	4.51	\$ 293.15	\$ 293.15
95251 00	Medicine	1.02	1.02	\$ 66.30	\$ 66.30
95700 00	Medicine	-	-	\$ 458.90	\$ 458.90
95705 00	Medicine	-	-	\$ 378.95	\$ 378.95
95706 00	Medicine	-	-	\$ 700.05	\$ 700.05
95707 00	Medicine	-	-	\$ 817.70	\$ 817.70
95708 00	Medicine	-	-	\$ 557.05	\$ 557.05
95709 00	Medicine	-	-	\$ 1,372.15	\$ 1,372.15
95710 00	Medicine	-	-	\$ 1,726.40	\$ 1,726.40
95711 00	Medicine	-	-	\$ 403.00	\$ 403.00
95712 00	Medicine	-	-	\$ 817.70	\$ 817.70
95713 00	Medicine	-	-	\$ 1,065.35	\$ 1,065.35
95714 00	Medicine	-	-	\$ 594.75	\$ 594.75
95715 00	Medicine	-	-	\$ 1,585.35	\$ 1,585.35
95716 00	Medicine	-	-	\$ 2,151.50	\$ 2,151.50
95717 00	Medicine	2.96	2.93	\$ 192.40	\$ 190.45
95718 00	Medicine	3.95	3.88	\$ 256.75	\$ 252.20
95719 00	Medicine	4.58	4.53	\$ 297.70	\$ 294.45
95720 00	Medicine	6.05	5.96	\$ 393.25	\$ 387.40
95721 00	Medicine	6.09	5.97	\$ 395.85	\$ 388.05
95722 00	Medicine	7.42	7.28	\$ 482.30	\$ 473.20
95723 00	Medicine	7.57	7.40	\$ 492.05	\$ 481.00
95724 00	Medicine	9.47	9.29	\$ 615.55	\$ 603.85
95725 00	Medicine	8.65	8.44	\$ 562.25	\$ 548.60
95726 00	Medicine	12.00	11.76	\$ 780.00	\$ 764.40

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
95782 00	Medicine	27.14	27.14	\$ 1,764.10	\$ 1,764.10
95782 26	Medicine	3.62	3.62	\$ 235.30	\$ 235.30
95782 TC	Medicine	23.52	23.52	\$ 1,528.80	\$ 1,528.80
95783 00	Medicine	28.77	28.77	\$ 1,870.05	\$ 1,870.05
95783 26	Medicine	3.93	3.93	\$ 255.45	\$ 255.45
95783 TC	Medicine	24.84	24.84	\$ 1,614.60	\$ 1,614.60
95800 00	Medicine	4.88	4.88	\$ 317.20	\$ 317.20
95800 26	Medicine	1.20	1.20	\$ 78.00	\$ 78.00
95800 TC	Medicine	3.68	3.68	\$ 239.20	\$ 239.20
95801 00	Medicine	2.62	2.62	\$ 170.30	\$ 170.30
95801 26	Medicine	1.20	1.20	\$ 78.00	\$ 78.00
95801 TC	Medicine	1.42	1.42	\$ 92.30	\$ 92.30
95803 00	Medicine	4.50	4.50	\$ 292.50	\$ 292.50
95803 26	Medicine	1.29	1.29	\$ 83.85	\$ 83.85
95803 TC	Medicine	3.21	3.21	\$ 208.65	\$ 208.65
95805 00	Medicine	12.30	12.30	\$ 799.50	\$ 799.50
95805 26	Medicine	1.68	1.68	\$ 109.20	\$ 109.20
95805 TC	Medicine	10.62	10.62	\$ 690.30	\$ 690.30
95806 00	Medicine	2.94	2.94	\$ 191.10	\$ 191.10
95806 26	Medicine	1.30	1.30	\$ 84.50	\$ 84.50
95806 TC	Medicine	1.64	1.64	\$ 106.60	\$ 106.60
95807 00	Medicine	11.66	11.66	\$ 757.90	\$ 757.90
95807 26	Medicine	1.76	1.76	\$ 114.40	\$ 114.40
95807 TC	Medicine	9.90	9.90	\$ 643.50	\$ 643.50
95808 00	Medicine	19.34	19.34	\$ 1,257.10	\$ 1,257.10
95808 26	Medicine	2.51	2.51	\$ 163.15	\$ 163.15
95808 TC	Medicine	16.83	16.83	\$ 1,093.95	\$ 1,093.95
95810 00	Medicine	18.02	18.02	\$ 1,171.30	\$ 1,171.30
95810 26	Medicine	3.48	3.48	\$ 226.20	\$ 226.20
95810 TC	Medicine	14.54	14.54	\$ 945.10	\$ 945.10
95811 00	Medicine	18.81	18.81	\$ 1,222.65	\$ 1,222.65
95811 26	Medicine	3.61	3.61	\$ 234.65	\$ 234.65
95811 TC	Medicine	15.20	15.20	\$ 988.00	\$ 988.00
95812 00	Medicine	10.13	10.13	\$ 658.45	\$ 658.45
95812 26	Medicine	1.66	1.66	\$ 107.90	\$ 107.90
95812 TC	Medicine	8.47	8.47	\$ 550.55	\$ 550.55
95813 00	Medicine	12.46	12.46	\$ 809.90	\$ 809.90
95813 26	Medicine	2.53	2.53	\$ 164.45	\$ 164.45
95813 TC	Medicine	9.93	9.93	\$ 645.45	\$ 645.45
95816 00	Medicine	11.08	11.08	\$ 720.20	\$ 720.20
95816 26	Medicine	1.66	1.66	\$ 107.90	\$ 107.90
95816 TC	Medicine	9.42	9.42	\$ 612.30	\$ 612.30
95819 00	Medicine	13.29	13.29	\$ 863.85	\$ 863.85
95819 26	Medicine	1.67	1.67	\$ 108.55	\$ 108.55
95819 TC	Medicine	11.62	11.62	\$ 755.30	\$ 755.30
95822 00	Medicine	12.12	12.12	\$ 787.80	\$ 787.80
95822 26	Medicine	1.67	1.67	\$ 108.55	\$ 108.55
95822 TC	Medicine	10.45	10.45	\$ 679.25	\$ 679.25
95824 00	Medicine	-	-	\$ 191.75	\$ 191.75
95824 26	Medicine	1.14	1.14	\$ 74.10	\$ 74.10
95824 TC	Medicine	-	-	\$ 117.00	\$ 117.00
95829 00	Medicine	56.36	56.36	\$ 3,663.40	\$ 3,663.40
95829 26	Medicine	9.69	9.69	\$ 629.85	\$ 629.85
95829 TC	Medicine	46.67	46.67	\$ 3,033.55	\$ 3,033.55
95830 00	Medicine	18.98	2.69	\$ 1,233.70	\$ 174.85
95836 00	Medicine	3.07	3.07	\$ 199.55	\$ 199.55
95851 00	Medicine	0.66	0.22	\$ 42.90	\$ 14.30
95852 00	Medicine	0.53	0.16	\$ 34.45	\$ 10.40
95857 00	Medicine	1.63	0.86	\$ 105.95	\$ 55.90

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
95860 00	Medicine	3.49	3.49	\$ 226.85	\$ 226.85
95860 26	Medicine	1.49	1.49	\$ 96.85	\$ 96.85
95860 TC	Medicine	2.00	2.00	\$ 130.00	\$ 130.00
95861 00	Medicine	5.04	5.04	\$ 327.60	\$ 327.60
95861 26	Medicine	2.37	2.37	\$ 154.05	\$ 154.05
95861 TC	Medicine	2.67	2.67	\$ 173.55	\$ 173.55
95863 00	Medicine	6.57	6.57	\$ 427.05	\$ 427.05
95863 26	Medicine	2.88	2.88	\$ 187.20	\$ 187.20
95863 TC	Medicine	3.69	3.69	\$ 239.85	\$ 239.85
95864 00	Medicine	7.35	7.35	\$ 477.75	\$ 477.75
95864 26	Medicine	3.09	3.09	\$ 200.85	\$ 200.85
95864 TC	Medicine	4.26	4.26	\$ 276.90	\$ 276.90
95865 00	Medicine	4.58	4.58	\$ 297.70	\$ 297.70
95865 26	Medicine	2.40	2.40	\$ 156.00	\$ 156.00
95865 TC	Medicine	2.18	2.18	\$ 141.70	\$ 141.70
95866 00	Medicine	3.99	3.99	\$ 259.35	\$ 259.35
95866 26	Medicine	1.90	1.90	\$ 123.50	\$ 123.50
95866 TC	Medicine	2.09	2.09	\$ 135.85	\$ 135.85
95867 00	Medicine	3.29	3.29	\$ 213.85	\$ 213.85
95867 26	Medicine	1.22	1.22	\$ 79.30	\$ 79.30
95867 TC	Medicine	2.07	2.07	\$ 134.55	\$ 134.55
95868 00	Medicine	4.29	4.29	\$ 278.85	\$ 278.85
95868 26	Medicine	1.82	1.82	\$ 118.30	\$ 118.30
95868 TC	Medicine	2.47	2.47	\$ 160.55	\$ 160.55
95869 00	Medicine	3.00	3.00	\$ 195.00	\$ 195.00
95869 26	Medicine	0.58	0.58	\$ 37.70	\$ 37.70
95869 TC	Medicine	2.42	2.42	\$ 157.30	\$ 157.30
95870 00	Medicine	2.68	2.68	\$ 174.20	\$ 174.20
95870 26	Medicine	0.57	0.57	\$ 37.05	\$ 37.05
95870 TC	Medicine	2.11	2.11	\$ 137.15	\$ 137.15
95872 00	Medicine	6.01	6.01	\$ 390.65	\$ 390.65
95872 26	Medicine	4.44	4.44	\$ 288.60	\$ 288.60
95872 TC	Medicine	1.57	1.57	\$ 102.05	\$ 102.05
95873 00	Medicine	2.33	2.33	\$ 151.45	\$ 151.45
95873 26	Medicine	0.58	0.58	\$ 37.70	\$ 37.70
95873 TC	Medicine	1.75	1.75	\$ 113.75	\$ 113.75
95874 00	Medicine	2.43	2.43	\$ 157.95	\$ 157.95
95874 26	Medicine	0.57	0.57	\$ 37.05	\$ 37.05
95874 TC	Medicine	1.86	1.86	\$ 120.90	\$ 120.90
95875 00	Medicine	4.03	4.03	\$ 261.95	\$ 261.95
95875 26	Medicine	1.70	1.70	\$ 110.50	\$ 110.50
95875 TC	Medicine	2.33	2.33	\$ 151.45	\$ 151.45
95885 00	Medicine	1.95	1.95	\$ 126.75	\$ 126.75
95885 26	Medicine	0.54	0.54	\$ 35.10	\$ 35.10
95885 TC	Medicine	1.41	1.41	\$ 91.65	\$ 91.65
95886 00	Medicine	2.99	2.99	\$ 194.35	\$ 194.35
95886 26	Medicine	1.33	1.33	\$ 86.45	\$ 86.45
95886 TC	Medicine	1.66	1.66	\$ 107.90	\$ 107.90
95887 00	Medicine	2.59	2.59	\$ 168.35	\$ 168.35
95887 26	Medicine	1.09	1.09	\$ 70.85	\$ 70.85
95887 TC	Medicine	1.50	1.50	\$ 97.50	\$ 97.50
95905 00	Medicine	1.39	1.39	\$ 90.35	\$ 90.35
95905 26	Medicine	0.08	0.08	\$ 5.20	\$ 5.20
95905 TC	Medicine	1.31	1.31	\$ 85.15	\$ 85.15
95907 00	Medicine	2.78	2.78	\$ 180.70	\$ 180.70
95907 26	Medicine	1.55	1.55	\$ 100.75	\$ 100.75
95907 TC	Medicine	1.23	1.23	\$ 79.95	\$ 79.95
95908 00	Medicine	3.51	3.51	\$ 228.15	\$ 228.15
95908 26	Medicine	1.94	1.94	\$ 126.10	\$ 126.10

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
95908 TC	Medicine	1.57	1.57	\$ 102.05	\$ 102.05
95909 00	Medicine	4.19	4.19	\$ 272.35	\$ 272.35
95909 26	Medicine	2.31	2.31	\$ 150.15	\$ 150.15
95909 TC	Medicine	1.88	1.88	\$ 122.20	\$ 122.20
95910 00	Medicine	5.51	5.51	\$ 358.15	\$ 358.15
95910 26	Medicine	3.11	3.11	\$ 202.15	\$ 202.15
95910 TC	Medicine	2.40	2.40	\$ 156.00	\$ 156.00
95911 00	Medicine	6.61	6.61	\$ 429.65	\$ 429.65
95911 26	Medicine	3.86	3.86	\$ 250.90	\$ 250.90
95911 TC	Medicine	2.75	2.75	\$ 178.75	\$ 178.75
95912 00	Medicine	7.65	7.65	\$ 497.25	\$ 497.25
95912 26	Medicine	4.62	4.62	\$ 300.30	\$ 300.30
95912 TC	Medicine	3.03	3.03	\$ 196.95	\$ 196.95
95913 00	Medicine	8.88	8.88	\$ 577.20	\$ 577.20
95913 26	Medicine	5.47	5.47	\$ 355.55	\$ 355.55
95913 TC	Medicine	3.41	3.41	\$ 221.65	\$ 221.65
95921 00	Medicine	2.61	2.61	\$ 169.65	\$ 169.65
95921 26	Medicine	1.31	1.31	\$ 85.15	\$ 85.15
95921 TC	Medicine	1.30	1.30	\$ 84.50	\$ 84.50
95922 00	Medicine	3.10	3.10	\$ 201.50	\$ 201.50
95922 26	Medicine	1.38	1.38	\$ 89.70	\$ 89.70
95922 TC	Medicine	1.72	1.72	\$ 111.80	\$ 111.80
95923 00	Medicine	3.83	3.83	\$ 248.95	\$ 248.95
95923 26	Medicine	1.31	1.31	\$ 85.15	\$ 85.15
95923 TC	Medicine	2.52	2.52	\$ 163.80	\$ 163.80
95924 00	Medicine	4.42	4.42	\$ 287.30	\$ 287.30
95924 26	Medicine	2.52	2.52	\$ 163.80	\$ 163.80
95924 TC	Medicine	1.90	1.90	\$ 123.50	\$ 123.50
95925 00	Medicine	4.62	4.62	\$ 300.30	\$ 300.30
95925 26	Medicine	0.83	0.83	\$ 53.95	\$ 53.95
95925 TC	Medicine	3.79	3.79	\$ 246.35	\$ 246.35
95926 00	Medicine	4.26	4.26	\$ 276.90	\$ 276.90
95926 26	Medicine	0.80	0.80	\$ 52.00	\$ 52.00
95926 TC	Medicine	3.46	3.46	\$ 224.90	\$ 224.90
95927 00	Medicine	4.18	4.18	\$ 271.70	\$ 271.70
95927 26	Medicine	0.78	0.78	\$ 50.70	\$ 50.70
95927 TC	Medicine	3.40	3.40	\$ 221.00	\$ 221.00
95928 00	Medicine	6.96	6.96	\$ 452.40	\$ 452.40
95928 26	Medicine	2.31	2.31	\$ 150.15	\$ 150.15
95928 TC	Medicine	4.65	4.65	\$ 302.25	\$ 302.25
95929 00	Medicine	7.16	7.16	\$ 465.40	\$ 465.40
95929 26	Medicine	2.29	2.29	\$ 148.85	\$ 148.85
95929 TC	Medicine	4.87	4.87	\$ 316.55	\$ 316.55
95930 00	Medicine	1.97	1.97	\$ 128.05	\$ 128.05
95930 26	Medicine	0.54	0.54	\$ 35.10	\$ 35.10
95930 TC	Medicine	1.43	1.43	\$ 92.95	\$ 92.95
95933 00	Medicine	2.53	2.53	\$ 164.45	\$ 164.45
95933 26	Medicine	0.92	0.92	\$ 59.80	\$ 59.80
95933 TC	Medicine	1.61	1.61	\$ 104.65	\$ 104.65
95937 00	Medicine	3.07	3.07	\$ 199.55	\$ 199.55
95937 26	Medicine	1.01	1.01	\$ 65.65	\$ 65.65
95937 TC	Medicine	2.06	2.06	\$ 133.90	\$ 133.90
95938 00	Medicine	10.58	10.58	\$ 687.70	\$ 687.70
95938 26	Medicine	1.33	1.33	\$ 86.45	\$ 86.45
95938 TC	Medicine	9.25	9.25	\$ 601.25	\$ 601.25
95939 00	Medicine	16.02	16.02	\$ 1,041.30	\$ 1,041.30
95939 26	Medicine	3.46	3.46	\$ 224.90	\$ 224.90
95939 TC	Medicine	12.56	12.56	\$ 816.40	\$ 816.40
95940 00	Medicine	0.95	0.95	\$ 61.75	\$ 61.75

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
95941 00	Medicine	0.00	0.00	BR	BR
95943 00	Medicine	-	-	\$ 297.05	\$ 297.05
95943 26	Medicine	-	-	\$ 178.10	\$ 178.10
95943 TC	Medicine	-	-	\$ 118.95	\$ 118.95
95954 00	Medicine	11.56	11.56	\$ 751.40	\$ 751.40
95954 26	Medicine	3.21	3.21	\$ 208.65	\$ 208.65
95954 TC	Medicine	8.35	8.35	\$ 542.75	\$ 542.75
95955 00	Medicine	6.36	6.36	\$ 413.40	\$ 413.40
95955 26	Medicine	1.56	1.56	\$ 101.40	\$ 101.40
95955 TC	Medicine	4.80	4.80	\$ 312.00	\$ 312.00
95957 00	Medicine	7.40	7.40	\$ 481.00	\$ 481.00
95957 26	Medicine	2.96	2.96	\$ 192.40	\$ 192.40
95957 TC	Medicine	4.44	4.44	\$ 288.60	\$ 288.60
95958 00	Medicine	17.54	17.54	\$ 1,140.10	\$ 1,140.10
95958 26	Medicine	6.52	6.52	\$ 423.80	\$ 423.80
95958 TC	Medicine	11.02	11.02	\$ 716.30	\$ 716.30
95961 00	Medicine	9.25	9.25	\$ 601.25	\$ 601.25
95961 26	Medicine	4.69	4.69	\$ 304.85	\$ 304.85
95961 TC	Medicine	4.56	4.56	\$ 296.40	\$ 296.40
95962 00	Medicine	7.72	7.72	\$ 501.80	\$ 501.80
95962 26	Medicine	5.02	5.02	\$ 326.30	\$ 326.30
95962 TC	Medicine	2.70	2.70	\$ 175.50	\$ 175.50
95965 00	Medicine	-	-	\$ 3,932.50	\$ 3,932.50
95965 26	Medicine	12.03	12.03	\$ 781.95	\$ 781.95
95965 TC	Medicine	-	-	\$ 3,146.00	\$ 3,146.00
95966 00	Medicine	-	-	\$ 2,018.25	\$ 2,018.25
95966 26	Medicine	6.16	6.16	\$ 400.40	\$ 400.40
95966 TC	Medicine	-	-	\$ 1,614.60	\$ 1,614.60
95967 00	Medicine	-	-	\$ 1,764.75	\$ 1,764.75
95967 26	Medicine	5.39	5.39	\$ 350.35	\$ 350.35
95967 TC	Medicine	-	-	\$ 1,411.80	\$ 1,411.80
95970 00	Medicine	0.56	0.55	\$ 36.40	\$ 35.75
95971 00	Medicine	1.43	1.16	\$ 92.95	\$ 75.40
95972 00	Medicine	1.65	1.20	\$ 107.25	\$ 78.00
95976 00	Medicine	1.17	1.15	\$ 76.05	\$ 74.75
95977 00	Medicine	1.57	1.54	\$ 102.05	\$ 100.10
95980 00	Medicine	1.32	1.32	\$ 85.80	\$ 85.80
95981 00	Medicine	1.08	0.52	\$ 70.20	\$ 33.80
95982 00	Medicine	1.71	1.09	\$ 111.15	\$ 70.85
95983 00	Medicine	1.49	1.46	\$ 96.85	\$ 94.90
95984 00	Medicine	1.30	1.29	\$ 84.50	\$ 83.85
95990 00	Medicine	2.72	2.72	\$ 176.80	\$ 176.80
95991 00	Medicine	3.36	1.18	\$ 218.40	\$ 76.70
95992 00	Medicine	1.28	1.07	\$ 83.20	\$ 69.55
95999 00	Medicine	0.00	0.00	BR	BR
96000 00	Medicine	2.58	2.58	\$ 167.70	\$ 167.70
96001 00	Medicine	3.24	3.24	\$ 210.60	\$ 210.60
96002 00	Medicine	0.65	0.65	\$ 42.25	\$ 42.25
96003 00	Medicine	0.49	0.49	\$ 31.85	\$ 31.85
96004 00	Medicine	3.22	3.22	\$ 209.30	\$ 209.30
96020 00	Medicine	0.00	0.00	BR	BR
96020 26	Medicine	4.66	4.66	\$ 302.90	\$ 302.90
96020 TC	Medicine	0.00	0.00	BR	BR
96040 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
96105 00	Medicine	2.91	2.91	\$ 189.15	\$ 189.15
96110 00	Medicine	0.29	0.29	\$ 18.85	\$ 18.85
96112 00	Medicine	3.77	3.71	\$ 245.05	\$ 241.15
96113 00	Medicine	1.68	1.56	\$ 109.20	\$ 101.40
96116 00	Medicine	2.78	2.40	\$ 180.70	\$ 156.00

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
96121 00	Medicine	2.36	2.13	\$ 153.40	\$ 138.45
96125 00	Medicine	3.07	3.07	\$ 199.55	\$ 199.55
96127 00	Medicine	0.14	0.14	\$ 9.10	\$ 9.10
96130 00	Medicine	3.46	3.11	\$ 224.90	\$ 202.15
96131 00	Medicine	2.62	2.34	\$ 170.30	\$ 152.10
96132 00	Medicine	3.82	3.04	\$ 248.30	\$ 197.60
96133 00	Medicine	2.98	2.29	\$ 193.70	\$ 148.85
96136 00	Medicine	1.34	0.70	\$ 87.10	\$ 45.50
96137 00	Medicine	1.20	0.54	\$ 78.00	\$ 35.10
96138 00	Medicine	1.07	1.07	\$ 69.55	\$ 69.55
96139 00	Medicine	1.07	1.07	\$ 69.55	\$ 69.55
96146 00	Medicine	0.06	0.06	\$ 3.90	\$ 3.90
96156 00	Medicine	2.79	2.47	\$ 181.35	\$ 160.55
96158 00	Medicine	1.91	1.69	\$ 124.15	\$ 109.85
96159 00	Medicine	0.66	0.59	\$ 42.90	\$ 38.35
96160 00	Medicine	0.08	0.08	\$ 5.20	\$ 5.20
96161 00	Medicine	0.08	0.08	\$ 5.20	\$ 5.20
96164 00	Medicine	0.28	0.25	\$ 18.20	\$ 16.25
96165 00	Medicine	0.13	0.11	\$ 8.45	\$ 7.15
96167 00	Medicine	2.04	1.80	\$ 132.60	\$ 117.00
96168 00	Medicine	0.73	0.64	\$ 47.45	\$ 41.60
96170 00	Medicine	2.34	2.21	\$ 152.10	\$ 143.65
96171 00	Medicine	0.84	0.79	\$ 54.60	\$ 51.35
96360 00	Medicine	1.04	1.04	\$ 67.60	\$ 67.60
96361 00	Medicine	0.40	0.40	\$ 26.00	\$ 26.00
96365 00	Medicine	2.11	2.11	\$ 137.15	\$ 137.15
96366 00	Medicine	0.64	0.64	\$ 41.60	\$ 41.60
96367 00	Medicine	0.92	0.92	\$ 59.80	\$ 59.80
96368 00	Medicine	0.61	0.61	\$ 39.65	\$ 39.65
96369 00	Medicine	4.55	4.55	\$ 295.75	\$ 295.75
96370 00	Medicine	0.44	0.44	\$ 28.60	\$ 28.60
96371 00	Medicine	1.89	1.89	\$ 122.85	\$ 122.85
96372 00	Medicine	0.41	0.41	\$ 26.65	\$ 26.65
96373 00	Medicine	0.53	0.53	\$ 34.45	\$ 34.45
96374 00	Medicine	1.20	1.20	\$ 78.00	\$ 78.00
96375 00	Medicine	0.49	0.49	\$ 31.85	\$ 31.85
96376 00	Medicine	-	-	\$ 19.50	\$ 19.50
96377 00	Medicine	0.58	0.58	\$ 37.70	\$ 37.70
96379 00	Medicine	0.00	0.00	BR	BR
96401 00	Medicine	2.36	2.36	\$ 153.40	\$ 153.40
96402 00	Medicine	0.95	0.95	\$ 61.75	\$ 61.75
96405 00	Medicine	2.51	0.84	\$ 163.15	\$ 54.60
96406 00	Medicine	3.90	1.30	\$ 253.50	\$ 84.50
96409 00	Medicine	3.25	3.25	\$ 211.25	\$ 211.25
96411 00	Medicine	1.78	1.78	\$ 115.70	\$ 115.70
96413 00	Medicine	4.25	4.25	\$ 276.25	\$ 276.25
96415 00	Medicine	0.90	0.90	\$ 58.50	\$ 58.50
96416 00	Medicine	4.22	4.22	\$ 274.30	\$ 274.30
96417 00	Medicine	2.06	2.06	\$ 133.90	\$ 133.90
96420 00	Medicine	3.31	3.31	\$ 215.15	\$ 215.15
96422 00	Medicine	5.16	5.16	\$ 335.40	\$ 335.40
96423 00	Medicine	2.37	2.37	\$ 154.05	\$ 154.05
96425 00	Medicine	5.53	5.53	\$ 359.45	\$ 359.45
96440 00	Medicine	28.54	3.60	\$ 1,855.10	\$ 234.00
96446 00	Medicine	6.18	0.74	\$ 401.70	\$ 48.10
96450 00	Medicine	5.23	2.26	\$ 339.95	\$ 146.90
96521 00	Medicine	4.38	4.38	\$ 284.70	\$ 284.70
96522 00	Medicine	3.75	3.75	\$ 243.75	\$ 243.75
96523 00	Medicine	0.83	0.83	\$ 53.95	\$ 53.95

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
96542 00	Medicine	4.02	1.21	\$ 261.30	\$ 78.65
96549 00	Medicine	-	-	\$ 0.65	\$ 0.65
96567 00	Medicine	4.25	4.25	\$ 276.25	\$ 276.25
96570 00	Medicine	1.61	1.61	\$ 104.65	\$ 104.65
96571 00	Medicine	0.75	0.75	\$ 48.75	\$ 48.75
96573 00	Medicine	6.90	6.90	\$ 448.50	\$ 448.50
96574 00	Medicine	8.49	8.49	\$ 551.85	\$ 551.85
96900 00	Medicine	0.68	0.68	\$ 44.20	\$ 44.20
96902 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
96904 00	Medicine	2.13	2.13	\$ 138.45	\$ 138.45
96910 00	Medicine	3.50	3.50	\$ 227.50	\$ 227.50
96912 00	Medicine	3.01	3.01	\$ 195.65	\$ 195.65
96913 00	Medicine	4.44	4.44	\$ 288.60	\$ 288.60
96920 00	Medicine	4.76	1.86	\$ 309.40	\$ 120.90
96921 00	Medicine	5.20	2.09	\$ 338.00	\$ 135.85
96922 00	Medicine	7.05	3.38	\$ 458.25	\$ 219.70
96931 00	Medicine	5.14	5.14	\$ 334.10	\$ 334.10
96932 00	Medicine	3.84	3.84	\$ 249.60	\$ 249.60
96933 00	Medicine	1.30	1.30	\$ 84.50	\$ 84.50
96934 00	Medicine	3.34	3.34	\$ 217.10	\$ 217.10
96935 00	Medicine	2.10	2.10	\$ 136.50	\$ 136.50
96936 00	Medicine	1.24	1.24	\$ 80.60	\$ 80.60
96999 00	Medicine	0.00	0.00	BR	BR

#### Historical Note

New Appendix A, Medicine Codes 2019-2020 made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Medicine Codes 2019-2020 will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Medicine Codes 2019-2020 repealed; new Appendix A, Medicine Codes 2020-2021 made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Medicine Codes 2020-2021 repealed; new Appendix A, Medicine Codes 2021-2022 made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3).

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

## PHYSICAL MEDICINE AND REHABILITATION GUIDELINES

This Fee Schedule has been updated to incorporate by reference the 2021 Edition of the American Medical Association's *Current Procedural Terminology* (CPT®) publication, including the general guidelines, identifiers, modifiers, and terminology changes associated with the adopted codes. In this Fee Schedule CPT® codes that contain explanatory language specific to Arizona are preceded by Δ. Codes, however, that are unique to Arizona and not otherwise found in CPT® are preceded by an AZ identifier and numbered in the following format: AZxxx. Additional information regarding publications adopted by reference is found in the Introduction of the Fee Schedule.

The following Commission guidelines are in addition to the CPT® guidelines and represent additional guidance from the Commission relative to physical medicine and rehabilitation services. To the extent that a conflict may exist between an adopted portion of the CPT® and a code, guideline, identifier or modifier unique to Arizona, then the Arizona code, guideline, identifier or modifier shall control.

General requirements in reporting services are found in the Introduction of the Fee Schedule. In addition to the definitions and commonalities preceding the coded medical procedures, several other requirements unique to this Section (Physical Medicine and Rehabilitation) are defined or identified as follows:

- A. Physical therapy (PT) evaluation codes (97161-97163) and occupational therapy (OT) evaluation codes (97165-97167) are billed at the initial visit and a re-evaluation code (97164 for PT, 97168 for OT) may be billed once every two calendar weeks following an initial evaluation. Additional billing for PT and OT evaluation services may be allowed when specific additional services are warranted. Approval of the payer must be obtained prior to performing additional services. Criteria to select the appropriate evaluation and re-evaluation codes are outlined in the current CPT® publication.

NOTE: These limitations do **not** apply to referring healthcare providers or to providers who treat patients once per month.

- B. When multiple modalities (untimed 97012-97028 and/or time based 97032-97036) are performed, the first modality (or the first unit of a time-based modality) is reported as listed. The second modality (or the second unit of a time-based modality) is identified by adding modifier -51 to the code number. The second and each subsequent modality (or unit(s) of a time-based modality) should be valued at 50% of its listed value.

First modality reported or first unit of a time-based modality	-100%
Second, third, and additional approved modality or unit(s)	- 50%

Any more than three modalities or more than three units of a time-based modality per body part being treated must have prior approval from the payer. The time a healthcare provider

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

bills for a time-based modality (97032-97036) does not count towards the total timed therapeutic procedure maximum of four units or 67 minutes.

NOTE: 97010 is a bundled service and not separately reportable.

**Example:**

During a visit a patient receives the following services:

45 minutes therapeutic exercise 97110

15 minutes mechanical traction 97012

15 minutes unattended electrical stimulation 97014

10 minutes ultrasound 97035

15 minutes moist heat 97010 while receiving the electric stimulation

Under the multiple modality rule, the healthcare provider would bill:

97110 3 units at 100% of value (therapeutic procedure, timed code)

97012 1 unit at 100% of value (untimed code)

97014 1 unit at 50% of value (untimed code)

97035 1 unit at 50% of value (timed code)

97010 is bundled into the above services and not paid as a separate service

- C. CPT® codes describing therapeutic procedures (97110-97150 and 97530-97546) are not subject to the multiple modality rule and shall be paid at 100% of their listed value. When performing therapeutic procedure(s), (excluding work hardening/conditioning, 97545-97546, and physical test or measures for functional capacity evaluation, 97750), a maximum of four units or 67 minutes is allowed each day. Approval must be obtained from the payer prior to performing therapeutic procedures in excess of this maximum (e.g., when multiple body parts are treated in a single visit).
- D. The values for the codes in this section include the time and work of the provider, the equipment required to provide the service, and the cost of the healthcare provider's liability insurance. Medications and disposable electrodes used in these procedures should be considered supplies, code 99070, (see Section A in the Medicine Guidelines and Subsection (I)(4) of the Fee Schedule Introduction regarding billing for supplies).
- E. Time-Based Physical Medicine and Rehabilitation CPT® codes are billed according to guidance from the Centers for Medicare and Medicaid Services (CMS), as published in the Medicare Claims Processing Manual, Chapter 5, Section 20.2, C. Counting Minutes for Timed Codes in 15 Minute Units.

When only one service is provided in a day, healthcare providers should not bill for services provided for less than 8 minutes. For any single 15-minute timed CPT code in the same day, healthcare providers bill a single 15-minute unit for treatment of greater than or equal to 8 minutes through and including 22 minutes. If the duration of a single procedure in a day is greater than or equal to 23 minutes through and including 37 minutes, two units should be billed. Please refer to the table below, which outlines how to bill for up to four units or 67 minutes, without payer approval.

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Units	Number of Minutes
0	< 8 minutes
1	≥ 8 minutes and ≤ 22 minutes
2	≥ 23 minutes and ≤ 37 minutes
3	≥ 38 minutes and ≤ 52 minutes
4	≥ 53 minutes and ≤ 67 minutes

If additional therapeutic procedures are approved by the payer, the pattern for determining time/units is continued.

When more than one service represented by 15-minute timed codes is performed in a single day, the total number of minutes of service determines the number of timed units billed (as noted in the chart above). For any service represented by a 15-minute timed code that is performed for 7 minutes or less on the same day as another service also represented by a 15-minute timed code performed for 7 minutes or less, and the total time of these two services is 8 minutes or greater, the provider may bill one unit of service that was performed for the most minutes. The same logic is applied if three or more different services are performed on the same day for 7 minutes or less.

The expectation, based on the work values assigned to these codes, is that a provider's direct patient contact time for each unit will average 15 minutes in length. If more than one 15-minute timed CPT® code is billed during a single calendar day, the total number of units billed is constrained by the total treatment time for that day.

When documenting to support the billing of timed CPT® codes, the provider should **document the total number of timed minutes and the total time of the treatment provided that day.** Total treatment time includes the minutes for timed code treatment and untimed code treatment. Total treatment time does not include time for services that are not billable (e.g., rest periods). **The amount of time for each specific intervention/modality provided to the patient is not required to be documented in the treatment note.**

It is important that the total number of timed treatment minutes support the billing of units on the invoice and that the total treatment time also reflects the services billed as untimed codes. The billing and the total timed code treatment minutes documented must be consistent. Additional guidance for documentation of timed codes is found in the CMS Benefit Policy Manual, Chapter 15, 220.3, E. Treatment Note

Examples on how to count the appropriate number of minutes for the total therapy minutes provided:



## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

## Example 1

During a visit, the patient receives the following services:

45 minutes therapeutic exercise 97110

5 minutes manual therapy 97140

7 minutes therapeutic activities 97530

Total Timed Codes – 57 minutes

The healthcare provider would bill: 4 units

97110      3 units

97530      1 unit

Since the total time spent providing manual therapy and therapeutic exercises is greater than 8 minutes, one unit is billed of the service which was performed for more time.

## Example 2

During a visit, the patient receives the following services:

24 minutes neuromuscular reeducation 97112

23 minutes therapeutic exercise 97110

Total Timed Codes: 47 minutes

The healthcare provider would bill: 3 units

97112      2 units

97110      1 unit

Each service is provided for more than 15 minutes, so at least one unit is appropriate for each. Two units are billed for Neuromuscular reeducation since that service was performed for more time.

## Example 3

During a visit, the patient receives the following services:

20 minutes therapeutic activities 97530

20 minutes therapeutic exercise 97110

Total Timed Codes: 40 minutes

The healthcare provider would bill: 3 units

97530      2 units

97110      1 unit

OR

97110      2 units

97530      1 unit

Each service was provided for 20 minutes, which would allow for one unit for each service. However, the total time of 40 minutes allows for three units to be billed. Since the time for each service is the same, the provider can choose which code to bill for two units and which code to bill for one unit.

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

## Example 4

During a visit, the patient receives the following services:

33 minutes therapeutic exercise 97110

7 minutes manual therapy 97140

Total Timed Codes: 40 minutes

The healthcare provider would bill: 3 units

97110      2 units

97140      1 unit

The first 30 minutes of therapeutic exercise is 2 units. The remaining 3 minutes is added to the 7 minutes of manual therapy and then is billed for one unit of manual therapy. The time for manual therapy is greater than the remaining time from the therapeutic exercise.

## Example 5

During a visit, the patient receives the following services:

18 minutes therapeutic exercise 97110

13 minutes manual therapy 97140

10 minutes gait training 97116

8 minutes ultrasound 97035

Total Timed Codes: 49 minutes

The healthcare provider would bill: 3 units

97110      1 unit

97140      1 unit

97116      1 unit

Bill the procedures that the most time was spent performing. One unit each of 97110, 97140, and 97116. Although the ultrasound should be documented, it cannot be billed, as the healthcare provider is constrained by the total timed codes minutes. Since the total for the timed codes is 49 minutes, only three units would be billed.

- F. A work hardening program is limited to 6 1/2 hours per day, not to exceed a 6 week period of time.
- G. The payer has the right to require documentation to establish that a modality or therapeutic procedure was performed. Inasmuch as these Guidelines allow for re-evaluations to be performed every two weeks, it is at that time the healthcare provider should address and document the status of the treatment protocol.

It is not appropriate for the payer on a per billing basis to require a healthcare provider to provide unnecessary detailed documentation to justify payment. A healthcare provider is required to comply with A.R.S. § 23-1062.01 when submitting a bill. For example, the purpose of modalities like hot and cold packs, paraffin baths, and whirlpools are straightforward. Modalities are utilized as a sub-element of the over-all treatment protocol

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

to prepare the injured worker for therapy or to minimize the impact of the therapy on the injured worker. Other than a statement that certain modalities were performed, any additional documentation such as the purpose of the application of modalities, resulting flexibility or comfort is unnecessary. Additionally, listing the amount of weight an individual is lifting, repetitions, and sets is, again, unnecessary. During a re-evaluation visit, the healthcare provider should provide documentation regarding changes in strength, stamina, and flexibility.

Documentation of each treatment shall include the following elements:

- Date of treatment.
- Identification of each specific intervention/modality provided and billed, both timed and untimed services in a manner that it can be compared with the billing record to verify correct coding.
- Total timed code treatment minutes and total treatment time in minutes (the amount of time for each specific intervention/modality provided is not required).
- Signatures (written or electronic) and professional designation of the qualified healthcare provider who furnished or supervised the services provided.

**Historical Note**

New Appendix A, Physical Medicine Guidelines made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Physical Medicine Guidelines will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Physical Medicine Guidelines repealed; new Appendix A, Physical Medicine Guidelines made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Physical Medicine Guidelines repealed; new Appendix A, Physical Medicine and Rehabilitation Guidelines made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3).

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**ARIZONA PHYSICIANS' FEE SCHEDULE**  
**Physical Medicine Codes 2021-2022**  
**Physical Medicine Conversion Factor \$65.00**

Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
97010 00	Physical Medicine	0.18	0.18	\$ 11.70	\$ 11.70
97012 00	Physical Medicine	0.43	0.43	\$ 27.95	\$ 27.95
97014 00	Physical Medicine	0.39	0.39	\$ 25.35	\$ 25.35
97016 00	Physical Medicine	0.35	0.35	\$ 22.75	\$ 22.75
97018 00	Physical Medicine	0.17	0.17	\$ 11.05	\$ 11.05
97022 00	Physical Medicine	0.52	0.52	\$ 33.80	\$ 33.80
97024 00	Physical Medicine	0.21	0.21	\$ 13.65	\$ 13.65
97026 00	Physical Medicine	0.19	0.19	\$ 12.35	\$ 12.35
97028 00	Physical Medicine	0.24	0.24	\$ 15.60	\$ 15.60
97032 00	Physical Medicine	0.43	0.43	\$ 27.95	\$ 27.95
97033 00	Physical Medicine	0.59	0.59	\$ 38.35	\$ 38.35
97034 00	Physical Medicine	0.43	0.43	\$ 27.95	\$ 27.95
97035 00	Physical Medicine	0.42	0.42	\$ 27.30	\$ 27.30
97036 00	Physical Medicine	1.01	1.01	\$ 65.65	\$ 65.65
97039 00	Physical Medicine	-	-	\$ 25.35	\$ 25.35
97110 00	Physical Medicine	0.87	0.87	\$ 56.55	\$ 56.55
97112 00	Physical Medicine	1.01	1.01	\$ 65.65	\$ 65.65
97113 00	Physical Medicine	1.10	1.10	\$ 71.50	\$ 71.50
97116 00	Physical Medicine	0.87	0.87	\$ 56.55	\$ 56.55
97124 00	Physical Medicine	0.85	0.85	\$ 55.25	\$ 55.25
97129 00	Physical Medicine	0.67	0.67	\$ 43.55	\$ 43.55
97130 00	Physical Medicine	0.65	0.64	\$ 42.25	\$ 41.60
97139 00	Physical Medicine	-	-	\$ 31.85	\$ 31.85
97140 00	Physical Medicine	0.80	0.80	\$ 52.00	\$ 52.00
97150 00	Physical Medicine	0.52	0.52	\$ 33.80	\$ 33.80
97151 00	Physical Medicine	0.00	0.00	BR	BR
97152 00	Physical Medicine	0.00	0.00	BR	BR
97153 00	Physical Medicine	0.00	0.00	BR	BR
97154 00	Physical Medicine	0.00	0.00	BR	BR
97155 00	Physical Medicine	0.00	0.00	BR	BR
97156 00	Physical Medicine	0.00	0.00	BR	BR
97157 00	Physical Medicine	0.00	0.00	BR	BR
97158 00	Physical Medicine	0.00	0.00	BR	BR
97161 00	Physical Medicine	2.92	2.92	\$ 189.80	\$ 189.80
97162 00	Physical Medicine	2.92	2.92	\$ 189.80	\$ 189.80
97163 00	Physical Medicine	2.92	2.92	\$ 189.80	\$ 189.80
97164 00	Physical Medicine	2.00	2.00	\$ 130.00	\$ 130.00
97165 00	Physical Medicine	2.83	2.83	\$ 183.95	\$ 183.95
97166 00	Physical Medicine	2.83	2.83	\$ 183.95	\$ 183.95
97167 00	Physical Medicine	2.83	2.83	\$ 183.95	\$ 183.95
97168 00	Physical Medicine	1.91	1.91	\$ 124.15	\$ 124.15
97169 00	Physical Medicine	-	-	\$ 100.75	\$ 100.75
97170 00	Physical Medicine	-	-	\$ 100.75	\$ 100.75
97171 00	Physical Medicine	-	-	\$ 100.75	\$ 100.75
97172 00	Physical Medicine	-	-	\$ 50.70	\$ 50.70
97530 00	Physical Medicine	1.13	1.13	\$ 73.45	\$ 73.45
97533 00	Physical Medicine	1.74	1.74	\$ 113.10	\$ 113.10
97535 00	Physical Medicine	0.97	0.97	\$ 63.05	\$ 63.05
97537 00	Physical Medicine	0.93	0.93	\$ 60.45	\$ 60.45
97542 00	Physical Medicine	0.94	0.94	\$ 61.10	\$ 61.10
97545 00	Physical Medicine	-	-	\$ 317.20	\$ 317.20
97546 00	Physical Medicine	-	-	\$ 126.75	\$ 126.75
97597 00	Physical Medicine	2.94	1.04	\$ 191.10	\$ 67.60
97598 00	Physical Medicine	1.34	0.73	\$ 87.10	\$ 47.45
97602 00	Physical Medicine	-	-	\$ 160.55	\$ 160.55

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
97605 00	Physical Medicine	1.24	0.73	\$ 80.60	\$ 47.45
97606 00	Physical Medicine	1.47	0.80	\$ 95.55	\$ 52.00
97607 00	Physical Medicine	10.08	0.67	\$ 655.20	\$ 43.55
97608 00	Physical Medicine	9.81	0.74	\$ 637.65	\$ 48.10
97610 00	Physical Medicine	11.93	0.53	\$ 775.45	\$ 34.45
97750 00	Physical Medicine	0.99	0.99	\$ 64.35	\$ 64.35
97755 00	Physical Medicine	1.11	1.11	\$ 72.15	\$ 72.15
97760 00	Physical Medicine	1.44	1.44	\$ 93.60	\$ 93.60
97761 00	Physical Medicine	1.22	1.22	\$ 79.30	\$ 79.30
97763 00	Physical Medicine	1.58	1.58	\$ 102.70	\$ 102.70
97799 00	Physical Medicine	0.00	0.00	BR	BR
97802 00	Physical Medicine	1.08	0.95	\$ 70.20	\$ 61.75
97803 00	Physical Medicine	0.93	0.81	\$ 60.45	\$ 52.65
97804 00	Physical Medicine	0.49	0.45	\$ 31.85	\$ 29.25
97810 00	Physical Medicine	1.06	0.88	\$ 68.90	\$ 57.20
97811 00	Physical Medicine	0.80	0.73	\$ 52.00	\$ 47.45
97813 00	Physical Medicine	1.21	0.95	\$ 78.65	\$ 61.75
97814 00	Physical Medicine	1.00	0.81	\$ 65.00	\$ 52.65
98925 00	Physical Medicine	0.92	0.70	\$ 59.80	\$ 45.50
98926 00	Physical Medicine	1.30	1.03	\$ 84.50	\$ 66.95
98927 00	Physical Medicine	1.70	1.36	\$ 110.50	\$ 88.40
98928 00	Physical Medicine	2.07	1.70	\$ 134.55	\$ 110.50
98929 00	Physical Medicine	2.49	2.08	\$ 161.85	\$ 135.20
98940 00	Physical Medicine	0.81	0.64	\$ 52.65	\$ 41.60
98941 00	Physical Medicine	1.16	0.98	\$ 75.40	\$ 63.70
98942 00	Physical Medicine	1.52	1.34	\$ 98.80	\$ 87.10
98943 00	Physical Medicine	0.79	0.68	\$ 51.35	\$ 44.20
98960 00	Physical Medicine	0.80	0.80	\$ 52.00	\$ 52.00
98961 00	Physical Medicine	0.39	0.39	\$ 25.35	\$ 25.35
98962 00	Physical Medicine	0.29	0.29	\$ 18.85	\$ 18.85
98966 00	Physical Medicine	0.40	0.37	\$ 26.00	\$ 24.05
98967 00	Physical Medicine	0.77	0.73	\$ 50.05	\$ 47.45
98968 00	Physical Medicine	1.13	1.09	\$ 73.45	\$ 70.85
98970 00	Physical Medicine	0.34	0.33	\$ 22.10	\$ 21.45
98971 00	Physical Medicine	0.60	0.59	\$ 39.00	\$ 38.35
98972 00	Physical Medicine	0.94	0.94	\$ 61.10	\$ 61.10

#### Historical Note

New Appendix A, Physical Medicine Codes 2019-2020 made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Physical Medicine Codes 2019-2020 will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Physical Medicine Codes 2019-2020 repealed; new Appendix A, Physical Medicine Codes 2020-2021 made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Physical Medicine Codes 2020-2021 repealed; new Appendix A, Physical Medicine Codes 2021-2022 made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3).

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

## SPECIAL SERVICES GUIDELINES

This Fee Schedule has been updated to incorporate by reference the 2021 Edition of the American Medical Association's *Current Procedural Terminology* (CPT®) publication, including the general guidelines, identifiers, modifiers, and terminology changes associated with the adopted codes. In this Fee Schedule CPT® codes that contain explanatory language specific to Arizona are preceded by Δ. Codes, however, that are unique to Arizona and not otherwise found in CPT® are preceded by an AZ identifier and numbered in the following format: AZxxx. Additional information regarding publications adopted by reference is found in the Introduction of the Fee Schedule.

To the extent that a conflict may exist between an adopted portion of the CPT® and a code, guideline, identifier or modifier unique to Arizona, then the Arizona code, guideline, identifier or modifier shall control.

**Historical Note**

New Appendix A, Special Services Guidelines made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Special Services Guidelines will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Special Services Guidelines repealed; new Appendix A, Special Services Guidelines made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Special Services Guidelines repealed; new Appendix A, Special Services Guidelines made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3).

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

## ARIZONA PHYSICIANS' FEE SCHEDULE

## Special Service Codes 2021-2022

## Special Service Conversion Factor \$65.00

Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
99000 00	Special Service	-	-	\$ 11.05	\$ 11.05
99001 00	Special Service	-	-	\$ 13.00	\$ 13.00
99002 00	Special Service	0.00	0.00	Bundled Code	Bundled Code
99024 00	Special Service	0.00	0.00	Bundled Code	Bundled Code
99026 00	Special Service	0.00	0.00	BR	BR
99027 00	Special Service	0.00	0.00	BR	BR
99050 00	Special Service	-	-	\$ 36.40	\$ 36.40
99051 00	Special Service	0.00	0.00	Bundled Code	Bundled Code
99053 00	Special Service	0.00	0.00	Bundled Code	Bundled Code
99056 00	Special Service	0.00	0.00	Bundled Code	Bundled Code
99058 00	Special Service	-	-	\$ 43.55	\$ 43.55
99060 00	Special Service	0.00	0.00	Bundled Code	Bundled Code
99070 00	Special Service	0.00	0.00	BR	BR
99071 00	Special Service	0.00	0.00	Bundled Code	Bundled Code
99072 00	Special Service	0.00	0.00	BR	BR
99075 00	Special Service	0.00	0.00	BR	BR
99078 00	Special Service	0.00	0.00	Bundled Code	Bundled Code
99080 00	Special Service	0.00	0.00	BR	BR
99082 00	Special Service	-	-	\$ 55.90	\$ 55.90
99091 00	Special Service	1.63	1.63	\$ 105.95	\$ 105.95
99100 00	Special Service	0.00	0.00	See Anesthesia Section	See Anesthesia Section
99116 00	Special Service	0.00	0.00	See Anesthesia Section	See Anesthesia Section
99135 00	Special Service	0.00	0.00	See Anesthesia Section	See Anesthesia Section
99140 00	Special Service	0.00	0.00	See Anesthesia Section	See Anesthesia Section
99151 00	Special Service	2.54	0.73	\$ 165.10	\$ 47.45
99152 00	Special Service	1.51	0.36	\$ 98.15	\$ 23.40
99153 00	Special Service	0.31	0.31	\$ 20.15	\$ 20.15
99155 00	Special Service	2.43	2.43	\$ 157.95	\$ 157.95
99156 00	Special Service	2.22	2.22	\$ 144.30	\$ 144.30
99157 00	Special Service	1.83	1.83	\$ 118.95	\$ 118.95
99170 00	Special Service	4.69	2.50	\$ 304.85	\$ 162.50
99172 00	Special Service	-	-	\$ 34.45	\$ 34.45
99173 00	Special Service	0.09	0.09	\$ 5.85	\$ 5.85
99174 00	Special Service	0.16	0.16	\$ 10.40	\$ 10.40
99175 00	Special Service	0.86	0.86	\$ 55.90	\$ 55.90
99177 00	Special Service	0.13	0.13	\$ 8.45	\$ 8.45
99183 00	Special Service	3.15	3.15	\$ 204.75	\$ 204.75
99184 00	Special Service	6.36	6.36	\$ 413.40	\$ 413.40
99188 00	Special Service	0.36	0.30	\$ 23.40	\$ 19.50
99190 00	Special Service	-	-	\$ 864.50	\$ 864.50
99191 00	Special Service	-	-	\$ 605.15	\$ 605.15
99192 00	Special Service	-	-	\$ 432.25	\$ 432.25
99195 00	Special Service	3.11	3.11	\$ 202.15	\$ 202.15
99199 00	Special Service	0.00	0.00	BR	BR
99500 00	Special Service	0.00	0.00	BR	BR
99501 00	Special Service	0.00	0.00	BR	BR
99502 00	Special Service	0.00	0.00	BR	BR
99503 00	Special Service	0.00	0.00	BR	BR
99504 00	Special Service	0.00	0.00	BR	BR
99505 00	Special Service	0.00	0.00	BR	BR
99506 00	Special Service	0.00	0.00	BR	BR
99507 00	Special Service	0.00	0.00	BR	BR
99509 00	Special Service	0.00	0.00	BR	BR
99510 00	Special Service	0.00	0.00	BR	BR
99511 00	Special Service	0.00	0.00	BR	BR

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
99512 00	Special Service	0.00	0.00	BR	BR
99600 00	Special Service	0.00	0.00	BR	BR
99601 00	Special Service	0.00	0.00	BR	BR
99602 00	Special Service	0.00	0.00	BR	BR
99605 00	Special Service	0.00	0.00	BR	BR
99606 00	Special Service	0.00	0.00	BR	BR
99607 00	Special Service	0.00	0.00	BR	BR
AZ001 00 Peer-to-Peer interprofessional telephone consultations between treating physician or medical provider and Peer Reviewer; 5-10 minutes of medical consultative discussion and review.	Special Service	1.16	1.16	\$ 75.43	\$ 75.43
AZ002 00 Peer-to-Peer interprofessional telephone consultations between treating physician or medical provider and Peer Reviewer; 11-30 minutes of medical consultative discussion and review.	Special Service	1.55	1.55	\$ 100.57	\$ 100.57
AZ003 00 Meeting with NCM with patient.	Special Service	1.16	1.16	\$ 75.43	\$ 75.43
AZ004 00 Meeting with NCM without patient.	Special Service	1.55	1.55	\$ 100.57	\$ 100.57
AZ005 00 Completion of workers' compensation insurance forms (i.e. return-to-work status, work restrictions, supportive care restrictions) which are requested or required either by the Commission, the applicable payer (insurance, self-insured employer, or the Special Fund of the Commission), or a third-party administrator of the applicable payer, not to exceed more than one billing in a thirty (30) day period. The applicable form must be attached to the billing.	Special Service	0.62	0.62	\$ 40.30	\$ 40.30
AZ026 00 Mileage charge, within a radius of 7 miles, for a collection and handling service performed outside the physician's office or laboratory.	Special Service	0.00	0.00	BR	BR
AZ027 00 Over 7 miles, per mile.	Special Service	0.00	0.00	BR	BR
AZ028 00 When more than one patient seen, apportion mileage charge among total number of patients.	Special Service	0.00	0.00	BR	BR
AZ030 00 Mileage round-trip: each mile in excess of 8 miles of travel by physician.	Special Service	0.00	0.00	BR	BR

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
AZ031 00 Within large metropolitan areas a travel time basis may be appropriate. Code AZ031 00 would apply to Arizona's major metropolitan areas, to include Phoenix, Tucson, Flagstaff, Kingman and Yuma. This code would only be used when travel times are 45 minutes or more.	Special Service	0.00	0.00	BR	BR
AZ044 00 Services rendered in a night medical care facility: a charge in addition to the usual value of the procedure may be warranted.	Special Service	0.00	0.00	BR	BR
AZ099 00 Expert testimony at hearing, per hour.	Special Service	1.70	1.70	\$ 110.62	\$ 110.62

**Historical Note**

New Appendix A, Special Services Codes 2019-2020 made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Special Services Codes 2019-2020 will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Special Services Codes 2019-2020 repealed; new Appendix A, Special Services Codes 2020-2021 made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Special Services Codes 2020-2021 repealed; new Appendix A, Special Services Codes 2021-2022 made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3).

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

## EVALUATION AND MANAGEMENT GUIDELINES

This Fee Schedule has been updated to incorporate by reference the 2021 Edition of the American Medical Association's *Current Procedural Terminology* (CPT®) publication, including the general guidelines, identifiers, modifiers, and terminology changes associated with the adopted codes. In this Fee Schedule CPT® codes that contain explanatory language specific to Arizona are preceded by Δ. Codes, however, that are unique to Arizona and not otherwise found in CPT® are preceded by an AZ identifier and numbered in the following format: AZxxx. Additional information regarding publications adopted by reference is found in the Introduction of the Fee Schedule.

The evaluation and management guidelines adopted by reference may be found in the *Current Procedural Terminology*® (CPT®) published by the AMA and is reprinted, in part, below with permission. To the extent that a conflict may exist between an adopted portion of the CPT® and a code, guideline, identifier or modifier unique to Arizona, then the Arizona code, guideline, identifier or modifier shall control.

Documentation and review of records is inclusive to the performance of the appropriate E/M service. A health care provider shall only be reimbursed for time that is not accounted for in the E/M service code by billing codes 99354, 99355, 99356, 99357, 99358, or 99359. Proper documentation must justify the use of these codes and accompany the invoice.

Two HCPCS codes are included in this section of the 2021/2022 Fee Schedule:

G2010 – Remote evaluation of recorded video and/or images submitted by an established patient (e.g., store and forward), including interpretation with follow-up with the patient within 24 business hours, not originating from a related E/M service provided within the previous 7 days nor leading to an E/M service or procedure within the next 24 hours or soonest available appointment.

G2012 – Brief communication technology-based service, e.g., virtual check-in, by a physician or other qualified health care professional who can report evaluation and management services, provided to an established patient, not originating from a related E/M service provided within the previous 7 days nor leading to an E/M service or procedure within the next 24 hours or soonest available appointment; 5-10 minutes of medical discussion.

#### A. CLASSIFICATION OF EVALUATION AND MANAGEMENT (E/M) SERVICES.

The E/M section is divided into broad categories such as office visits, hospital visits, and consultations. Most of the categories are further divided into two or more subcategories of E/M services. For example, there are two subcategories of office visits (new patient and established patient) and there are two subcategories of hospital visits (initial and subsequent). The subcategories of E/M services are further classified into levels of E/M services that are identified by specific codes.

The basic format of the levels of E/M services is the same for most categories. First, a unique code number is listed. Second, the place and/or type of service is specified, e.g.,

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

office consultation. Third, the content of the service is defined. Fourth, time is specified. A detailed discussion of time is provided in Section C.

**B. DEFINITIONS OF COMMONLY USED TERMS.**

Certain key words and phrases are used throughout the E/M section. The following definitions are intended to reduce the potential for differing interpretations and to increase the consistency of reporting by physicians. The definitions in the E/M Guidelines are provided solely for the basis of code selection.

Some definitions are common to all categories of services and others are specific to one or more categories only.

**C. GUIDELINES COMMON TO ALL E/M SERVICES.**

- **Levels of E/M Services:** Within each category or subcategory of E/M service, there are three to five levels of E/M services available for reporting purposes. Levels of E/M services are NOT interchangeable among the different categories or subcategories of service. For example, the first level of E/M services in the subcategory of office visit, new patient, does not have the same definition as the first level of E/M services in the subcategory of office visit, established patient. Each level of E/M services may be used by all physicians.
- **New and Established Patient:** Solely for the purposes of distinguishing between new and established patients, professional services are those face-to-face services rendered by physicians who may report evaluation and management services reported by a specific CPT® code(s). A new patient is one who has not received any professional services from the physician or another physician of the exact same specialty and subspecialty who belongs to the same group practice, within the past three years.

An established patient is one who has received professional services from the physician or another physician of the exact same specialty and subspecialty who belongs to the same group practice, within the past three years.

In the instance where a physician is on call for or covering for another physician, the patient's encounter will be classified as it would have been by the physician who is not available. When advanced practice nurses and physician assistants are working with physicians, they are considered as working in the exact same specialty and exact same subspecialties as the physician.

No distinction is made between new and established patients in the emergency department. E/M services in the emergency department category may be reported for any new or established patient who presents for treatment in the emergency department.

- **Time:** The inclusion of time in the definitions of levels of E/M services has been implicit in prior editions of the CPT® codebook. The inclusion of time as an explicit factor beginning in CPT® 1992 is done to assist in selecting the most appropriate level

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of E/M services. Beginning with CPT® 2021, except for 99211, time alone may be used to select the appropriate code level for the office or other outpatient E/M services codes (99202, 99203, 99204, 99205, 99212, 99213, 99214, 99215). Different categories of services use time differently. It is important to review the instructions for each category.

Time is **not** a descriptive component for the emergency department levels of E/M services because emergency department services are typically provided on a variable intensity basis, often involving multiple encounters with several patients over an extended period of time. Therefore, it is often difficult to provide accurate estimates of the time spent face-to-face with the patient.

Time may be used to select a code level in office or other outpatient services whether or not counseling and/or coordination of care dominates the service. Time may only be used for selecting the level of the **other** E/M services when counseling and/or coordination of care dominates the service.

When time is used for reporting E/M services codes, the time defined in the service descriptors is used for selecting the appropriate level of services. The E/M services for which these guidelines apply require a face-to-face encounter with the physician. For office or other outpatient services, if the physician's time is spent in the supervision of clinical staff who perform the face-to-face services of the encounter, use 99211.

A shared or split visit is defined as a visit in which a physician and other qualified health care professional jointly provide face-to-face and non-face-to-face work related to the visit. When time is being used to select the appropriate level of services for which time-based reporting of shared or split visits is allowed, the time personally spent by the physician and other qualified health care professional(s) assessing and managing the patient on the date of the encounter is summed to define total time. Only distinct time should be summed for shared or split visits (i.e., when two or more individuals jointly meet with or discuss the patient, only the time of one individual should be counted).

When prolonged time occurs, the appropriate prolonged services code may be reported. The appropriate time should be documented in the medical record when it is used as the basis for code selection.

Face-to-face time (outpatient consultations [99241, 99242, 99243, 99244, 99245], domiciliary, rest home, or custodial services [99324, 99325, 99326, 99327, 99328, 99334, 99335, 99336, 99337], home services [99341, 99342, 99343, 99344, 99345, 99347, 99348, 99349, 99350], cognitive assessment and care plan services [99483]): For coding purposes, face-to-face time for these services is defined as only that time spent face-to-face with the patient and/or family. This includes the time spent performing such tasks as obtaining a history, examination, and counseling the patient.

Unit/floor time (hospital observation services [99218, 99219, 99220, 99224, 99225, 99226, 99234, 99235, 99236], hospital inpatient services [99221, 99222, 99223, 99231, 99232, 99233], inpatient consultations [99521, 99522, 99523, 99524, 99525],

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nursing facility services [99304, 99305, 99306, 99307, 99308, 99309, 99310, 99315, 99316, 99318]): For coding purposes, time for these services is defined as unit/floor time, which includes the time present on the patient's hospital unit and at the bedside rendering services for that patient. This includes the time to establish and/or review the patient's chart, examine the patient, write notes, and communicate with other professionals and the patient's family.

Total time on the date of the encounter (office or other outpatient services [99202, 99203, 99204, 99205, 99212, 99213, 99214, 99215]): For coding purposes, time for these services is the total time on the date of the encounter. It includes both the face-to-face and non-face-to-face time personally spent by the physician on the day of the encounter (includes time in activities that require the physician and does not include time in activities normally performed by clinical staff.

Physician time includes the following activities when performed:

- Preparing to see the patient (e.g., review of tests)
- Obtaining and/or reviewing separately obtained history
- Performing a medical examination and/or evaluation
- Counseling and educating the patient/family/caregiver
- Ordering medications, tests, or procedures
- Referring and communicating with other health care professionals (when not separately reported)
- Documenting clinical information in the electronic or other health record
- Independently interpreting results (not separately reported) and communicating results to the patient/family/caregiver
- Care coordination (not separately reported)

Do not count time spent on the following:

- The performance of other services that are reported separately
- Travel
- Teaching that is general and not limited to discussion that is required for the management of a specific patient
- Concurrent Care and Transfer of Care: Concurrent care is the provision of similar services (e.g., hospital visits) to the same patient by more than one physician on the same day. When concurrent care is provided, no special reporting is required. Transfer of care is the process whereby a physician who is providing management for some or all of a patient's problems relinquishes this responsibility to another physician who explicitly agrees to accept this responsibility and who, from the initial encounter, is not providing consultative services. The physician transferring care is then no longer providing care for these problems though he or she may continue providing care for other conditions when appropriate. Consultation codes should not be reported by the physician who has agreed to accept transfer of care before an initial evaluation but are appropriate to report if the decision to accept transfer of care cannot be made until after the initial consultation evaluation, regardless of site of service.

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- **Counseling:** Counseling is a discussion with a patient and/or family concerning one or more of the following areas:
  - Diagnostic results, impressions, and/or recommended diagnostic studies;
  - Prognosis;
  - Risks and benefits of management (treatment) options;
  - Instructions for management (treatment) and/or follow-up;
  - Importance of compliance with chosen management (treatment) options;
  - Risk factor reduction; and
  - Patient and family education.(For psychotherapy, see 90832-90834, 90836-90840)
- **Services Reported Separately:** Any specifically identifiable procedure or service (i.e., identified with a specific CPT code) performed on the date of E/M services may be reported separately.

The ordering and actual performance and/or interpretation of diagnostic tests/studies during a patient encounter are not included in determining the levels of E/M services when the professional interpretation of those tests/studies is reported separately by the physician reporting the E/M service. Tests that do not require separate interpretation (e.g., tests that are results only) and are analyzed as part of MDM do not count as an independent interpretation, but may be counted as ordered or reviewed for selecting an MDM level. Physician performance of diagnostic tests/studies for which specific CPT codes are available may be reported separately, in addition to the appropriate E/M code. The physician's interpretation of the results of diagnostic tests/studies (i.e., professional component) with preparation of a separate distinctly identifiable signed written report may also be reported separately, using the appropriate CPT code, and, if required, with modifier 26 appended. If a test/study is independently interpreted in order to manage the patient as part of the E/M service, but is not separately reported, it is part of the MDM.

The physician may need to indicate that on the day a procedure or service identified by a CPT code was performed, the patient's condition required a significant separately identifiable E/M service. The E/M service may be caused or prompted by the symptoms or conditions for which the procedure and/or service was provided. This circumstance may be reported by adding modifier 25 to the appropriate level of E/M service. As such, different diagnoses are not required for reporting of the procedure and the E/M services on the same day.

**D. GUIDELINES FOR HOSPITAL OBSERVATION, HOSPITAL INPATIENT, CONSULTATIONS, EMERGENCY DEPARTMENT, NURSING FACILITY, DOMICILIARY REST HOME, OR CUSTODIAL CARE, AND HOME E/M SERVICES.**

- The descriptors for the levels of E/M services recognize seven components, six of which are used in defining the levels of E/M services. These components are:

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- History;
- Examination;
- Medical decision making;
- Counseling;
- Coordination of care;
- Nature of presenting problem;
- Time.

The first three of these components (history, examination, and medical decision making) are considered the **key** components in selecting a level of E/M services. (See “Determine the Extent of History Obtained.”)

The next three components (counseling, coordination of care, and the nature of the presenting problem) are considered **contributory** factors in the majority of encounters. Although the first two of these contributory factors are important E/M services, it is not required that these services be provided at every patient encounter.

Coordination of care with other physicians, other health care professionals, or agencies without a patient encounter on that day is reported using the case management codes.

The final component, time, is discussed in detail in section C.

- **Chief Complaint:** A chief complaint is a concise statement describing the symptom, problem, condition, diagnosis, or other factor that is the reason for the encounter, usually stated in the patient’s words.
- **History of Present Illness:** A chronological description of the development of the patient’s present illness from the first sign and/or symptom to the present. This includes a description of location, quality, severity, timing, context, modifying factors, and associated signs and symptoms significantly related to the presenting problem(s).
- **Nature of Presenting Problem:** A presenting problem is a disease, condition, illness, injury, symptom, sign, finding, complaint, or other reason for encounter, with or without a diagnosis being established at the time of the encounter. The E/M codes recognize five types of presenting problems that are defined as follows:

**Minimal** - A problem that may not require the presence of the physician, but service is provided under the physician’s supervision.

**Self-limited or Minor** - A problem that runs a definite and prescribed course, is transient in nature, and is not likely to permanently alter health status.

**Low severity** - A problem where the risk of morbidity without treatment is low; there is little to no risk of mortality without treatment; full recovery without functional impairment is expected.

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Moderate severity - A problem where the risk of morbidity without treatment is moderate; there is moderate risk of mortality without treatment; uncertain prognosis OR increased probability of prolonged functional impairment.

High severity - A problem where the risk of morbidity without treatment is high to extreme; there is a moderate to high risk of mortality without treatment OR high probability of severe, prolonged functional impairment.

- Past History: A review of the patient's past experiences with illnesses, injuries, and treatments that includes significant information about:
  - Prior major illnesses and injuries;
  - Prior operations;
  - Prior hospitalizations;
  - Current medications;
  - Allergies (e.g., drug, food);
  - Age appropriate immunization status;
  - Age appropriate feeding/dietary status.
- Family History: A review of medical events in the patient's family that includes significant information about:
  - The health status or cause of death of parents, siblings and children;
  - Specific diseases related to problems identified in the Chief Complaint or History of the Present Illness, and/or System Review;
  - Diseases of family members which may be hereditary or place the patient at risk.
- Social History: An age appropriate review of past and current activities that includes significant information about:
  - Marital status and/or living arrangements;
  - Current employment;
  - Occupational history;
  - Military history;
  - Use of drugs, alcohol, and tobacco;
  - Level of education;
  - Sexual history;
  - Other relevant social factors.
- System Review (Review of Systems): An inventory of body systems obtained through a series of questions seeking to identify signs and/or symptoms that the patient may be experiencing or has experienced. For the purposes of CPT®, the following elements of a system review have been identified:
  - Constitutional symptoms (fever, weight loss, etc.);
  - Eyes;
  - Ears, nose, mouth, throat;
  - Cardiovascular;



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- Respiratory;
- Gastrointestinal;
- Genitourinary;
- Musculoskeletal;
- Integumentary (skin and/or breast);
- Neurological;
- Psychiatric;
- Endocrine;
- Hematologic/Lymphatic;
- Allergic/Immunologic.

The review of systems helps define the problem, clarify the differential diagnosis, identify needed testing, or serves as baseline data on other systems that might be affected by any possible management options.

**E. INSTRUCTIONS FOR SELECTING A LEVEL OF E/M SERVICE FOR HOSPITAL OBSERVATION, HOSPITAL INPATIENT, CONSULTATIONS, EMERGENCY DEPARTMENT, NURSING FACILITY, DOMICILIARY REST HOME, OR CUSTODIAL CARE, AND HOME E/M SERVICES.**

- Review the Level of E/M Service Descriptors and Examples in the Selected Category or Subcategory: The descriptors for the levels of E/M services recognize seven components, six of which are used in defining the levels of E/M services. These components are:
  - History;
  - Examination;
  - Medical decision making;
  - Counseling;
  - Coordination of care;
  - Nature of presenting problem;
  - Time.

The first three components (i.e., history, examination, and medical decision making) should be considered the **key** components in selecting the level of E/M services. An exception to this rule is in the case of visits that consist predominately of counseling or coordination of care.

The nature of the presenting problem and time are provided in some levels to assist the physician in determining the appropriate level of E/M service.

- Determine the Extent of History Obtained: The extent of the history is dependent upon clinical judgment and on the nature of the presenting problem(s). The levels of E/M services recognize four types of history that are defined as follows:

Problem Focused - Chief complaint; brief history of present illness or problem.

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Expanded Problem Focused - Chief complaint; brief history of present illness; problem pertinent system review.

Detailed - Chief complaint; extended history of present illness; problem pertinent system review extended to include a review of a limited number of additional systems; pertinent past, family, and/or social history directly related to the patient's problems.

Comprehensive - Chief complaint; extended history of present illness; review of systems that is directly related to the problem(s) identified in the history of the present illness plus a review of all additional body systems; complete past, family, and social history.

The comprehensive history obtained as part of the preventive medicine E/M service is not problem-oriented and does not involve a chief complaint or present illness. It does, however, include a comprehensive system review and comprehensive or interval past, family, and social history as well as a comprehensive assessment/history of pertinent risk factors.

- Determine the Extent of Examination Performed: The extent of the examination performed is dependent on clinical judgment and on the nature of the presenting problem(s). The levels of E/M services recognize four types of examination that are defined as follows:

Problem Focused - A limited examination of the affected body area or organ system.

Expanded Problem Focused - A limited examination of the affected body area or organ system and other symptomatic or related organ system(s).

Detailed - An extended examination of the affected body area(s) and other symptomatic or related organ system(s).

Comprehensive - A general multisystem examination or a complete examination of a single organ system. Note: The comprehensive examination performed as part of the preventive medicine E/M service is multisystem, but its extent is based on age and risk factors identified.

For the purposes of these CPT<sup>®</sup> definitions, the following body areas are recognized:

- Head, including the face;
- Neck;
- Chest, including breasts and axilla;
- Abdomen;
- Genitalia, groin, buttocks;
- Back;
- Each extremity;

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For the purposes of these CPT<sup>®</sup> definitions, the following organ systems are recognized:

- Eyes;
  - Ears, nose, mouth, and throat;
  - Cardiovascular;
  - Respiratory;
  - Gastrointestinal;
  - Genitourinary;
  - Musculoskeletal;
  - Skin;
  - Neurologic;
  - Psychiatric;
  - Hematologic/Lymphatic/Immunologic.
- Determine the Complexity of Medical Decision Making:

Medical decision making refers to the complexity of establishing a diagnosis and/or selecting a management option as measured by:

- The number of possible diagnoses and/or the number of management options that must be considered;
- The amount and/or complexity of medical records, diagnostic tests, and/or other information that must be obtained, reviewed and analyzed; and
- The risk of significant complications, morbidity, and/or mortality, as well as comorbidities, associated with the patient's presenting problem(s), the diagnostic procedure(s) and/or the possible management options.

Four types of medical decision making are recognized: straightforward; low complexity; moderate complexity; and high complexity. To qualify for a given type of decision making, two of the three elements in Table 1, Complexity of Medical Decision Making, must be met or exceeded.

**Table 1 – Complexity of Medical Decision Making**

<b>Number of Diagnoses or Management Options</b>	<b>Amount and/or Complexity of Data to be Reviewed</b>	<b>Risk of Complications and/or Morbidity or Mortality</b>	<b>Type of Decision Making</b>
Minimal	Minimal or none	Minimal	Straightforward
Limited	Limited	Low	Low complexity
Multiple	Moderate	Moderate	Moderate complexity
Extensive	Extensive	High	High complexity

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Comorbidities/underlying diseases, in and of themselves, are not considered in selecting a level of E/M services unless their presence significantly increases the complexity of the medical decision making.

- Select the Appropriate Level of E/M Services Based on the Following:
  1. For the following categories/subcategories, **all of the key components** i.e., history, examination, and medical decision making, must meet or exceed the stated requirements to qualify for a particular level of E/M service: initial observation care; initial hospital care; observation or inpatient hospital care (including admission and discharge services); office or other outpatient consultations, inpatient consultations; emergency department services; initial nursing facility care; other nursing facility services; domiciliary care, new patient; and home services, new patient.
  2. For the following categories/subcategories, **two of the three key components** (i.e., history, examination, and medical decision making) must meet or exceed the stated requirements to qualify for a particular level of E/M services: subsequent observation care; subsequent hospital care; subsequent nursing facility care; domiciliary care, established patient; and home services, established patient.
  3. When counseling and/or coordination of care dominates (more than 50%) the encounter with the patient and/or family (face-to-face time in the office or other outpatient setting or floor/unit time in the hospital or nursing facility), then **time** shall be considered the key or controlling factor to qualify for a particular level of E/M services. This includes time spent with parties who have assumed responsibility for the care of the patient or decision making whether or not they are family members (e.g., foster parents, person acting in loco parentis, legal guardian). The extent of counseling and/or coordination of care must be documented in the medical record.

#### F. GUIDELINES FOR OFFICE OR OTHER OUTPATIENT E/M SERVICES.

- History and/or Examination: Office or other outpatient services include a medically appropriate history and/or physical examination, when performed. The nature and extent of the history and/or physical examination are determined by the treating physician reporting the service. The care team may collect information and the patient or caregiver may supply information directly (e.g., by electronic health record [EHR] portal or questionnaire) that is reviewed by the reporting physician. The extent of history and physical examination is not an element in the selection of the office or other outpatient codes.
- Number and Complexity of Problems Addressed at the Encounter: One element used in selecting the level of office or other outpatient services is the number and complexity of the problems that are addressed at an encounter. Multiple new or established conditions may be addressed at the same time and may affect MDM. Symptoms may cluster around a specific diagnosis and each symptom is not necessarily a unique

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condition. Comorbidities/underlying diseases, in and of themselves, are not considered in selecting a level of E/M services **unless** they are addressed, and their presence increases the amount and/or complexity of data to be reviewed and analyzed or the risk of complications and/or morbidity or mortality of patient management. The final diagnosis for a condition does not, in and of itself, determine the complexity or risk, as extensive evaluation may be required to reach the conclusion that the signs or symptoms do not represent a highly morbid condition. Therefore, presenting symptoms that are unlikely to represent a highly morbid condition may “drive” MDM even when the ultimate diagnosis is not highly morbid. The evaluation and/or treatment should be consistent with the likely nature of the condition. Multiple problems of a lower severity may, in the aggregate, create higher risk due to interaction.

The term “risk” as used in these definitions relates to risk from the condition. While condition risk and management risk may often correlate, the risk from the condition is distinct from the risk of management.

Definitions for the elements of MDM (see Table 2, Levels of Medical Decision Making) for other office or other outpatient services are:

**Problem:** A problem is a disease, condition, illness, injury, symptom, sign, finding, complaint, or other matter addressed at the encounter, with or without a diagnosis being established at the time of the encounter.

**Problem addressed:** A problem is addressed or managed when it is evaluated or treated at the encounter by the physician reporting the service. This includes consideration of further testing or treatment that may not be elected by virtue of risk/benefit analysis or patient/parent/guardian/surrogate choice. Notation in the patient’s medical record that another professional is managing the problem without additional assessment or care coordination documented does not qualify as being addressed or managed by the physician reporting the service. Referral without evaluation (by history, examination, or diagnostic study[ies]) or consideration of treatment does not qualify as being addressed or managed by the physician reporting the service.

**Minimal problem:** A problem that may not require the presence of the physician, but the service is provided under the physician’s supervision (see 99211).

**Self-limiting or minor problem:** A problem that runs a definite and prescribed course, is transient in nature, and is not likely to permanently alter health status.

**Stable, chronic illness:** A problem with an expected duration of at least one year or until the death of the patient. For the purpose of defining chronicity, conditions are treated as chronic whether or not stage or severity changes (e.g., uncontrolled diabetes and controlled diabetes are a single chronic condition). “Stable” for the purposes of categorizing MDM is defined by the specific treatment goals for an individual patient. A patient who is not at his or her treatment goal is not stable, even if the condition has not changed and there is no short-term threat to life or function. For example, in a patient with persistently poorly controlled blood pressure for whom better control is a

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goal is not stable, even if the pressures are not changing and the patient is asymptomatic, the risk of morbidity **without** treatment is significant. Examples may include well-controlled hypertension, non-insulin-dependent diabetes, cataract, or benign prostatic hyperplasia.

Acute, uncomplicated illness or injury: A recent or new short-term problem with low risk of morbidity for which treatment is considered. There is little to no risk of mortality with treatment, and full recovery without functional impairment is expected. A problem that is normally self-limited or minor but is not resolving consistent with a definite and prescribed course is an acute, uncomplicated illness. Examples may include cystitis, allergic rhinitis, or a simple sprain.

Chronic illness with exacerbation, progression, or side effects of treatment: A chronic illness that is acutely worsening, poorly controlled, or progressing with an intent to control progression and requiring additional supportive care or requiring attention to treatment for side effects but that does not require consideration of hospital level of care.

Undiagnosed new problem with uncertain prognosis: A problem in the differential diagnosis that represents a condition likely to result in a high risk of morbidity without treatment. An example may be a lump in the breast.

Acute illness with systemic symptoms: An illness that causes systemic symptoms and has a high risk of morbidity without treatment. For systemic general symptoms, such as fever, body aches, or fatigue in a minor illness that may be treated to alleviate symptoms, shorten the course of illness, or to prevent complications, see the definitions for *self-limited or minor problem* or *acute, uncomplicated illness or injury*. Systemic symptoms may not be general but may be single system. Examples may include pyelonephritis, pneumonitis, or colitis.

Acute, complicated injury: An injury which requires treatment that includes evaluation of body systems that are not directly part of the injured organ, the injury is extensive, or the treatment options are multiple and/or associated with a risk of morbidity. An example may be a head injury with brief loss of consciousness.

Chronic illness with severe exacerbation, progression, or side effects of treatment: The severe exacerbation or progression of a chronic illness or severe side effects of treatment that have significant risk of morbidity and may require hospital level of care.

Acute or chronic illness or injury that poses a threat to life or bodily function: An acute illness with systemic symptoms, and acute complicated injury, or a chronic illness or injury with exacerbation and/or progression or side effects of treatment, that poses a threat to life or bodily function in the near term without treatment. Examples may include myocardial infarction, pulmonary embolus, severe respiratory distress, progressive severe rheumatoid arthritis, psychiatric illness with potential threat to self or others, peritonitis, acute renal failure, or an abrupt change in neurologic status.

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**Analyzed:** the process of using the data as part of the MDM. The data element itself may not be subject to analysis (e.g., glucose), but it is instead included in the thought processes for diagnosis, evaluation, or treatment. Tests ordered are presumed to be analyzed when the results are reported. Therefore, when they are ordered during an encounter, they are counted in that encounter. Tests that are ordered outside of an encounter may be counted in the encounter in which they are analyzed. In the case of a recurring order, each new result may be counted in the encounter in which it is analyzed. For example, an encounter that includes an order for monthly prothrombin times would count for one prothrombin time ordered and reviewed. Additional future results, if analyzed in a subsequent encounter, may be counted as a single test in that subsequent encounter. Any service for which the professional component is separately reported by the physician reporting the E/M services is not counted as a data element ordered, reviewed, analyzed, or independently interpreted for the purposes of determining the level of MDM.

**Test:** Tests are imaging, laboratory, psychometric, or physiologic data. A clinical laboratory panel (e.g., basic metabolic panel [80047]) is a single test. The differentiation between single or multiple tests is defined in accordance with the CPT<sup>®</sup> code set. For the purposes of data reviewed and analyzed, pulse oximetry is not a test.

**Unique:** A unique test is defined by the CPT<sup>®</sup> code set. When multiple results of the same unique test (e.g., serial blood glucose values) are compared during an E/M service, count it as one unique test. Tests that have overlapping elements are not unique, even if they are identified with distinct CPT<sup>®</sup> codes. For example, a CBC with differential would incorporate the set of hemoglobin, CBC, without differential, and platelet count. A unique source is defined as a physician in a distinct group or different specialty or subspecialty, or a unique entity. Review of all the materials from any unique source counts as one element toward MDM.

**Combination of Data Elements:** A combination of different data elements, for example, a combination of notes reviewed, tests ordered, tests reviewed, or independent historian, allows these elements to be summed. It does not require each item type or category to be represented. A unique test ordered, plus a note reviewed and an independent historian would be a combination of three elements.

**External:** External records, communications and/or test results are from an external physician, other qualified health care professional, facility, or health care organization.

**External physician or other qualified health care professional:** An external physician or other qualified health care professional who is not in the same group practice or is of a different specialty or subspecialty. This includes licensed professionals who are practicing independently. The individual may also be a facility or organizational provider such as from a hospital, nursing facility, or home health care agency.

**Discussion:** Discussion requires an interactive exchange. The exchange must be direct and not through intermediaries (e.g., clinical staff or trainees). Sending chart notes or written exchanges that are within progress notes does not qualify as an interactive

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exchange. The discussion does not need to be on the date of the encounter, but it is counted only once and only when it is used in the decision making of the encounter. It may be synchronous (i.e., does not need to be in person), but it must be initiated and completed within a short time period (e.g., within a day or two).

**Independent historian(s):** An individual (e.g., parent, guardian, surrogate, spouse, witness) who provides a history in addition to a history provided by the patient who is unable to provide a complete or reliable history (e.g., due to developmental stage, dementia, or psychosis) or because a confirmatory history is judged to be necessary. In the case where there may be conflict or poor communication between multiple historians and more than one historian is needed, the independent historian requirement is met. The independent history does not need to be obtained in person but does need to be obtained directly from the historian providing the independent information.

**Independent interpretations:** The interpretation of a test for which there is a CPT® code and an interpretation or report is customary. This does not apply when the physician is reporting the service or has previously reported the service for the patient. A form of interpretation should be documented but need not conform to the usual standards of a complete report for the test.

**Appropriate source:** For the purpose of the discussion of management data element (see Table 2, levels of Medical Decision Making), an appropriate source includes professionals who are not health care professionals but may be involved in the management of the patient (e.g., lawyer, parole officer, case manager, teacher). It does not include discussion with family or informal caregivers.

One element used in selecting the level of service is the risk of complications and/or morbidity or mortality of patient management at an encounter. This is distinct from the risk of the condition itself.

**Risk:** The probability and/or consequences of an event. The assessment of the level of risk is affected by the nature of the event under consideration. For example, a low probability of death may be high risk, whereas a high chance of a minor, self-limited adverse effect of treatment may be low risk. Definitions of risk are based upon the usual behavior and thought processes of a physician in the same specialty. Trained clinicians apply common language usage meanings to terms such as *high*, *medium*, *low*, or *minimal* risk and do not require quantification for these definitions (though quantification may be provided when evidence-based medicine has established probabilities). For the purposes of MDM, level of risk is based upon consequences of the problem(s) addressed at the encounter when appropriately treated. Risk also includes MDM related to the need to initiate or forego further testing, treatment and/or hospitalization. The risk of patient management criteria applies to the patient management decisions made by the reporting physician as part of the reported encounter.



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**Morbidity:** A state of illness or functional impairment that is expected to be of substantial duration during which function is limited, quality of life is impaired, or there is organ damage that may not be transient despite treatment.

**Social determinants of health:** Economic and social conditions that influence the health of people and communities. Examples may include food or housing insecurity.

**Surgery (minor or major, elective, emergency, procedure or patient risk):**

**Surgery - Minor or Major:** The classification of surgery into minor or major is based on the common meaning of such terms when used by trained clinicians, similar to the use of the term “risk”. These terms are not defined by a surgical package classification.

**Surgery – Elective or Emergency:** Elective procedures and emergent or urgent procedures describe the timing of the procedure when the timing is related to the patient’s condition. An elective procedure is typically planned in advance (e.g., scheduled for weeks later), while an emergent procedure is typically performed immediately or with minimal delay to allow for patient stabilization. Both elective and emergent procedures may be minor or major procedures.

**Surgery – Risk Factors, Patient or Procedure:** Risk factors are those that are relevant to the patient and procedure. Evidence-based risk calculators may be used, but are not required, in assessing patient and procedure risk.

**Drug therapy requiring intensive monitoring for toxicity:** A drug that requires intensive monitoring is a therapeutic agent that has the potential to cause serious morbidity or death. The monitoring is performed for assessment of these adverse effects and not primarily for assessment of therapeutic efficacy. The monitoring should be that which is generally accepted practice for the agent but may be patient-specific in some cases. Intensive monitoring may be long-term or short-term. Long-term intensive monitoring is not performed less than quarterly. The monitoring may be performed with a laboratory test, a physiologic test, or imaging. Monitoring by history or examination does not qualify. The monitoring affects the level of MDM in an encounter in which it is considered in the management of the patient. Examples may include monitoring for cytopenia in the use of an antineoplastic agent between dose cycles or the short-term intensive monitoring of electrolytes and renal function in a patient who is undergoing diuresis. Examples of monitoring that do not qualify include monitoring glucose levels during insulin therapy, as the primary reason is the therapeutic effect (unless severe hypoglycemia is a current, significant concern); or annual electrolytes and renal function for a patient on a diuretic, as the frequency does not meet the threshold.

## **G. INSTRUCTIONS FOR SELECTING A LEVEL OF OFFICE OR OTHER OUTPATIENT E/M SERVICES.**

- Select the Appropriate Level of E/M Services Based on the Following:

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1. The level of the MDM as defined for each service, **or**
  2. The total time for E/M services performed on the date of the encounter.
- Medical Decision Making: MDM includes establishing diagnoses, assessing the status of a condition, and/or selecting a management option. MDM in the office or other outpatient services codes is defined by three elements:
    - The number and complexity of problem(s) that are addressed during the encounter.
    - The amount and/or complexity of data to be reviewed and analyzed. These data include medical records, tests, and/or other information that must be obtained, ordered, reviewed, and analyzed for the encounter. This includes information obtained from multiple sources or interprofessional communications that are not reported separately and interpretation of tests that are not reported separately. Ordering a test is included in the category of test result(s) and the review of the test result is part of the encounter and not a subsequent encounter. Ordering a test may include those considered, but not selected after shared decision making. For example, a patient may request diagnostic imaging that is not necessary for their condition and discussion of the lack of benefit may be required. Alternatively, a test may normally be performed, but due to the risk for a specific patient it is not ordered. Data are divided into three categories:
      1. Tests, documents, orders or independent historian(s). (Each unique test, order, or document is counted to meet a threshold number.)
      2. Independent interpretation of tests.
      3. Discussion of management or test interpretation with an external physician or appropriate source.
    - The risk of complications and/or morbidity or mortality of patient management decisions made at the visit, associated with the patient's problem(s), the diagnostic procedure(s), and/or treatment(s). This includes the possible management options selected and those considered but not selected, after shared MDM with the patient and/or family. For example, a decision about hospitalization includes alternative levels of care. Examples may include a psychiatric patient with a sufficient degree of support in the outpatient setting or the decision to not hospitalize a patient with advanced dementia with an acute condition that would generally warrant inpatient care, but for whom the goal is palliative treatment.

Four types of MDM are recognized: straightforward, low, moderate, and high. The concept of the level of MDM does not apply to 99211.

Shared MDM involves eliciting patient and/or family preferences, patient and/or family education, and explaining risks and benefits of management options.

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MDM may be impacted by role and management responsibility.

When the physician is reporting a separate CPT® code that includes interpretation and/or report, the interpretation and/or report should not count toward the MDM when selecting a level of office or other outpatient services. When the physician is reporting a separate service for discussion of management with a physician, the discussion is not counted toward the MDM when selecting a level of office or other outpatient services.

The Levels of Medical Decision Making (MDM) table (Table 2) is a guide to assist in selecting the level of MDM for reporting an office or other outpatient E/M services code. The table includes the four levels of MDM (i.e., straightforward, low, moderate, high) and the three elements of MDM (i.e., number and complexity of problems addressed at the encounter, amount and/or complexity of data reviewed and analyzed, and risk of complications and/or morbidity or mortality of patient management). To qualify for a particular level of MDM, two of the three elements for that level of MDM must be met or exceeded. See Table 2: Levels of Medical Decision Making (MDM).

**Table 2: Levels of Medical Decision Making (MDM)**

<b>Elements of Medical Decision Making</b>				
<b>Code</b>	<b>Level of MDM</b> (Based on 2 out of 3 Elements of MDM)	<b>Number and Complexity of Problems Addressed at the Encounter</b>	<b>Amount and/or Complexity of Data to be Reviewed and Analyzed</b> <i>*Each unique test, order, or document contributes to the combination of 2 or combination of 3 in Category 1 below</i>	<b>Risk or Complications and/or Morbidity or Mortality of Patient Management</b>
<b>99211</b>	N/A	N/A	N/A	N/A
<b>99202 99212</b>	<b>Straightforward</b>	<b>Minimal</b> 1 self-limited or minor problem	<b>Minimal or more</b>	<b>Minimal risk of morbidity from additional diagnostic testing or treatment</b>
<b>99203 99213</b>	<b>Low</b>	<b>Low</b> 2 or more self-limited or minor problems; <b>or</b> 1 stable, chronic illness; <b>or</b> 1 acute, uncomplicated illness or injury	<b>Limited</b> (Must meet the requirements of at least 1 out of the 2 categories) <b>Category 1: Tests and documents</b> <b>Any Combination of 2 from the following:</b> Review of prior external note(s) from each unique source*; Review of the result(s) of each unique test*; Ordering of each unique test* <b>or</b> <b>Category 2: Assessment requiring an independent historian(s)</b> (For the categories of independent interpretation of tests and discussion of management or test interpretation, see moderate or high)	<b>Low risk of morbidity form additional diagnostic testing or treatment</b>

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99204 99214	Moderate	<p><b>Moderate</b></p> <p><b>1</b> or more chronic illnesses with exacerbation, progression, or side effects treatment;</p> <p><b>or</b></p> <p><b>2</b> or more stable, chronic illnesses;</p> <p><b>or</b></p> <p><b>1</b> undiagnosed new problem with uncertain prognosis;</p> <p><b>or</b></p> <p><b>1</b> acute illness with systemic symptoms;</p> <p><b>or</b></p> <p><b>1</b> acute, complicated injury</p>	<p><b>Moderate</b></p> <p><i>(Must meet the requirements of at least 1 of the 3 categories)</i></p> <p><b>Category 1: Tests, Documents, or independent historian(s)</b></p> <p><b>Any combination of 3 from the following:</b></p> <p>Review of prior external note(s) from each unique source*;</p> <p>Review of the result(s) of each unique test*;</p> <p>Ordering of each unique test*;</p> <p>Assessment requiring an independent historian(s)</p> <p><b>or</b></p> <p><b>Category 2: Independent interpretation of tests</b></p> <p>Independent interpretation of a test performed by another physician (not separately reported);</p> <p><b>or</b></p> <p><b>Category 3: Discussion of management or test interpretation</b></p> <p>Discussion of management or test interpretation with external physician/appropriate source (not separately reported)</p>	<p><b>Moderate risk of morbidity from additional diagnostic testing or treatment</b></p> <p><i>Examples only:</i></p> <p>Prescription drug management</p> <p>Decision regarding minor surgery with identified patient or procedure risk forms</p> <p>Decision regarding elective major surgery without identified patient or procedure risk factors</p> <p>Diagnosis or treatment significantly limited by social determinants of health</p>
99205 99215	High	<p><b>High</b></p> <p><b>1</b> or more chronic illnesses with severe exacerbation, progression, or side effects of treatment;</p> <p><b>or</b></p> <p><b>1</b> acute or chronic illness or injury that poses a threat to life or bodily function</p>	<p><b>Extensive</b></p> <p><i>(Must meet the requirements of at least 2 out of the 3 categories)</i></p> <p><b>Category 1: Tests, documents, or independent historian(s)</b></p> <p><b>Any combination of 3 from the following:</b></p> <p>Review of prior external notes(s) from each unique source*;</p> <p>Review of the result(s) of each unique test*;</p> <p>Ordering of each unique test*;</p> <p>Assessment requiring an independent historian(s)</p> <p><b>or</b></p> <p><b>Category 2: Independent interpretation of tests</b></p> <p>Independent interpretation of a test performed by another physician (not separately reported);</p> <p><b>or</b></p> <p><b>Category 3: Discussion of management or test interpretation</b></p> <p>Discussion of management or test interpretation with external physician/appropriate source (not separately reported)</p>	<p><b>High risk of morbidity from additional diagnostic testing or treatment</b></p> <p><i>Examples only:</i></p> <p>Drug therapy requiring intensive monitoring for toxicity</p> <p>Decision regarding elective major surgery with identified patient or procedure risk factors</p> <p>Decision regarding emergency major surgery</p> <p>Decision regarding hospitalization</p> <p>Decision not to resuscitate or to de-escalate care because of poor prognosis</p>

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**H. TIME.**

For instructions on using time to select the level of office or other outpatient E/M services code, see the *Time* subsection in Item C (*Guidelines Common to all E/M Services*).

**I. UNLISTED SERVICE.**

An E/M service may be provided that is not listed in this section of CPT® codebook. When reporting such a service, the appropriate unlisted code may be used to indicate the service, identifying it by “Special Report,” as discussed in item J. The “Unlisted Services” and accompanying codes for the E/M section are as follows:

99429 Unlisted preventive medicine service

99499 Unlisted evaluation and management service

**J. SPECIAL REPORT.**

An unlisted service or one that is unusual, variable, or new may require a special report demonstrating the medical appropriateness of the service. Pertinent information should include an adequate definition or description of the nature, extent, and need for the procedure and the time, effort, and equipment necessary to provide the service. Additional items that may be included are complexity of symptoms, final diagnosis, pertinent physical findings, diagnostic and therapeutic procedures, concurrent problems, and follow-up care.

**K. CLINICAL EXAMPLES.**

Clinical examples of the codes for E/M services are provided to assist in understanding the meaning of the descriptors and selecting the correct code. The clinical examples are listed in Appendix C. (*Appendix C of the CPT® has not been reprinted in this text.*) Each example was developed by the specialties shown.

The same problem, when seen by different specialties, may involve different amounts of work. Therefore, the appropriate level of encounter should be reported using the descriptors rather than the examples.

**Historical Note**

New Appendix A, Evaluation and Management Guidelines made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Evaluation and Management Guidelines will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Evaluation and Management Guidelines repealed; new Appendix A, Evaluation and Management Guidelines made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Evaluation and Management Guidelines repealed; new Appendix A, Evaluation and Management Guidelines made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3).

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## ARIZONA PHYSICIANS' FEE SCHEDULE

E&amp;M Codes 2021-2022

E&amp;M Conversion Factor \$65.00

Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
99202 00	E&M	2.12	1.43	\$ 137.80	\$ 92.95
99203 00	E&M	3.26	2.42	\$ 211.90	\$ 157.30
99204 00	E&M	4.87	3.94	\$ 316.55	\$ 256.10
99205 00	E&M	6.43	5.35	\$ 417.95	\$ 347.75
99211 00	E&M	0.66	0.26	\$ 42.90	\$ 16.90
99212 00	E&M	1.63	1.04	\$ 105.95	\$ 67.60
99213 00	E&M	2.65	1.95	\$ 172.25	\$ 126.75
99214 00	E&M	3.76	2.88	\$ 244.40	\$ 187.20
99215 00	E&M	5.25	4.24	\$ 341.25	\$ 275.60
99217 00	E&M	2.07	2.07	\$ 134.55	\$ 134.55
99218 00	E&M	2.82	2.82	\$ 183.30	\$ 183.30
99219 00	E&M	3.85	3.85	\$ 250.25	\$ 250.25
99220 00	E&M	5.21	5.21	\$ 338.65	\$ 338.65
99221 00	E&M	2.90	2.90	\$ 188.50	\$ 188.50
99222 00	E&M	3.90	3.90	\$ 253.50	\$ 253.50
99223 00	E&M	5.74	5.74	\$ 373.10	\$ 373.10
99224 00	E&M	1.11	1.11	\$ 72.15	\$ 72.15
99225 00	E&M	2.06	2.06	\$ 133.90	\$ 133.90
99226 00	E&M	2.96	2.96	\$ 192.40	\$ 192.40
99231 00	E&M	1.10	1.10	\$ 71.50	\$ 71.50
99232 00	E&M	2.06	2.06	\$ 133.90	\$ 133.90
99233 00	E&M	2.96	2.96	\$ 192.40	\$ 192.40
99234 00	E&M	3.77	3.77	\$ 245.05	\$ 245.05
99235 00	E&M	4.79	4.79	\$ 311.35	\$ 311.35
99236 00	E&M	6.15	6.15	\$ 399.75	\$ 399.75
99238 00	E&M	2.07	2.07	\$ 134.55	\$ 134.55
99239 00	E&M	3.05	3.05	\$ 198.25	\$ 198.25
99241 00	E&M	1.35	0.93	\$ 87.75	\$ 60.45
99242 00	E&M	2.55	1.96	\$ 165.75	\$ 127.40
99243 00	E&M	3.49	2.74	\$ 226.85	\$ 178.10
99244 00	E&M	5.23	4.41	\$ 339.95	\$ 286.65
99245 00	E&M	6.37	5.45	\$ 414.05	\$ 354.25
99251 00	E&M	1.41	1.41	\$ 91.65	\$ 91.65
99252 00	E&M	2.15	2.15	\$ 139.75	\$ 139.75
99253 00	E&M	3.30	3.30	\$ 214.50	\$ 214.50
99254 00	E&M	4.78	4.78	\$ 310.70	\$ 310.70
99255 00	E&M	5.76	5.76	\$ 374.40	\$ 374.40
99281 00	E&M	0.64	0.64	\$ 41.60	\$ 41.60
99282 00	E&M	1.24	1.24	\$ 80.60	\$ 80.60
99283 00	E&M	2.09	2.09	\$ 135.85	\$ 135.85
99284 00	E&M	3.55	3.55	\$ 230.75	\$ 230.75
99285 00	E&M	5.18	5.18	\$ 336.70	\$ 336.70
99288 00	E&M	0.00	0.00	Bundled Code	Bundled Code
99291 00	E&M	8.11	6.33	\$ 527.15	\$ 411.45
99292 00	E&M	3.55	3.18	\$ 230.75	\$ 206.70
99304 00	E&M	2.57	2.57	\$ 167.05	\$ 167.05
99305 00	E&M	3.71	3.71	\$ 241.15	\$ 241.15
99306 00	E&M	4.77	4.77	\$ 310.05	\$ 310.05
99307 00	E&M	1.26	1.26	\$ 81.90	\$ 81.90
99308 00	E&M	1.98	1.98	\$ 128.70	\$ 128.70
99309 00	E&M	2.61	2.61	\$ 169.65	\$ 169.65
99310 00	E&M	3.87	3.87	\$ 251.55	\$ 251.55
99315 00	E&M	2.09	2.09	\$ 135.85	\$ 135.85
99316 00	E&M	3.01	3.01	\$ 195.65	\$ 195.65
99318 00	E&M	2.74	2.74	\$ 178.10	\$ 178.10

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
99324 00	E&M	1.55	1.55	\$ 100.75	\$ 100.75
99325 00	E&M	2.27	2.27	\$ 147.55	\$ 147.55
99326 00	E&M	3.97	3.97	\$ 258.05	\$ 258.05
99327 00	E&M	5.32	5.32	\$ 345.80	\$ 345.80
99328 00	E&M	6.26	6.26	\$ 406.90	\$ 406.90
99334 00	E&M	1.72	1.72	\$ 111.80	\$ 111.80
99335 00	E&M	2.74	2.74	\$ 178.10	\$ 178.10
99336 00	E&M	3.88	3.88	\$ 252.20	\$ 252.20
99337 00	E&M	5.55	5.55	\$ 360.75	\$ 360.75
99339 00	E&M	0.00	0.00	Bundled Code	Bundled Code
99340 00	E&M	0.00	0.00	Bundled Code	Bundled Code
99341 00	E&M	1.56	1.56	\$ 101.40	\$ 101.40
99342 00	E&M	2.20	2.20	\$ 143.00	\$ 143.00
99343 00	E&M	3.64	3.64	\$ 236.60	\$ 236.60
99344 00	E&M	5.19	5.19	\$ 337.35	\$ 337.35
99345 00	E&M	6.32	6.32	\$ 410.80	\$ 410.80
99347 00	E&M	1.57	1.57	\$ 102.05	\$ 102.05
99348 00	E&M	2.40	2.40	\$ 156.00	\$ 156.00
99349 00	E&M	3.70	3.70	\$ 240.50	\$ 240.50
99350 00	E&M	5.12	5.12	\$ 332.80	\$ 332.80
99354 00	E&M	3.70	3.46	\$ 240.50	\$ 224.90
99355 00	E&M	2.76	2.55	\$ 179.40	\$ 165.75
99356 00	E&M	2.62	2.62	\$ 170.30	\$ 170.30
99357 00	E&M	2.63	2.63	\$ 170.95	\$ 170.95
99358 00	E&M	3.20	3.20	\$ 208.00	\$ 208.00
99359 00	E&M	1.53	1.53	\$ 99.45	\$ 99.45
99360 00	E&M	1.76	1.76	\$ 114.40	\$ 114.40
99366 00	E&M	1.23	1.20	\$ 79.95	\$ 78.00
99367 00	E&M	1.62	1.62	\$ 105.30	\$ 105.30
99368 00	E&M	1.05	1.05	\$ 68.25	\$ 68.25
99374 00	E&M	0.00	0.00	Bundled Code	Bundled Code
99375 00	E&M	3.00	2.54	\$ 195.00	\$ 165.10
99377 00	E&M	0.00	0.00	Bundled Code	Bundled Code
99378 00	E&M	3.00	2.54	\$ 195.00	\$ 165.10
99379 00	E&M	0.00	0.00	Bundled Code	Bundled Code
99380 00	E&M	0.00	0.00	Bundled Code	Bundled Code
99381 00	E&M	0.00	0.00	BR	BR
99382 00	E&M	0.00	0.00	BR	BR
99383 00	E&M	0.00	0.00	BR	BR
99384 00	E&M	0.00	0.00	BR	BR
99385 00	E&M	0.00	0.00	BR	BR
99386 00	E&M	0.00	0.00	BR	BR
99387 00	E&M	0.00	0.00	BR	BR
99391 00	E&M	0.00	0.00	BR	BR
99392 00	E&M	0.00	0.00	BR	BR
99393 00	E&M	0.00	0.00	BR	BR
99394 00	E&M	0.00	0.00	BR	BR
99395 00	E&M	0.00	0.00	BR	BR
99396 00	E&M	0.00	0.00	BR	BR
99397 00	E&M	0.00	0.00	BR	BR
99401 00	E&M	0.00	0.00	BR	BR
99402 00	E&M	0.00	0.00	BR	BR
99403 00	E&M	0.00	0.00	BR	BR
99404 00	E&M	0.00	0.00	BR	BR
99406 00	E&M	0.00	0.00	BR	BR
99407 00	E&M	0.00	0.00	BR	BR
99408 00	E&M	0.00	0.00	BR	BR
99409 00	E&M	0.00	0.00	BR	BR
99411 00	E&M	0.00	0.00	BR	BR

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
99412 00	E&M	0.00	0.00	BR	BR
99415 00	E&M	0.29	0.29	\$ 18.85	\$ 18.85
99416 00	E&M	0.15	0.15	\$ 9.75	\$ 9.75
99417 00	E&M	0.00	0.00	BR	BR
99421 00	E&M	0.43	0.37	\$ 27.95	\$ 24.05
99422 00	E&M	0.86	0.75	\$ 55.90	\$ 48.75
99423 00	E&M	1.36	1.18	\$ 88.40	\$ 76.70
99429 00	E&M	0.00	0.00	BR	BR
99439 00	E&M	1.08	0.81	\$ 70.20	\$ 52.65
99441 00	E&M	1.63	1.04	\$ 105.95	\$ 67.60
99442 00	E&M	2.66	1.96	\$ 172.90	\$ 127.40
99443 00	E&M	3.77	2.89	\$ 245.05	\$ 187.85
99446 00	E&M	0.54	0.54	\$ 35.10	\$ 35.10
99447 00	E&M	0.97	0.97	\$ 63.05	\$ 63.05
99448 00	E&M	1.54	1.54	\$ 100.10	\$ 100.10
99449 00	E&M	2.10	2.10	\$ 136.50	\$ 136.50
99450 00	E&M	0.00	0.00	BR	BR
99451 00	E&M	1.04	1.04	\$ 67.60	\$ 67.60
99452 00	E&M	1.05	1.05	\$ 68.25	\$ 68.25
99453 00	E&M	0.55	0.55	\$ 35.75	\$ 35.75
99454 00	E&M	1.81	1.81	\$ 117.65	\$ 117.65
99455 00	E&M	5.23	5.23	\$ 339.95	\$ 339.95
99456 00	E&M	6.87	6.87	\$ 446.55	\$ 446.55
99457 00	E&M	1.46	0.91	\$ 94.90	\$ 59.15
99458 00	E&M	1.18	0.91	\$ 76.70	\$ 59.15
99460 00	E&M	2.74	2.74	\$ 178.10	\$ 178.10
99461 00	E&M	2.65	1.80	\$ 172.25	\$ 117.00
99462 00	E&M	1.19	1.19	\$ 77.35	\$ 77.35
99463 00	E&M	3.16	3.16	\$ 205.40	\$ 205.40
99464 00	E&M	2.14	2.14	\$ 139.10	\$ 139.10
99465 00	E&M	4.18	4.18	\$ 271.70	\$ 271.70
99466 00	E&M	6.81	6.81	\$ 442.65	\$ 442.65
99467 00	E&M	3.41	3.41	\$ 221.65	\$ 221.65
99468 00	E&M	26.22	26.22	\$ 1,704.30	\$ 1,704.30
99469 00	E&M	11.34	11.34	\$ 737.10	\$ 737.10
99471 00	E&M	22.70	22.70	\$ 1,475.50	\$ 1,475.50
99472 00	E&M	11.56	11.56	\$ 751.40	\$ 751.40
99473 00	E&M	0.33	0.33	\$ 21.45	\$ 21.45
99474 00	E&M	0.43	0.25	\$ 27.95	\$ 16.25
99475 00	E&M	16.41	16.41	\$ 1,066.65	\$ 1,066.65
99476 00	E&M	9.85	9.85	\$ 640.25	\$ 640.25
99477 00	E&M	9.94	9.94	\$ 646.10	\$ 646.10
99478 00	E&M	3.90	3.90	\$ 253.50	\$ 253.50
99479 00	E&M	3.55	3.55	\$ 230.75	\$ 230.75
99480 00	E&M	3.41	3.41	\$ 221.65	\$ 221.65
99483 00	E&M	8.10	5.70	\$ 526.50	\$ 370.50
99484 00	E&M	1.34	0.88	\$ 87.10	\$ 57.20
99485 00	E&M	0.00	0.00	Bundled Code	Bundled Code
99486 00	E&M	0.00	0.00	Bundled Code	Bundled Code
99487 00	E&M	2.63	1.47	\$ 170.95	\$ 95.55
99489 00	E&M	1.26	0.74	\$ 81.90	\$ 48.10
99490 00	E&M	1.18	0.91	\$ 76.70	\$ 59.15
99491 00	E&M	2.36	2.36	\$ 153.40	\$ 153.40
99492 00	E&M	4.42	2.69	\$ 287.30	\$ 174.85
99493 00	E&M	4.42	2.94	\$ 287.30	\$ 191.10
99494 00	E&M	1.69	1.17	\$ 109.85	\$ 76.05
99495 00	E&M	5.96	4.16	\$ 387.40	\$ 270.40
99496 00	E&M	8.07	5.66	\$ 524.55	\$ 367.90
99497 00	E&M	2.46	2.25	\$ 159.90	\$ 146.25

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
99498 00	E&M	2.13	2.12	\$ 138.45	\$ 137.80
99499 00	E&M	0.00	0.00	BR	BR
G2010 00	E&M	0.35	0.27	\$ 22.75	\$ 17.55
G2012 00	E&M	0.42	0.38	\$ 27.30	\$ 24.70

**Historical Note**

New Appendix A, Evaluation and Management Codes 2019-2020 made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019;

Appendix A, Evaluation and Management Codes 2019-2020 will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Evaluation and Management Codes 2019-2020 repealed; new Appendix A, Evaluation and Management Codes 2020-2021 made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Evaluation and Management Codes 2020-2021 repealed; new Appendix A, Evaluation and Management Codes 2021-2022 made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3).

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

## CATEGORY III CODES GUIDELINES

This Fee Schedule has been updated to incorporate by reference the 2020 Edition of the American Medical Association's *Current Procedural Terminology* (CPT®) publication, including the general guidelines, identifiers, modifiers, and terminology changes associated with the adopted codes. In this Fee Schedule CPT® codes that contain explanatory language specific to Arizona are preceded by Δ. Codes, however, that are unique to Arizona and not otherwise found in CPT® are preceded by an AZ identifier and numbered in the following format: AZxxx. Additional information regarding publications adopted by reference is found in the Introduction of the Fee Schedule.

Category III Codes are temporary codes developed to allow collection of data for emerging technology, services, and procedures. The five character alphanumeric codes contain four numbers with one alpha character in the fifth place. If a Category III Code is available, this code must be reported instead of a Category I unlisted code.

To the extent that a conflict may exist between an adopted portion of the CPT® and a code, guideline, identifier or modifier unique to Arizona, then the Arizona code, guideline, identifier or modifier shall control.

**Historical Note**

New Appendix A, Category III Guidelines made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Category III Guidelines will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Category III Guidelines; new Appendix A, Category III

Guidelines made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Category III Guidelines repealed; new Appendix A, Category III Codes Guidelines made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3).

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

ARIZONA PHYSICIANS' FEE SCHEDULE  
Category III Codes 2021-2022

Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
0042T 00	Category III	-	-	RNE	RNE
0054T 00	Category III	-	-	RNE	RNE
0055T 00	Category III	-	-	RNE	RNE
0071T 00	Category III	-	-	RNE	RNE
0072T 00	Category III	-	-	RNE	RNE
0075T 00	Category III	-	-	RNE	RNE
0075T 26	Category III	-	-	RNE	RNE
0075T TC	Category III	-	-	RNE	RNE
0076T 00	Category III	-	-	RNE	RNE
0076T 26	Category III	-	-	RNE	RNE
0076T TC	Category III	-	-	RNE	RNE
0095T 00	Category III	-	-	RNE	RNE
0098T 00	Category III	-	-	RNE	RNE
0100T 00	Category III	-	-	RNE	RNE
0101T 00	Category III	-	-	RNE	RNE
0102T 00	Category III	-	-	RNE	RNE
0106T 00	Category III	-	-	RNE	RNE
0107T 00	Category III	-	-	RNE	RNE
0108T 00	Category III	-	-	RNE	RNE
0109T 00	Category III	-	-	RNE	RNE
0110T 00	Category III	-	-	RNE	RNE
0163T 00	Category III	-	-	RNE	RNE
0164T 00	Category III	-	-	RNE	RNE
0165T 00	Category III	-	-	RNE	RNE
0174T 00	Category III	-	-	RNE	RNE
0175T 00	Category III	-	-	RNE	RNE
0184T 00	Category III	-	-	RNE	RNE
0191T 00	Category III	-	-	RNE	RNE
0198T 00	Category III	-	-	RNE	RNE
0200T 00	Category III	-	-	RNE	RNE
0201T 00	Category III	-	-	RNE	RNE
0202T 00	Category III	-	-	RNE	RNE
0207T 00	Category III	-	-	RNE	RNE
0208T 00	Category III	-	-	RNE	RNE
0209T 00	Category III	-	-	RNE	RNE
0210T 00	Category III	-	-	RNE	RNE
0211T 00	Category III	-	-	RNE	RNE
0212T 00	Category III	-	-	RNE	RNE
0213T 00	Category III	-	-	RNE	RNE
0214T 00	Category III	-	-	RNE	RNE
0215T 00	Category III	-	-	RNE	RNE
0216T 00	Category III	-	-	RNE	RNE
0217T 00	Category III	-	-	RNE	RNE
0218T 00	Category III	-	-	RNE	RNE
0219T 00	Category III	-	-	RNE	RNE
0220T 00	Category III	-	-	RNE	RNE
0221T 00	Category III	-	-	RNE	RNE
0222T 00	Category III	-	-	RNE	RNE
0232T 00	Category III	-	-	RNE	RNE
0234T 00	Category III	-	-	RNE	RNE
0235T 00	Category III	-	-	RNE	RNE
0236T 00	Category III	-	-	RNE	RNE
0237T 00	Category III	-	-	RNE	RNE
0238T 00	Category III	-	-	RNE	RNE
0253T 00	Category III	-	-	RNE	RNE

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
0263T 00	Category III	-	-	RNE	RNE
0264T 00	Category III	-	-	RNE	RNE
0265T 00	Category III	-	-	RNE	RNE
0266T 00	Category III	-	-	RNE	RNE
0267T 00	Category III	-	-	RNE	RNE
0268T 00	Category III	-	-	RNE	RNE
0269T 00	Category III	-	-	RNE	RNE
0270T 00	Category III	-	-	RNE	RNE
0271T 00	Category III	-	-	RNE	RNE
0272T 00	Category III	-	-	RNE	RNE
0273T 00	Category III	-	-	RNE	RNE
0274T 00	Category III	-	-	RNE	RNE
0275T 00	Category III	-	-	RNE	RNE
0278T 00	Category III	-	-	RNE	RNE
0290T 00	Category III	-	-	RNE	RNE
0308T 00	Category III	-	-	RNE	RNE
0312T 00	Category III	-	-	RNE	RNE
0313T 00	Category III	-	-	RNE	RNE
0314T 00	Category III	-	-	RNE	RNE
0315T 00	Category III	-	-	RNE	RNE
0316T 00	Category III	-	-	RNE	RNE
0317T 00	Category III	-	-	RNE	RNE
0329T 00	Category III	-	-	RNE	RNE
0330T 00	Category III	-	-	RNE	RNE
0331T 00	Category III	-	-	RNE	RNE
0332T 00	Category III	-	-	RNE	RNE
0333T 00	Category III	-	-	RNE	RNE
0335T 00	Category III	-	-	RNE	RNE
0338T 00	Category III	-	-	RNE	RNE
0339T 00	Category III	-	-	RNE	RNE
0342T 00	Category III	-	-	RNE	RNE
0345T 00	Category III	-	-	RNE	RNE
0347T 00	Category III	-	-	RNE	RNE
0348T 00	Category III	-	-	RNE	RNE
0349T 00	Category III	-	-	RNE	RNE
0350T 00	Category III	-	-	RNE	RNE
0351T 00	Category III	-	-	RNE	RNE
0352T 00	Category III	-	-	RNE	RNE
0353T 00	Category III	-	-	RNE	RNE
0354T 00	Category III	-	-	RNE	RNE
0355T 00	Category III	-	-	RNE	RNE
0356T 00	Category III	-	-	RNE	RNE
0358T 00	Category III	-	-	RNE	RNE
0362T 00	Category III	-	-	RNE	RNE
0373T 00	Category III	-	-	RNE	RNE
0376T 00	Category III	-	-	RNE	RNE
0378T 00	Category III	-	-	RNE	RNE
0379T 00	Category III	-	-	RNE	RNE
0394T 00	Category III	-	-	RNE	RNE
0395T 00	Category III	-	-	RNE	RNE
0397T 00	Category III	-	-	RNE	RNE
0398T 00	Category III	-	-	RNE	RNE
0402T 00	Category III	-	-	RNE	RNE
0403T 00	Category III	-	-	RNE	RNE
0404T 00	Category III	-	-	RNE	RNE
0408T 00	Category III	-	-	RNE	RNE
0409T 00	Category III	-	-	RNE	RNE
0410T 00	Category III	-	-	RNE	RNE
0411T 00	Category III	-	-	RNE	RNE

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
0412T 00	Category III	-	-	RNE	RNE
0413T 00	Category III	-	-	RNE	RNE
0414T 00	Category III	-	-	RNE	RNE
0415T 00	Category III	-	-	RNE	RNE
0416T 00	Category III	-	-	RNE	RNE
0417T 00	Category III	-	-	RNE	RNE
0418T 00	Category III	-	-	RNE	RNE
0419T 00	Category III	-	-	RNE	RNE
0420T 00	Category III	-	-	RNE	RNE
0421T 00	Category III	-	-	RNE	RNE
0422T 00	Category III	-	-	RNE	RNE
0423T 00	Category III	-	-	RNE	RNE
0424T 00	Category III	-	-	RNE	RNE
0425T 00	Category III	-	-	RNE	RNE
0426T 00	Category III	-	-	RNE	RNE
0427T 00	Category III	-	-	RNE	RNE
0428T 00	Category III	-	-	RNE	RNE
0429T 00	Category III	-	-	RNE	RNE
0430T 00	Category III	-	-	RNE	RNE
0431T 00	Category III	-	-	RNE	RNE
0432T 00	Category III	-	-	RNE	RNE
0433T 00	Category III	-	-	RNE	RNE
0434T 00	Category III	-	-	RNE	RNE
0435T 00	Category III	-	-	RNE	RNE
0436T 00	Category III	-	-	RNE	RNE
0437T 00	Category III	-	-	RNE	RNE
0439T 00	Category III	-	-	RNE	RNE
0440T 00	Category III	-	-	RNE	RNE
0441T 00	Category III	-	-	RNE	RNE
0442T 00	Category III	-	-	RNE	RNE
0443T 00	Category III	-	-	RNE	RNE
0444T 00	Category III	-	-	RNE	RNE
0445T 00	Category III	-	-	RNE	RNE
0446T 00	Category III	-	-	RNE	RNE
0447T 00	Category III	-	-	RNE	RNE
0448T 00	Category III	-	-	RNE	RNE
0449T 00	Category III	-	-	RNE	RNE
0450T 00	Category III	-	-	RNE	RNE
0451T 00	Category III	-	-	RNE	RNE
0452T 00	Category III	-	-	RNE	RNE
0453T 00	Category III	-	-	RNE	RNE
0454T 00	Category III	-	-	RNE	RNE
0455T 00	Category III	-	-	RNE	RNE
0456T 00	Category III	-	-	RNE	RNE
0457T 00	Category III	-	-	RNE	RNE
0458T 00	Category III	-	-	RNE	RNE
0459T 00	Category III	-	-	RNE	RNE
0460T 00	Category III	-	-	RNE	RNE
0461T 00	Category III	-	-	RNE	RNE
0462T 00	Category III	-	-	RNE	RNE
0463T 00	Category III	-	-	RNE	RNE
0464T 00	Category III	-	-	RNE	RNE
0464T 00	Category III	-	-	RNE	RNE
0465T 00	Category III	-	-	RNE	RNE
0465T 00	Category III	-	-	RNE	RNE
0466T 00	Category III	-	-	RNE	RNE
0466T 00	Category III	-	-	RNE	RNE
0467T 00	Category III	-	-	RNE	RNE
0467T 00	Category III	-	-	RNE	RNE

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
0468T 00	Category III	-	-	RNE	RNE
0468T 00	Category III	-	-	RNE	RNE
0469T 00	Category III	-	-	RNE	RNE
0470T 00	Category III	-	-	RNE	RNE
0471T 00	Category III	-	-	RNE	RNE
0472T 00	Category III	-	-	RNE	RNE
0473T 00	Category III	-	-	RNE	RNE
0474T 00	Category III	-	-	RNE	RNE
0475T 00	Category III	-	-	RNE	RNE
0476T 00	Category III	-	-	RNE	RNE
0477T 00	Category III	-	-	RNE	RNE
0478T 00	Category III	-	-	RNE	RNE
0479T 00	Category III	-	-	RNE	RNE
0480T 00	Category III	-	-	RNE	RNE
0481T 00	Category III	-	-	RNE	RNE
0483T 00	Category III	-	-	RNE	RNE
0484T 00	Category III	-	-	RNE	RNE
0485T 00	Category III	-	-	RNE	RNE
0486T 00	Category III	-	-	RNE	RNE
0487T 00	Category III	-	-	RNE	RNE
0488T 00	Category III	-	-	RNE	RNE
0489T 00	Category III	-	-	RNE	RNE
0490T 00	Category III	-	-	RNE	RNE
0491T 00	Category III	-	-	RNE	RNE
0492T 00	Category III	-	-	RNE	RNE
0493T 00	Category III	-	-	RNE	RNE
0494T 00	Category III	-	-	RNE	RNE
0495T 00	Category III	-	-	RNE	RNE
0496T 00	Category III	-	-	RNE	RNE
0497T 00	Category III	-	-	RNE	RNE
0498T 00	Category III	-	-	RNE	RNE
0499T 00	Category III	-	-	RNE	RNE
0500T 00	Category III	-	-	RNE	RNE
0501T 00	Category III	-	-	RNE	RNE
0502T 00	Category III	-	-	RNE	RNE
0503T 00	Category III	-	-	RNE	RNE
0504T 00	Category III	-	-	RNE	RNE
0505T 00	Category III	-	-	RNE	RNE
0506T 00	Category III	-	-	RNE	RNE
0506T 26	Category III	-	-	RNE	RNE
0506T TC	Category III	-	-	RNE	RNE
0507T 00	Category III	-	-	RNE	RNE
0507T 26	Category III	-	-	RNE	RNE
0507T TC	Category III	-	-	RNE	RNE
0508T 00	Category III	-	-	RNE	RNE
0508T 26	Category III	-	-	RNE	RNE
0508T TC	Category III	-	-	RNE	RNE
0509T 00	Category III	-	-	RNE	RNE
0509T 26	Category III	-	-	RNE	RNE
0509T TC	Category III	-	-	RNE	RNE
0510T 00	Category III	-	-	RNE	RNE
0511T 00	Category III	-	-	RNE	RNE
0512T 00	Category III	-	-	RNE	RNE
0513T 00	Category III	-	-	RNE	RNE
0514T 00	Category III	-	-	RNE	RNE
0515T 00	Category III	-	-	RNE	RNE
0516T 00	Category III	-	-	RNE	RNE
0517T 00	Category III	-	-	RNE	RNE
0518T 00	Category III	-	-	RNE	RNE

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
0519T 00	Category III	-	-	RNE	RNE
0520T 00	Category III	-	-	RNE	RNE
0521T 00	Category III	-	-	RNE	RNE
0521T 26	Category III	-	-	RNE	RNE
0521T TC	Category III	-	-	RNE	RNE
0522T 00	Category III	-	-	RNE	RNE
0522T 26	Category III	-	-	RNE	RNE
0522T TC	Category III	-	-	RNE	RNE
0523T 00	Category III	-	-	RNE	RNE
0524T 00	Category III	-	-	RNE	RNE
0525T 00	Category III	-	-	RNE	RNE
0526T 00	Category III	-	-	RNE	RNE
0527T 00	Category III	-	-	RNE	RNE
0528T 00	Category III	-	-	RNE	RNE
0528T 26	Category III	-	-	RNE	RNE
0528T TC	Category III	-	-	RNE	RNE
0529T 00	Category III	-	-	RNE	RNE
0529T 26	Category III	-	-	RNE	RNE
0529T TC	Category III	-	-	RNE	RNE
0530T 00	Category III	-	-	RNE	RNE
0531T 00	Category III	-	-	RNE	RNE
0532T 00	Category III	-	-	RNE	RNE
0533T 00	Category III	-	-	RNE	RNE
0533T 26	Category III	-	-	RNE	RNE
0533T TC	Category III	-	-	RNE	RNE
0534T 00	Category III	-	-	RNE	RNE
0534T 26	Category III	-	-	RNE	RNE
0534T TC	Category III	-	-	RNE	RNE
0535T 00	Category III	-	-	RNE	RNE
0535T 26	Category III	-	-	RNE	RNE
0535T TC	Category III	-	-	RNE	RNE
0536T 00	Category III	-	-	RNE	RNE
0536T 26	Category III	-	-	RNE	RNE
0536T TC	Category III	-	-	RNE	RNE
0537T 00	Category III	-	-	RNE	RNE
0538T 00	Category III	-	-	RNE	RNE
0539T 00	Category III	-	-	RNE	RNE
0540T 00	Category III	-	-	RNE	RNE
0541T 00	Category III	-	-	RNE	RNE
0542T 00	Category III	-	-	RNE	RNE
0543T 00	Category III	-	-	RNE	RNE
0544T 00	Category III	-	-	RNE	RNE
0545T 00	Category III	-	-	RNE	RNE
0546T 00	Category III	-	-	RNE	RNE
0547T 00	Category III	-	-	RNE	RNE
0548T 00	Category III	-	-	RNE	RNE
0549T 00	Category III	-	-	RNE	RNE
0550T 00	Category III	-	-	RNE	RNE
0551T 00	Category III	-	-	RNE	RNE
0552T 00	Category III	-	-	RNE	RNE
0553T 00	Category III	-	-	RNE	RNE
0554T 00	Category III	-	-	RNE	RNE
0555T 00	Category III	-	-	RNE	RNE
0556T 00	Category III	-	-	RNE	RNE
0557T 00	Category III	-	-	RNE	RNE
0558T 00	Category III	-	-	RNE	RNE
0559T 00	Category III	-	-	RNE	RNE
0560T 00	Category III	-	-	RNE	RNE
0561T 00	Category III	-	-	RNE	RNE

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Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
0562T 00	Category III	-	-	RNE	RNE
0563T 00	Category III	-	-	RNE	RNE
0564T 00	Category III	-	-	RNE	RNE
0565T 00	Category III	-	-	RNE	RNE
0566T 00	Category III	-	-	RNE	RNE
0567T 00	Category III	-	-	RNE	RNE
0568T 00	Category III	-	-	RNE	RNE
0569T 00	Category III	-	-	RNE	RNE
0570T 00	Category III	-	-	RNE	RNE
0571T 00	Category III	-	-	RNE	RNE
0572T 00	Category III	-	-	RNE	RNE
0573T 00	Category III	-	-	RNE	RNE
0574T 00	Category III	-	-	RNE	RNE
0575T 00	Category III	-	-	RNE	RNE
0576T 00	Category III	-	-	RNE	RNE
0577T 00	Category III	-	-	RNE	RNE
0578T 00	Category III	-	-	RNE	RNE
0579T 00	Category III	-	-	RNE	RNE
0580T 00	Category III	-	-	RNE	RNE
0581T 00	Category III	-	-	RNE	RNE
0582T 00	Category III	-	-	RNE	RNE
0583T 00	Category III	-	-	RNE	RNE
0584T 00	Category III	-	-	RNE	RNE
0585T 00	Category III	-	-	RNE	RNE
0586T 00	Category III	-	-	RNE	RNE
0587T 00	Category III	-	-	RNE	RNE
0588T 00	Category III	-	-	RNE	RNE
0589T 00	Category III	-	-	RNE	RNE
0590T 00	Category III	-	-	RNE	RNE
0591T 00	Category III	-	-	RNE	RNE
0592T 00	Category III	-	-	RNE	RNE
0593T 00	Category III	-	-	RNE	RNE
0594T 00	Category III	-	-	RNE	RNE
0596T 00	Category III	-	-	RNE	RNE
0597T 00	Category III	-	-	RNE	RNE
0598T 00	Category III	-	-	RNE	RNE
0599T 00	Category III	-	-	RNE	RNE
0600T 00	Category III	-	-	RNE	RNE
0601T 00	Category III	-	-	RNE	RNE
0602T 00	Category III	-	-	RNE	RNE
0603T 00	Category III	-	-	RNE	RNE
0604T 00	Category III	-	-	RNE	RNE
0605T 00	Category III	-	-	RNE	RNE
0606T 00	Category III	-	-	RNE	RNE
0607T 00	Category III	-	-	RNE	RNE
0608T 00	Category III	-	-	RNE	RNE
0609T 00	Category III	-	-	RNE	RNE
0610T 00	Category III	-	-	RNE	RNE
0611T 00	Category III	-	-	RNE	RNE
0612T 00	Category III	-	-	RNE	RNE
0613T 00	Category III	-	-	RNE	RNE
0614T 00	Category III	-	-	RNE	RNE
0615T 00	Category III	-	-	RNE	RNE
0616T 00	Category III	-	-	RNE	RNE
0617T 00	Category III	-	-	RNE	RNE
0618T 00	Category III	-	-	RNE	RNE
0619T 00	Category III	-	-	RNE	RNE
0620T 00	Category III	-	-	RNE	RNE
0621T 00	Category III	-	-	RNE	RNE

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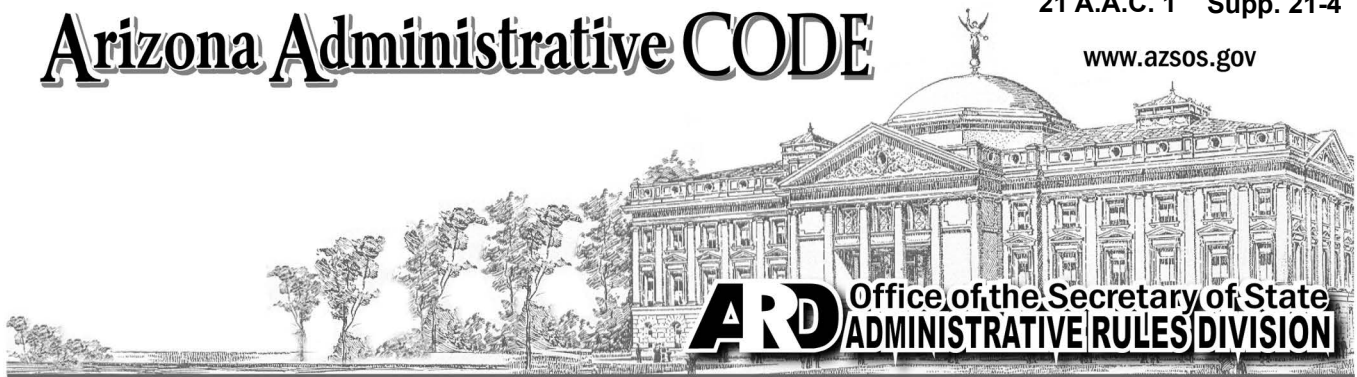


Code	Category	FY21 NF RVU	FY21 FAC RVU	FY21 NF RBRVS Rate	FY21 FAC RBRVS Rate
0622T 00	Category III	-	-	RNE	RNE
0623T 00	Category III	-	-	RNE	RNE
0624T 00	Category III	-	-	RNE	RNE
0625T 00	Category III	-	-	RNE	RNE
0626T 00	Category III	-	-	RNE	RNE
0627T 00	Category III	-	-	RNE	RNE
0628T 00	Category III	-	-	RNE	RNE
0629T 00	Category III	-	-	RNE	RNE
0630T 00	Category III	-	-	RNE	RNE
0631T 00	Category III	-	-	RNE	RNE
0632T 00	Category III	-	-	RNE	RNE
0633T 00	Category III	-	-	RNE	RNE
0634T 00	Category III	-	-	RNE	RNE
0635T 00	Category III	-	-	RNE	RNE
0636T 00	Category III	-	-	RNE	RNE
0637T 00	Category III	-	-	RNE	RNE
0638T 00	Category III	-	-	RNE	RNE
0639T 00	Category III	-	-	RNE	RNE

**Historical Note**

New Appendix A, Category III Codes 2019-2020 made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Category III Codes 2019-2020 will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Category III Codes 2019-2020 repealed; new Appendix A, Category III Codes 2020-2021 made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Category III Codes 2020-2021 repealed; new Appendix A, Category III Codes 2021-2022 made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3).

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## TITLE 21. CHILD SAFETY

### CHAPTER 1. DEPARTMENT OF CHILD SAFETY - ADMINISTRATION

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
October 1, 2021 through December 31, 2021

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#### Questions about these rules? Contact:

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**The release of this Chapter in Supp. 21-4 replaces Supp. 15-4, 1-13 pages**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

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### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

First Quarter: January 1 - March 31  
Second Quarter: April 1 - June 30  
Third Quarter: July 1 - September 30  
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2021 is cited as Supp. 21-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

### RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

### AUTHENTICATION OF PDF CODE CHAPTERS

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

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, [www.azsos.gov](http://www.azsos.gov) under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

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

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

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

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

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

### PERSONAL USE/COMMERCIAL USE

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

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



## Administrative Rules Division

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

## TITLE 21. CHILD SAFETY

## CHAPTER 1. DEPARTMENT OF CHILD SAFETY - ADMINISTRATION

Authority: A.R.S. § 8-453(A)(5)

## Supp. 21-4

*Editor's Note: Chapter 1 contains rules which were exempt from the regular rulemaking process under Laws 4, 2nd Special Session, Ch. 1, Sec. 158. The law required the Department to post on its website proposed exempt rulemakings for a minimum of 30 days, at which time the public could provide written comments. In addition, at least two public hearings were held prior to the filing of the final exempt rules. Because the Department solicited comments on its proposed exempt rules, the rules filed with the Office of the Secretary of State are considered final exempt rules (Supp. 15-4).*

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## CHAPTER 1. DEPARTMENT OF CHILD SAFETY - ADMINISTRATION

**ARTICLE 1. RELEASE OF DEPARTMENT INFORMATION****R21-1-101. Definitions**

The definitions contained in A.R.S. §§ 8-101, 8-201, 8-531, 8-801, 8-807, 8-807.01, and the following definitions apply in this Article:

1. "Abandonment" has the same meaning as "abandoned" in A.R.S. § 8-201.
2. "Abuse" means the same as in A.R.S. § 8-201.
3. "CASA" or "Court Appointed Special Advocate" means a person appointed under A.R.S. § 8-522.
4. "Centralized Intake Hotline" or "the Hotline," means the entity described in A.R.S. § 8-455.
5. "Child" means a person less than 18 years of age.
6. "Completed request" means a fully completed DCS form or a written communication submitted to DCS requesting DCS Information and providing all the information necessary, as determined by the Department, to process the request. The requester shall have the request notarized or signed by a Department employee to confirm the identity of the requester.
7. "Copying fee" means the final amount a requester is required to pay to the Department before the Department releases the requested DCS Information.
8. "DCS Information" means the same as in A.R.S. § 8-807 and includes information contained in a hard copy or electronic case record, and both oral and written information.
9. "Department" or "DCS" means the Arizona Department of Child Safety.
10. "Estimated copying fee" means the projected total amount of a copying fee. A requester is required to pay the estimated copying fee to the Department before the Department redacts and copies the requested DCS Information.
11. "FCRB" means the Foster Care Review Board established under A.R.S. § 8-515.01.
12. "Incoming communication" means a telephonic, written, or in-person contact to the Department that is received by or ultimately directed to the Centralized Intake Hotline.
13. "Neglect" means the same as in A.R.S. § 8-201.
14. "Person that provides oversight" means those individuals, entities, or bodies authorized by A.R.S. § 8-807 to have access to DCS Information that is reasonably necessary for the person to provide oversight of the Department.
15. "Person who is the subject of DCS Information" means a parent, guardian, custodian, adult household member, child, or other person identified in a DCS report.
16. "Personally identifiable information" means information that specifically identifies a protected individual and includes:
  - a. Name;
  - b. Date of Birth;
  - c. Street address;
  - d. Telephone, fax number, or email address;
  - e. Photograph;
  - f. Fingerprints;
  - g. Physical description;
  - h. Place, address, and telephone number of employment;
  - i. Social security number;
  - j. Tribal affiliation and identification number;
  - k. Driver's license number;
  - l. Auto license number;
  - m. Any other identifier that is specific to an individual; and

- n. Any other information that would permit another person to readily identify the subject of the DCS Information.

17. "Protected individual" means a living person who is the subject of a DCS investigation and others whose personal information is confidential under A.R.S. § 8-807 and includes:
  - a. An alleged victim;
  - b. An alleged victim's sibling;
  - c. A parent, guardian, custodian, or adult household member;
  - d. A foster parent;
  - e. A child living with the alleged victim;
  - f. The person who made the report of child abuse or neglect; and
  - g. Any person whose life or safety would be endangered by disclosure of DCS Information.
18. "Redacting" means striking, blacking out, or otherwise editing out personally identifiable information or other information that is not subject to release under A.R.S. § 8-807 contained in DCS hard copy or electronic case records on protected individuals so that no one can access the information.
19. "Report" means an incoming communication to the Centralized Intake Hotline containing an allegation that meets the criteria in A.R.S. § 8-455.
20. "Request" means a written communication seeking DCS Information.
21. "Requester" means an individual, entity, or body that makes a request for DCS Information.
22. "Research requester" means an individual or organization that seeks DCS Information for a research or evaluation project.
23. "Workday" means Monday through Friday excluding Arizona state holidays and mandatory furlough days.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-102. Scope and Application**

- A. This Article governs requests for and release of DCS Information made under A.R.S. § 8-807 and A.R.S. § 8-807.01.
- B. DCS maintains information in accordance with federal laws under A.R.S. § 8-807.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-103. Procedures for Requesting DCS Information**

- A. A person who wishes to obtain DCS Information shall comply with A.R.S. § 8-807 and the requirements of this Article.
- B. The requester shall submit to the Department a completed request or use the form provided by the Department. The request shall include the following information:
  1. Requester's name, address, and telephone number;
  2. Name of the child victim who is the subject of the DCS report, with as much of the following information as the requester can provide on the child victim:
    - a. Other possible spellings, names, or aliases for the child;
    - b. Date of birth;
    - c. The name of the child's caregivers, parents, guardians, and custodians; and
    - d. The date of the DCS report or time-frame for the report.

## CHAPTER 1. DEPARTMENT OF CHILD SAFETY - ADMINISTRATION

3. Any other data that the requester believes will assist the Department in identifying the DCS Information requested, such as:
    - a. The name of the child's siblings;
    - b. The child's Social Security number;
    - c. The name of the DCS Child Safety Worker handling the case; and
    - d. The location of the alleged abuse or neglect.
  4. Any additional information the Department requests to assist in processing the person's request for DCS Information.
- C. Before releasing DCS Information, the Department shall determine whether the requester is entitled to receive the DCS Information under this Article, A.R.S. § 8-807 and A.R.S. § 8-807.01.
- D. This Section does not apply to:
1. A person or entity authorized to receive DCS Information under A.R.S. § 8-807 to:
    - a. Meet its duties to provide for the safety, permanency, and well-being of a child;
    - b. Provide services to the child, parent, guardian, custodian, or family members to strengthen the family;
    - c. Enforce or prosecute violations of child abuse or neglect laws;
    - d. Help investigate and prosecute any violation involving domestic violence as defined in A.R.S. § 13-3601 or violent sexual assault as defined in A.R.S. § 13-1423; or
    - e. Provide DCS Information to a defendant after a criminal charge has been filed as required by an order of the criminal court.
  2. This Section also does not apply to:
    - a. Juvenile, domestic relations, family or conciliation court;
    - b. The parties or their attorneys in a dependency, guardianship, or termination of parental rights proceeding;
    - c. The FCRB;
    - d. A CASA; or
    - e. A person that provides oversight to the Department.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-104. Procedures for Processing a Request for DCS Information**

- A. Upon receipt of a request for DCS Information, the Department shall determine whether the request is complete. If the request is incomplete, the Department shall either:
1. Return the request to the requester with a statement explaining the additional information the Department needs to process the request; or
  2. Contact the requester to obtain the missing information.
- B. Upon receipt of a completed request, the Department shall stamp the receipt date on the request. The receipt date is the day the Department receives the completed request.
- C. Within 30 workdays of the receipt date, the Department shall provide the requester with one of the following written responses:
1. The requested DCS Information;
  2. A statement that the requested DCS Information does not exist;
  3. A statement that the Department cannot provide the requested DCS Information within 30 workdays, the reason for the delay, and the anticipated time-frame for response; or

4. A statement that the Department cannot release the requested DCS Information, with the statutory citation and the reason for the denial.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-105. Procedures for Processing a Request for DCS Information from a Person or Entity Providing Services in Official Capacity**

- A. The Department shall release DCS Information without charging the fee required by R21-1-110 when a person or entity entitled to receive DCS Information requires information to:
1. Meet its duties to provide for the safety, permanency, and well-being of a child;
  2. Provide services to the child, parent, guardian, custodian, or family members to strengthen the family;
  3. Enforce or prosecute a violation of child abuse or neglect laws;
  4. To help investigate and prosecute any violation involving domestic violence as defined in A.R.S. § 13-3601, or violent sexual assaults as defined in A.R.S. § 13-1423;
  5. Provide DCS Information to a defendant as required by an order of the criminal court; or
  6. Provide DCS Information to:
    - a. A juvenile, domestic relations, family or conciliation court;
    - b. The parties or their attorneys in a dependency, guardianship, or termination of parental rights proceeding;
    - c. The FCRB;
    - d. A CASA; or
    - e. A person that provides oversight of DCS.
- B. Before releasing DCS Information under this Section, the Department shall determine that the person requesting DCS Information is a person entitled to receive DCS Information under this Section and A.R.S. § 8-807.
- C. Within 30 workdays of the receipt date, the Department shall provide the requester with one of the following written responses:
1. The requested DCS Information;
  2. A statement that the requested DCS Information does not exist;
  3. A statement that the Department cannot provide the requested DCS Information within 30 workdays, the reason for the delay, and the anticipated time-frame for response; or
  4. A statement that the Department cannot release the requested DCS Information, with the statutory citation and the reason for the denial.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-106. Release of Summary DCS Information to a Person Who Reported Suspected Child Abuse and Neglect**

- A. A person who reports suspected child abuse or neglect to DCS may contact DCS to obtain a summary of the outcome of the investigation, as authorized by A.R.S. § 8-807.
- B. After receiving a completed request and before releasing DCS Information, the Department shall determine that the person requesting DCS Information was the person who made the report as follows:
1. Obtain the name and telephone number of the requester, and



## CHAPTER 1. DEPARTMENT OF CHILD SAFETY - ADMINISTRATION

2. Compare the requester's name with the name of the person listed as the reporting source on the DCS report.
- C. After determining the identity of the requester, the Department shall call and advise the requester whether the Department has statutory authority to provide the requested DCS Information.
- D. If the requester is entitled to receive the requested DCS Information under A.R.S. § 8-807, DCS shall verbally provide the person a summary of the outcome with the following DCS Information:
  1. Disposition of the report;
  2. Investigation findings, if available; and
  3. A general description of the services offered or provided to the child and family.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-107. Release of DCS Information for a Research or Evaluation Project**

- A. A person seeking DCS Information for a research or evaluation project shall send a written request to the Department. A request shall include the following information:
  1. If the person works for a research organization:
    - a. The name of the organization, and
    - b. The organization's mission;
  2. A description of the research or evaluation project and the data requested, which explains how the results of the project will improve the Department;
  3. A description of the plan for maintaining the confidentiality of personally identifiable information, if requested, and disseminating the results of the project; and
  4. The funding source for the research or evaluation project.
- B. Within 30 workdays of receipt of a completed request from a research requester, the Department shall:
  1. Advise the requester whether the Department will provide the requested DCS Information,
  2. Inform the requester of the estimated copying fee required under R21-1-110, and
  3. Inform the requester of the expected time-frame for providing the requested DCS Information.
- C. The Department shall provide the requester with the requested DCS Information, upon completion and after receipt of the copying fee.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-108. Release of DCS Information to a Legislator or a Committee of the Legislature, or Another Person that Provides Oversight**

- A. A person that provides oversight of DCS and seeks DCS Information shall send a request to the Department and include the following information:
  1. The name of the person seeking the information;
  2. The purpose of the request and its relationship to the person's official duties; and
  3. The person's signature, or the signature of an authorized agent for an entity or other body, confirming that the person or authorized agent understands the DCS Information shall not be further disclosed unless authorized by A.R.S. § 8-807.
- B. A legislator or committee of the legislature seeking DCS Information to perform official duties shall send a request to the presiding officer of the body of which the state legislator is a member and include the name of the person whose case record is to be reviewed and any other information that will

assist the Department in locating the record. The legislator shall also sign the request, confirming that the legislator understands that the DCS Information shall not be further disclosed unless authorized by A.R.S. § 8-807. The presiding officer shall forward the request to the Department within five workdays of receiving the request.

- C. The copying fee required under R21-1-110 does not apply to this Section.
- D. Within 10 workdays of receiving the request, the Department shall provide the requester with one of the following written responses:
  1. The requested DCS Information;
  2. A statement that the requested DCS Information does not exist;
  3. A statement that the Department cannot provide the requested DCS Information within 10 workdays, the reason for the delay and the anticipated time-frame for response; or
  4. A statement that the Department cannot provide the requested DCS Information, with the statutory citation and the reason for denial.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-109. Release of DCS Information in a Case of Child Abuse, Abandonment, or Neglect that has Resulted in a Fatality or Near Fatality**

- A. A person who requests DCS Information under A.R.S. § 8-807.01 concerning a case of child abuse, abandonment, or neglect that resulted in a fatality or near fatality, shall send a written request to the Department.
- B. Upon receipt of the request, the Department shall stamp the receipt date on the request and begin gathering the requested DCS Information.
- C. Prior to release of DCS Information in a case of child abuse or neglect resulting in a fatality or near fatality, the Department shall consult with the County Attorney who shall promptly inform the Department if it believes the release would cause a specific material harm under A.R.S. § 8-807.01. The Department shall not release any information that the County Attorney indicates would cause specific material harm.
- D. The Department shall notify the requester in writing of the estimated copying fee. If the requester does not want to proceed, the requester shall notify the Department within 72 hours to cancel the request. If this notification is oral, the requester shall confirm the cancellation in writing.
- E. The requester shall pay the estimated copying fee before the Department copies any DCS Information.
- F. After receipt of the final copying fee, the Department shall provide DCS Information consistent with A.R.S. § 8-807 and A.R.S. § 8-807.01.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-110. Fees**

- A. If the Department determines a request for DCS Information will result in a copying fee, the Department shall notify the requester of the estimated fee before copying any DCS Information.
- B. Unless otherwise exempted by this Chapter, the Department may charge a copying fee at the current rate set by the Department, as provided on the DCS website at <https://dcs.az.gov>.
- C. The copying fee applies to both paper and electronic copies. If the DCS Information is requested in an electronic format, but

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does not already exist in an electronic format, DCS shall apply additional fees that reflect the actual cost of conversion to copy the DCS Information to an electronic format.

- D. The Department shall notify the requester in writing of the final copying fee.
- E. The Department shall reimburse the requester if final copying costs are less than the estimated copying fee.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**ARTICLE 2. ADCS COMPREHENSIVE HEALTH PLAN****R21-1-201. Definitions**

The definitions in A.R.S. § 8-501 and the following definitions apply to this Article.

1. "AHCCCS" means the Arizona Health Care Cost Containment System, which is the State's program for medical assistance available under Title XIX of the Social Security Act and state public insurance statutes, A.R.S. Title 36, Chapter 29.
2. "Child Safety Worker" means the same as A.R.S. § 8-801.
3. "Covered services" means those benefits as described in A.R.S. Title 36, Chapter 29, Article 1 and contained in the approved Medicaid State Plan.
4. "DCS CHP Member" means the same as in A.R.S. § 8-512, child who is:
  - a. In a voluntary placement under A.R.S. § 8-806.
  - b. In the custody of the Department in out-of-home placement.
  - c. In the custody of a probation department and placed in foster care. The Department shall not provide this care if the cost exceeds funds currently appropriated and available for that purpose.
5. "DCS Comprehensive Health Plan" or "DCS CHP" means the program authorized by A.R.S. § 8-512 and this Article.
6. "Department" or "DCS" means the Department of Child Safety.
7. "Medically necessary" means a covered service provided by a physician, or other licensed practitioner in the healing arts within the scope of practice under state law to prevent disease, disability, or other adverse health conditions or their progression, or to prolong life.
8. "Out-of-home care provider" means the person or entity with whom a child resides in out-of-home placement.
9. "Title XIX Member" means a DCS CHP Member who is eligible for benefits under Title XIX or Title XXI of the Social Security Act and is receiving all covered services including behavioral health services through DCS CHP.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2518 (October 29, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

**R21-1-202. Eligible Member**

- A. The Department shall provide DCS CHP to a DCS CHP Member under A.R.S. § 8-512.
- B. The Department shall not provide DCS CHP benefits to:
  1. An individual who no longer meets the eligibility in A.R.S. § 8-512;
  2. A child under the Bureau of Indian Affairs foster care program; or

3. A child placed in Arizona by another state whether voluntarily or under jurisdiction of the court of another state.

- C. DCS CHP shall notify AHCCCS if a Title XIX and Title XXI eligible DCS CHP Member no longer meets the criteria for coverage in A.R.S. § 8-512 and this Article.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2518 (October 29, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

**R21-1-203. Exceptions, Limitations, and Exclusions**

- A. DCS CHP shall not pay for:
  1. Non-medically necessary health services.
  2. Any health service that is not eligible for reimbursement by AHCCCS in 9 A.A.C. 22, Article 2, including cosmetic procedures, experimental treatment, and personal care items.
  3. The cost of care and services payable through any federal, state, county, or municipal program to which a DCS CHP Member may be entitled, except for the cost of care and services in excess of any such program.
  4. The cost of care and services payable through an insurance carrier that provides coverage for the DCS CHP Member under A.R.S. § 8-512, except for the cost of care and services in excess of any such insurance benefits.
  5. Any admission, service, item, or otherwise uncovered service identified in A.R.S. Title 36, Chapter 29, Article 1, or the approved Medicaid State Plan.
- B. A health provider shall not submit a bill to or seek payment from the following for any covered services:
  1. DCS CHP Member; or
  2. DCS CHP Member's:
    - a. Guardian,
    - b. Custodian,
    - c. Estate,
    - d. Foster parent, or
    - e. Birth parent.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2518 (October 29, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

**R21-1-204. Prior Authorization**

- A. Healthcare providers may be required to obtain authorization from DCS CHP or delegated entity before services are rendered in order for those services to be paid for under this Article and A.R.S. § 8-512.
- B. DCS CHP shall not pay for any health service that requires prior authorization and was:
  1. Not submitted for prior authorization; or
  2. Submitted but prior authorization is not granted.
- C. Healthcare providers shall obtain prior authorization from DCS CHP for certain services according to the provisions of A.R.S. Title 36, Chapter 29, Article 1, and 9 A.A.C. 22, Article 1.
- D. In instances where a prior authorization is required for a service but not obtained by the healthcare provider, the healthcare provider shall not submit a claim or invoice for a service to any party, including:
  1. The Department;
  2. The Department's representatives;

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3. Any delegated entity the Department may contract with to administer this program;
4. The DCS CHP Member; or
5. The DCS CHP Member's:
  - a. Guardian,
  - b. Custodian,
  - c. Estate,
  - d. Foster Parent, or
  - e. Birth parent.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2518 (October 29, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

**R21-1-205. Coordination of Benefits**

- A. The Department shall determine the possible existence of any primary insurance coverage for a DCS CHP Member.
- B. The Department shall request that the court include a statement in the court order requiring a parent, guardian, or custodian of a DCS CHP Member to cooperate with the Department in coordinating benefits with any existing health insurance carrier, and to maintain any health insurance coverage presently existing which covers a DCS CHP Member.
- C. The Department shall advise the court when a parent or guardian of a DCS CHP Member refuses to cooperate with DCS CHP in providing or signing any document required to coordinate insurance benefits, or if the parent, guardian, or custodian fails to maintain any existing insurance coverage for the DCS CHP Member.
- D. In a voluntary placement, the parent or guardian shall cooperate with the Department by providing and signing appropriate documents required to coordinate health insurance benefits.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2518 (October 29, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

**R21-1-206. Identification Card**

- A. The Department shall issue a DCS CHP identification card for each DCS CHP Member.
- B. The Department shall, upon placement, inform the out-of-home care provider in writing that:
  1. The identification card is not transferable; and
  2. The out-of-home care provider shall only use the card for covered services for the DCS CHP Member.
- C. An out-of-home care provider shall return the DCS CHP Member's identification card when the DCS CHP Member is:
  1. No longer in out-of-home placement;
  2. Placed with another out-of-home care provider; or
  3. Runs away from the out-of-home placement.
- D. The out-of-home care provider who has possession of the card shall:
  1. Immediately return the identification card to the Department under subsections (C)(1) and (2); or
  2. Have seven days from the date the DCS CHP Member runs away from the out-of-home care provider to return the card to the Department under subsection (C)(3).

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2518 (October 29, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

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**R21-1-207. Payment and Review of Claims**

- A. A healthcare provider shall submit a claim for payment in the manner prescribed by the Department.
- B. DCS CHP shall not pay a claim for a service if the DCS CHP Member does not keep an appointment, or if a service was not provided.
- C. A healthcare provider shall provide a covered service to the DCS CHP Member before submitting a claim for the covered service to DCS CHP.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2518 (October 29, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

**R21-1-208. Fraud, Waste, and Abuse of the Program**

- A. The Department shall establish a procedure to investigate any alleged fraud, waste, and abuse of DCS CHP. If the Department substantiates abuse, the Department shall take administrative action and may take legal action.
- B. The Department shall monitor the activity of DCS CHP to ensure compliance with the program requirements.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2518 (October 29, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

**R21-1-209. Administration of the Program**

- A. The Department may contract with any insurer, insurance plan, hospital service plan, or any health service plan authorized to do business in this state, with any fiscal intermediary, or with any combination of such plans or methods as permitted in A.R.S. Title 36, Chapter 29, Article 1.
- B. Any contract with any of the entities listed in subsection (A), shall:
  1. Be specific as to the responsibilities of each party to the contract;
  2. Provide for reasonable payment to the contractor for its administrative and other services as required by the contract; and
  3. Be consistent with the rules in this Article and authorizing legislation. The parties may make changes to the contract by mutual consent signed by an authorized representative of the Department and the contractor to be consistent with current rules and legislation.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2518 (October 29, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

**R21-1-210. Program Practices**

- A. All federal and state laws, regulations, and rules regarding the disclosure and use of confidential health and personal information concerning a DCS CHP Member shall apply under this Article.
- B. All federal and state non-discrimination laws, regulations, and rules shall apply under this Article.
- C. The DCS CHP shall take into account the DCS CHP Member's and out-of-home care provider's literacy and culture and

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make interpreters and translation for health services available to a DCS CHP Member at no cost.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2518 (October 29, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

**R21-1-211. Consent for Treatment**

- A. For a DCS CHP Member in a voluntary placement under A.R.S. § 8-806 only, the Department shall obtain consent of the parent or guardian for medical treatment involving surgery, general anesthesia, or blood transfusion of the DCS CHP Member, except for an emergency situation described in subsection (B).
- B. In case of an emergency, in which the DCS CHP Member in voluntary placement is in need of immediate hospitalization, medical attention, or surgery, and when the parents of a DCS CHP Member in voluntary placement cannot readily be located, the consent shall be provided as described in A.R.S. § 8-514.05.
- C. For a DCS CHP Member under R21-1-201(4)(b) who is in the custody of the Department in an out-of-home placement, the Department shall, if possible, obtain the consent of the parent or guardian of the DCS CHP Member for surgery, general anesthesia, or blood transfusion.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2518 (October 29, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

**R21-1-212. Payment**

DCS CHP may pay a healthcare provider in accordance with the established AHCCCS fee schedule unless otherwise permitted by A.R.S. § 8-512, or in the contract between the Department or sub-contractor and a provider.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2518 (October 29, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

**R21-1-213. Provider Claim Disputes and Appeals**

- A. Provider claim disputes and Member Appeals for a DCS CHP Member who is Medicaid eligible follow the rules prescribed in 9 A.A.C. 34.
- B. Provider claim disputes and Member Appeals for a DCS CHP Member who is not Medicaid eligible follow:
  1. A.A.C. R9-34-203. Computation of Time,
  2. A.A.C. R9-34-208. Who May File,
  3. A.A.C. R9-34-209. Enrollee Time-frame for Filing an Appeal or Grievance with the Contractor,
  4. A.A.C. R9-34-210. Contractor General Requirements for Grievance or Appeal Process,
  5. A.A.C. R9-34-213. Contractor Time-frame for Standard Resolution of an Appeal,
  6. A.A.C. R9-34-214. Contractor Process for an Expedited Resolution of an Appeal,
  7. A.A.C. R9-34-215. Contractor Time-frame for an Expedited Appeal Resolution,
  8. A.A.C. R9-34-225. Reversed Appeal Resolutions,
  9. A.A.C. R9-34-403. Computation of Time,

10. A.A.C. R9-34-404. Content of Claim Dispute, and
11. A.A.C. R9-34-405. Filing a Claim Dispute for a Claim Involving a Member Enrolled with a Contractor.

- C. Provider claim disputes and Member Appeals hearing procedures for a DCS CHP Member who is not Medicaid eligible follow the rules prescribed in 21 A.A.C. 1, Article 3.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2518 (October 29, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

**ARTICLE 3. APPEALS AND HEARING PROCEDURES****R21-1-301. Definitions**

The following definitions apply in this Article.

1. "Administration" means the Department's organizational unit responsible for licensing or providing benefits or services that are the subject of an adverse action. The administrations covered by this Article are: OLR, CMDP, ILP, TILP, adoption subsidy and guardianship subsidy.
2. "Administrative appeal" means a written request to the Department to contest an adverse action at an administrative hearing.
3. "Administrative Law Judge" or "ALJ" means the same as A.R.S. § 41-1092(1).
4. "Adoption agency" means the same as "agency" in A.R.S. § 8-101(2).
5. "Adoption subsidy" means the same as A.R.S. § 8-141(A)(1) and includes the non-recurring adoption expense program under A.R.S. § 8-161 et seq.
6. "Adverse action" means the denial, suspension, or revocation of a foster home license, Child Welfare Agency license, and adoption agency license, or a denial or reduction of guardianship subsidy, adoption subsidy, or CMDP, ILP, or TILP services.
7. "Appealable agency action" means the same as A.R.S. § 41-1092(3).
8. "Appellant" means the party who requests a hearing with the Department to challenge an adverse action under R21-1-303.
9. "Applicant" means a person who has applied for a license issued by the Department or for benefits or services provided by the Department. Benefits and services under this Article include CMDP, ILP, TILP, guardianship subsidy, and adoption subsidy.
10. "Child Welfare Agency" means a person licensed by the Department to engage in the activities defined in A.R.S. § 8-501(A)(1).
11. "CMDP" means the Comprehensive Medical and Dental Program described in A.R.S. § 8-512.
12. "Client" means a person who is licensed or receiving benefits or services from one or more of the Administrations covered by this Article.
13. "Corrective action plan" means a written proposal specified by OLR for a foster parent, or a Child Welfare Agency to remedy the violation of a licensing requirement within a specified time-frame.
14. "Department" or "DCS" means the Arizona Department of Child Safety.
15. "Foster Home" means the same as A.R.S. § 8-501(A)(5) and includes a "Group Foster Home" defined in A.R.S. § 8-501(A)(7).
16. "Foster parent" means the same as A.R.S. § 8-501, and includes anyone licensed for any type of foster home including a group home.

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17. "Guardianship subsidy" means the program described in A.R.S. § 8-814.
18. "Independent Living Program" or "ILP" means an array of assistance and support services that DCS provides, contracts, refers, or otherwise arranges to help a person eligible under A.R.S. § 8-521, to transition to adulthood by building the skills and resources necessary to ensure personal safety, well-being, and permanency into adulthood.
19. "Licensee" means a person currently licensed as a foster parent, Child Welfare Agency, or adoption agency.
20. "Noncompliance Status" means the Department has received and substantiated a complaint or a Department representative has observed a violation of an adoption agency's license that does not endanger the health, safety, or well-being of a client.
21. "Office of Administrative Hearings" or "OAH" means the State's independent, quasi-judicial, administrative hearing body defined in A.R.S. § 41-1092.01.
22. "Office of Licensing and Regulation" or "OLR" means the administration in the Department responsible for licensing a foster home, Child Welfare Agency and adoption agency.
23. "Person" means an individual, partnership, joint venture, company, corporation, firm, association, society, or institution.
24. "Transitional Independent Living Program" or "TILP" means a program of services that provides assistance and support in counseling, education, vocation and employment, and the attainment or maintenance of housing to a person who qualifies under A.R.S. § 8-521.01.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-302. Hearing Proceedings**

Unless otherwise expressly addressed, all pre-hearing and hearing proceedings in A.R.S. §§ 41-1092.01 through A.R.S. 41-1092.09 and 2 A.A.C. 19 shall apply.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-303. Entitlement to a Hearing; Appealable and Not Appealable Actions**

- A. An applicant, licensee, or client, who disputes an adverse action may appeal and request an administrative hearing from the Department to challenge the adverse action as provided in this Article.
- B. The following adverse actions are appealable:
  1. An adverse licensing action on:
    - a. A foster home license (A.R.S. § 8-506);
    - b. A Child Welfare Agency license (A.R.S. § 8-506.01); and
    - c. An adoption agency license (A.R.S. § 8-126).
  2. Any decision denying, reducing, or terminating:
    - a. An adoption subsidy (A.R.S. § 8-145);
    - b. Nonrecurring expenses (A.R.S. § 8-166);
    - c. A permanent guardianship subsidy (A.R.S. § 8-814);
    - d. Independent Living Program services (A.R.S. § 8-521);
    - e. Transitional Independent Living Program services (A.R.S. § 8-521.01); and
    - f. CMDP services or benefits for non-Title XIX and Title XXI eligible individuals. Title XIX and Title XXI eligible individuals must follow A.R.S. § 36-

2903.01 and 9 A.A.C. 34, and may request an Administrative Hearing through the Arizona Health Care Cost Containment System.

- C. The following actions are not appealable:
  1. An adverse action resulting from a uniform change in federal or state law, unless the Department has misapplied the law to the person seeking the hearing;
  2. Failure to obtain a Level One fingerprint clearance card;
  3. Imposition of noncompliance status for an adoption agency;
  4. Imposition of a corrective action plan for a foster home or a Child Welfare Agency license;
  5. Removal of a child from a placement;
  6. Failure to enter into a contract with a particular licensee or to place a child with a particular licensee; and
  7. Imposition of a provisional license for a foster home under A.R.S. § 8-509(D).
- D. A finding of child abuse or neglect in a DCS investigation is not appealable under this Article. A person may appeal a proposed finding of child abuse or neglect made in a DCS investigation of a person or a licensee as prescribed in A.R.S. § 8-811 and A.A.C. Title 21, Chapter 1, Article 5.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-304. Computation of Time**

- A. In computing any time period:
  1. The term "day" means a calendar day;
  2. The term "work day" means Monday through Friday, excluding Arizona state holidays;
  3. The date of the act, event, notice, or default from which a designated time period begins to run is not counted as part of the time period; and
  4. The last day of the designated time period is counted, unless it is a Saturday, Sunday, or Arizona state holiday.
- B. The mailing date is the date of the document, unless the facts show otherwise.
- C. A document mailed by the Department is deemed received by the addressee, five days after the mailing date to the addressee's last known address, unless the facts show otherwise.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-305. Request for Hearing: Form; Time Limits; Presumptions**

- A. An appellant who wishes to appeal an adverse action shall file a written request within the following timeframes for a hearing with the Administration:
  1. For a Child Welfare Agency, 20 days after receipt of the adverse action notice under A.R.S. § 8-506.01;
  2. For a foster home license revocation, 25 days after the mailing date of the adverse action notice under A.R.S. § 8-506;
  3. For all other appeals covered by this Article, 20 days after receipt of the adverse action notice.
- B. The Administration shall provide a form for requesting an administrative hearing and, upon request, shall assist an appellant in completing the form.
- C. An appellant shall include the following information in the request for an administrative hearing:
  1. Name, address, and telephone number, and if applicable, e-mail address of the person subject to the adverse action;

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2. Identification of the Administration initiating the adverse action;
  3. A description of the adverse action that is the subject of the appeal;
  4. The date of the notice or letter of adverse action; and
  5. A statement explaining why the adverse action is unauthorized, unlawful, or an abuse of discretion.
- D.** The Department shall not deny an appeal solely because the request does not include all the information listed in subsection (C), so long as the request contains sufficient information for the Department to determine the identity of the appellant.
- E.** The Department shall forward the request for a hearing to OAH along with the information specified in A.A.C. R2-19-103.
- F.** A request for hearing is deemed filed with the Department:
1. On the mailing date, as shown by the postmark, if sent first-class mail, postage prepaid, through the United States Postal Service to the Department; or
  2. On the date actually received by the Department, if not mailed as provided in subsection (F)(1).
- G.** An appellant whose appeal is denied as untimely may request a review by the Department Director or designee. The request for review shall contain the following information:
1. Whether the appellant received the adverse action notice, and if so, when the appellant received the notice;
  2. If the appellant did not receive the adverse action notice;
    - a. Whether the appellant moved recently, and if so, whether the appellant notified the Department of the new address;
    - b. The type of mail receptacle the appellant uses;
    - c. The person that collects or receives the appellant's mail besides the appellant such as the appellant's;
      - i. Spouse,
      - ii. Child, or
      - iii. Roommate.
    - d. Whether the appellant has or is currently experiencing problems in receiving mail such as:
      - i. Not receiving the appellant's own mail; or
      - ii. Receiving others' mail;
  3. If the appellant did not receive the adverse action notice, how the appellant found out about the adverse action; and
  4. The date the appellant made the appeal to the Department and the method sent such as:
    - a. Hand delivery,
    - b. U.S. Mail,
    - c. Fax, or
    - d. E-mail.
- H.** The Department Director or designee may determine that a document was timely filed if the appellant demonstrates that the delay in submission was due to any of the following reasons:
1. Department error or misinformation;
  2. Delay or other action by the United States Postal Service; or
  3. Delay caused by the appellant changing mailing addresses at a time when the appellant had no duty to notify the Administration of the change.
- I.** When the Administration receives a request for a hearing that was not filed on time, the Department Director or designee shall determine if the delay meets the criteria under subsection (H), and if so, shall schedule a hearing with OAH.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-306. Administration: Transmittal of Appeal**

An Administration that receives a request for an appeal shall send the OAH a copy of the request and a copy of the adverse action notice within two work days of receipt of the request. The Administration shall include all information as specified in A.A.C. R2-19-103.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-307. Stay of Adverse Action Pending Appeal**

- A.** If an applicant, licensee, or client does not appeal, the Department shall carry out the adverse action after the time for filing an appeal has passed, or sooner if the appellant waives the delay of action in writing.
- B.** If an applicant, licensee, or client does not appeal, the Department shall not carry out the adverse action if the appellant has an additional appealable adverse action notice that may result in the same adverse action proposed in the current notice, and the time for filing an appeal to the additional adverse action notice has not passed.
- C.** If an appellant timely appeals an appealable adverse action as provided in R21-1-305, the Department shall not carry out the adverse action until an administrative hearing has been held and the Director certifies a final administrative decision.
- D.** If an appellant timely appeals an adverse action under R21-1-305, the Department may immediately carry out the adverse action under the following circumstances:
1. The appellant expressly waives the delay of action;
  2. The appeal challenges an adverse action that is not appealable under R21-1-303(C);
  3. The appellant withdraws the request for hearing;
  4. The appellant fails to appear for the hearing; or
  5. The Department summarily suspends a license and makes all of the required findings under A.R.S. § 41-1064.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-308. Hearings: Location; Notice; Time**

- A.** The hearing shall be held by OAH.
- B.** OAH may schedule a telephonic hearing or permit a witness to appear telephonically as granted in A.A.C. R2-19-114.
- C.** After receiving a request for an appeal, the Department shall hold the hearing:
1. For a foster parent, 10 days after the Department receives the request for an appeal under A.R.S. § 8-506;
  2. For a Child Welfare Agency, 10 days after the Department receives the request for an appeal under A.R.S. § 506.01; and
  3. The time listed in A.R.S. § 41-1092.05(A)(2) for all other appeals.
- D.** The Department shall mail a notice of hearing to all interested parties at least 20 days before the scheduled hearing date, except where the hearing is held within the 10-day period specified in subsections (C)(1) and (C)(2). For hearings held within the 10-day period, the Department shall notify the parties by telephone and send a written notice at the earliest date practicable.
- E.** The notice of the hearing shall be in writing and shall include the information required in A.R.S. § 41-1092.05(D) and A.A.C. R2-19-104.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

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**R21-1-309. Rescheduling a Hearing**

- A. An appellant may request to postpone or reschedule a hearing under R2-19-110.
- B. Except in emergency circumstances, the appellant shall file a request for postponement at least five work days before the scheduled hearing date. OAH may deny an untimely request by considering the factors in A.A.C. R2-19-110.
- C. When OAH reschedules a hearing under this Section or under A.A.C. R2-19-110, OAH notifies all interested parties in writing of the rescheduled hearing. The notice requirements in R21-1-305(A) do not apply to postponed or rescheduled hearings.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-310. Subpoenas**

- A. A party who wishes to have a witness testify at a hearing, or to offer a particular document or item in evidence, shall first attempt to obtain the witness or evidence by voluntary means.
- B. A party shall request a subpoena under A.A.C. R2-19-106 and A.A.C. R2-19-113.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-311. Parties' Rights**

A party to a hearing has the following rights:

1. The right to request a postponement of the hearing, as provided in A.A.C. R2-19-106(A)(2) and A.A.C. R2-19-110.
2. The right to a copy, before or during the hearing, of documents in the Department's file regarding the appellant, and documents the Department may use at the hearing, except documents:
  - a. Shielded by the attorney-client privilege;
  - b. Shielded by work-product privilege; or
  - c. Otherwise prohibited by federal or state confidentiality laws.
3. The right to file a motion with OAH to disqualify an ALJ from conducting a hearing as provided in A.R.S. § 41-1092.07(A);
4. The right to request subpoenas for witnesses and evidence as provided in A.A.C. R2-19-113;
5. The right to represent themselves or be represented by a licensed attorney, subject to any limitations prescribed in the Rules of the Supreme Court of Arizona, Rule 31;
6. The right to present evidence and to cross-examine witnesses; and
7. The right to further appeal, if dissatisfied with a decision.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-312. Withdrawal of an Appeal**

- A. An appellant may withdraw an appeal at any time prior to the scheduled hearing by signing a written statement expressing the intent to withdraw. The Department shall make a form available for an appellant to withdraw an appeal. An appellant may also orally withdraw an appeal on the open record under A.A.C. R2-19-111.
- B. The Department shall sign the form and file the form at OAH.
- C. OAH shall vacate the hearing and return the matter to the Department under A.A.C. R2-19-111.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-313. Effect of the Decision**

- A. If the Department Director reviews the ALJ's recommended decision the Director may agree or disagree with the recommended decision as permitted in A.R.S. § 41-1092.08(F).
- B. The Department Director's final administrative decision becomes effective on the day OAH certifies the Department Director's final administrative decision.
- C. If the Department Director chooses not to review the recommended decision, then the ALJ's recommended decision becomes the final administrative decision within the time-frame under A.R.S. § 41-1092.08.
- D. If the final administrative decision affirms the adverse action, the adverse action remains in effect until the appellant appeals and obtains a higher judicial decision reversing or vacating the final administrative decision.
- E. If a final administrative decision reverses the Department's adverse action, the Department shall not take the adverse action.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-314. Judicial Review**

Any party adversely affected by a final administrative decision may seek judicial review as prescribed in A.R.S. § 1092.08 and A.A.C. R2-19-122.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**ARTICLE 4. FINGERPRINTING****R21-1-401. Definitions**

In this Article, unless the context otherwise requires:

1. "Applicant" means personnel who apply for a Level One fingerprint clearance card or a person who applies for a license or certificate issued by the Department and who A.R.S. § 46-141(I) requires to submit a full set of fingerprints for the purpose of obtaining a state and federal criminal records check.
2. "Criminal History" means the same as A.R.S. § 41-1750(Y)(5).
3. "Department" or "DCS" means the Arizona Department of Child Safety.
4. "Direct visual supervision" means within sight and hearing of a provider or personnel who have a Level One fingerprint clearance card.
5. "Juvenile" means an individual who is less than 18 years of age.
6. "Level One fingerprint clearance card" means the same as A.R.S. § 41-1758.07(A).
7. "License" means the whole or part of a Department permit, registration, or similar form of permission or authorization required by law, but does not include a foster home license.
8. "Person" means a corporation, company, partnership, firm, association or society, as well as a natural person.
9. "Provider" means a federally recognized Indian tribe, county, political subdivision, military base, or person with whom the Department contracts or licenses to provide services to juveniles.
10. "Personnel" means paid or unpaid persons who have or may have direct contact with juveniles or provide ser-

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vices directly to juveniles for a provider, including the provider, consultants, subcontractors, volunteers, students, and persons otherwise affiliated with the provider.

11. "Services directly to juveniles" means in-person interaction between a provider or personnel and a juvenile.
12. "Supervised" means that personnel are within direct visual supervision at all times when providing services of any nature directly to juveniles, including psychological, medical, or any ancillary services.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-402. Applicability**

This Article covers any applicant, provider, and personnel. This Article does not apply to a foster home license or adoptive home certification.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-403. Time Period Prior To Results of Personnel Criminal Records Check or Issuance of a Level One Fingerprint Clearance Card**

- A. A provider shall not allow an applicant who applies for a Level One fingerprint clearance card under A.R.S. § 46-141 to provide services directly to juveniles or have unsupervised contact with juveniles until the applicant obtains a valid Level One fingerprint clearance card.
- B. A provider shall not allow an applicant who is required to submit fingerprints to the Department under A.R.S. § 46-141(I) to provide services directly to or have unsupervised contact with juveniles unless the applicant clears the Criminal records check or obtains a valid Level One fingerprint clearance card, as applicable.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-404. Effect of No Criminal History Disclosed**

A provider may allow an applicant or personnel who certifies under A.R.S. § 46-141(E), (F), and (G) that the applicant or personnel has not been convicted of or is awaiting trial for an offense listed in A.R.S. § 41-1758.07(B) or (C), or A.R.S. § 46-141(G), and who is not subject to registration as a sex offender in this state or any other jurisdiction, to provide supervised services directly to juveniles.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-405. Effect of Proscribed Criminal History Disclosed or Discovered**

- A. A provider shall not allow an applicant or personnel who disclose or have been convicted of or are awaiting trial for an offense listed in A.R.S. § 41-1758.07(B) or (C), or A.R.S. § 46-141(G), or who are subject to registration as a sex offender in this state or any other jurisdiction to provide services directly to or have any contact with juveniles.
- B. A provider shall not allow an applicant or personnel who apply for a Good Cause Exception under A.R.S. § 41-619.55 to provide services directly to or have any contact with juveniles until the Good Cause Exception is granted.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-406. Effect of Denied, Expired, Revoked or Suspended Level One Fingerprint Clearance Card**

Upon notification by the Department of the denial, expiration, revocation, or suspension of a Level One fingerprint clearance card, the provider shall immediately prohibit those personnel from providing services directly to or having any contact with juveniles.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**ARTICLE 5. SUBSTANTIATION OF REPORT FINDINGS****R21-1-501. Definitions**

The following definitions apply to this Article.

1. "Abuse" means the same as A.R.S. § 8-201(2).
2. "Amend the finding" means the same as A.R.S. § 8-811(L)(1).
3. "Case Record" means the Report of child abuse and neglect and related records the Department intends to submit at the hearing, including information from internal and external sources.
4. "Central Registry" means the information maintained by the Department of substantiated reports of child abuse or neglect for the purposes of A.R.S. § 8-804.
5. "Completed Investigation" means the case record and the proposed substantiated finding for the report of child abuse or neglect have been reviewed and approved by a supervisor and contains all of the information required to support a finding of proposed substantiation.
6. "Day" means a calendar day.
7. "Department" or "DCS" means the Arizona Department of Child Safety.
8. "Ineligibility Letter" means a notice sent from the Department via first class mail to a person alleged to have committed child abuse or neglect stating that the person is not entitled to an administrative hearing on the issue for one of the reasons listed in R21-1-505.
9. "Initial Notification Letter" means a notice sent from the Department via first class mail to an alleged perpetrator informing the person of the proposed finding of child abuse or neglect to be entered in the Central Registry and describing appeal rights to challenge the proposed finding.
10. "Legally excluded" means that an alleged perpetrator is not entitled to an administrative hearing under A.R.S. § 8-811, because:
  - a. A court or administrative law judge has made a finding of abuse or neglect based on the same allegations as in the proposed substantiated finding; or
  - b. A court has found that a child is dependent, or has terminated a parent's rights based upon the same allegations of abuse or neglect as in the proposed substantiated finding.
11. "Neglect" or "neglected" means the same as A.R.S. § 8-201(24).
12. "Perpetrator" means a person who has committed child abuse or neglect under the standards required for listing in the Central Registry.
13. "Probable Cause" means some credible evidence that abuse or neglect occurred.
14. "Proposed Substantiated Finding" means the Department has investigated and found probable cause to support an allegation of abuse or neglect sufficient to place the alleged perpetrator's name in the Central Registry, subject to the alleged perpetrator's right to notice and a hearing.



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15. "PSRT" means the Department's Protective Services Review Team, that administers the process described in A.R.S. § 8-811 for review and appeal of proposed substantiated findings of child abuse or neglect.
16. "Report For Investigation" means the same as A.R.S. § 8-201(30).
17. "Substantiated Finding" means a proposed substantiated finding that:
  - a. An administrative law judge found to be true by a probable cause standard of proof after notice and an administrative hearing and the Department Director accepted the decision;
  - b. The alleged perpetrator did not timely appeal; or
  - c. The alleged perpetrator was not entitled to an administrative hearing because the alleged perpetrator was legally excluded as defined in subsection (11).

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-502. Initial Notification Letter**

- A. When PSRT receives a proposed substantiated finding, PSRT shall notify an alleged perpetrator that:
  1. The Department intends to substantiate the proposed finding and place the alleged perpetrator's name in the Central Registry;
  2. The alleged perpetrator may obtain a copy of the Report for Investigation; and
  3. The alleged perpetrator has the right to an administrative hearing before the person's name is entered in the Central Registry.
- B. The Department shall send the Initial Notification Letter to the alleged perpetrator no more than 14 days after the Completed Investigation.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-503. Time Frame to Request an Administrative Hearing**

- A. An alleged perpetrator shall request a hearing on the proposed substantiated finding by the Department within 20 days from the mailing date of the Initial Notification Letter. The mailing date of the Initial Notification Letter is deemed the date of the letter.
- B. A request is timely if:
  1. The request is postmarked no later than 20 days from the mailing date of the Initial Notification Letter;
  2. The request is not postmarked, and the request is stamped as received by the Department within 20 days of the mailing date of the initial notification letter;
- C. If the Department determines a hearing request is untimely, the Department shall enter the alleged perpetrator's name on the Central Registry unless:
  1. The delay is due to Department error;
  2. The delay is due to the postal service; or
  3. There is evidence the delay is due to circumstances beyond the reasonable control of the alleged perpetrator.
- D. To request an administrative timeliness review, the alleged perpetrator shall submit:
  1. An oral or written request to PSRT using the contact information on the initial notification letter;
  2. A statement explaining why the request is untimely; and
  3. Evidence of the cause of the untimeliness.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-504. PSRT Review**

- A. Upon receiving a timely request for an administrative hearing, the PSRT shall within 60 days review the Case Record and shall:
  1. Determine there is no probable cause that the alleged perpetrator committed child abuse or neglect and amend the proposed substantiated finding to unsubstantiated; or
  2. Determine there is probable cause and send the alleged perpetrator a hearing notice.
- B. The hearing notice shall include:
  1. The date and time of the hearing;
  2. Notification of the right to request a settlement conference no later than 20 days before the hearing; and
  3. Notification of the right, upon oral or written request to the Department, to receive a copy of the case record, redacted as required by A.R.S. § 8-807.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-505. Exceptions to Right to a Hearing**

- A. An alleged perpetrator shall be eligible to have an administrative hearing unless the alleged perpetrator is legally excluded.
- B. The Department shall mail an alleged perpetrator who is legally excluded an Ineligibility Letter within seven days of the PSRT determination of ineligibility for an appeal.
- C. The Department shall not schedule an administrative hearing if the alleged perpetrator:
  1. Is a party in a pending civil, criminal, or administrative proceeding in which the same allegations of child abuse or neglect are at issue; or
  2. Has a pending juvenile proceeding in which the same allegations of child abuse or neglect are at issue.
- D. An alleged perpetrator whose hearing is not scheduled under subsection (C)(1) shall have six months from the date of the Ineligibility Letter to provide court documentation to the Department showing:
  1. The results of the legal action;
  2. That the proceedings are still pending; or
  3. That the legal action did not determine the allegations of child abuse and neglect.
- E. If the alleged perpetrator does not contact the Department within six months of the date of the Ineligibility Letter with the information listed in subsection (D), the Department shall enter the person's name and the finding in the Central Registry.
- F. Notwithstanding subsection (E), if the alleged perpetrator contacts the Department after six months and provides the documentation in subsection (D) the alleged perpetrator may be entitled to a hearing subject to the provisions of R21-1-508.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-506. Dependency Adjudication**

If the court in a proceeding described in A.R.S. § 8-811(F)(3), makes a finding of dependency based on child abuse or neglect against a person, the Department shall enter the person's name and the fact of the dependency finding in the Central Registry.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

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**R21-1-507. Director Review and Further Appeal After the Administrative Hearing**

- A.** An administrative law judge's decision is not final until the Department Director reviews the decision. The Director has 30 days to review the administrative decision. The Director may accept, reject or modify an administrative law judge's decision under A.R.S. § 41-1092.08.
- B.** A perpetrator may appeal the final administrative decision under A.R.S. Title 12, Chapter 7, Article 6.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

**R21-1-508. Entry into the Central Registry**

- A.** If the perpetrator does not appeal the proposed substantiation, PSRT shall enter the perpetrator's name and the substantiated finding in the Central Registry.

- B.** If the administrative decision upholds the substantiation and the Department Director accepts the decision, PSRT shall enter the perpetrator's name and the substantiated finding in the Central Registry no later than 20 days after the date of the final administrative decision.
- C.** The Department shall not enter the person's name or the finding in the Central Registry if the:
1. Final administrative decision holds that the allegations of abuse or neglect are not substantiated; or
  2. A court ruling described in R21-1-505(C) finds no abuse or neglect by the alleged perpetrator.
- D.** If the court ruling described in R21-1-505(C) finds abuse or neglect by the perpetrator, the PSRT shall enter the person's name and the substantiated finding in the Central Registry.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).